CALIFORNIA LEGISLATURE—ASSEMBLY.

THIRTY-EIGHTH SESSION.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL.,
Monday, January 4, 1909.

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

In conformity with law, the following officers of the thirty-seventh session were also present: H. A. Harper, Minute Clerk, and J. T. Stafford, Sergeant-at-Arms.

PRAYER.

By invitation of the Chief Clerk, prayer was offered by Rev. S. N. Marsh.

APPOINTMENTS.

The Chief Clerk announced the following appointments of attachés for the temporary organization of the Assembly:

Gatekeepers—John Kofod, Mark Sena, and John Ford
Pages—Leslie Williams, Tom Farewell, Eddie Fitzgerald, and Charles Rothwell.
Assistant Sergeant-at-Arms—Ben Cohn.
Bookkeeper—C. W. Haub.

ROLL CALL OF COUNTIES.

The Chief Clerk directed that as the roll of counties was called the members-elect, representing such counties, should proceed to the Clerk's desk and take and subscribe to the oath of office.

MEMBERS SWORN IN.

As required by Section 239 of the Political Code, the Chief Clerk called the roll of counties in alphabetical order, and the following members-elect appeared before the bar of the Assembly, presented their certificates of election, and duly qualified by taking and subscribing to the following oath, administered by C. N. Post, Judge of the Superior Court of the County of Sacramento:

OATH OF OFFICE.

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

ROLL CALL.

ALAMEDA—Thos H. Silver, Forty-sixth District; Frank Otis, Forty-seventh District; James T. Feeley, Forty eighth District; John W Mott, Forty-ninth District; Harry W. Pulcifer, Fiftieth District; George J. Hans, Fifty-first District; C. C. Young, Fifty-second District.
ALPINE AMADOR, CALAVERAS, MONO—E B Moore, Eleventh District.
BUTTE—W. J. Costar, Seventh District
COLUSA, GLENN, LAKE—John L. Mendenhall, Twelfth District
CONTRA COSTA—T D Johnston, Twenty-second District
DEL NORTE, SISKIYOU, TRINITY—K. C. Gibbs First District.
EL DORADO, PLACER—P. H Johnson, Tenth District.
FRESNO—W. R. Odom, Sixtieth District; A. M Drew, Sixty-first District.
HUMBOLDT—W. Kehoe, Second District; John McClellan, Third District.
IMPERIAL, SAN DIEGO—Percy A Johnson, Eighteenth District.
INYO, TULARE—G. W Wyllie, Twenty seventh District.
KERN—Rowen Irwin, Sixty-sixth District
KINGS—W. J. Webber, Sixty-second District.
LASSEN, MODOC, SHASTA—A M Dean, Fourth District.
LOS ANGELES—H G. Cattell, Sixty-seventh District; Prescott F. Cogswell, Sixty-eighth District; Harry Barndollar, Sixty-ninth District; Walter R. Leeds, Seventieth District; P. A Stanton, Seventy-first District, J. N O. Rech, Seventy-second District; J. P Transue, Seventy-third District; William J. Hanlon, Seventy-fourth District; Percy V Hammon, Seventy-fifth District.
MADERA, MERCED, STANISLAUS—Charles W Wagner, Twenty-fifth District.
MARIN—Edward I Butler, Twenty-first District
MARIPOSA, TUOLUMNE—E N Baxter, Twenty-sixth District.
MENDOCINO—John W. Preston, Sixth District
NAPA—W B Griffiths, Fifteenth District.
NEVADA—Frank M Rutherford, Ninth District.
ORANGE—Richard Melrose, Seventy seventh District.
PLUMAS, TEHAMA, SIERRA—Harry Polsley, Fifth District.
RIVERSIDE—E B Collier, Seventy-eighth District
SACRAMENTO—Grove L Johnson, Seventeenth District; E. L. Hawk, Eighteenth District, W W Greer, Nineteenth District
SAN BENITO—W. R. Flint, Fifty-eighth District.
SAN BERNARDINO—J W. Flavelle, Seventy-sixth District.
SAN DIEGO—E C Hinkle, Seventy-ninth District
SAN FRANCISCO—Walter Macauley, Twenty-eighth District; John A. Cullen, Twenty-ninth District; George J. Black, Thirtieth District; James E. Hopkins, Thirty-first District; Charles A. Nelson, Thirty-second District; B. J. Collum, Thirty-third District; Florence J O'Neill, Thirty-fourth District; Fred C. Gerdes, Thirty-fifth District; Henry N Beatty, Thirty-sixth District; John J. McManus, Thirty-seventh District; William C. Pugh, Thirty-eighth District; E J Callan, Thirty-ninth District; M L. Schmitt, Fortieth District; Nathan C. Coghlan, Forty-first District, Albert P. Wheelan, Forty-second District; D J. Behan, Forty-third District; George M. Perine, Forty-fourth District; Charles Lightner, Forty-fifth District.
SAN JOAQUIN—R L Beardslee, Twenty-third District; J W. Stuckenbruck, Twenty-fourth District.
SAN LUIS OBISPO—Oscar Gibbons, Sixty-third District.
SAN MATEO—H. E. Holmquist, Fifty-third District
SANTA BARBARA—Samuel Fleisher, Sixty-fourth District.
SANTA CLARA—Robert La Telfer Fifty-fifth District; L. D. Bohnett, Fifty-sixth District; Daniel R. Hayes, Fifty-seventh District.
SANTA CRUZ—John B. Maher, Fifty-fourth District.
SOLANO—John R. Cronin, Twentieth District.
SONOMA—W. B. Whitney, Thirteenth District; L. W. Juilliard, Fourteenth District.
SUTTER, YUBA—A. H. Hewitt, Eighth District.
VENTURA—George Lincoln Sackett, Sixty-fifth District.
YOLO—L. H. Wilson, Sixteenth District.

The Chief Clerk declared a quorum present.

ANNOUNCEMENT.

The Chief Clerk announced that the next order of business was the election of officers for the thirty-eighth session of the Assembly, and declared that nominations for the office of Speaker of the Assembly were now in order.

NOMINATIONS FOR SPEAKER.

Mr. Beardslee of Stockton placed in nomination for Speaker Hon. P. A. Stanton of Los Angeles.

Mr. Melrose of Los Angeles seconded the nomination of Mr. Stanton.

Mr. Beatty of San Francisco seconded the nomination of Mr. Stanton.

Mr. Drew seconded the nomination of Mr Stanton

Mr. Preston of Mendocino placed in nomination Hon. L. W. Juilliard of Santa Rosa.

Mr. Polsley seconded the nomination of Mr. Juilliard.

There being no further nominations, the roll was ordered called.

ELECTION OF SPEAKER.

The roll was called, with the following result:

For Stanton—Messrs. Barndollar, Beardslee, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Cullen, Costar, Cronin, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gillis, Greer, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Kehoe, Leeds, Macauley, McClellan, McManus, Melrose, Moore, Mott, Nelson, Otis, Perine, Pugh, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Telfer, Transue, Wagner, Wheelan, Whitney, Wyllie, and Young—59.

For Juilliard—Messrs. Baxter, Black, Collum, Gibbons, Gillis, Hopkins, Irwin, Johnson of Placer, Lightner, Maher, Mendenhall, Odom, O'Neill, Posley, Preston, Stanton, Stuckenbruck, Webber, Wheelan, and Wilson—20.

The Chief Clerk announced the vote of each candidate, and declared Hon. P. A. Stanton of Los Angeles duly elected Speaker of the Assembly for the thirty-eighth session of the California Legislature, he having received a majority of all the votes cast.

APPOINTMENT OF COMMITTEE OF ESCORT.

The Chief Clerk appointed Messrs. Beardslee, Beatty, Melrose, Leeds, and Juilliard a special committee to escort Speaker-elect Stanton to the chair.

OATH OF OFFICE.

Upon arriving at the bar of the Assembly Speaker-elect Stanton took and subscribed to the following oath administered by C. N. Post, Judge of the Superior Court of the County of Sacramento:

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

ADDRESS OF SPEAKER.

Upon assuming his duties the Speaker addressed the Assembly as follows:

My Fellow-Members: In entering upon the discharge of the duties of this high office I do so with a full knowledge and appreciation of its responsibilities, and a desire to preside with that fairness and impartiality which should actuate the presiding officer over legislative bodies. In this spirit I ask both your indulgence and cooperation to the end that our labors and efforts may redound to the credit and benefit of the State.

Many new and complex problems will be submitted to you. In considering them, do so in a spirit of fairness and justice that will leave no room for criticism Action should be taken only after careful and earnest deliberation In changing old laws and the enactment of new ones conservatism should prevail. Efforts should be made to avoid both fads and isms Theories should be disregarded for sound business principles.

The Republican party, the dominant one in this State, pledged its representatives in this body to carry out certain fixed policies enumerated in its platform. The people intrusted the government to the care of this party, and we should see that all of its pledges are redeemed—all of its promises fulfilled. Particularly important is that plank in the platform which pledges us to an economical administration of this legislative session. The constitutional amendment limiting the expenditure for employees and attachés to a fixed amount per day has imposed upon this body the duty of establishing a precedent. In appointing employees care must be taken that qualification and fitness for the positions they are appointed to fill should be the primary consideration, for unless we surround ourselves with intelligent and competent help we will be unable to transact the business coming before us, and by using judgment in the selection of these employees the work of the session can be materially expedited

Do those things which you in your own mind believe to be right, and you will have done your full duty to the State. I want all to know and believe that your Speaker is also your friend, willing and anxious to assist you in every legitimate way, helping you, if I can, over the rough places and obstacles of legislation; ever endeavoring to enforce the rule of fair play, the principles of the square deal; anxious that no section should receive benefits at the expense of another, but that we all, regardless of party, should and will work together for our common weal, for our commonwealth I trust and hope that the acquaintance which has begun will grow and ripen into enduring and lasting friendship

NOMINATIONS FOR SPEAKER PRO TEM.

The Speaker declared the election of Speaker pro tem. next in order.

Mr Coghlan nominated the Hon. Geo. M. Perine of San Francisco.

Mr. Rech seconded the nomination of Mr. Perine.

Mr. Stuckenbruck nominated the Hon. E. N. Baxter of Mariposa.

Mr. Juilliard seconded the nomination of Mr. Baxter.

There being no further nominations, the Speaker declared the nominations closed.

The roll was called, with the following result:

For Perine—Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Costar, Cronin, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Gerdes, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Kehoe, Leeds, Macauley, McClellan, McManus, Melrose, Moore, Mott, Nelson, Otis, Pugh, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Telfer, Transue, Wagner, Whitney, Wyllie, Young, and Mr Speaker—58.

For Baxter—Messrs. Black, Collum, Gibbons, Gillis, Hopkins, Irwin, Johnson of Placer, Juilliard, Lightner, Maher, Mendenhall, Odom, O'Neill, Posley, Preston, Stuckenbruck, Webber, Wheelan, and Wilson—19.

The Speaker announced the vote of each candidate, and declared Hon. Geo. M. Perine of San Francisco duly elected Speaker pro tem. of the Assembly for the thirty-eighth session of the California Legislature, he having received a majority of all the votes cast, and appointed Messrs. Coghlan, Stuckenbruck, and Baxter a committee to escort Speaker pro tem. elect Perine to the bar of the Assembly, where he took and subscribed to the following oath of office:

OATH OF OFFICE

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

NOMINATION OF CHIEF CLERK.

The Speaker next declared the nomination and election of Chief Clerk of the Assembly in order.

Mr. Sackett placed in nomination for the office of Chief Clerk of the Assembly Mr. Clio Lloyd of Santa Barbara.

The nomination of Mr. Lloyd was seconded by Messrs. Cogswell and Johnson of Sacramento.

ELECTION OF CHIEF CLERK.

The roll was called, with the following result:

For Lloyd—Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—79.

Whereupon the Speaker declared Mr. Clio Lloyd duly reelected Chief Clerk of the Assembly, and directed that he appear before the bar of the Assembly, where he took and subscribed to the oath of office.

OATH OF OFFICE

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

ELECTION OF SERGEANT-AT-ARMS.

The Speaker declared the next order of business the nomination and election of Sergeant-at-Arms of the Assembly.

Mr. Johnson of Sacramento placed the name of John T. Stafford of Sacramento County in nomination for the office of Sergeant at-Arms of the Assembly.

The nomination was seconded by Mr. Drew.

The roll was called, with the following result:

For Stafford—Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—79.

The Speaker thereupon declared J. T. Stafford duly reelected Sergeant-at-Arms of the Assembly.

Mr. Stafford presented himself at the bar of the Assembly and took and subscribed to the following oath of office:

OATH OF OFFICE.

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

NOMINATIONS FOR MINUTE CLERK.

The Speaker declared the next order of business the nomination and election of Minute Clerk of the Assembly.

Mr. Rutherford placed in nomination H A. Harper of El Dorado.

Mr. Leeds seconded the nomination of Mr. Harper.

ELECTION OF MINUTE CLERK.

The roll was called, with the following result:

For Harper—Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Costar, Cronin, Cullen,

Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott Nelson, Odom, Otis, O'Neill, Perine, Posley, Pugh, Pulcifer, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—74.

The Speaker thereupon declared H. A Harper duly elected Minute Clerk of the Assembly.

Mr. Harper presented himself at the bar of the Assembly, and took and subscribed to the following oath of office:

OATH OF OFFICE.

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

RESOLUTIONS.

The following resolutions were offered:

By Mr. Rech:

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

Speaker—P. A. Stanton.
Speaker pro tem —George M. Perine.
Chief Clerk—Clio Lloyd.
Sergeant-at-Arms—J. T. Stafford.
Minute Clerk—H. A. Harper.

The resolution was read, and on motion adopted.

By Mr. Johnson of Sacramento:

Resolved, That the standing rules of the thirty-seventh session be and the same are hereby adopted as the temporary rules of this House until otherwise ordered, with the following changes, to wit: "1909" shall be inserted in lieu of "1907," wherever these latter figures occur.

The resolution was read, and on motion adopted.

TEMPORARY RULES OF THE ASSEMBLY

1. *Hour of Meeting.*

The sessions of the House shall be daily (Sundays excepted), beginning at nine o'clock and thirty minutes A. M. Until February 6, 1909, adjournment shall be taken at twelve o'clock and thirty minutes P. M., and after said date a recess shall be taken at said hour to two o'clock P. M., unless otherwise ordered by a vote of the House.

2. *Order of Business*

1. Roll Call
2. Prayer by the Chaplain.
3. Reading and Approval of the Journal.
4. Presentation of Petitions
5. Reports of Standing Committees
6. Reports of Select Committees.
7. Messages from the Governor
8. Messages from the Senate
9. Introduction and Reference of Bills.
10. Motions and Resolutions
11. Special Orders of the Day
12. Unfinished Business of the Preceding Day
13. Business on Special File.
14. Business on General File and Third Reading of Bills.

3. *Reports of Committee on Engrossed and Enrolled Bills*

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

4. *Messages from the Governor and Senate.*

Messages from the Governor and from the Senate may be considered at any time by a vote of the House

5. *Petitions to be Presented, with a Brief Statement of Contents*

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

6. *Introduction and Reading of Bills.*

Any member desiring to introduce a bill shall rise in his place and address the Speaker, and upon being recognized shall present the same. It shall then be numbered and read the first time at the Clerk's desk and referred to a standing committee, and be printed, and a copy placed upon the desk of each member. Every bill shall be read at length on three several days previous to its passage, unless in case of urgency two thirds of the House shall, by vote of ayes and noes, dispense with this provision. The Speaker shall give notice at each reading whether it be the first, second or third, and no bill shall be read at either reading until the House has so determined by a vote All bills to appropriate money for contingent purposes shall be presented by the Committee on Ways and Means. The chairman or clerk of each committee of the Assembly shall notify the author of any bill or proceeding pending before such committee of the hour and place of hearing or acting upon such bill or proceeding.

7. *Introduction of Bills by Committee*

Any committee may introduce a bill appertaining to any subject coming within its consideration, whereupon it shall be read the first time and placed upon the proper second-reading file When such a bill is designed to be a substitute for one or more Assembly bills, the bills for which it is such a substitute shall, by a majority vote of the House, be deemed withdrawn, and shall not appear upon the file Upon the introduction of a bill by a committee, it shall be numbered as a new bill, ordered printed, and placed upon the Assembly file for further action

8 *Disposition of Senate Bills*

When a Senate bill has been received by the House, with a message announcing that the same has passed the Senate, such bill shall be referred to a standing committee, *provided, however*, that when a Senate bill is received, the provisions of which are identical with those of an Assembly bill which has already been considered and reported by a committee of the House, such Senate bill shall be substituted for the Assembly bill (the latter being considered withdrawn), shall take the same place upon the Assembly file, and be considered as having received the same recommendation of the Assembly committee, *provided*, that the fact that the bills are identical shall be entered in the Journal.

9. *Joint Resolution and Constitutional Amendments*

Joint resolutions shall be treated the same as bills; *provided* that they shall be read but once, and that after they have been reported by a committee, *and provided further*, that the ayes and noes shall not be called upon their adoption, unless regularly demanded. Proposed amendments to the Constitution shall be treated the same as bills, *provided*, they shall be read but once, and only after they shall have been reported by a committee.

10. *Proceedings Touching Appropriations of Money to be Considered in Committee of the Whole*

All bills making appropriations of money shall be considered in a Committee of the Whole House while on second reading, and no addition to any appropriation shall be made out of Committee of the Whole

11. *Reference of Bills*

No debate shall be allowed on any motion to refer a bill or resolution to a committee The Speaker shall first indicate to what committee a bill or resolution ought to be referred, and it shall be so referred, unless upon a motion, without debate, the House by a majority vote refer it to some other committee

12. *Referring With Special Instructions*

A bill or resolution may be committed with special instructions at any time after the third reading has been ordered

13. *Order of Making File.*

Upon the introduction of bills they shall be read the first time, and referred to committees as provided in Rule 6 When reported back they shall be placed upon the General File, to be kept by the Clerk, as follows All bills when reported to the House by the committees shall be placed at the foot of the second-reading file, in the order in which the reports are made, and after the second reading they shall be placed at the foot of the third-reading file, in the order of reading, and precedence shall be given in the consideration of bills in the following order Third-Reading File and Second-Reading File, unless otherwise ordered by a two-thirds vote of the House. The Clerk shall post, in a conspicuous place in the chamber, a daily state-

ment of the bills on the General File, setting forth the order in which they were filed, and specifying the alterations arising from the disposal of business each day.

14. *Order of Making Special File*

The Clerk shall, from time to time, make up a file, to be known as the Special File, on which he shall place bills relating to appropriations for the support of the State government and State institutions, revenue, election laws and constitutional amendments, in the order named, and in the order in which the same may be reported to the Assembly, and he shall place no other bills thereon, nor shall any bill on the General File be substituted for any bill thereon.

15. *Taking Up Bills Out of Order.*

When a member shall ask leave to have a bill taken up out of its regular order, he shall in making the motion give the number and title of the bill, and its position on the file.

16. *Engrossing and Enrolling Bills.*

The Engrossing and Enrolling Clerk shall engross, and enroll, the bills which shall come to his hands for such purposes, in compliance with the provisions of Section 539 of the Political Code, and in the order of time in which the same shall be acted upon by the House. Said Clerk shall be responsible for every violation of this rule by his assistants or deputies; no Clerk of this House, or his deputy or assistant, shall demand or receive from any person any compensation other than that provided by law for any services performed by him in regard to the bills or preparation of bills before this House

17. *Bills to be Reported Back Within Ten Days.*

All bills referred to any committee shall be by such committee reported back to the House with its action thereon within ten days after such reference, unless the House, by request of such committee, shall otherwise order

DUTIES OF SPEAKER

18. *To Call the House to Order.*

The Speaker, or, in his absence, the Speaker pro tem., shall take the chair precisely at the hour appointed for meeting, and shall immediately call the House to order. In the absence of both the Speaker and the Speaker pro tem., the Chief Clerk, or an assistant, shall call the House to order, whereupon a Chairman shall be elected from among the members to preside.

19. *To Preserve Order; to Decide Points of Order; and May Speak to Same.*

He shall preserve order and decorum; may speak to points of order in preference to other members, rising from his seat for that purpose, and shall decide questions of order, subject to an appeal to the House by any member, on which appeal no member shall speak more than once, unless by leave of the House

20. *To Have Direction of the Hall; May Call Any Member to the Chair.*

He shall have general direction of the hall. He shall have a right to name any member to perform the duties of the Chair, but such substitution shall not extend beyond an adjournment.

21. *To Sign Resolution, Etc., Attested by the Clerk.*

All acts, addresses, and joint resolutions shall be signed by the Speaker, and all writs, warrants, and subpœnas issued by order of the House shall be under his hand, attested by the Clerk.

22. *May Order the Galleries and Lobby Cleared.*

In case of any disturbance or disorderly conduct in the galleries or lobby, the Speaker (or Chairman of the Committee of the Whole House) shall have power to order the same to be cleared.

DUTIES OF THE SERGEANT-AT-ARMS.

23. *To Attend Sittings of House; Serve Processes.*

The Sergeant-at-Arms shall attend the House during its sittings, to execute the commands of the Speaker of the House, and all process issued by authority thereof directed to him by the Speaker. He shall be sworn to keep the secrets of the House. He shall also have supervision of all the attachés of the House (except the clerks at the desk, the committee attachés, and the Page to the Speaker, which Page shall be under the exclusive supervision of the Speaker), and shall be responsible for the performance of their duties, and shall have power to suspend any attaché under him for dereliction of duty, and shall report to the Speaker such suspension and the causes thereof; said attaché shall not receive any pay during the time of such suspension. The Speaker shall have the power to relieve the attaché of his suspension, and shall have the power to remove any attaché for incompetency or for willful neglect of duty.

24. *Fees of Sergeant-at-Arms.*

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

25. *Assistant Sergeant-at-Arms to be Doorkeeper.*

The Assistant Sergeant-at-Arms shall be the Doorkeeper, and shall be sworn to keep the secrets of the House.

26 *Standing Committees.*

The Standing Committees of the House shall be as follows:

1. A Committee on Agriculture, to consist of seven members.
2. A Committee on Attachés and Employés, to consist of seven members.
3. A Committee on Banks and Banking, to consist of five members
4. A Committee on Building and Loan Associations, to consist of seven members
5. A Committee on Claims, to consist of seven members.
6. A Committee on Commerce and Navigation, to consist of nine members.
7. A Committee on Commissions and Public Expenditures, to consist of seven members
8. A Committee on Contingent Expenses and Accounts, to consist of seven members
9. A Committee on Constitutional Amendments, to consist of seven members
10. A Committee on Contested Elections, to consist of seven members.
11. A Committee on Corporations, to consist of nine members.
12. A Committee on Counties and County Boundaries, to consist of nine members
13. A Committee on County and Township Governments, to consist of thirteen members
14. A Committee on Dairies and Dairy Products, to consist of nine members
15. A Committee on Election Laws, to consist of seven members
16. A Committee on Education, to consist of nine members
17. A Committee on Engrossment and Enrollment, to consist of seven members.
18. A Committee on Fruit and Vine Interests, to consist of seven members
19. A Committee on Fish and Game, to consist of eleven members.
20. A Committee on Federal Relations, to consist of seven members
21. A Committee on Governor's Messages, to consist of five members.
22. A Committee on Immigration, to consist of nine members
23. A Committee on Insurance and Insurance Laws to consist of nine members
24. A Committee on Irrigation, to consist of nine members
25. A Committee on Judiciary, to consist of twenty-one members
26. A Committee on Labor and Capital, to consist of nine members
27. A Committee on Levees and River Improvements, to consist of seven members.
28. A Committee on Manufactures and Internal Improvements, to consist of seven members.
29. A Committee on Mileage, to consist of five members.
30. A Committee on Military Affairs, to consist of seven members.
31. A Committee on Mines and Mining Interests, to consist of nine members
32. A Committee on Municipal Corporations, to consist of seven members.
33. A Committee on Oil Industries and Oil Mining Interests, to consist of nine members.
34. A Committee on Public Buildings and Grounds, to consist of eleven members.
35. A Committee on Public Health and Quarantine to consist of seven members
36. A Committee on Public Lands and Forestry, to consist of seven members.
37. A Committee on Public Morals, to consist of nine members
38. A Committee on Public Printing, to consist of seven members
39. A Committee on Public Works, State Capitol, and Parks to consist of seven members.
40. A Committee on Public Charities and Corrections, to consist of seven members
41. A Committee on Reform of the Civil Service, to consist of five members.
42. A Committee on Retrenchment and Reform, to consist of seven members
43. A Committee on Revenue and Taxation, to consist of nine members
44. A Committee on Revision and Reform of Laws, to consist of nine members.
45. A Committee on Roads and Highways, to consist of eleven members
46. A Committee on Rules and Regulations, to consist of five members, one of whom shall be the Speaker.
47. A Committee on State Hospitals and Asylums, to consist of eleven members
48. A Committee on State Library, to consist of five members.
49. A Committee on State Prisons and Reformatory Institutions, to consist of nine members.
50. A Committee on Swamp and Overflowed Lands and Drainage, to consist of nine members.

51. A Committee on Universities, to consist of seven members.
52. A Committee on Ventilation and Acoustics, to consist of five members
53. A Committee on Ways and Means, to consist of fifteen members.

The San Francisco Delegation, to whom may be referred matters of interest in particular to the City and County of San Francisco; but not to the exclusion of the jurisdiction of other committees.

27. *Committees to be Appointed by Speaker.*

All committees shall be appointed by the Speaker, unless otherwise ordered by the House.

28. *Committee on Contested Elections.*

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

29 *Committee on Ways and Means.*

It shall be the duty of the Committee on Ways and Means to take into consideration all reports of the State Officers and State Boards or State Commissions, and all propositions relative to the revenue of the State, as may be referred to them by the Assembly, to inquire into the state of the revenue and expenditures of the State, and report from time to time their opinion thereon. All bills for the appropriation of money, which were not at first referred to the Committee on Ways and Means, shall be reported to the House by the committees having them under consideration, and shall thereupon, without motion, be referred to the Committee on Ways and Means; and said committee shall consider and report thereon the amount of appropriation required, but such bill shall retain its place on file pending its consideration by said Committee on Ways and Means. The Committee on Ways and Means shall, from time to time, at least once in two weeks, report to the House the exact condition of legislation involving appropriations, and the aggregate amount of all the proposed appropriations pending.

30. *Committee on Commissions and Public Expenditures.*

It shall be the duty of the Committee on Commissions and Public Expenditures to ascertain what State commissions, institutions, or boards, if any, can be abolished or consolidated with advantage to the public, in view of a more economical administration of State affairs; to ascertain what expenditures and salaries of the various public offices and institutions can be advantageously reduced or discontinued, to prepare and report to the Assembly such bills or resolutions as may be required to carry out the recommendations of the committee.

31. *Committee on Engrossment.*

It shall be the duty of the Engrossing Committee to compare all bills ordered or considered engrossed by this House with the engrossed copies thereof; and before they pass out of the possession of the House, see that the engrossed bill is a true copy of the original, with such amendments as may have been made thereto, and said committee shall see that all engrossed bills are reported back in the order in which they were ordered engrossed

32. *Committee on Revision and Reform of Laws.*

It shall be the duty of the Committee on Revision and Reform of the Law to take into consideration all petitions, bills, and resolutions touching the revision and reform of the existing laws of the State of California as shall or may be presented or come into question and be referred to it by the Assembly

33. *Committee Expenditures.*

No committee shall be permitted to incur any expense by visiting any part of the State on official or other business, without first obtaining leave of the House by a two-thirds vote of the members thereof.

34. *Committee of the Whole House.*

In forming a Committee of the Whole House, a chairman, to be named by the Speaker, shall preside Bills committed to a Committee of the Whole House shall, in Committee of the Whole, be read by sections. All amendments shall be noted and reported to the Assembly by the chairman. After being reported to the Assembly, the bill shall again be subject to amendment before a vote on the report is taken.

35. *Rules in Committee of the Whole.*

The rules of the Assembly shall be observed in Committees of the Whole, as far as may be applicable, except limiting the time of speaking, and except that the ayes and noes shall not be taken

36. *Motion to Rise Decided Without Debate*

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

37. *Reference of Bills.*

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

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

38 *Calling Members to Order When Transgressing Rules*

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

39. *Speaker to Decide Who is Entitled to the Floor.*

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

40. *Order in Speaking to Questions.*

Every member, when he speaks, shall, standing in his place, address "Mr Speaker," and when he has finished he shall sit down No member shall speak more than twice during the consideration of any one question, of whatever nature, on the same day and at the same stage of proceedings, without leave being granted, except the author of a bill or resolution, or mover of a question, who shall have the right to close the debate. No member shall be allowed to speak more than thirty (30) minutes upon any question, except by leave of the House.

41. *Called to Order for Offensive Words in Debate.*

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

42 *Personal Explanation*

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

43 *Motions to be Stated by Speaker Shall be Reduced to Writing or May be Withdrawn.*

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

44 *Motion to Adjourn.*

A motion to adjourn shall always be in order, except during roll call The Clerk shall enter on the Journal the name of any member moving an adjournment, also the hour at which the motion was made

When a motion is made and seconded to adjourn, it shall be in order for the Speaker, before putting the question, to permit any member to state any fact to the House relating to the condition of the business of the House, which would seem to render it improper to adjourn at that time. Such statement, however, shall not be debatable, and such statement or statements shall not, in any case, occupy more than two minutes

Concurrent resolutions for adjournment *sine die* shall in all cases, whether originating in the House or coming from the Senate, be referred to the Committee on Ways and Means That committee shall report upon any such concurrent resolution not later than the next legislative day, and with regard to the status of the general appropriation bill and tax levy.

45 *Precedence of Motions During Debate.*

When a question is under debate, or before the House, no motion shall be received but To adjourn, to lay on the table; for the previous question; to postpone to a day certain, to commit or amend, to postpone indefinitely; which several motions shall have precedence in the order in which they are named, but the first three shall be decided without debate; and no motion to postpone to a day certain, to commit, or to postpone indefinitely, being decided, shall again be allowed on the same day and at the same stage of the proceedings. A motion to strike out the enacting clause of a bill shall have preference over a motion to amend, and, if carried, shall be considered equivalent to its rejection A dilatory motion shall not be considered intervening business within the meaning of parliamentary usage.

46. *Previous Question.*

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

47. *Questions of Order After Previous Question is Ordered.*

All incidental questions of order arising after a motion is made for the previous question, and pending such motion or previous question, shall be decided (whether on appeal or otherwise) without debate, *provided*, that after the previous question shall have been ordered, ten minutes shall be allowed for explanation of the matters covered by the previous question, of which five minutes shall be given to the member moving the previous question, and five minutes to those opposed thereto.

48. *Previous Question Demanded*

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

49. *Question Indefinitely Postponed.*

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

50 *Division of Questions.*

Any member may call for a division of the question, which shall be divided if it comprehend propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the House A motion to strike out being lost, shall preclude neither a motion to add to nor a motion to strike out and insert.

51. *Substitute.*

A substitute shall be deemed and held to be an amendment, and be treated in all respects as such

52. *Subjects Different from the One Under Consideration*

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

53. *Printing of Bills*

Five hundred copies of all bills shall be printed. The Sergeant-at-Arms shall be required to certify to the reception by the House of all such printed matter, and the quantity thereof.

54. *Printing Extra Number of Bills, Etc.*

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

55. *Printing of Maps*

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

56. *Filling Blanks*

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

57. *Priority of Business.*

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

58. *Reading of Papers.*

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

59 *Notice of Reconsideration*

On the day succeeding that on which a final vote on any bill or resolution has been taken said vote may be reconsidered on the motion of any member; *provided*, notice of intention to move such a reconsideration shall have been given on the day on which such final vote was taken, by a member voting with the majority, and it shall not be in order for any member to move a reconsideration on the day on which such final vote was taken. Said motion of reconsideration shall have precedence over every other motion, except a motion to adjourn. No notice of reconsideration shall be in order on the day preceding the last day of the session

No motion to reconsider shall be adopted, except upon a roll call, and it shall require forty-one votes to adopt the motion.

60. *Elections by House.*

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

61. *Calling Ayes and Noes.*

The ayes and noes shall be taken on the final passage of all bills, and when called for by three members on other questions, and every member within the bar of the

House, when his name is called, shall (unless for special reasons he be excused) declare openly, and without debate, his vote. In taking the ayes and noes, and upon call of the House, the names of the members shall be taken alphabetically, and the Clerk shall enter on the Journal the names of those demanding the ayes and noes

62. *Members at Clerk's Desk.*

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

63. *Voting on Question When Interested.*

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

64. *Division and Count of House.*

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

65. *Explaining or Changing Vote.*

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

66. *Call of the House.*

Upon a call of the House the names of the members shall be called over by the Clerk, and the absentees noted, after which the names of the absentees shall again be called over The door shall then be shut, and those for whom no excuse or insufficient excuses are made, may, by order of those present, be taken into custody, as they appear, or may be sent for and taken into custody by the Sergeant-at-Arms wherever to be found, or by special messenger, to be appointed for that purpose In the absence of a quorum, a majority of the members present may order a call of the House and compel the attendance of absentees in the manner above provided. No recess can be taken during a call of the House.

67. *Suspending and Changing Rules.*

No standing rule or order of the House shall be rescinded or changed without a vote of two thirds, and one day's notice being given of the motion therefor; *provided*, that the Committee on Rules and Regulations may at any time, except during a roll call, report a temporary rule providing for the consideration of any bill on the files of the House belonging to either of the following classes:

1. Bills affecting the State government, its revenue, its various departments or commissions, or appropriations therefor.
2. Bills affecting county and township governments, or roads and highways.
3. Bills affecting town, city, city and county governments, or the municipal affairs of the same.
4. Bills amending election or primary election laws.
5. Constitutional amendments.
6. Bills amending or repealing the Codes or sections thereof.

Such temporary rule shall provide when a bill so selected shall be taken up for consideration, and the time when final vote shall be taken thereon and pending amendments thereto, if there be any.

It shall always be in order to call up for consideration such report. The same shall be subject to amendment by the House.

On the adoption of such temporary rule by the House by a two-thirds vote thereof, if the bill be on third reading, and by a majority vote of the members elected to the House, if otherwise, such bill shall thereupon be made the special order for the time fixed therein.

A rule of order may be suspended temporarily by a vote of two thirds of the members present, except that portion of Rule 6 relating to third reading of bills A motion or resolution proposing to increase or diminish a standing committee shall not be adopted until the same has been referred to the Committee on Rules and Regulations

The Committee on Rules and Regulations may also, at any time, report a temporary rule or regulation for the consideration of the business on the file, having regard to the condition of the business of the House When such temporary rule or regulation shall have been adopted by the House, it shall have the effect, for the time being, of a standing rule, and shall be enforced by the Speaker.

68. *Members Absenting Themselves.*

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

69. *Persons Admitted to Floor.*

No persons, except Senators, State officers, Governors and ex-Governors of States, Members of Congress, Judges of the Supreme or Superior Courts, members of the

press when accredited by their respective journals, ladies when specially invited by a member of the House, shall be admitted within the Assembly Chamber, except in the galleries, during the session of the House; but a majority may have the floor of the House within the bar cleared of any or all such persons. The Speaker is charged with the enforcement of this rule.

70 *Smoking in Hall.*

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

71. *Parliamentary Rules.*

The rules of parliamentary practice contained in Roberts' Rules of Order shall govern the House in all cases to which they are applicable, and in which they are not inconsistent with the Standing Rules and Orders of the House and the Joint Rules of the Senate and House of Assembly.

72. *Use of Hall.*

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

73 *Fees for Witnesses.*

Witnesses summoned to appear before the House or any of its committees shall be paid as follows For each day a witness shall attend, the sum of two dollars; for each mile he shall travel in coming to and going from the place of examination, the sum of ten cents. No mileage shall be paid except where the witness has actually traveled for the purpose of giving testimony.

74. *Protest of Members.*

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

75. *Fees Allowed in Cases of Contest.*

Whenever, in the Assembly, a contest is made for the seat of any Assemblyman, no more than two hundred dollars shall be allowed as counsel fees to either side.

76. *Assignment of Attachés.*

The Committee on Attachés and Employés shall assign the committee clerks and the official stenographers of the House to the various committees: *provided*, that the Committee on Judiciary and the Committee on Ways and Means shall each be entitled to one clerk and one stenographer, to be selected by the chairman of those committees, respectively

All assignments of committee clerks and stenographers made by the Committee on Attachés and Employés under this rule shall be reported to the House and entered in the Journal.

77. *Introduction of Bills after Fiftieth Day.*

On or prior to the fiftieth day of the session the Speaker shall appoint a standing Committee on Introduction of Bills, to consist of three members

All motions for leave to introduce bills after the fiftieth day shall be sent to the desk in writing, under the order of "Introduction of Bills," and at no other time. The motion shall give the title of the bill, and shall be accompanied by the bill. The bill shall thereupon be referred to the Committee on Introduction of Bills.

That committee shall examine bills referred to it with particular reference to the question as to whether there is already any bill in either house of the same character which might be amended to effect the result sought, and generally as to the advisability of introducing the measure

The committee shall report upon each bill so referred to it on the same legislative day. The report shall be made at the conclusion of the consideration of the Senate Special File

The committee may, in its discretion, incorporate more than one bill in the resolution to grant leave to introduce, incorporating in the resolution the title of each bill in full, and the roll shall be called upon the adoption of the resolution without debate.

If a division of the question is demanded upon the introduction of any particular bill, the division shall be allowed, and the roll called separately upon the bill

78. *Form for Introduction of Bills.*

When a bill is introduced and when printed amending an existing law, the new matter shall be underscored, and portions of the law proposed to be omitted shall be included in brackets, *provided, however*, that where the subject consists of an entirely new section, the words thereof need not be underscored, and that when any bill introduced repeals an existing law in whole, the matter repealed need not be put in the bill

All bills reported favorably or for consideration, if reported with amendments, shall be immediately reprinted, the new matter underscored and the parts of the law proposed to be omitted included in brackets

79. *Leave of Absence of Committee Visiting Public Institutions.*

When leave of absence shall be granted any committee, special or standing, to visit public buildings or institutions, or for any other purpose, such leave shall be

granted only by a two-thirds vote taken viva voce, and no expenses or mileage of attachés shall be allowed. No member of the Assembly shall accompany a committee as a substitute for a member thereof who declines to accompany the committee, without permission for such substitution being obtained from the Speaker Application for a leave of absence for a committee shall be made to the Assembly by the chairman thereof, by resolution, which shall give the name of the institution or institutions to be visited and briefly recite the occasion and necessity for visiting the same, together with the number of committeemen desiring leave. Such resolution shall immediately, and without debate, be referred to the Committee on Rules and Regulations, with instructions to report upon the next legislative day on the same, and whether the leave of absence can be granted without interfering with the business of the Assembly.

RESOLUTIONS.

The following resolutions were offered:

By Mr. Costar:

Resolved, That the Speaker be and he is hereby directed and authorized to appoint a temporary Committee on Mileage, to consist of three members.

The resolution was read, and on motion adopted.

APPOINTMENT OF SELECT COMMITTEE.

The Speaker appointed Messrs. Costar, Rutherford, and Flint as such committee.

By Mr. Johnson of Sacramento:

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

Resolution read, and on motion adopted.

APPOINTMENT OF SELECT COMMITTEE.

The Speaker appointed Messrs. Johnson of Sacramento, Transue, Beban, Baxter, and Mr. Speaker as such committee

By Mr. Schmitt:

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

Resolution read, and on motion adopted.

APPOINTMENT OF SELECT COMMITTEE.

The Speaker appointed Messrs Schmitt, Greer, and Sackett as such committee.

By Mr. Leeds:

WHEREAS, The Hon. John J. Wyatt, member of this House from the Fifty-ninth District, is now and will be for a considerable time confined to his home with a serious illness and unable to atttend to the organization of this Assembly; and

WHEREAS, During the thirty-seventh session the said John J. Wyatt by his earnest and faithful application to his duties, and by his distinguished ability and ripe judgment, earned the love and affection of his fellow members; now, therefore, be it

Resolved, That we extend to the said Hon John J Wyatt our sincere sympathy and best wishes for a safe and speedy recovery; and be it further

Resolved, That the county clerk of Monterey County be and he is hereby authorized to administer to the said John J Wyatt the oath of office as a member of the Assembly from the Fifty-ninth District, and the Clerk is directed to forward to the said John J. Wyatt, and to the said county clerk of Monterey County, a copy of this resolution.

Resolution read, and on motion adopted.

REQUEST BY SPEAKER.

The Speaker requested that all members inform him as soon as possible of the committees to which they desired to be appointed.

ADJOURNMENT.

At one o'clock and fifty minutes P. M., on motion of Mr. Johnson of Sacramento, the Assembly was declared adjourned until eleven o'clock A. M. of Tuesday, January 5, 1909

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL., Tuesday, January 5, 1909.

At eleven o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. P. A. Stanton, Speaker of the Assembly, in the chair.

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

Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Greer, Griffiths Hanlon, Hans, Hawk Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento Johnson of San Diego, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—75.

Quorum present.

PRAYER.

By invitation of the Speaker, prayer was offered by Rev. S. N. Marsh.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Sackett, its further reading was dispensed with.

PRIVILEGE OF THE FLOOR.

On motion of Mr. Beardslee. the privilege of the floor was granted to ex-Assemblyman Lemon and all other ex-members.

REPORTS OF SELECT COMMITTEES.

The following reports of select committees were received and read:

ON CONTINGENT EXPENSES AND MILEAGE.

ASSEMBLY CHAMBER, SACRAMENTO, January 5, 1909.

MR. SPEAKER: Your Committee on Contingent Expenses and Mileage beg leave to report that they have computed the mileage according to Part II, Title III, and Section 237 of the Political Code, and recommend the adoption of the resolution herewith:

Resolved, That the State Controller be and he is hereby directed and ordered to draw his warrant upon the proper fund in favor of the following named officers and mem-

bers of the Assembly for the amounts set opposite their names, and the State Treasurer is hereby ordered and directed to pay the same:

		Miles	Amount.
Barndollar, Harry	Long Beach	936	$93 60
Baxter, E. M.	Yosemite	484	48 40
Beardslee, R. L.	Stockton	96	9 60
Beatty, Henry N.	San Francisco	180	18 00
Beban, Dominick J.	San Francisco	180	18 00
Black, George J.	San Francisco	180	18 00
Bohnett, L. B.	San Jose	256	25 60
Butler, E. I.	San Rafael	210	21 00
Callan, E. J.	San Francisco	180	18 00
Cattell, H. G.	Pasadena	912	91 20
Coghlan, Nathan C.	San Francisco	180	18 00
Cogswell, Prescott F.	El Monte	924	92 40
Collier, E. B.	Corona	1,004	100 40
Collum, B. J.	San Francisco	180	18 00
Costar, W. J.	Chico	192	19 20
Cronin, J. R.	Benicia	114	11 40
Cullen, J. A.	San Francisco	180	18 00
Dean, Arthur	Redding	342	34 20
Drew, A. M.	Fresno	338	33 80
Feeley, James T.	Oakland	168	16 80
Flavelle, J. W.	Ontario	972	97 20
Fleisher, Samuel	Santa Maria	750	75 00
Flint, W. R.	Fairview	354	35 40
Gerdes, Fred C.	San Francisco	180	18 00
Gibbons, Oscar	San Luis Obispo	686	68 60
Gillis, K. C.	Yreka	590	59 00
Greer, W. W.	Oak Park	6	60
Griffiths, W. B.	Monticello	178	17 80
Hammon, Percy V.	Los Angeles	894	89 40
Hanlon, Wm. J.	Los Angeles	894	89 40
Hans, George J.	Fruitvale	174	17 40
Hawk, E. L.	Sacramento	2	20
Hayes, Daniel R.	Santa Clara	250	25 00
Hewitt, A. H.	Yuba City	106	10 60
Hinkle, E. E.	San Diego	1,146	114 60
Holmquist, H. E.	San Mateo	238	23 80
Hopkins, James E.	San Francisco	180	18 00
Irwin, Rowen	Bakersfield	556	55 60
Johnson, Grove L.	Sacramento	2	20
Johnson, Percy V.	Fallbrook	1,146	114 60
Johnson, P. H.	Roseville	36	3 60
Johnston, T. D.	Richmond	212	21 20
Juilliard, Louis W.	Santa Rosa	180	18 00
Kehoe, William	Eureka	340	34 00
Leeds, Walter R.	Los Angeles	894	89 40
Lightner, Charles	San Francisco	180	18 00
Macauley, Walter	San Francisco	180	18 00
Maher, J. B.	Santa Cruz	396	39 60
McClellan, J. W.	Bridgeville	734	73 40
McManus, John J.	San Francisco	180	18 00
Melrose, Richard	Anaheim	950	95 00
Mendenhall, John L.	Williams	120	12 00
Moore, E. B.	Copperopolis	180	18 00
Mott, John W.	Oakland	168	16 80
Nelson, Charles A.	San Francisco	180	18 00
Odom, William R.	Coalinga	244	24 40
Otis, Frank	Alameda	182	18 20
O'Neill, Florence J.	San Francisco	180	18 00
Perine, George M.	San Francisco	180	18 00
Polsley, Harry	Red Bluff	270	27 00
Preston, John W.	Ukiah	406	40 60
Pugh, William C.	San Francisco	180	18 00
Pulcifer, Harry W.	Oakland	168	16 80
Rech, J. N. O.	Los Angeles	894	89 40
Rutherford, F. M.	Truckee	242	24 20
Sackett, George L.	Ventura	990	99 00
Schmitt, Milton L.	San Francisco	180	18 00
Silver, Thos. H.	Pleasanton	172	17 20
Stanton, P. A.	Los Angeles	894	89 40
Stuckenbruck, J. W.	Acampo	22	2 20
Telfer, Robert L.	San Jose	256	25 60
Transue, J. P.	Los Angeles	894	89 40

		Miles	Amount.
Wagner, Chas. W.	Madera	294	$29 40
Webber, W. J	Hanford	428	42 80
Wheelan, Albert P.	San Francisco	180	18 00
Whitney, W. B.	Healdsburg	208	20 80
Wilson, Lawrence H.	Winters		
Wyatt, John J	Salinas City	416	41 60
Wyllie, G. W.	Dinuba	398	39 80
Young, C. C	Berkeley	168	16 80

CONTINGENT EXPENSES

Clio Lloyd	Santa Barbara	920	92 00
H. A. Harper	El Dorado	116	11 60
J. T. Stafford	Sacramento	2	20

COSTAR, Chairman.

On motion of Mr. Costar, the resolution was ordered printed in the Journal and made a special order for consideration immediately after the reading of the Journal on Wednesday, January 6, 1909.

TO WAIT ON GOVERNOR.

MR SPEAKER: Your committee appointed to wait upon the Governor to notify him that the Assembly had convened and were ready to receive any communication which he might desire to make to this House, beg leave to report as follows:

It has called upon the Hon James N Gillett, Governor of the State of California, and has notified him that the Assembly had convened and organized and was awaiting any communication which he might desire to make to it, and the Governor in reply requested that your committee extend his compliments to the Assembly and to state that he will make his communication to the Assembly within the next few days

SCHMITT, Chairman.

MESSAGE FROM THE GOVERNOR.

On motion of Mr. Mott the following message from the Governor was received and read, and ordered printed in the Journal:

FIRST BIENNIAL MESSAGE OF GOVERNOR JAMES N. GILLETT.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, JANUARY 4, 1909.

To the Senate and Assembly of the State of California:

The constitution provides that the Governor shall, by message, communicate to the legislature at every session thereof the condition of the State and recommend such matters as he shall deem expedient.

Our State is in a most flourishing condition. The financial stringency that prevailed a little over one year ago has passed away, and to-day we find our citizens busily engaged in all manner of enterprises. A bountiful harvest has added largely to our material wealth, our mines have yielded their usual amount of minerals, our commerce and trade have increased in volume, our cities have grown larger and many people have settled in our valleys and along our coast, and to-day a general air of prosperity pervades the entire State. All of our State institutions are doing well, and only harmony prevails among them. The damages sustained by some, by reason of the earthquake, are being repaired.

Financially the State has never been in better condition. At the end of the fiscal year June 30, 1908, there was a balance in the treasury of $7,305,045 96 Of this amount there was, on September 28th, loaned out to the various banks of this State, as authorized by an act of the last legislature, the sum of $4,257,350, for which a yearly interest of about $85,000 is being paid.

STATE HOSPITALS.

The State Hospital at Agnews was entirely destroyed, and there is now being constructed at that place one of the finest and best equipped institutions of its kind which can be found anywhere. At other institutions for the insane fine cottages are being built which will add to their convenience and will be of great advantage in the care and proper treatment of acute cases

The State Hospitals on June 30, 1908, had 6,555 patients, an increase of 565 in the two years since the last report was issued This is an average increase each year for the last two years of 282 patients. It will be found that the largest proportion of the increase, 333, was made in the year ending June 30, 1908. The average annual

increase of the hospital population in the five years ending June 30, 1908, has been 155. For the five years ending June 30, 1903, the average annual increase was 118. The new patients received at the hospital for the two years ending June 30, 1908, numbered 3,019, the largest number received in any two-year period since the opening of the hospitals.

The number of new cases admitted to the hospitals is of much more importance in indicating the prevalence of insanity in a State than the numbers resident in the hospitals. Comparing the admissions of the last two years with previous biennial periods the figures are as follows:

1902 to 1904, admissions	2,582
1904 to 1906, admissions	2,939
1906 to 1908, admissions	3,019

Taking the figures adopted by the State Board of Health, 2,001,193, as the population of the State, we had in the State Hospitals on June 30, 1908, one insane person to every 305 of the general population. This is a much better showing for the State than in 1902, when the proportion was one in every 281. Since 1900 our insane population in State Hospitals has increased 24 per cent, while our general population has increased 33 per cent.

The total cost for maintenance, salaries and wages for the two years ending June 30, 1908, the fifty-eighth and fifty-ninth, was for the fifty-eighth fiscal year $885,023.99, for the fifty-ninth fiscal year $952,184.03, or a total for the two years of $1,837,208 02. This sum does not represent the entire amount used for maintenance. The contracts for supplies let in June, 1907, for the fifty-ninth fiscal year, showed an advance in the main supplies used in the hospitals in some cases of 50 per cent.

Flour advanced 19 per cent.
Beef advanced 13 per cent.
Fuel oil advanced 50 per cent.

The above articles are given only as indications and because they are very large items of expense. With few exceptions the expenses have advanced in every line. Such an advance in cost of supplies was unexpected, and though appropriations were liberal they have been obliged to call upon the contingent fund to help out their support.

The total expenditures of the hospitals from support, salaries, and contingent funds for the two years ending June 30, 1908, were as follows:

Fifty-eighth fiscal year	$1,001,007 21
Fifty-ninth fiscal year	1,073,117 32

The average annual cost of one patient for the five hospitals, including all expenditures excepting those made for permanent improvements, was $178.

The total expenditures of the Home for Feeble-Minded Children for the two years were as follows:

Support and salaries, fifty-eighth fiscal year	$116,766 56
Support and salaries, fifty-ninth fiscal year	137,895 18

At least three of our hospitals, Stockton, Napa, and Southern California, are obliged to care for more patients than they are able to accommodate properly. Additional buildings are imperatively needed at these hospitals. Agnews will be opened with a capacity of 900 on July 1, 1909.

SAN FRANCISCO HARBOR.

A large amount of work is being done on the water front in San Francisco in extending the seawall and in building new wharves and docks. The Harbor Commissioners of that port have managed its affairs exceedingly well, and to the entire satisfaction of the shipping and commercial interests of the State. They are making fine and lasting improvements, and are now constructing steel and concrete wharves and docks, which, when completed, will equal any that can be found in any seaport city in the world. The water front is now being conducted on strictly business principles and no favoritism is shown to shipper or contractor. The belt railroad skirting the water front north of Market street is meeting with splendid success in a financial way and in the moving of freight, and it should be extended south of Market street so as to connect with the railroads and places of business existing in the southern portion of the city. This administration feels justly proud of the splendid management of the water front of San Francisco during the last two years.

The Commissioners have established a free market north of Market street, and another one should be established south of it to accommodate that section of the city. Eventually these markets will be a great benefit to the farmers and orchardists who look to San Francisco for a market, and also to the citizens of San Francisco.

STATE PRINTING OFFICE.

There will soon have to be built a new printing office, as the present one is dangerous and not suitable for the purpose for which it is being used.

The printing office has always been a large expense to the State, and its printing, as a rule, has cost more than if it had been contracted for by private concerns. One reason has been that the office has not been properly equipped with up-to-date presses,

machinery, and appliances. If we are going to maintain such an office, and it seems the policy of our State to do so, then we should place in it the best equipment that can be secured.

Two years ago I complained to the State Printer about the excessive cost of printing, and he promised then to endeavor to secure better results, and I am pleased to note that he has. To show the great saving that can be made, if proper machinery and appliances are installed, I desire to call your attention to the difference in the cost per page in printing the Secretary of State's report for the year 1906, compared with the present year, 1908. In 1906 it cost $9.06 per page, and in 1908 $4.50 per page. The reason for this great reduction is that the entire report this year was set on Mergenthaler machines, whereas in 1906 the work was done by hand.

Another splendid reason why the printing office should have the best of equipment is shown by the remarkable increase in the assets of the School Book Fund. On January 5, 1903, the assets of this fund amounted to $137,671, and on June 30, 1908, it amounted to $360,957, an increase in five and one half years of $223,286, all of which has been largely brought about by the use of labor saving machinery installed during Mr. Shannon's first term.

The Superintendent of State Printing proposes to ask you for an appropriation to purchase three Mergenthaler machines, a gathering machine, a casing-in machine, two Miehle presses, a cloth-cutting machine, and several other machines that are necessary, and all of which I approve, if we are to continue the printing office any longer. There is no use making the State Printing Office the storehouse of old junk and out-of-date machinery. If it is to be run at all it should have the best and latest machinery. Then the one in charge can give no excuse for excessive cost of printing.

STATE PRISONS

Our State Prisons are being carefully and economically managed, and the very best of order and discipline exist in both. The building for the criminal insane now under course of construction at Folsom will soon be completed and ready for occupancy. The prison wall around Folsom, which was very much needed, is satisfactorily progressing.

Plans have been adopted for a new prison building at San Quentin and the same is now being constructed. When this building is completed the congested condition existing there will be relieved, and we will have a very much needed up-to-date prison.

At the close of the fifty-eighth fiscal year there were 1,549 prisoners at San Quentin, and at the close of the last fiscal year the number had increased to 1,702, a gain of 153.

The Board of Prison Directors, in their biennial report to me, make a statement concerning the sale of jute grain bags, which is as follows: "We regret to report that the sale of grain bags during the past year has been much below the usual number, and, as a consequence, we have had to carry over from last year an excess of more than 2,000,000 bags. The reason we have been unable to dispose of this useful product of the jute mill has not been due to the fact that the price was excessive, but may be ascribed to the fact that the last legislature passed a law limiting our action and placing so many restrictions on the sales of bags that it is almost impossible to dispose of them. We believe the law defeats its own purpose. We believe that this law should be repealed and that the matter of the sale of the jute mill product at San Quentin should be entrusted to this board, giving them power to make rules and regulations for the sale of grain bags, subject to the approval of an advisory board consisting of the Governor, the Secretary of State, and the Attorney General." If the law passed by the last legislature has had the effect of preventing the sales of grain bags because of its provisions, then I recommend that the question of amending the bill as suggested by the Board of Prison Directors be considered.

At the commencement of my term of office I found many applications for clemency not acted upon by preceding Governors. In addition, there have been several hundred new applications made. To properly pass upon these, so that justice might be done, would occupy the entire time of the Executive to the exclusion of all other business. As a consequence, many cases fail to receive the attention they deserve, and some mistakes are necessarily made.

Our credit system furnishes a constant incentive to good conduct on the part of a prisoner. It may be accepted as a fact that a convict while under restraint, freed from the ordinary temptations of life, closely conforms to the prison rules. His daily gain of credits, his hope of parole and ultimate pardon, all tend to restrain him from wrongful acts.

Our present prison management, conducted along humane lines, working solely toward the material and moral welfare of those in their charge, has given this office extreme gratification. We must also attempt to devise a system which will tend to aid and assist a discharged prisoner to gain and retain the respect of his fellowmen.

The ordinary prisoner, upon release, is given clothing, five dollars, and a ticket to the place from whence he came. He may leave the prison with the best intentions, fully determined to redeem his past and regain his former standing among men. It is a matter of common knowledge, how society lines up against him, how he is hounded from pillar to post, branded as an outcast, until finally, losing all hope, he is driven back to crime and prison.

The parole system overcomes much of this. The prisoner goes directly from the prison to employment. He must refrain from entering saloons, or drinking liquor, must avoid evil companions and be frugal and saving. The good results of this system have been manifest. One paroled prisoner whom I pardoned had accumulated $3,500 worth of property; another, now on parole, I understand has $4,500 deposited in a bank. The combined bank deposits of all paroled prisoners aggregate $39,776 03, a most creditable showing, in view of the fact that few have been on parole more than two years and many but a few months. At the same time, their conduct has been such that infractions of the rules have been reduced to the minimum. Less than 10 per cent have violated their parole since the adoption of this system, while 90 per cent have made good, and are now conducting themselves as honest, upright, and industrious men.

So striking were the results attained by this system, that I adopted the rule, as an additional incentive, that all paroled prisoners who conducted themselves as honest and upright men for a period of not less than two years, should receive a pardon after recommendation therefor by the Board of Prison Directors

At the same time I adopted the further rule that no person eligible to parole, other than one establishing his innocence of crime, should be pardoned until he had first applied for and received a parole. The advantages of this rule are manifest. It places pardons under the merit system, removing all question of undue influence or improper motives. A prisoner receives his parole solely because his prison life has been such as to justify the prison board and prison officers in believing his conduct outside the prison walls will be commendable, and that he will make good in every respect. He receives his pardon because he has shown that their confidence was not misplaced Both parole and pardon are based upon previous good conduct and nothing else.

Under our laws, the only prisoners eligible to parole are first termers. A second termer can not be paroled. This should be remedied. Equal privileges should be extended to all classes of prisoners, leaving to the Prison Board the determination of the suitability of the particular individual to receive parole. There is no reason to believe that this Board will abuse any discretion reposed in it, and there is much reason to expect good results from the release of many second termers under the wise provisions of the parole laws and regulations.

Prisoners confined in county jails and city prisons can only be released after sentence, by pardon or commutation at the hands of the Governor. Many of these cases are meritorious, but the method of procedure is entirely too cumbersome, and the results in many cases unsatisfactory. Even when properly presented, the Executive is placed at a great disadvantage in giving a correct judgment. Some simpler means for obtaining a release, beneficial alike to the prisoner and to the people, should be provided. I would suggest that laws be passed vesting in county boards of supervisors and municipal legislative officers the power, under appropriate regulations and conditions, to parole prisoners confined in county jails or city prisons.

STATE ENGINEERING DEPARTMENT.

At the last regular session of the legislature an act was passed consolidating the Department of Highways and the Board of Public Works under the name of Department of Engineering. In addition to the duties devolving upon these former commissions there was delegated to said Department the duty of providing plans and specifications for and supervising all State work of every kind and character. As State Engineer, I appointed Nathaniel Ellery, former Commissioner of Highways. He immediately proceeded to organize the different departments under one general head. On account of inadequate office accommodations, the vast amount of new work due to the earthquake, the many new buildings provided for by law, and the necessity of carrying on work already undertaken by the former commission, his task has been herculean. At the present time, however, much of the work has been completed, and with one or two exceptions the balance is under construction.

A fair idea of the enormous amount of work devolving upon this Department may be had by the statement that plans and specifications, with full detailed drawings, have been prepared for fifty-nine buildings at an estimated cost of construction of $2,769,782. In addition thereto, many other public works have been undertaken by this Department, notably the dams at Napa and the Veterans' Home, a water tank at Mendocino, a steel smoke stack and oil tanks at Agnews, and alterations in the San Francisco Ferry Building, besides all river and road work provided for by past legislatures.

In preparing plans and specifications the Department has exercised extreme care, and made the same most complete. Detail drawings, which are usually omitted by architects, have been prepared in every instance.

As an illustration of the thoroughness of this feature, I may say that upon the contract work at Agnews, amounting to over $500,000, the extra work will be considerably less than $1,000. This matter of extra work has been a source of great expense to the State and much criticism by the public. It is the means ordinarily resorted to by the contractor to mulct the State upon public work, and I am happy to say that under this Department it has been practically eliminated. Detail drawings are usually prepared by the contractor and the cost of such preparation is figured as a part of the contract price. The completeness of the plans furnished by this Department is

shown by the fact that where similar work has been done for the State and twelve sheets of drawings have been furnished, this Department has supplied twenty-five. The drawings at the State Normal School at San Jose alone covered 129 sheets. This has enabled contractors to estimate more closely the probable cost of buildings and has resulted in enormous saving to the State. Although the plans and specifications have been most elaborate and thorough, yet the cost has been kept well within the ordinary charges of architects. Upon new work the private architects' fees are 5 per cent, and would have been $138,489 for the new buildings planned for the State. The expenses for architectural services under the Department of Engineering upon the above buildings have been $71,307, with a resultant saving to the State of $67,182.

In addition thereto, through the purchase of cement, there has been a further saving of $83,000, basing the ordinary price of cement at $2.10 a barrel in car load lots. These two items alone have justified the creation of this Department.

River and road work has been forwarded with like economy. The Kripp break, 1,600 feet long, was closed for $8,448; Brannon Island break, 3,000 feet, for $22,081. Only one half of the cost of each was paid by the State.

In dredging it is possible to compare the work with that done in the past by the State and United States. The cost of dredging under the Engineering Department in San Rafael Creek was .0589 cents a cubic yard, at Yuba cut-off it is 0785. The State paid, in years past, 12½ cents on the San Joaquin cut-off and 15 cents a yard at Snaggy Bend. Under the government of the United States the cost of dredging in the Mormon Channel was 14 cents a cubic yard.

All our State roads are being constructed in mountainous regions, where, from necessity, the season for work is short Progress, however, has been as rapid as could be expected. Upon the Kings River road an experiment in construction has been made by the purchase of a steam shovel. This seems destined to work a revolution in road work. Although only in use one month, the saving in labor has been approximately 40 per cent under hand labor. With the steam shovel the road is materially straightened. Points in the road are cut through, instead of going around, and fills are made with the material excavated. The labor cost per mile with the shovel was $1,330, as compared with $2,330 by hand.

The report of the State Engineer has recommended some changes in the law relating to his Department. These are all worthy of consideration.

I would recommend that the Department have full and absolute control of all work done by day labor, and particularly the purchasing of supplies therefor. Day labor is only resorted to when, in the opinion of the State Engineer, the contract price is too high. If he undertakes to do the work for less than the lowest bidder, he should be placed in a position where he can take advantage of all matters affecting the cost of the work. Under the present law, the purchase of materials, is done by the particular institution having the work performed. Their buyer is generally unfamiliar with prices of construction materials, and may seriously handicap the Department in economical results.

The Engineer has also recommended further additions to the statutory employees. These men are now employed, but are paid by the institutions requiring the work, in proportion to the time devoted to the particular service. It has been found, however, that work is required in many instances where no appropriation has been made. In such cases there is no way to pay for such services. The Engineering Department is compelled to pay for the same from their contingent fund or refuse to do the work. This has resulted in a depletion of the contingent fund. As these men must be retained, their employment should be of a character which will permit the State to secure full measure and the best results from such service.

Another matter that has prevented the Department from securing the best results has arisen from the present method of paying employees other than those mentioned by statute. At present their claims are prepared by the Department and forwarded to the institution for which the work is being done. At a subsequent meeting of the managers or trustees such claims are allowed. This all requires time, and where work is only partially completed these delays sometimes cover months. All this is most unsatisfactory. It can be obviated by creating a revolving fund of $10,000 for the payment of employees at stated intervals, such fund to be replenished by the payment of the amounts due for labor upon public work into the State treasury to the credit of this fund by the institution owing the same.

RAILROADS.

Our State has not kept pace with the majority of the states of the Union in the enactment of laws regulating railroads and their business as common carriers.

Section 21, Article XII of the constitution, provides that "no discrimination in charges or facilities for transportation shall be made by any railroad or other transportation company between places or persons, or in the facilities for the transporation of the same classes of freight or passengers within this State, or coming from or going into any other State."

That this provision of the constitution might be properly enforced the framers of it, by Section 22 of the same article, created a Board of Railroad Commissioners and vested it with certain powers This section provides that "said commissioners shall have the power, and it shall be their duty to establish rates of charges for the trans-

portation of passengers and freight by railroad or other transportation companies, and publish the same from time to time with such changes as they may make. * * * Any railroad corporation or transportation company which shall fail or refuse to conform to such rates as shall be established by such commissioners, or shall charge rates in excess thereof, shall be fined," etc.

The foregoing provisions of the constitution are very broad, and if properly enforced would settle most of the complaints now existing and being made against railroads and transportation companies doing business in this State. If our present laws do not meet the conditions existing, that is, if they are not broad and far-reaching enough to prevent rebates and discriminations, then under the constitution the legislature has the power to enact laws that will.

Section 24, Article XII, provides that "the legislature shall pass all laws necessary for the enforcement of the provisions of this article." Notwithstanding this mandate of the constitution, no act of the legislature has been passed since the adoption of the constitution, except one approved April 15, 1880, entitled "An act to organize and define the powers of the Board of Railroad Commissioners." This act is entirely insufficient. It does but little more than to organize the Board, fix the salaries of the members, and of the secretary, bailiff and stenographer, locating its office in San Francisco, and providing for its meetings. The other provisions of the act have proven to be inadequate to afford sufficient relief or grant an adequate remedy against rebating and discriminations in the past, which is claimed to have been carried on by common carriers in this State. The act should therefore be amended, or entirely repealed, and a new law passed to take its place, which will contain the necessary provisions to meet the requirements of the constitution, and put an effectual stop to rebating and discriminations that might hereafter occur. The acts constituting discriminations and rebates should be clearly defined and prohibited, and a penalty attached sufficient to prevent the same, such penalty to be applied alike to the company and to the shipper, for one who knowingly receives any advantages or favors which are not equally extended to other shippers, and which the law prohibits, should be held equally guilty with one who grants them. The violation of the law should be punished by fine or imprisonment, or by both. The law should be so drawn that an offense of rebating is committed when it appears that freight has been shipped at a cost less than the published rates. This is important because it may be impossible to secure any other evidence to show that a person has received favors which are denied to others, but if the offense has been committed when freight has been carried for a less rate than the published rate the proof can be easily secured. A schedule of rates to be charged by transportation companies should be posted in a conspicuous place in the office of the commissioners, where the public can have free access to it. The rates to be fixed should be fair, just and reasonable, affording a reasonable return to the companies for services rendered, and when so established should be strictly observed by the companies.

The question of transportation is a most important one in this State, and as our country develops, our population increases and our commerce expands, it will be one of the greatest problems our people will have to deal with. Our railroads are great factors in the development of the resources of our State. They bring communities together so they can quickly and cheaply do business with each other. They are common carriers whose duty it is to extend to one citizen the same advantages in shipping as are extended to others, and the public should at all times be in their confidence. But this cannot be if secret rebates are to be given to a favored few, nor if facilities in transportation are to be granted to one and withheld from another. A common carrier possessing certain franchises and privileges granted by the sovereign power of a State, which others do not enjoy, is a public servant whose duty it is to serve every member of the public alike, and no favors or advantages should be extended to one which others are not to receive, as this will give the favored one an undue advantage over his competitor in business which he ought not to enjoy. The question of passes or free transportation should be covered by proper restrictions along the lines followed by Congress in the recent amendments to the Interstate Commerce Act. During the last few years there has been an abundance of legislation passed in the different states and by the National Government regulating railroads and their charges, and from these many acts it will be an easy matter to formulate a bill which will accomplish everything sought for, and which will be fair and just to both the public and the transportation companies. Our State is very much in need of such legislation, and I trust the same may be enacted.

There should also be made a more liberal appropriation for the uses of the Commissioners than has been made in the past. There must not be a lack of funds if the Commissioners are expected to vigorously enforce the law. As to the amount required, the Commissioners and Attorney General can give the necessary information, but it should be sufficient to enable the officers of the law to properly enforce it. The penalties fixed for the violation of the law should be sufficiently large to insure its observance, and to justly punish those who break it.

GOOD ROADS

For some time there has been an agitation in this State in favor of good roads, and I believe that the sentiment of the people to-day strongly favors the construction of a system of State highways running through the center of the State and along the coast,

connecting all the counties and principal centers of population. There is no state in the Union that would derive a greater benefit from a system of good roads than California. We are engaged in raising products that require great care in transportation. Our fruit is easily injured, and to prevent bruising and great damage good smooth roads should be constructed over which to transport it to the markets of the State, or to the railroads for shipment No state can be more favorably situated than ours for such a system, and no place offers greater advantages. Starting from the north a road can be built through the great Sacramento and San Joaquin valleys, connecting with San Francisco and also crossing the mountains to Los Angeles. From this city roads can be constructed to the east and south touching all important places, and down the coast to San Diego. Another road can start from Los Angeles and pass along the coast, traversing the Salinas and Santa Clara valleys and continuing north through the bay counties and along the northern coast to the Oregon line. Such a system of highways will reach the most important and most populous parts of the State. They will develop the country through which they pass and will offer a great inducement to settlers to locate along their route and build homes.

There is no way of estimating the great advantages of such a system, and the part it will play in the development of the rural portions of our State, and the increased wealth it will add to the sections through which it passes. The conditions for constructing and maintaining such highways are very favorable. The climate is all that can be desired, there is no frost and frozen earth to contend with, the soil is all that can be asked for, and there is an abundance of good rock and plenty of cheap oil to build the very best of roads Such a system of roads would annually induce thousands of tourists to visit our State for the pleasures of automobiling. No country in the world offers such opportunities and advantages for this pleasure as our State does. There are no storms, no rough and unsettled weather, but from spring until late in the fall there is constant sunshine and balmy air. The tourist can ride for miles through our orange groves, our vineyards, our orchard bearing fruit of every kind, through our beautiful valleys, along the coast and shores of the ocean, into our immense forests, and lastly to the Yosemite and across the mountains to Tahoe. Many, on such trips, would be impressed with the wonders and beauty of our State, and would invest here and make their homes among us, adding largely to our wealth and population. That such a system will be of great advantage to our State no one well can deny. If we wait for our counties to build a system of good roads many years must pass, and when completed the roads will not be uniform and many not go where they should, but might pass along some less desirable route, because some interested supervisor wanted them there. If the State undertakes to build the roads they will be completed within a reasonable time, constructed of good material, the work will be under the charge of skilled and experienced road builders, and will be laid out along the most favorable route without regard to individual interests. To build such a system of roads will require the expenditure of about $18,000,000. This amount can be raised by a State bond issue, and it can be so arranged that the principal shall be paid by the State and the interest by the counties through which the highway passes, based upon the exact amount of money expended in that county for the construction of such highway. The supervision and maintenance of the roads, when completed, should always be under State control to insure necessary repairs and to maintain them in a proper and suitable condition. The question of bonding should be submitted to a vote of the people, and I recommend that legislation for that purpose be enacted. The State will never feel the burden of the bonds, and the wealth which such a system will directly add to our State will far exceed the amount invested, to say nothing of the great advantages such highways will be to our people. The necessary legislation to carry out the building of such a system will be submitted to you for your consideration and you will be asked to pass the same, thereby submitting the whole question to the voters of the State for their approval.

BANKS.

During the summer and fall of 1907 a money stringency existed all over the country and was also felt largely in foreign nations. It came at a time when the country was apparently in a most prosperous condition, when the people were well to do, when all lines of industry were active and large returns were being received from abundant crops of every character. Our State was affected equally with other places, and we found ourselves without sufficient funds to carry on our ordinary business and none at all for new enterprises. Our money was locked up in the East and Eastern bankers refused to return it to us. Several banking institutions of the State were forced to close their doors and their affairs are now in the hands of a receiver and are being settled for the benefit of the depositors. In order to protect our banks and prevent great financial distress among the people, it became necessary to declare a series of holidays, and finally to call an extra session of the legislature. At this session a joint committee, composed of members of the Senate and Assembly, was appointed to investigate the causes of this money stringency, and more particularly to examine the banking laws of the State and to propose such amendments thereto as might be necessary. This committee has held meetings in different parts of the State, and has been greatly aided in its work by the legislative committee of the California Bankers' Association. This joint committee will present to the legislature a draft of a bill to regulate the business of banking, which, if enacted into law, will cure many of the evils heretofore existing and will give to this State a code of banking laws unexcelled anywhere.

Our State has been very backward in the enactment of laws affecting banking, and it is very important that this business, which means so much to the welfare and prosperity of a community, and which controls and handles the money of the people, shall be so safeguarded and regulated by law that the depositor will be fully protected and the business and various enterprises of the State not injured by unnecessary bank failures.

Every commercial bank, individual banker, and every trust company doing a banking business should always have on hand, at all times, a sufficient reserve in money to secure its safety, and this reserve should be kept in the State and not sent abroad, as has too often been the case. The present law requires that every commercial bank shall have always on hand an amount equal to 15 per centum of its deposits, but there is no penalty provided for its failing so to do. This amount should be increased to at least 20 per cent, and a severe penalty imposed for a violation of the law. During the late financial stringency some of the banks of this State had on hand as low as 5 per cent of their deposits, and many had less than 15 per cent, as required by law—a most dangerous condition for any bank to be in, and one showing an utter disregard for the safe protection of its depositors.

I have inquired of many of the leading bankers of this State how large a percentage of the deposits should always be kept on hand to insure safe and conservative banking, and their answers range invariably from 20 to 30 per cent. This being so, it is quite evident that 15 per cent is entirely too small. It is true that the laws of New York fix the amount at 15 per cent, but the laws of the United States regulating National banks fix the sum at 25 per cent in some cities and 20 per cent in others. Twenty per cent is certainly small enough, and this gives to the banks 80 per cent of the people's money, together with their capital stock and surplus, to do business on, and this should be sufficient.

While we are enacting laws for the protection of the public, as well as for the security of the banks, we should do so along safe and conservative lines. As before stated, this reserve fund should be kept in this State and not deposited in Chicago, New York, or in some other city outside the State, because the banker depositing it there can realize a good rate of interest thereon. This money is for the protection of the depositors, and should be where it can be reached upon short notice. At least three fifths thereof should remain in the bank's vaults, and not more than two fifths deposited in other banks in this State, and only then in such banks approved by the Superintendent of Banks as a depositary of lawful money reserve; and such bank should be required to have on hand at all times not less than 25 per cent of its deposits, exclusive of State, county, and municipal deposits.

One of the great evils in banking has been the loaning of the funds of the bank to its officers and employees. To this practice can be traced the cause of most bank failures. No money of a bank should be loaned to any of its salaried employees, and the making of such a loan should be penalized, and the directors who consented thereto or acquiesced therein should be held personally responsible therefor.

I do not believe that it would be good policy to enact a law absolutely prohibiting a bank from loaning money to any of its directors, because this would tend to keep our most progressive and best business men off the Board of Directors, and the business of banking would be injured thereby; but such restrictions should be placed around such a loan as will fully protect the bank from loss, and the amount which such an officer can borrow should be limited to a certain per cent of the bank's paid-up capital and surplus. If loans are to be made to the directors of a bank, or to a stockholder owning at least one third of the capital stock, then such a loan should be reported at once to the Superintendent of Banks, together with a list of the securities given by the borrower. If the Superintendent shall deem the securities insufficient, he may require other security to be given, and if this is not done he should have the power to require the loan to be called in at once and canceled. The Superintendent should also have the authority to require every officer and director of a bank borrowing money therefrom to submit to him a sworn statement of his assets and liabilities.

Some limitations should be placed upon the amount of money any person, company, corporation, association, or firm can borrow from a bank; otherwise a bank may have all its funds practically loaned to one concern, and if it becomes involved in losses or fails in business then the bank fails, too. No person or company should be permitted to borrow altogether more than 25 per cent of the capital stock of any bank actually paid in and surplus, and on all loans in excess of 10 per cent thereof security should be given worth at least 15 per cent more than the loan. If more than such an amount is loaned, or if it is loaned upon security less in value than the loan, then the directors who permitted it or acquiesced therein should be severally and jointly liable for any loss which the bank might suffer therefrom.

There are many important matters which are to be considered in drafting proper banking laws which can not be considered in this message, and I trust that you will give the questions your most serious consideration, and enact only those laws which will be fair to all interests and which will give the best protection possible to the depositor. Our State is badly in need of such legislation, and I shall expect good results from this session.

STATE FARM AND SCHOOL FOR ORPHANS.

One of the most important and serious questions confronting our State is the care, education, and training of our orphan and dependent children. There are now in orphan asylums about five thousand children, and outside of asylums and supported by boards of supervisors about two thousand more. During the last four years the State has expended for the support of these children an average of $432,792 per year. Under the law State aid ceases when the child reaches the age of fourteen, and the different institutions caring for them, no longer receiving this aid, naturally get rid of them as soon as possible Some find homes with good families, while many are left to drift about, caring for themselves as best they can None of them have the age or experience to look out for themselves properly, and they are easily led into ways of life that are bad for them, with the result that many of the girls find homes in Magdalen asylums, or worse places, while many of the boys are sent to reform schools or prisons, and once more become a public charge

The State should do everything it can to help these unfortunate children and make of them good and useful citizens. When a boy or girl reaches fourteen years of age they ought not to be turned out into the world without friends, money, or advice, to commence the struggle of life alone, but should be placed in some institution where an education can be secured and a trade or some useful occupation learned.

In my judgment the State ought to purchase a tract of good farming and dairying land, build thereon homes and schools for these children, teach the boys trades and instruct them fully in agriculture, horticulture, and viticulture; instruct the girls in domestic science and fit them for useful lives. Our State offers splendid opportunities to those who desire to engage in agricultural pursuits, and no greater service can be rendered these children than to educate them to appreciate country life, and to induce them to settle in rural districts and help to develop the wonderful resources of our rich valleys The girls, after a four years' course in domestic sciences, can find employment anywhere in good families, and with their training and experience will be well equipped to enter into the life of our State and perform their duties as servants or mothers. What we want is a high-class citizenship, and the foundation for this is a good education and the knowledge of some useful employment. As parents we are doing our duty toward our own children in fitting them for life, and as a great State we will not be doing our duty unless we give to our orphan children that fostering care and education which will fit them for the responsibilities of good citizenship.

A school of the kind referred to would have from five to seven hundred in attendance, and if properly managed and conducted and favorably situated upon good and fertile land would be self-supporting, or nearly so. But no matter what the cost might be, the good results that would flow therefrom would more than compensate this State for any sums of money expended in its support.

In carrying out such a plan I recommend that an appropriation of $125,000 be made with which to purchase a site and to prepare plans for necessary buildings, and that a commission be appointed by the Governor to select the same and report thereon. After this has been done, the necessary steps can be taken to improve the place and carry out the proposed purposes, and when completed the State will have finished an institution which will be productive of better results than any institution we now have.

IMPROVEMENT OF OUR NAVIGABLE STREAMS.

Ordinarily the improvement of a state's navigable bays and rivers is carried on by the Government, and this has been generally done in our State. But conditions may exist where it is for the best interests of the State to give assistance in this public work by offering to bear a portion of the expense. Such a condition now exists in our State with reference to the Sacramento and San Joaquin rivers. These two large streams form splendid waterways for the great valleys which they drain, and every year are growing in importance from a commercial standpoint. Much work is required to put them in a condition to properly carry the large tonnage which in a few years will be produced upon their very banks, and to so prepare them improvements should begin at once in deepening their channels, straightening their courses, and performing such other work as may be necessary to maintain and preserve such channels.

The improvement of these streams will encourage the reclamation of thousands of acres of fertile lands lying along their banks; and it may safely be said that by the time the rivers are dredged the adjoining lands will be reclaimed. This will add greatly to the wealth of our State, and will provide homes for thousands of families and wonderfully increase the population of these valleys. Nowhere can richer and more fertile soil be found than that lying along the Sacramento and San Joaquin rivers; a soil capable of producing all kinds of cereals, vegetables, and fruits in large abundance, and here some day will be the most populous and wealthiest sections of our State.

The Sacramento and San Joaquin rivers will be the great arteries that will carry the commerce of this most prosperous section to the sea, and some day their capacity will be taxed in so doing.

United States engineers have recommended that the improvement of these two rivers be carried on jointly with the State, and a bill is now pending in Congress appropriating the sum of $400,000 to be available upon the State appropriating a like amount. Last winter I went before the River and Harbor Committee of the House

and urged the passage of this bill, and assured the members thereof that if this amount was appropriated the State of California would do its part. This would provide a fund of $800,000 to commence the work, and further appropriations can be made from time to time until it has been entirely completed and the two rivers put in splendid shape for navigation.

I trust that we may not be disappointed in this great public improvement, and that everything may be done on the part of the State necessary to be done to accomplish the result desired. I know of nothing that can bring better returns to our State than the dredging of these rivers and the reclamation of the thousands of acres of fertile soil which must inevitably follow this work. The scheme will be too large for the State alone to handle or for private parties to undertake, but can be easily accomplished when the Federal Government, State, and private interests work together.

THE STATE BOARD OF EQUALIZATION.

This Board has compiled a very comprehensive and statistical report touching upon all matters falling under its jurisdiction. I particularly invite the attention of the legislature to that portion of the report on the subject of equalization of county assessments, beginning on page 12. There is no doubt a great disparity exists in the assessments as between the several counties. This is fundamentally wrong. Each county should contribute its just share of taxes for support of the State government, but to do this we must have equality and uniformity of assessment. I am aware, also, that this Board is seriously handicapped for funds with which to prosecute its work in collecting data in the several counties, and in proving the reports of railroad companies made to the Board. The Board should be authorized by law to employ experts for these purposes and to pay them a reasonable compensation for their services. I, therefore, recommend that the legislature make a reasonable appropriation for these purposes and place the same at the disposal of this Board.

REVISION OF REVENUE LAWS.

In my inaugural message I urged upon the legislature "the advisability of changing or amending our revenue laws and substituting a system which is more modern and which will meet the conditions of to-day." Pursuant to this suggestion the legislature submitted to the people an amendment to the constitution of the State designed to separate State from local taxation as to sources of revenue. This amendment was carefully prepared by the State Commission on Revenue and Taxation, and would, in my opinion, have been approved by the people had it been fully understood by them. It met with defeat by a narrow margin.

The large vote in favor of this amendment, taken together with the statements made in the public press and elsewhere by those opposed to certain features of the measure, shows conclusively that there is a widespread and intense desire to get away from the old and unequal system of taxation under which the people now suffer. Moreover, the essential feature of the amendment, namely, the selection of sources of revenue for the State, separate from those used by the local governments, appears to have met with almost universal approval. In fact, a very large and influential group of opponents objected to the amendment on the ground that it did not expressly provide for complete and permanent separation. It appears, therefore, that if an amendment to this end can be drafted which will eliminate some or all of those comparatively minor features contained in the old one, to which specific objections were raised, it will meet with the hearty approval of the people. While these objections may not be valid, they appear to be put forward in all sincerity, so that if they can be removed without sacrificing the main feature of the scheme, namely, separation, it may be wise to make such concessions.

The necessity for this reform remains just as strong as ever. The farmers, especially, in many parts of the State, and to a lesser extent the small real estate owners in the cities, are still heavily overtaxed. Many classes of corporations are very inadequately taxed, and there are glaring inequalities between different corporations in the same class. The counties and cities are still hampered in their efforts to improve their local or home finances by the necessity of always having to consider the danger lest they may have to pay too great a share of the State tax. The old system is still full of rank injustice, which no amount of zeal on the part of the assessing officials can remove because of the restrictions in the law. It is moreover capable of abuses for which no adequate remedy exists.

To be sure, much good has already resulted from the discussion of the evils in our present system of taxation and from the revelations of shocking inequalities therein as a result of the investigations made by the Commission on Revenue and Taxation. Thus, for example, the taxes paid by the steam railroads and the street railroads have been largely increased during the past two years by the efforts of the State Board of Equalization, and of the assessors, who have acted in accordance with the suggestions made by the Commission. The taxes on the property of these groups of corporations are now very nearly equal to, and in some cases, probably in excess of, those paid on real estate in general and on such classes of property as are fully taxed under the present system. It is estimated that this partial application of the ideas formulated by the Commission has added upwards of two million dollars annually to the aggregate revenues of the State, counties and cities from sources heretofore undertaxed.

But that these results will be permanent if the old system of taxation is continued is more than doubtful. Judged in the light of our past experience and by the experience of other states it will not be so. A relapse into the old state is to be expected as soon as the temporary stimulus is removed. The sporadic character of those improvements is itself a condemnation of the old system of taxation. What we need is a system of taxation simple, uniform, certain, and sure.

Furthermore, the improvement is not universal. It is limited to some conspicuous classes of corporations. Under the present system the banks are taxed unequally, one with another, and in many cases very inadequately. No remedy for this is possible without a constitutional amendment. It is equally impossible, under the present system, to impose adequate taxes upon express companies, car companies, telegraph and telephone companies, and the light, heat, and power companies. Nothing is clearer than that the business and property of these classes of corporations should be taxed as a unit. The attempt to assess such property piecemeal, where it may be found, scattered about in several counties, results in an assessment, as if it were mere old junk, of property which when used by a going concern has a far different value.

It is my conviction that the system of taxation embodied in the amendment voted upon by the people at the last election would have remedied these evils to a very large extent, and would have opened the way to still more effective reform in the future. This conviction is based upon the following facts:

First—Complete separation of State from local taxation would have been possible under this amendment, even the first year. That is to say, the sources of revenue set apart from the State would have yielded in 1908 over $7,500,000, and the ad valorem tax levy for that year was $7,188,799. Hence, if the new system had been in force in 1908 no State tax levy on general property would have been necessary.

Second—Very considerable relief would have been afforded the overtaxed farmer and small real estate owner, especially in those districts which had heretofore suffered most under the inequalities of the old system. There would in 1908 have been an average saving of 18 cents per $100 assessed valuation in the county tax rates. If the State tax rate had been up to the normal of 50 cents, and if complete separation had been achieved, the average saving to the small taxpayers would have been 28 cents in tax rate.

In this connection it is permissible to digress long enough to point out that the State tax rate in 1908, 40 cents per $100, was the lowest adequate State tax rate in the history of the State. The only lower State tax rate ever levied was that of 1902, amounting to 38.2, and that one was so inadequate that it left the cupboard absolutely bare and forced the government to all sorts of makeshifts to meet its obligations. The low tax rate of 1908 is due to the wise economy exercised by the legislature under my advice in making appropriations for the current fiscal year. Yet every branch of the State government has had sufficient funds for all necessary purposes. The legislature of 1907 and the executive departments may both take a pardonable pride in this unsurpassed record of economy achieved without loss of efficiency.

Third—The new system would have automatically equalized the burden of taxation among the different classes of taxpayers.

Separation of State from local taxation is not a new scheme in this country. It has been tried out in many states, and others are moving in the same direction. The plan has the endorsement of the great National Tax Reform Association, which is composed of the leading tax experts in the country, together with official representatives of the different state governments. Practical separation, in one form or another, has already been achieved in the following states: Pennsylvania, New York, New Jersey, Connecticut, Wisconsin, Minnesota, Ohio, Michigan, and Virginia, while Missouri, Louisiana, and several others are moving in the same direction. The subjects selected for state taxation vary from state to state, and the methods of determining the taxes to be paid by the subjects so selected vary also. Each state builds on its own historical foundations and develops a system suited to its own peculiar conditions.

The degree of separation attained differs also from state to state. In some it is complete, in others it is only partly so. A small tax on the subjects which contribute to the support of local government is not regarded as in any way lessening the advantages of separation. Thus Wisconsin boasts of being a "taxless state" in the sense that individual property owners do not contribute to the support of the state government in the narrower sense. But she nevertheless imposes a general tax for school purposes known as the "mill tax" (10 cents per $100 of assessed valuation), the proceeds of which are distributed among the schools in a manner similar to that in which our State school funds are distributed.

Some states which have separation and some which do not, notably Maine, tax public service corporations on the basis of gross earnings, others on the basis of a valuation or appraisement of their property. The latter depends for its success mainly upon the personnel of the board which makes the valuation. It appears to be successful, at least for the time being, in Wisconsin, where it is administered by a strong board of very highly paid men appointed by the Governor for a long term, and retiring from office, one at a time, in such manner that it would take several administrations to entirely change the complexion of the board. The Wisconsin board is vested with most extraordinary powers. New Jersey has recently inaugurated a plan similar in its main features but different in detail, which bids fair to be quite successful. The same system in Michigan is, however, an admitted failure, the board in charge being hampered by too many restrictions in the law and by lack of power. The former sys-

tem, namely, taxes based on gross receipts, has much to commend it in the way of simplicity and efficiency. By my advice the State Commission on Revenue and Taxation sent its secretary, and the State Board of Equalization likewise sent its secretary, to St. Paul, Minnesota, and to Madison, Wisconsin, to study the operation of the tax systems of those states. They returned, bringing a very glowing report of the success of the gross earnings tax in Minnesota, where it has been in operation for many years. The Governor of that State, the State Auditor, and the Railroad and Warehouse Commission, which have active charge of the administration of the tax, were unanimous in giving the system a most hearty endorsement. The only objection to the gross earnings tax seems to be that the average taxpayer and voter has difficulty in understanding that a gross earnings tax can be levied which is equivalent to the taxes levied on the basis of a valuation of property. He is prone to demand that the same method of taxation and the same rates shall be applied to all classes of property, and fails to realize the great difficulty involved in making a valuation of such complex properties as those used by public service corporations. It is probable that this feeling on the part of voters contributed largely to the adverse vote on the last amendment.

In view of the foregoing considerations, and feeling that tax reform is one of the most urgent matters requiring your attention, I have, in my capacity as ex officio chairman of the State Commission on Revenue and Taxation, called upon that body to draft a new amendment to the constitution providing for a new system of taxation. This will be submitted to you at this session, and I recommend it to your most careful consideration, trusting that you will give it your best thought. The Commission is, as you know, composed of able, careful, conservative men, who have been earnestly and diligently studying this problem for over three years. They have gathered all the data necessary to reach a wise conclusion, and their recommendations are entitled to great respect. Were it not for the existence of this Commission, with its accumulation of knowledge and experience, it would not perhaps be wise to propose a new amendment at this time. But under the circumstances it is not necessary to delay the matter for further investigation. The taxpayers should be given another chance to obtain the needed relief at once and while their attention to the matter is aroused.

I further recommend that an appropriation be made to continue this Commission for another two years. If a new amendment is submitted to the people by you the Commission can, in the interval which must necessarily elapse before it is adopted by the people, prepare the statutes necessary to put it into effect and gather the data necessary to show to the people how the plan will work.

INSURANCE.

The last legislature passed some very important insurance laws regulating insurance companies and insurance business in this State. The passage of these laws, as anticipated, has accomplished all that was hoped for.

There was also enacted a law presenting a standard form of policy of insurance to be used by all companies writing insurance in this State This law contained many excellent features, but also contains certain provisions that were opposed alike by the insurer and insured. Many of the best companies doing business in the State threatened to withdraw their agencies if the act in that form became a law, and the large business interests of San Francisco also strenuously opposed its passage. When the bill was before me for consideration, and was being bitterly opposed because of certain provisions which it contained, I asked Mr. Jones, an expert employed by the State to draft proper insurance laws and a standard form of policy, if he had been left alone to follow his own judgment as to what was fair and right, if he would have prepared the standard form which he was then advocating and which the legislature had passed, and he very frankly admitted that he would not Being then firmly of the opinion that the contract of insurance as contained in this proposed law was wrong in some of its most important provisions, and further because those most directly interested in insurance laws, because of their large property interests upon which heavy insurance was being carried were opposed to the law in its then form, I vetoed the same Last summer I requested the Clearing House, Chamber of Commerce, Board of Trade, Merchants' Association, and other civic bodies of San Francisco to appoint a representative to meet with the Insurance Commissioner and a representative appointed by the Underwriters of San Francisco and agree upon a standard form of policy to be used in this State. Such representatives were appointed and many meetings have been held, and the question of a standard form has been most carefully and thoroughly considered. This committee will prepare a draft of a bill containing the form agreed upon, which will practically follow the New York standard form, which is in use in nearly all of the states of the Union, and whose every provision has been clearly defined and limited by decisions of the highest courts in the country. I trust that the form of policy presented will meet with your approval, and that you enact it into law.

There are many other matters of greater or less interest to the people of this State, but which on account of my physical condition I am unable to submit to you at this time From time to time as occasion requires I will be pleased to submit to you those matters I deem to be of special importance.

J. N. GILLETT, Governor.

APPENDIX—LIST OF PARDONS, COMMUTATIONS, AND REPRIEVES.

During the past two years I have granted forty-eight pardons, thirty-four commutations of sentence, and reprieves to seven prisoners under sentence of death. I have endeavored to use extreme care in granting clemency, and in only one instance has a prisoner proven unworthy. Pardons and commutations have been granted for reasons appearing to me to be sufficient, but I am free to confess that under the system in vogue in the past the Executive is extremely likely to err in his judgment. I have, therefore, attempted to adopt a plan by which a prisoner can earn his pardon by good conduct. He is first required to obtain a parole, which is never granted except for exemplary prison life. His conduct on parole is used as a basis to determine his fitness for a pardon. So far as I have been able to apply this rule it has produced most excellent results. As you will observe, many of the pardons issued have been based solely upon good conduct while on parole.

Following is a list of all cases where clemency has been granted, a brief history of each case, and my reasons for acting favorably thereon:

PARDONS

MARCH 5, 1907. MAUDE SHEELA, convicted in Fresno County in November, 1906, of misdemeanor, and sentenced to six months in the county jail At the time pardon was granted Maude Sheela had served one month of the sentence imposed by the court, and it was represented that she would leave the State if pardoned, and upon the recommendation of Herbert F Briggs, Judge of the Police Court of the city of Fresno, and Denver Church, District Attorney of the county of Fresno, pardon was granted

APRIL 3, 1907. NICHOLE MARCHI, convicted in Humboldt County in May, 1906, of the crime of assault with a deadly weapon, and sentenced to serve sixteen months in the county jail. Marchi had served eleven months of his sentence, made a most exemplary prisoner, acquiring an English education during the time he was in jail, and a pardon was granted him upon the recommendation of Otto C. Gregor, District Attorney, and G. W. Hunter, Judge of the Superior Court.

APRIL 11, 1907 STANLEY J. MARTIN, convicted in the county of Kern in January, 1905, and sentenced to a term of five years at Folsom State Prison. It appeared that Martin was only nineteen years old at the time of the commission of this offense, and the judge, unaware of his youth, sentenced him to a longer term than he felt to be justified, after he learned his true age. The relatives of Martin agreed to remove him from the State, and the same was done as soon as the pardon was granted. Clemency was recommended for him by the Hon. J. W Manon, Judge of the Superior Court of the county of Kern, and by the entire congressional delegation representing California in the national halls of Congress.

APRIL 27, 1907. WONG GOW, convicted in San Francisco of robbery, and sentenced for twenty years In October, 1903, Wong Gow was paroled, and thereafter his conduct was most exemplary. Upon the recommendation of the State Board of Prison Directors he was pardoned.

JUNE 20, 1907 LOUIS SOSSMAN, convicted in the Police Court of the city of Los Angeles, February, 1907, of the crime of misdemeanor, and sentenced to one hundred and fifty days in the city jail. Sossman had made a good record while imprisoned in jail, and there were many mitigating circumstances connected with the case and new evidence was discovered too late to be used by the petitioner. His pardon was recommended by Hon. Wm Frederickson, Judge of the Police Court; E. J. Fleming, Prosecuting Attorney, G. W. Pearson, Assistant District Attorney, and J. W. McCoully, Chief Jailer.

JULY 26, 1907. PILAR CARRILLO, convicted in Los Angeles County of the crime of assault with a deadly weapon, and sentenced to one year in the State Prison at San Quentin. Carrillo, prior to the commission of the offense, bore a good reputation, and the crime was committed while under the influence of liquor. He had, at the time, a wife and three children, who were left in destitute circumstances His pardon was recommended by the Hon B. N. Smith, Judge of the Superior Court; J. D. Fredericks, District Attorney; Thomas J. Conaty, Bishop of Monterey and Los Angeles, and many other prominent citizens.

AUGUST 20, 1907. MICHAEL J. LYONS, convicted in San Francisco of the crime of forgery, and sentenced to one and a half years at San Quentin. Lyons was afflicted with a fatal illness, and a pardon was granted him so that he might die outside the prison walls. His pardon was recommended by Thomas F O'Neil, Sheriff of San Francisco; Wm. P. Lawlor, Judge of the Superior Court, and W. H. Langdon, District Attorney.

SEPTEMBER 30, 1907. MICHAEL A. STOKES, convicted in Siskiyou County of the crime of robbery, and sentenced to twenty years at San Quentin. Stokes was paroled in 1905, and in view of his exemplary conduct thereafter, and upon recommendation of the State Board of Prison Directors, he was pardoned

DECEMBER 2, 1907. ALEX P. RUSSELL, convicted in Santa Clara County, December, 1890, of the crime of rape, and sentenced to forty-five years in San Quentin.

Russell was released on parole in February, 1905, and his conduct thereafter was most exemplary. On the recommendation of the Board of Prison Directors he was pardoned.

DECEMBER 17, 1907. WILLIAM T. HYNES, convicted in September, 1907, in the Justice Court of Ukiah Township of the crime of petit larceny. Hynes was afflicted with a disease impossible to treat in jail with any degree of success, and owing to conditions therein he was a source of great danger to the other prisoners. He was pardoned upon the recommendation of Robert Duncan, District Attorney; R. E. Donohoe, Sheriff of Mendocino County, and Judson Litchfield, County Physician.

DECEMBER 20, 1907. FRANK MCAULLIFFE, convicted in October, 1907, of the crime of petit larceny, and sentenced to six months in the county jail of Solano County. McAulliffe was but eighteen years old at the time of the commission of this offense, which consisted of the stealing of a second hand pair of shoes valued in the complaint at $2 50. As the punishment inflicted for said crime seemed to be out of proportion to the seriousness thereof, and as he had served a considerable part of his sentence, I issued him a pardon The same was recommended by L. G Harrier, Judge of the Superior Court of Solano County; J. J. McDonald, Sheriff, W. W. R. Reeves, Sr., Justice of the Peace, and Joseph M. Raines, District Attorney.

DECEMBER 21, 1907. CLAUDE E. CURRY, convicted in Yolo County, in October, 1907, of the crime of furnishing intoxicating liquors to a minor, and sentenced to imprisonment for one hundred and fifty days in the county jail. The liquor was furnished to a Miss Barnett, whom Curry afterwards married. It appearing that no further good could be done by compelling Curry to serve his full sentence, I issued him a pardon. This action was recommended by the Hon. E. E Gaddis, Judge of the Superior Court, W. A. Anderson, District Attorney; E T Lampton, Justice of the Peace who pronounced the sentence, and many other of the more prominent people of Yolo County.

DECEMBER 24, 1907. PETER CASTRO, convicted in the Superior Court of Monterey County in May, 1899, of the crime of burglary in the first degree, and sentenced to a term of fifteen years at San Quentin. Castro was paroled September 26, 1905, and thereafter his conduct was most exemplary. In pursuance of my policy to grant pardons to those paroled prisoners who had faithfully observed the parole laws and had shown that they had become industrious, sober, and upright men, I issued Castro a pardon upon the recommendation of the State Board of Prison Directors.

JANUARY 2, 1908. FRED FENTON, convicted in the Justice Court of Suisun Township, county of Solano, in October, 1907, of the crime of petit larceny, and sentenced to six months in the county jail of Solano County Fenton was a joint defendant with Frank McAulliffe, mentioned above, and was but sixteen years of age. A pardon was granted to him upon the same recommendations and for the same reasons as those granted Frank McAulliffe.

JANUARY 2, 1908. ELSIE SHERWOOD, convicted in San Francisco in October, 1907, of the crime of vagrancy, and sentenced to six months in the county jail. At the time of her conviction Elsie Sherwood was a victim of the opium habit, acquired from her husband, who died prior to her conviction. A pardon was recommended by the Judge who sentenced her. It appearing to me that she had been cured of the opium habit, and upon the promise of her father to remove her from San Francisco and to surround her with beneficial and uplifting influences, I granted her a pardon.

JANUARY 24, 1908. JOHN HURLEY, convicted in San Francisco in the month of January, 1906, of the crime of robbery, and sentenced to five years at San Quentin. Hurley, prior to the commission of this offense, had always been a quiet and industrious citizen. The circumstances showed the crime was committed while under the influence of liquor, without criminal intent. Hurley attempted to take an appeal to the Appellate Court, but all his papers were destroyed by the fire in San Francisco During the fire Hurley rendered heroic services in aid of the officers of the jail in the preservation of property and the restoration of order in said city His pardon was recommended by the Hon. W. H. Langdon, District Attorney, and by many of the prominent citizens of that city.

FEBRUARY 4, 1908. THOMAS HENRY BAGSHAW, convicted in the Justice Court of Sausalito Township, Marin County, in the month of February, 1907, of the crime of carrying on business without having first procured a license so to do. He was sentenced to pay a fine of $300 or be imprisoned in the county jail of Marin County at the rate of one day's imprisonment for each two dollars of the fine. It appeared that many others were arrested for similar offenses at the same time, and Bagshaw's case was made a test. Bagshaw was a laboring man, dependent upon his daily earnings for the support of himself and family, and was unable to pay said fine or any part of it. His pardon was recommended by the Superior Judge of Marin County, the District Attorney, and many other prominent citizens.

FEBRUARY 4, 1908. HENRY C. MILLER, convicted October, 1905, in Shasta County of the crime of rape, and sentenced to imprisonment at Folsom for life. Miller was convicted upon the testimony of his two daughters, both of whom appeared before me, and I am satisfied from their statements and from other matters connected with

said charge, that Miller was innocent. His pardon was recommended by Hon. T. B. Dozier, District Attorney of the county of Shasta at the time of the prosecution of Miller, and by hundreds of the citizens of Shasta County.

FEBRUARY 11, 1908. L. L. CALLENDINE, convicted in Sacramento County, August, 1896, of the crime of robbery, and sentenced to thirty years at Folsom. Callendine was paroled December 23, 1903, and thereafter his conduct was always most exemplary. In pursuance of my policy of granting pardons to those paroled prisoners who had faithfully observed the rules and had shown themselves capable of taking their places in the walks of life, and upon recommendation of the Prison Board, I granted him a pardon

FEBRUARY 14, 1908. CHARLES GREENFIELD, convicted in December, 1907, in the Police Court of the city of Los Angeles of the crime of vagrancy, and sentenced to ninety days in the city jail. At the time of the arrest Greenfield had just arrived in the city of Los Angeles and was engaged in looking for work, and was not a vagrant within the meaning of the law In addition thereto, the city jail of Los Angeles at that time was overcrowded, unclean, and extremely unhealthy, and it would have been improper to have longer compelled him to remain in such a place.

FEBRUARY 18, 1908. WALTER HUTCHINSON, convicted in January, 1908, in the Police Court of the city of Los Angeles of the crime of petit larceny, and sentenced to six months in the city jail. Hutchinson was in poor health and afflicted with tuberculosis, and under the conditions existing in said jail it would be impossible for him to recover should he be compelled to complete his sentence.

MARCH 7, 1908. RICHARD FELLOWS, convicted in the county of Santa Barbara in April, 1882, of the crime of robbery, and sentenced to imprisonment for life. Fellows' conduct while in prison had always been exemplary, and his influence was of the best among the younger convicts. Pardon was recommended by a majority of the Judges of the Supreme Court of the State of California, by the district attorney who prosecuted the case, members of the jury and by the officials of Wells-Fargo Company, the prosecuting witness in such case. It was agreed that Fellows should be taken to his old home in Kentucky, where he would be cared for by relatives. For the foregoing reasons a pardon was issued to Fellows by Acting Governor Porter, during my absence from the State

MARCH 12, 1908. WILLIAM F. BOEHLE, convicted in San Francisco in January, 1885, of murder, and sentenced to State Prison for life. Boehle was paroled December, 1904, and thereafter his conduct was most exemplary. In pursuance of my general policy with paroled prisoners, a pardon was issued to him by Acting Governor Porter.

MARCH 12, 1908. LOUIS PIPER, convicted in April, 1905, in San Francisco of the crime of robbery, and sentenced to nine years' imprisonment at San Quentin. Piper was mistaken for a negro by the name of Brown, and it appears from affidavits made by the police officers of San Francisco, that Piper was not the perpetrator of said crime, but that the crime was actually committed by a man by the name of Brown, to whom Piper bore a close resemblance. Piper was in no way connected with the commission of the crime.

MARCH 12, 1908. TOBIAS RICHARDS, convicted in March, 1882, in the Superior Court of Tuolumne County of the crime of murder, and sentenced for life. Richards was paroled February, 1905, and thereafter faithfully observed all the requirements of the parole law.

MARCH 12, 1908. J. H. GRANDE, convicted in August, 1907, in the county of San Joaquin of the crime of forgery, and sentenced for a term of two and one half years at San Quentin. It was extremely doubtful whether Grande was guilty of crime, or simply violated the civil duty which he owed to his employer, the Frank Simpson Fruit Company. After conviction the Frank Simpson Fruit Company requested clemency for Grande. The conviction of Grande left his family in destitute circumstances, which so preyed upon his mind that he was in danger of going insane. Under these circumstances Acting Governor Porter considered it proper that he should be granted clemency.

MARCH 21, 1908. VINCENT DI PALMI, convicted in November, 1895, in San Francisco of the crime of murder in the second degree, and sentenced to fifty years. Palmi was released on parole in December, 1902. As his conduct thereafter was most exemplary, and in view of the policy of this office to extend pardons to those prisoners who had faithfully observed the parole laws, Acting Governor Porter granted him clemency.

APRIL 2, 1908. JOHN L. MAZINGO, convicted in May, 1880, in the county of Lake of the crime of murder in the first degree, and sentenced to life imprisonment. On March 11, 1905, Mazingo was released on parole by the State Board of Prison Directors. Thereafter his conduct was in strict accord with all the prison rules, and upon the recommendation of the Prison Board he was pardoned

APRIL 30, 1908. DAVID I. BEAZLEY, convicted in November, 1907, in the Superior Court of the county of Los Angeles of the crime of bigamy, and sentenced to one year in the State Prison at Folsom. Beazley had obtained a divorce from his first

wife and married the second one three days before the year had expired after the issuance to him of an interlocutory decree Beazley claimed that he had forgotten the exact date, but the same was no excuse under the law. Beazley was recommended by many of the most prominent people of Los Angeles, and by all of the members of the police department of that city It would seem that this offense was not committed with criminal intent, as Beazley, prior to its commission, had always borne a very good reputation

MAY 2, 1908. ANGELE DELBOS, convicted in August, 1905, in the Superior Court of the county of San Francisco of the crime of grand larceny, and sentenced for a term of two years in the State Prison at San Quentin. It appears that the defendant's bill of exceptions served in the case of The People vs. Delbos, and the People's amendments thereto to be used upon appeal in that case, were destroyed in the fire of San Francisco. That it was thereafter impossible for defendant to take her case to the Appellate Court From the time of her conviction in August, 1905, she remained in the county jail in San Francisco, and at the time of her pardon had been imprisoned for a considerable longer period than the term of sentence. The Assistant District Attorney of San Francisco recommended her pardon, and stated that he is certain she does not belong to the criminal class, that she had borne a good reputation and merited executive clemency.

MAY 12, 1908 HENRY WILSON, convicted in July, 1907, in the Police Court of the city of Los Angeles of the crime of vagrancy, and sentenced to serve a term of ninety days in the city jail. It appears that said crime was caused by evil associations at the time, from which Wilson has since broken away, and at the time he received a pardon he was living an honest and upright life, and was the sole support of an aged grandmother. His pardon was recommended by the Hon. Joseph F. Chambers, Police Judge of the city of Los Angeles, H P. Alexander, Assistant Prosecuting Attorney; E. J. Fleming, Prosecuting Attorney of Los Angeles, and many others.

MAY 21, 1908. DYER HELLAM, convicted in February, 1907, in the Superior Court of Monterey County, and sentenced to imprisonment at San Quentin for a term of twenty-five years. Hellam was afflicted with consumption and his death was imminent. His relatives agreed to take him back to Texas, where they could give him a home and care for him. He was recommended by the State Board of Prison Directors, the Prison Physician, B. V Sargent, Superior Judge of Monterey County, and J. A. Bardin, District Attorney.

JUNE 12, 1908. THOMAS M. GALVIN, convicted in November, 1902, in the Superior Court of the city and county of San Francisco of the crime of perjury, and sentenced for a term of nine and one half years In October, 1905, Galvin was released on parole by the State Board of Prison Directors, and thereafter his conduct was of the best. Galvin's pardon was recommended by the State Board of Prison Directors and by the majority of the Supreme Judges of the State of California

JUNE 9, 1908. E. H. ELLSWORTH, convicted in April, 1899, in the Superior Court of Siskiyou County of the crime of murder in the second degree, and sentenced to a term of twenty-two years in San Quentin. In March, 1905, Ellsworth was released upon parole. His conduct thereafter was in strict conformity with the regulation prescribed by the State Board of Prison Directors, and upon their recommendation a pardon was granted

JULY 16, 1908. FRANK DURAZO and EDWARD DURAZO were convicted in the month of May, 1908, in the Justice Court of Woodland Township, Yolo County, for the crime of petit larceny, and sentenced to six months in the county jail of Yolo County. Both of these young men were under the age of sixteen years, and had been under the control of their mother who, at the time, was living separate and apart from the father. The father was an honest, hard working man, and this pardon was granted upon his express promise to assume control of the boys and give them a suitable education. This pardon was recommended by W. A. Anderson, District Attorney of Yolo County, and by Samuel Montgomery, Sheriff.

JULY 29, 1908 GIACOMO LEGARBO, convicted in February, 1889, in the Superior Court of Santa Clara County of the crime of murder in the second degree, and sentenced to a term of thirty-three years. The State Board of Prison Directors released Legarbo in September, 1905, on parole, all the provisions of which he had faithfully kept, and had conducted himself as an honest, sober, and upright man. After Legarbo had proven his thorough reformation, the Prison Board recommended executive clemency.

JULY 31, 1908 CHARLES LYONS, convicted in the Police Court of the city of Sacramento of the crime of disturbing the peace, and sentenced to three months in the county jail Lyons had an invalid wife dependent upon him for support, and he was pardoned upon condition that should he ever be again convicted for drunkenness or disturbing the peace, his pardon should be void and he should be compelled to serve the remainder of the sentence cut short by said pardon Clemency was recommended by S. Luke Howe, City Attorney.

AUGUST 21, 1908. S. C. BURWELL, convicted in the Police Court of the city of Eureka of the crime of assault, and sentenced to a term of thirty days in the county jail. Burwell was an honorably discharged veteran of the civil war and his past life had been most exemplary. The assault upon which he was convicted was committed under very considerable provocation, caused by wrongs committed against said Burwell.

SEPTEMBER 15, 1908. EDWARD FERGUSON, convicted in Contra Costa County of the crime of rape, and sentenced to a term of twenty-five years in the State Prison at San Quentin. In April, 1907, Ferguson was released upon parole by the State Board of Prison Directors and proceeded to San Francisco and proved himself an industrious, sober, and upright man. At the time this pardon was granted, Ferguson had an opportunity to obtain contracts of considerable magnitude in San Francisco, and clemency was extended to him so that he might be enabled legally to enter into the same. This was recommended by the State Board of Prison Directors.

SEPTEMBER 16, 1908. BERNARD WARD, convicted in December, 1899, in the city and county of San Francisco of the crime of embezzlement, and sentenced to a term of seven years in the State Prison at San Quentin. He was received in the prison in February, 1904. In January, 1907, Ward was released upon parole. His conduct thereafter was in strict conformity with the parole laws. Ward's sentence would have expired on November 20th. In view of his good conduct, attested by nearly two years of liberty on parole, I felt moved to grant him clemency prior to the expiration of his term. This action was recommended by the State Board of Prison Directors.

SEPTEMBER 23, 1908. OWEN N. WILSON, convicted in May, 1904, in the Superior Court of the county of Kings of the crime of rape, and sentenced to undergo an imprisonment of ten years. In 1907 Wilson was released upon parole by the State Board of Prison Directors. Thereafter his conduct was most exemplary, and he had proven himself to be an industrious, sober, and upright man. Wilson had become engaged to an estimable young woman who had been thoroughly informed of his past, but under parole regulation he was unable to marry her. The Prison Board recommended that in view of all the circumstances it would be well to grant Wilson clemency.

SEPTEMBER 24, 1908. PETER W. MCGLADE, convicted in July, 1901, in the Superior Court of the city and county of San Francisco of the crime of forgery, and sentenced to imprisonment for a term of eight years in the State Prison at San Quentin. In July, 1906, McGlade was released upon parole by the State Board of Prison Directors. Thereafter he lived an industrious, sober, and upright life, in strict conformity with the rules prescribed by the State Board. The Board recommended this application.

SEPTEMBER 30, 1908. CHARLES O'BRIEN, convicted in the county of Sacramento of murder in the first degree, in November, 1882. O'Brien was sentenced to imprisonment for the term of his natural life. O'Brien during more than twenty-six years' actual time in the prison had committed but one infraction of the rules. He had become old and feeble, and being an ex-soldier, was entitled to admission in the Soldiers' Home. He was also offered a position, where he would have support, by the Prefect of St. Mary's College. Clemency was recommended by the State Board of Prison Directors and by a majority of the Justices of the Supreme Court.

SEPTEMBER 30, 1908. F. F. JOHNSTON, convicted in the Justice Court of Chico Township, Butte County, of the crime of battery, and sentenced to imprisonment for six months in the county jail. From petitions received at this office, signed by numerous citizens of Butte County, it appeared that Johnston had entered a plea of guilty to the offense under the belief that he would receive a light sentence. It appeared that the sentence was excessive and out of proportion to the offense committed. Clemency was recommended by the Justice of the Peace who had sentenced Johnston.

NOVEMBER 7, 1908. J. E. RODLEY, convicted in February, 1900, in the Superior Court of the county of Butte of the crime of perjury, and sentenced to imprisonment for a term of twelve years in the State Prison at San Quentin. Rodley was released upon parole in February, 1906, and thereafter his conduct was most exemplary. Clemency was recommended by F. H. DePue, Director of the State Bureau of Criminal Identification, John C. Gray, Superior Judge of Butte County, and many of the prominent citizens of the county who were familiar with Rodley's conduct while on parole.

NOVEMBER 7, 1908. SMITH A. BRANDON, convicted in April, 1908, in the Superior Court of the county of Alameda of the crime of assault with a deadly weapon, and sentenced to serve one year in the county jail of Alameda County. From certificates of physicians it appeared that Brandon's health was in a very dangerous condition, and that his life would be imperiled should he be longer incarcerated. Recommendations for clemency were filed by the Hon. T. W. Harris, Judge of the Superior Court, and the Hon. Everett J. Brown, then District Attorney of the county of Alameda.

NOVEMBER 17, 1908. GEORGE M. SPALDING, convicted in the Superior Court of the county of Humboldt in July, 1905, of the crime of forgery on two charges, and sentenced to undergo an imprisonment of three years on each. Spalding's conduct in prison was most exemplary, and secured for himself the recommendation of the

warden of the said prison. Clemency was recommended also by a majority of the Judges of the Supreme Court of the State of California, and by Otto C. Gregor, District Attorney of Humboldt County.

DECEMBER 8, 1908 STEPHEN WEAVER, convicted in the Superior Court of the county of Contra Costa in April, 1904, of the crime of attempt to rape, and sentenced to imprisonment for a term of eight years. In December, 1906, Weaver was released upon parole by the State Board of Prison Directors. His conduct thereafter was always most exemplary, and he faithfully lived up to all the rules prescribed by the State Board of Prison Directors Upon their recommendation, and in pursuance of my usual policy to pardon paroled men who had shown by their conduct that they had completely reformed, I granted a pardon to Weaver on the above date.

COMMUTATIONS

FEBRUARY 7, 1907 FRED RAABE, JR, convicted in May, 1904, in the city and county of San Francisco of the crime of robbery upon two counts, and was sentenced to undergo an imprisonment at the State Prison at Folsom for ten years on each count, making an aggregate term of twenty years Raabe's term was ordered commuted by Governor Pardee for the reasons stated in his message to the Legislature of the State of California at its thirty-seventh session At the time of the expiration of Governor Pardee's term the recommendation had not yet been received from the Justices of the Supreme Court. Upon its receipt I granted Raabe a commutation in conformity with the order of Governor Pardee.

MARCH 26, 1907. GEORGE CAMERON, convicted in San Francisco in September, 1898, of burglary, with a previous conviction of felony, and sentenced to life imprisonment. In this Governor Pardee had also made an order for a commutation of his sentence, and upon receipt of the recommendation from a majority of the Judges of the Supreme Court, this commutation was issued in conformity with such order.

JULY 24, 1907 ABE G SCHWARTZ, convicted in April, 1905, in the Superior Court of the city and county of San Francisco of the crime of grand larceny, and sentenced to undergo a term of four years in the State Prison at San Quentin. Prior to the commission of the offense upon which his conviction was based, Schwartz had always borne a good reputation, and his conduct and behavior up to the time of the commission of such offense was beyond reproach It was the belief of those who recommended clemency, that if given his liberty he would make a good citizen and profit by the punishment he had received Recommendations were received from Hon. Frank W. Dunne, Judge of the Superior Court before whom Schwartz was tried; Lewis F. Byington, Assistant and Deputy District Attorney of San Francisco, and Hon. J. V. Coffey, Charles L. Weller, Hon. Edward I. Wolfe, Hon. Samuel L. Beckett, and many other prominent citizens of that city.

SEPTEMBER 30, 1907 ALBERT WEBB MELOLING, convicted in the month of June, 1905, in the county of Los Angeles of the crime of burglary in the second degree and sentenced to undergo an imprisonment for five years in the State Prison at Folsom. At the same time and place his wife was sentenced to undergo an imprisonment of three years. It appears that his wife was solely dependent upon Meloling for a livelihood, and that it was necessary for her welfare and protection that her husband be at liberty to assume the responsibility of protecting and providing for her. Recommendations for clemency were presented by the Hon. B. N. Smith, before whom Meloling was tried and the Hon. J. D Fredericks, the District Attorney who secured his conviction It was represented by the Hon. J D Fredericks that the sentence of Meloling was too severe under the circumstances, and his sentence was accordingly cut short so that he might be released from prison at the same time his wife regained her liberty

OCTOBER 1, 1907. N. H. MCLEAN, convicted in May, 1900, in the county of Los Angeles of the crime of embezzlement, and sentenced to undergo an imprisonment of ten years. During his imprisonment he had proven himself a model prisoner and rendered most faithful service to the State. In view of this fact, the State Board of Prison Directors felt moved to recommend the commutation of his sentence. This was also concurred in by the Hon. B. N. Smith, Judge of the Superior Court, who presided at the time of his conviction. Mr. McLean was offered a position by his former employer in Chicago, and upon his release immediately proceeded to that place.

OCTOBER 10, 1907. H. H. KAUFMAN, convicted in the county of Inyo, in June, 1906, of the crime of embezzlement, and sentenced to undergo an imprisonment of two years in the State Prison at San Quentin. Prior to his conviction Kauffman had always borne a good reputation as a hard working, honorable man. The offense was committed while Kauffman was intoxicated, and was not the result of a deliberate and premeditated design to steal. Recommendations for clemency were received from the Superior Judge of Inyo County, the District Attorney, and many of the more prominent citizens of the vicinity.

DECEMBER 11, 1907. JOHN G. VAN TINE, tried and convicted in June, 1898, in the Superior Court of the county of Sacramento of the crime of robbery, and sentenced to a term of twenty years in the State Prison at San Quentin. Van Tine had

suffered a previous conviction for burglary. Van Tine's record in prison had been such as to commend him strongly to the Board of Prison Directors, and there was every reason to believe from his prison conduct that he had thoroughly reformed and repented of the errors of his ways. They accordingly presented a recommendation that his term be commuted from twenty years to fifteen years His sentence was commuted so that he should regain his liberty on the first day of January, 1908. Recommendations for clemency were also received from a majority of the Judges of the Supreme Court of the State of California and from the Hon E C. Hart, Judge of the Superior Court of the county of Sacramento: eleven of the twelve jurors who tried Van Tine, and from many other prominent citizens of Sacramento County. I wish to say that the confidence reposed in Van Tine was misplaced, for shortly after his release he proceeded to the State of Nevada, committed highway robbery, was tried and sentenced to a term of ten years in the Nevada State Prison

DECEMBER 11, 1907. ORRIN BEAN, convicted in the Superior Court of the city and county of San Francisco of the crime of burglary in the second degree, and sentenced to undergo an imprisonment of five years. On the same day he was convicted of a second charge of burglary in the second degree, and sentenced to two years. On the same day he was convicted of a third charge of burglary in the second degree, and sentenced to undergo an imprisonment of two years, and on the same day he was convicted of the crime of grand larceny and sentenced to undergo an imprisonment of one year, such sentences not to run concurrently, but one to follow the termination of the other. At the time Bean was sentenced it was the custom to allow credits for the aggregate period of time, to wit, ten years Afterwards, acting under an opinion of the Attorney General, credits were allowed for each separate sentence The result from this change of the method of computation was to increase the sentence of Bean very considerably. Upon representation of the Hon Carroll Cook, who sentenced Bean, it was shown that it was his intention in imposing the sentence that Bean should receive the full credits based upon the entire time he was to serve. In other words, he intended to impose judgments equal to a single ten-year sentence. In view of these circumstances, a majority of the Judges of the Supreme Court of the State of California recommended that Bean's term be commuted so that he would serve only such time as he would have served had he been given a single ten-year sentence. I, therefore, commuted the sentence of Bean, so that he would obtain his liberty on the first day of October, 1908

DECEMBER 11, 1907. CLARENCE T. MILLER, convicted in April, 1904, of the crime of rape in the county of San Bernardino, and sentenced to imprisonment for seven years. Thereafter Miller received a parole from the State Board of Prison Directors. From the time of his release his conduct was uniformly good, and petitions were received at this office recommending that his sentence be commuted, giving as reasons therefor that Miller, since his release on parole, had obeyed the law and all the terms of the same. That he had three children living in Upland that required his support, and under the terms of his parole it was difficult for him to keep constantly employed as the business of the town was of such a character that it rendered it necessary to make frequent changes of employment. Recommendations of similar character were received from Benjamin F Bledsoe, Judge of the Superior Court of San Bernardino county, and L M. Sprecher, District Attorney of said county. In pursuance of such recommendations I commuted Miller's sentence so that the same would expire on the 25th day of December, 1907.

DECEMBER 11, 1907. CHARLES BUCHANAN, convicted in the Superior Court of the city and county of San Francisco of the crime of burglary in the second degree, and sentenced to five years in the State Prison at San Quentin, and on the same day and date was convicted of the crime of assault with a deadly weapon, and sentenced to two years in the State Prison, the latter sentence to take effect on the termination of the former one This case of Buchanan's conforms in all respects to the case of Orrin Bean, and for the same reasons and upon the statement of the Superior Judge and the recommendation of the Supreme Court, his sentence was commuted to the same length as a single term seven-year sentence.

DECEMBER 16, 1907. JOHN MEYERS, convicted in the Justice Court of the city of Vallejo of the crime of disturbing the peace, and sentenced to thirty days in the county jail Meyers was a recruit in the United States Navy, and his vessel, the U. S. S. Maryland, was to sail from Vallejo December 21st. On petition of Captain Chauncey Thomas, commanding the U. S. S. Maryland, Meyers was released on December 20th, so that he might be able to join his ship prior to its leaving upon a cruise.

FEBRUARY 14, 1908 EDWARD ROWE, convicted in May, 1904, in Amador County of the crime of assault to murder, and sentenced to ten years in San Quentin. Rowe, at the time of the commission of this offense was but eighteen years of age. His conduct while in prison was of the best Since his imprisonment his father died, leaving his mother and her three children in destitute circumstances Favorable action was recommended by Hon R. C Rust, Superior Judge of Amador County, and C P Vieini, District Attorney, and by many others who were cognizant of the circumstances surrounding the offense and of the present condition of the family.

MARCH 12, 1908 ARTHUR RISHER, convicted in May, 1904, in the Superior Court of the city and county of San Francisco of the crime of burglary in the second degree, and sentenced to seven years in San Quentin. Risher's prison life was most commendable, and he gave every promise of having completely reformed. The State Board of Prison Directors recommended that his sentence be commuted to such term as should be equitable and reasonable under the circumstances. The Justices of the Supreme Court recommended that the sentence be commuted so as to entitle him to his discharge at once In view of these recommendations and others on file, Acting Governor Porter commuted his sentence in accordance with the recommendation of the Supreme Court.

MARCH 12, 1908 PHILIP B. NELSON, convicted in San Francisco in August, 1905, of the crime of forgery and sentenced to twelve years at San Quentin. The State Board of Prison Directors recommended that Nelson's term be commuted to such time as should seem reasonable to the Governor A majority of the Judges of the Supreme Court joined in a further recommendation that such sentence be commuted to a term of three and one half years In view of these recommendations Acting Governor Porter commuted Nelson's sentence to the term of three and one half years, conditioned that said Nelson should immediately leave the State of California and never return thereto

MARCH 12, 1908 JOSEPH FITZGERALD, convicted in August, 1900, in the city and county of San Francisco of the crime of arson, and sentenced to twenty years at San Quentin. Fitzgerald, during his term in prison, rendered valuable and material services to the State, and his conduct therein was uniformly good. Under these circumstances the Board of Prison Directors recommended that the said Joseph Fitzgerald be pardoned, and that his sentence be commuted as the Governor might elect Sentence was accordingly commuted to take effect immediately

MARCH 12, 1908 HORACE J. DOBBINS, convicted in January, 1901, of the crime of murder in the first degree, in Solano County, and sentenced to imprisonment for the term of his natural life Dobbins' prison conduct was uniformly good, and it further appeared that Dobbins had saved the life of one J H. Murray, officer of the prison at San Quentin, who was murderously assaulted by a prisoner condemned to death In doing so Dobbins risked his own life in the protection of said officer. The Prison Directors cordially recommended that the sentence of Dobbins be commuted, and Acting Governor Porter, in pursuance of such recommendation, ordered that the same be commuted to a term of twenty years.

MARCH 12, 1908. EDWARD MORRELL, convicted in April, 1894, in Fresno County of the crime of robbery, and sentenced to the term of his natural life at San Quentin. The Board of Prison Directors recommended that Morrell's sentence be commuted to such time as would entitle him to immediate release. His application was also strongly recommended by the officers of the prison, the Judge who tried the case, the District Attorney who prosecuted the same, and the City Marshal of Fresno, upon whom the crime was committed A majority of the Judges of the Supreme Court also joined in the recommendation that such commutation be made. In accordance with such recommendation Acting Governor Porter commuted his sentence to take effect immediately.

MARCH 12, 1908. EDWARD S BOESE, convicted in March, 1907, of the crime of assault with a deadly weapon, and sentenced to a term of two years in San Quentin. Recommendation for a commutation of sentence was made by the Board of Prison Directors in view of his exemplary conduct while in prison, his good behavior, and their further reasonable belief that Boese would make a good citizen, if released. Acting Governor Porter accordingly granted him a commutation of sentence upon such recommendations

MARCH 20, 1908. GEORGE C. CONTANT, convicted November, 1898 in the county of Fresno of the crime of robbery, and sentenced for the term of his natural life. Contant rendered most valuable aid to the State in the conviction of John Sontag and Chris Evans, and in consideration of his testimony there given, it was agreed by the representatives of Wells-Fargo's Express Company, and the Southern Pacific Railroad Company, against which corporations said crime was committed, and by the Warden of the State Prison at Folsom, that in consideration of the evidence to be given against said Sontag and Evans, they would use their influence to have the sentence of said Contant commuted after he had served a reasonable length of time. Relying upon said promise, Contant, in good faith, appeared at said trial and gave testimony concerning the crime of Sontag and Evans which secured their conviction. It appeared right and proper to Acting Governor Porter that good faith should be kept with said Contant, and that the promise so made to him should be carried out on the part of the State. Accordingly, a commutation was ordered which entitled him to be released immediately.

MARCH 20, 1908 JOHN GRAHAM, convicted in October, 1901, in the county of Napa of the crime of murder in the second degree, and sentenced to a term of twenty years in the State Prison Graham's conduct after admission to the prison was uniformly good, and prior thereto he had always borne a good reputation, and was a hard working honorable man, an ex-sailor of the civil war, and one of the seamen

on board Farragut's flagship "Hartford" during its memorable battle. Clemency was recommended for Graham by the Hon Theodore Bell, former District Attorney of Napa County, who prosecuted him. In view of such conduct and of the recommendations filed in Graham's behalf, Acting Governor Porter commuted his sentence so that he was released immediately.

MARCH 20, 1908. A. H. SHERMAN, convicted in July, 1901, in Fresno County of the crime of rape, and sentenced to eleven years in the State Prison. Sherman was released upon parole in the year 1906, and subsequent to that time his conduct was most exemplary, and he proved himself to be a sober, industrious, and upright man. In view of these circumstances Acting Governor Porter ordered that his sentence be commuted to take effect immediately.

MARCH 31, 1908. HENRY RILEY, convicted in June, 1881, of the crime of robbery, and sentenced to the term of his natural life in the State Prison. Riley's prison life was most commendable, and he gave every promise of having completely reformed. The Board of Prison Directors recommended that his sentence be commuted to a term of forty-five years, in which recommendation they were joined by a majority of the Judges of the Supreme Court of the State of California. In accordance therewith Acting Governor Porter commuted the term of Henry Riley from that of life imprisonment to a term of forty-five years.

MAY 21, 1908. EDWARD MANASSE, convicted in August, 1906, in Sacramento County of the crime of murder in the first degree, and sentenced to be hanged. Manasse's crime was committed under considerable provocation, and prior thereto he had always borne an excellent reputation for peace and quiet. A commutation of sentence was recommended by the District Attorney of Sacramento County, the Sheriff of said county, the Warden of the State Prison at Folsom, together with nearly all the jurors who sat in judgment upon his case. In view of these circumstances, I commuted the sentence of Manasse from hanging to life imprisonment.

JUNE 8, 1908. HARRY SCHWERIN, convicted in Los Angeles County in June, 1906, of the crime of uttering and passing fictitious checks, and sentenced to five years in the State Prison A majority of the Judges of the Supreme Court of the State of California recommended that Schwerin be granted executive clemency. Recommendations were also received from the Hon Julius Kahn, member of Congress of California, Hon. M. H. Flint, Postmaster of the city of Los Angeles; Hon. Chas. T. Dunwell, Wm. M. Calder, George R. Malby, and Charles B. Law, members of Congress from the State of New York. Commutation was granted Schwerin so that his sentence would expire on the first day of July, 1908, and it was conditioned that immediately upon his release he would depart from the State of California and never return thereto.

JULY 15, 1908. FRANK H. ROLFE, convicted in Tuolumne County in April, 1882, of the crime of robbery and prior conviction, and sentenced for the term of his natural life at San Quentin. Recommendations for clemency were received from the State Board of Prison Directors, and from a majority of the Judges of the Supreme Court. These recommendations were based upon Rolfe's general good character, worthy conduct as a prisoner, that he had served the equivalent of a 43-year sentence, and upon a promise made by State Senator J. B. Curtin that he would provide a home for him in case of his release Commutation was granted by which his sentence was fixed at the term of forty-three years

AUGUST 5, 1908. W. B. MARVIN, convicted in March, 1900, in the Superior Court of the city and county of San Francisco of the crime of burglary in the second degree, and sentenced to a term of four years in the State Prison; and on the same day and date was convicted of the crime of burglary in the second degree, and sentenced to a term of four years in the State Prison; and on the same day and date was convicted of the crime of burglary in the second degree, and sentenced to a term of four years, such terms running consecutively. This case conforms in all respects to the case of Orrin Bean, referred to above, and upon the recommendation of a majority of the Judges of the Supreme Court the sentence of Marvin was commuted to equal a single term sentence of twelve years.

AUGUST 8, 1908. RICHARD KENNER, convicted in February, 1876, in Tehama County of the crime of murder in the second degree, and sentenced for the term of his natural life in the State Prison at San Quentin. On March 14, 1908, the State Board of Prison Directors adopted a resolution recommending the commutation of the sentence of Kenner. In this recommendation the action of the Board was concurred in by a majority of the Judges of the Supreme Court, who recommended the granting of such application. In accordance with such recommendation, Kenner's sentence was commuted to a term of fifty-four years

SEPTEMBER 15, 1908. JOHN CRAIG, convicted in March, 1908, in Orange County of the crime of burglary, and sentenced for a term of ten years in the State Prison at San Quentin; and at the same time and place was convicted of the crime of burglary in the second degree, and sentenced to an additional term of five years Craig saved the life of a fellow-prisoner from the murderous assault of Jacob Oppenheimer, and by so doing undoubtedly saved the lives of others, as well as some of the officers. In view of his conduct in such matter, the Prison Board recommended

that he receive executive clemency. A majority of the Judges of the Supreme Court also recommended that the application of the prisoner for a commutation of his sentence be granted to the extent that he be discharged upon the expiration of his ten years' sentence In accordance with such recommendation, it was directed that Craig be discharged upon the expiration of such sentence.

OCTOBER 2, 1908. EARL G WESTMORE, convicted in March, 1902, in San Francisco of the crime of assault to murder and sentenced to imprisonment for eight years, and on said day and date was convicted of an assault with a deadly weapon and sentenced to undergo an imprisonment of two years, the second sentence to take effect on the termination of the preceding one Westmore's case conformed in all respects to that of Orrin Bean referred to above, and for the reasons therein given his sentence was commuted so that he would be entitled to his discharge at the time he would have been discharged had he received a single ten years' sentence.

OCTOBER 9, 1908 WM R. RAYMOND, convicted in San Francisco in October, 1891, of the crime of murder in the second degree, and sentenced to a term of thirty-five years in the State Prison at San Quentin. During Raymond's term of imprisonment he rendered most unusual and valuable service to the State, and his prison conduct was most exemplary. These facts moved the Board of Prison Directors to recommend his case for executive clemency The same recommendation was also made by a majority of the Justices of the Supreme Court. In pursuance of such recommendations and in consideration of the valuable services that had been rendered to the State by Raymond, I commuted his sentence so that he would be entitled to his release at once.

OCTOBER 14, 1908. EDWARD H. DAY, convicted in May, 1904, in San Francisco of the crime of burglary in the second degree, and sentenced to imprisonment for three years, and on said day and date was convicted of the crime of burglary in the second degree, and sentenced to an imprisonment of three years, the second sentence to take effect on the termination of the preceding one. Day's sentence conforms in all respects to that of Orrin Bean stated above. In view of these circumstances the Board of Prison Directors and a majority of the Judges of the Supreme Court recommended a commutation of sentence. Commutation was accordingly directed so that his sentence would expire at the time the same would have expired had he been sentenced to a single term of six years.

OCTOBER 28, 1908. ROBERT WHITE, convicted in the county of San Joaquin in July, 1907, of the crime of forgery, and sentenced to a term of six years in the State Prison at San Quentin. White was in the last stages of consumption, and could live but a short time. He had received an offer of a home for the remainder of his life and would not become a public charge or expense to the State of California. Under these circumstances a majority of the Judges of the Supreme Court felt moved to recommend him for clemency, and in accordance with such recommendation his sentence was commuted so that he would be discharged immediately.

OCTOBER 28, 1908 JAMES LEDGER, convicted in San Francisco in November, 1894, of the crime of burglary in the first degree, and sentenced to a term of thirty years in the State Prison at San Quentin. On the 20th day of June, 1908, the Board of Prison Directors recommended that the sentence of Ledger be commuted for the reason that Ledger had been a model prisoner, that there was reasonable ground to believe that he would never again violate the criminal laws and that in the opinion of the Board he had been sufficiently punished. In this view they were joined by a majority of the Justices of the Supreme Court, who also recommended Ledger for clemency. Under these circumstances a commutation was ordered releasing Ledger at once.

OCTOBER 28, 1908. BERNARD P TAYLOR, convicted in December, 1907, in the county of Alameda of the crime of assault with a deadly weapon, and sentenced to imprisonment in the county jail for a period of eighteen months. Prior to the commission of said offense Taylor had always borne a good reputation as a peaceable, quiet, and law-abiding citizen. Recommendations for clemency were received from the Hon. Claude A. Swanson, Governor of the State of Virginia; Frank Barnet, Sheriff of the county of Alameda, and many of the employees of the county jail and citizens of the county of Alameda It further appears that the offense was committed under very considerable provocation, and there is no probability of conditions arising that would lead Taylor to again violate the law. Accordingly a commutation was granted him by which he was ordered discharged on the 31st day of December, 1908, after he had served a full year of his sentence

REPRIEVES OF SENTENCE.

MARCH 25, 1907. LEON SOEDER, convicted in the city and county of San Francisco of the crime of murder in the first degree, and sentenced to be executed in San Quentin Prison on Friday, the 22d day of March, 1907 I ordered a reprieve in the above case so that I might have a better opportunity to determine the propriety of the above sentence There appearing to be no sufficient reason why the sentence of the court should be modified, Soeder was executed on the 29th day of March, 1907, the date fixed by said reprieve.

APRIL 29, 1907. FRANK WILLARD, convicted in the Superior Court of the county of Mendocino of the crime of murder in the first degree, and sentenced to be hanged in the San Quentin Prison. Willard was reprieved until the 31st day of May, 1907. Thereafter, and on the 28th day of May, 1907, I granted a second reprieve until the 14th of June. These reprieves were granted in order that the court might be enabled to determine Willard's sanity at that time. On the 7th day of May, 1907, a jury impaneled for the purpose of determining his sanity rendered a verdict that he was sane. Willard was executed on the date of the expiration of the last reprieve.

APRIL 15, 1908. EDWARD MANASSE, convicted in the Superior Court of the county of Sacramento in August, 1906, of the crime of murder of the first degree, and sentenced to be executed at Folsom Prison on the 26th day of October, 1906. Manasse appealed said case, and upon the determination of such appeal he was resentenced to be executed on the 24th day of April, 1908. A petition was filed in this office for Manasse's reprieve and commutation of sentence, signed by the District Attorney and Sheriff of Sacramento County, and by many of the jurymen who tried Manasse. Also requests of like nature were received from Hon. E. C. Hart, Judge of the Superior Court of Sacramento County before whom Manasse was tried, and from Hon. W. H. Reilly, Warden of the Folsom Prison. On the 21st day of May, 1908, I granted a commutation of sentence.

APRIL 15, 1908. J. W. FINLEY, convicted in the Superior Court of the county of Sacramento in December, 1906, of the crime of assault with a deadly weapon with malice aforethought, defendant then being a prisoner undergoing a life sentence in the State Prison. As punishment therefor, Finley was sentenced to be executed at the State Prison at Folsom, the 2d day of March, 1906. Finley thereafter appealed his case to the Supreme Court of the State, which appeal was denied. The Superior Court of Sacramento County thereafter ordered that Finley be executed on the 17th day of April, 1908. By reason of my absence from the State I had no opportunity to examine the matters submitted to this office upon his application for clemency. I therefore reprieved him until the 15th day of May, 1908. Subsequent reprieves were made on May 14th, May 27th, June 10th, and August 12th to enable Finley to apply for a writ of error to appeal to the Supreme Court of the United States.

JULY 28, 1908. CONSTANTINO BORSEI, convicted in the Superior Court of Los Angeles County of the crime of murder in the first degree, and sentenced to be executed at San Quentin Prison on the 12th day of August, 1908. Representations were made to me by the Italian Consul, and others, that it was desired to determine the mental competency of said Borsei. To enable this to be done a reprieve was granted until the 11th day of September, 1908. There being no reason to believe at that date that Borsei was of unsound mind, the sentence was duly executed.

DECEMBER 9, 1908. FRANCISCO QUIJADA, convicted in the month of December, 1905, in the Superior Court of the county of Sacramento of the crime of assault with a deadly weapon with malice aforethought, defendant being at the time of the commission of said assault a life prisoner in the State Prison, and sentenced to be hanged. Quijada was convicted under the provisions of Section 246 of the Penal Code, and as the constitutionality of such section was in question in the case of the People vs. J. W. Finley, on appeal to the Supreme Court of the United States, I ordered a reprieve until the 12th day of February, 1909, so that he might not be executed until the constitutionality of such section was determined.

DECEMBER 9, 1908. THOMAS P. FALLON, convicted in the Superior Court of the city and county of San Francisco in the month of October, 1904, of the crime of murder in the first degree, and sentenced to be hanged on December 11, 1908. It appeared that Fallon had filed a petition in the Supreme Court of the State of California for a certificate of probable cause to determine the validity of the warrant of execution. At the time of such filing the Supreme Court was not in session, and I granted a reprieve in order to have this matter properly presented before the Supreme Court, and to give them due time for the consideration thereof. Execution of the judgment, by such reprieve, was stayed until Friday, January 8, 1909.

J. N. GILLETT, Governor.

MESSAGE FROM THE SENATE.

The following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, January 4, 1909.

MR. SPEAKER. I am directed to inform your honorable body that the Senate on this day organized by electing the following officers:

President pro tem—Hon. Edward I. Wolfe.
Secretary—Lewis A. Hilborn.
Sergeant-at-Arms—J. Louis Martin.
Minute Clerk—W. H. Wright.
Chaplain—Rev. Father H. H. Wyman.

LEWIS A. HILBORN, Secretary of Senate.

RESOLUTION.

The following resolution was offered:
By Mr. Transue:

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

Resolution read, and on motion adopted.

ADJOURNMENT.

At eleven o'clock and thirty minutes A. M., on motion of Mr. Johnson of Sacramento, the Assembly was declared adjourned until eleven o'clock A. M. of Wednesday, January 6, 1909.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL.,
Wednesday, January 6, 1909.

At eleven o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. P. A. Stanton, Speaker of the Assembly, in the chair.

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

Messrs. Barndollar, Baxter, Beardslee, Beatty, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Leeds, Lightner, Macauley, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, O'Neill, Perine, Polsley, Preston, Pulcifer, Rutherford, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Young, and Mr. Speaker—70.

Quorum present.

PRAYER.

By invitation of the Speaker, prayer was offered by Rev. S. N. Marsh.

READING OF JOURNAL.

During the reading of the Journal, on motion of Mr. Leeds, its further reading was dispensed with.

LEAVE OF ABSENCE.

On motion, leave of absence for the week was granted to Mr. Wyatt. Also, to Messrs. Kehoe, Wyllie, and Gillis for the day.

SPECIAL ORDER TAKEN UP.

In accordance with motion carried on Tuesday, January 5, 1909, report of the select committee on Contingent Expenses and Mileage was taken up for consideration.

On motion of Mr. Johnson of Sacramento, the committee report was amended as follows: In the list of members, as printed in report, strike out the following line:

"Johnson, Grove L., Sacramento ..... 2 20"

By Mr. Costar, as follows:

Opposite the name of E. I. Butler, change "20" to "21."
Opposite the name of Daniel R. Hayes, change "250" to "256" and "25.00" to "25 60."
Change the name of E. E. Hinkle to E C. Hinkle.
Opposite the name of James E Hopkins, change "18 90" to "18.00."
Change the name of Percy V. Johnson to Percy A. Johnson.
Opposite the name of William Kehoe, change "340" to "624," and "34.00" to "62.40."
Opposite the name of William R. Odom, change "244" to "526," and "24 40" to "52.60."
Opposite the name of Harry Polsley, change "270" to "304," and "27.00" to "30.40."
Opposite the name of J. W Stuckenbruck, change "22" to "96," and "2.20" to "9.60."
Opposite the name of Lawrence H. Wilson, add "56" and "5.60."

REPORT OF COMMITTEE ON MILEAGE AND CONTINGENT EXPENSES.

		Miles	Amount.
Barndollar, Harry	Long Beach	936	$93 60
Baxter, E. M.	Yosemite	484	48 40
Beardslee, R L.	Stockton	96	9 60
Beatty, Henry N	San Francisco	180	18 00
Beban, Dominick J.	San Francisco	180	18 00
Black George J.	San Francisco	180	18 00
Bohnett, L. B.	San Jose	256	25 60
Butler, E. I.	San Rafael	210	21 00
Callan, E. J.	San Francisco	180	18 00
Cattell, H. G.	Pasadena	912	91 20
Coghlan, Nathan C.	San Francisco	180	18 00
Cogswell, Prescott F.	El Monte	924	92 40
Collier, E B.	Corona	1,004	100 40
Collum, B. J.	San Francisco	180	18 00
Costar, W J.	Chico	192	19 20
Cronin, J. R	Benicia	114	11 40
Cullen, J. A.	San Francisco	180	18 00
Dean, Arthur	Redding	342	34 20
Drew, A. M.	Fresno	338	33 80
Feeley, James T.	Oakland	168	16 80
Flavelle, J. W.	Ontario	972	97 20
Fleisher, Samuel	Santa Maria	750	75 00
Flint, W. R	Fairview	354	35 40
Gerdes, Fred C.	San Francisco	180	18 00
Gibbons, Oscar	San Luis Obispo	686	68 60
Gillis, K. C.	Yreka	590	59 00
Greer, W W.	Oak Park	6	60
Griffiths, W. B.	Monticello	178	17 80
Hammon, Percy V	Los Angeles	894	89 40
Hanlon, Wm. J.	Los Angeles	894	89 40
Hans, George J.	Fruitvale	174	17 40
Hawk, E. L.	Sacramento	2	20
Hayes, Daniel R.	Santa Clara	256	25 60
Hewitt, A H.	Yuba City	106	10 60
Hinkle, E C.	San Diego	1,146	114 60
Holmquist, H. E	San Mateo	238	23 80
Hopkins, James E.	San Francisco	180	18 00
Irwin, Rowen	Bakersfield	556	55 60
Johnson, Percy A.	Fallbrook	1,146	114 60
Johnson, P. H.	Roseville	36	3 60
Johnston, T. D.	Richmond	212	21 20
Juilliard, Louis W.	Santa Rosa	180	18 00
Kehoe, William	Eureka	624	62 40
Leeds, Walter R.	Los Angeles	894	89 40
Lightner, Charles	San Francisco	180	18 00
Macauley, Walter	San Francisco	180	18 00
Maher, J. B	Santa Cruz	396	39 60
McClellan, J. W.	Bridgeville	734	73 40
McManus, John J.	San Francisco	180	18 00
Melrose, Richard	Anaheim	950	95 00
Mendenhall, John L.	Williams	120	12 00
Moore, E. B.	Copperopolis	180	18 00
Mott, John W	Oakland	168	16 80

		Miles.	Amount.
Nelson, Charles A.	San Francisco	180	$18 00
Odom, William R.	Coalinga	526	52 60
Otis, Frank	Alameda	182	18 20
O'Neill, Florence J.	San Francisco	180	18 00
Perine, George M.	San Francisco	180	18 00
Polsley, Harry	Red Bluff	304	30 40
Preston, John W.	Ukiah	406	40 60
Pugh, William C.	San Francisco	180	18 00
Pulcifer, Harry W.	Oakland	168	16 80
Rech, J. N. O.	Los Angeles	894	89 40
Rutherford, F. M.	Truckee	242	24 20
Sackett, George L.	Ventura	990	99 00
Schmitt, Milton L.	San Francisco	180	18 00
Silver, Thos. H.	Pleasanton	172	17 20
Stanton, P. A.	Los Angeles	894	89 40
Stuckenbruck, J. W.	Acampo	96	9 60
Telfer, Robert L.	San Jose	256	25 60
Transue, J. P.	Los Angeles	894	89 40
Wagner, Chas. W.	Madera	294	29 40
Webber, W. J.	Hanford	428	42 80
Wheelan, Albert P.	San Francisco	180	18 00
Whitney, W. B.	Healdsburg	208	20 80
Wilson, Lawrence H.	Winters	56	5 60
Wyatt, John J.	Salinas City	416	41 60
Wyllie, G. W.	Dinuba	398	39 80
Young, C. C.	Berkeley	168	16 80
CONTINGENT EXPENSES.			
Clio Lloyd	Santa Barbara	920	$92 00
H. A. Harper	El Dorado	116	11 60
J. T. Stafford	Sacramento	2	20

COSTAR, Chairman.

The question being upon the adoption of the report and resolution, as amended.

The roll was called, and the report adopted, as amended, by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Leeds, Lightner, Macauley, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Young, and Mr. Speaker—74.

NOES—None.

PRESENTATION OF PETITION.

The following petition was received and read:

To the Honorable the Senate and Assembly, State of California

WHEREAS, The crime of desertion of children by fathers and mothers has alarmingly increased in the last two years, and

WHEREAS, In the vast majority of such cases the children so deserted are thrown upon the charity of the county and of individuals, but mainly upon the county; and

WHEREAS, In about all cases of that kind of punishment is applied by imprisonment of the guilty, the innocent are the sufferers; therefore, be it

Resolved by the Board of Supervisors of the County of Sacramento, California, That the Senate and Assembly of the Legislature of the State be, and are, hereby respectfully memorialized to consider the situation which exists in many other counties in this relation, and to provide such remedial legislation as may be possible, whereby the burden of the support of deserted wives and children may be cast upon the guilty parties, and the latter be required by enforced labor, or other service, to produce means for the support of the deserted

Resolved, That the clerk of the board is hereby directed to forward to the Senate and Assembly this memorial duly officially certified.

Adopted in open session December 9, 1908, by votes of Ahern, Thisby, Donnelly, McKillip, and Johnson, (Chairman).

Copy of minutes Board of Supervisors, Book "W," page 556, December 9, 1908.

OFFICE OF THE COUNTY CLERK,
COUNTY OF SACRAMENTO.

I, Wm. B. Hamilton, County Clerk of the County of Sacramento, State of California, and ex officio Clerk of the Board of Supervisors in and for said county and State aforesaid, hereby certify that I have compared the foregoing copy with the original resolution in the above entitled matter, as the same appears in Book "W" of the minutes of the Board of Supervisors, page 556, under date of December 9, 1908, in my office, and that the same is a full, true and correct copy of such original and of the whole thereof.

Attest my hand and the seal of said Board of Supervisors this 2d day of January, 1909.

WM. B. HAMILTON,
County Clerk and ex officio Clerk of the Board of Supervisors, Sacramento County, State of California.
By F. GREGORY, Deputy Clerk.

PETITION REFERRED TO COMMITTEE.

On motion of Mr. Johnson of Sacramento, the above petition was referred to the Committee on Judiciary, when appointed, and ordered printed in the Journal.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ON RULES AND REGULATIONS.

ASSEMBLY CHAMBER, January 6, 1909.

MR. SPEAKER: Your temporary Committee on Rules recommends the adoption of the following as the Rules of the Assembly for the thirty-eighth session.

RULES OF THE ASSEMBLY.

1. *Hour of Meeting.*

The sessions of the House shall be daily (Sundays excepted), beginning at nine o'clock and thirty minutes A. M. Until February 8, 1909, adjournment shall be taken at twelve o'clock and thirty minutes P M, and after said date a recess shall be taken at said hour to two o'clock P. M., unless otherwise ordered by a vote of the House.

2. *Order of Business.*

1. Roll Call.
2. Prayer by the Chaplain.
3. Reading and Approval of the Journal.
4. Presentation of Petitions.
5. Reports of Standing Committees
6 Reports of Select Committees.
7. Messages from the Governor.
8. Messages from the Senate.
9. Introduction and Reference of Bills.
10. Motions and Resolutions.
11. Special Orders of the Day.
12. Unfinished Business of the Preceding Day.
13. Business on Special File.
14. Business on General File and Third Reading of Bills

3 *Reports of Committee on Engrossed and Enrolled Bills.*

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

4 *Messages from the Governor and Senate.*

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

5. *Petitions to be Presented, with a Brief Statement of Contents.*

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

6. *Introduction and Reading of Bills.*

Any member desiring to introduce a bill shall rise in his place and address the Speaker, and upon being recognized shall present the same. It shall then be numbered and read the first time at the Clerk's desk and referred to a standing committee,

and be printed, and a copy placed upon the desk of each member. Every bill shall be read at length on three several days previous to its passage, unless in case of urgency two thirds of the House shall, by vote of ayes and noes, dispense with this provision. The Speaker shall give notice at each reading whether it be the first, second, or third, and no bill shall be read at either reading until the House has so determined by a vote. All bills to appropriate money for contingent purposes shall be presented by the Committee on Ways and Means. The chairman or clerk of each committee of the Assembly shall notify the author of any bill or proceeding pending before such committee of the hour and place of hearing or acting upon such bill or proceeding

7. *Introduction of Bills by Committee.*

Any committee may introduce a bill appertaining to any subject coming within its consideration, whereupon it shall be read the first time and placed upon the proper second-reading file When such a bill is designed to be a substitute for one or more Assembly bills, the bills for which it is such a substitute shall, by a majority vote of the House, be deemed withdrawn, and shall not appear upon the file. Upon the introduction of a bill by a committee, it shall be numbered as a new bill, ordered printed, and placed upon the Assembly file for further action.

8. *Disposition of Senate Bills*

When a Senate bill has been received by the House, with a message announcing that the same has passed the Senate, such bill shall be referred to a standing committee, and if found by said committee to be identical with the provisions of an Assembly bill which has already been considered and reported by a committee of the Assembly, such Senate bill may be substituted for the Assembly bill (the latter being considered withdrawn) shall take the same place upon the Assembly file, and be considered as having received the same recommendation of the Assembly committee, *provided*, that the fact that the bills are identical shall be entered in the Journal.

9. *Joint Resolutions and Constitutional Amendments.*

Joint resolutions shall be treated the same as bills, *provided*, that they shall be read but once, and that after they have been reported by a committee; *and provided further*, that the ayes and noes shall not be called upon their adoption, unless regularly demanded. Proposed amendments to the Constitution shall be treated the same as bills, *provided*, they shall be read but once, and only after they shall have been reported by a committee.

10. *Proceedings Touching Appropriations of Money to be Considered in Committee of the Whole.*

All bills making appropriations of money shall be considered in a Committee of the Whole House while on second reading, and no addition to any appropriation shall be made out of Committee of the Whole.

11. *Reference of Bills.*

No debate shall be allowed on any motion to refer or recall a bill or resolution from a committee The Speaker shall first indicate to what committee a bill or resolution ought to be referred, and it shall be so referred, unless upon a motion, without debate, the House by a majority vote refer it to some other committee.

12 *Referring With Special Instructions.*

A bill or resolution may be committed with special instructions at any time after the third reading has been ordered.

13. *Order of Making File.*

Upon the introduction of bills they shall be read the first time, and referred to committees as provided in Rule 6. When reported back they shall be placed upon the General File, to be kept by the Clerk, as follows · All bills when reported to the House by the committees shall be placed at the foot of the Second-Reading File, in the order in which the reports are made, and after the second reading they shall be placed at the foot of the Third-Reading File in the order of reading, and no bill shall be transposed thereon except by unanimous consent of the House, and precedence shall be given in the consideration of bills in the following order: Third Reading File and Second-Reading File, unless otherwise ordered by a two-thirds vote of the House. The Clerk shall post in a conspicuous place in the chamber, a daily statement of the bills on the General File, setting forth the order in which they were filed, and specifying the alterations arising from the disposal of business each day.

14 *Order of Making Special File*

The Clerk shall, from time to time, make up a file, to be known as the Special File, on which he shall place bills relating to appropriations for the support of the State government and State institutions, revenue, election laws and constitutional amendments, in the order named, and in the order which the same may be reported to the Assembly, and he shall place no other bills thereon, nor shall any bill on the General File be substituted for any bill thereon

15. *Taking Up Bills Out of Order.*

When a member shall ask leave to have a bill taken up out of its regular order, he shall in making the motion give the number and title of the bill, and its position on the file, and no such leave shall be granted except by unanimous consent.

16 *Engrossing and Enrolling Bills.*

The Engrossing and Enrolling Clerk shall engross, and enroll, the bills which shall come to his hands for such purposes, in compliance with the provisions of Section 539 of the Political Code, and in the order of time in which the same shall be acted upon by the House Said Clerk shall be responsible for every violation of this rule by his assistants or deputies, no Clerk of this House, or his deputy or assistant, shall demand or receive from any person any compensation other than that provided by law for any services performed by him in regard to the bills or preparation of bills before this House.

17. *Committees When to Report.*

All committees shall act upon all bills as soon as practicable, and when acted upon shall be reported back to the Assembly forthwith, and the chairman of each committee is charged with the observance of this rule.

DUTIES OF SPEAKER.

18 *To Call the House to Order.*

The Speaker, or, in his absence, the Speaker pro tem. shall take the chair precisely at the hour appointed for meeting, and shall immediately call the House to order In the absence of both the Speaker and the Speaker pro tem., the Chief Clerk, or an assistant, shall call the House to order, whereupon a Chairman shall be elected from among the members to preside.

19 *To Preserve Order, to Decide Points of Order; and May Speak to Same.*

He shall preserve order and decorum; may speak to points of order in preference to other members, rising from his seat for that purpose, and shall decide questions of order, subject to an appeal to the House by any member, on which appeal no member shall speak more than once, unless by leave of the House.

20. *To Have Direction of the Hall; May Call Any Member to the Chair.*

He shall have general direction of the hall. He shall have a right to name any member to perform the duties of the Chair, but such substitution shall not extend beyond an adjournment.

21. *To Sign Resolution, Etc., Attested by the Clerk.*

All acts, addresses, and joint resolutions shall be signed by the Speaker, and all writs, warrants, and subpœnas issued by order of the House shall be under his hand, attested by the Clerk.

22. *May Order the Galleries and Lobby Cleared.*

In case of any disturbance or disorderly conduct in the galleries or lobby, the Speaker (or Chairman of the Committee of the Whole House) shall have power to order the same to be cleared.

DUTIES OF THE SERGEANT-AT-ARMS.

23. *To Attend Sittings of the House; Serve Processes.*

The Sergeant-at-Arms shall attend the House during its sittings, to execute the commands of the Speaker of the House, and all process issued by authority thereof directed to him by the Speaker. He shall be sworn to keep the secrets of the House. He shall also have supervision of all the attachés of the House (except the clerks at the desk, the committee attachés, stenographers, bill clerks and bill filers and the Page to the Speaker, which Page shall be under the exclusive supervision of the Speaker), and shall be responsible for the performance of their duties, and shall have power to suspend any attaché under him for dereliction of duty, and shall report to the Speaker such suspension and the causes thereof; said attaché shall not receive any pay during the time of such suspension. The Speaker shall have the power to relieve the attaché of his suspension, and shall have the power to remove any attaché for incompetency or for willful neglect of duty.

24. *Fees of Sergeant-at-Arms.*

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

25 *Assistant Sergeant-at-Arms to be Doorkeeper.*

The Assistant Sergeant-at-Arms shall be the Doorkeeper, and shall be sworn to keep the secrets of the House.

26. *Standing Committees.*

The Standing Committees of the House shall be as follows:

1. A Committee on Agriculture, to consist of seven members.
2. A Committee on Attachés and Employés, to consist of seven members.
3. A Committee on Banks and Banking, to consist of seven members, one of whom shall be the Speaker.
4. A Committee on Building and Loan Associations, to consist of seven members.
5. A Committee on Claims, to consist of seven members.
6. A Committee on Commerce and Navigation, to consist of nine members.
7. A Committee on Commissions and Public Expenditures, to consist of seven members.
8. A Committee on Contingent Expenses and Accounts, to consist of seven members
9. A Committee on Constitutional Amendments, to consist of nine members.
10. A Committee on Contested Elections, to consist of seven members.
11 A Committee on Corporations, to consist of nine members.
12 A Committee on Counties and County Boundaries, to consist of nine members.
13. A Committee on County and Township Governments, to consist of thirteen members.
14. A Committee on Live Stock, Dairies, and Dairy Products, to consist of nine members
15. A Committee on Election Laws, to consist of nine members.
16. A Committee on Education, to consist of nine members.
17. A Committee on Engrossment and Enrollment, to consist of five members.
18 A Committee on Fruit and Vine Interests, to consist of nine members.
19 A Committee on Fish and Game, to consist of eleven members
20. A Committee on Federal Relations, to consist of seven members.
21 A Committee on Governor's Messages, to consist of five members
22 A Committee on Immigration, to consist of nine members.
23. A Committee on Insurance and Insurance Laws, to consist of nine members
24. A Committee on Irrigation, to consist of nine members.
25. A Committee on Judiciary, to consist of twenty-one members
26. A Committee on Labor and Capital, to consist of nine members.
27 A Committee on Levees and River Improvements, to consist of nine members.
28. A Committee on Manufactures and Internal Improvements, to consist of seven members.
29. A Committee on Mileage, to consist of five members
30. A Committee on Military Affairs, to consist of seven members
31. A Committee on Mines and Mining Interests, to consist of nine members.
32. A Committee on Municipal Corporations, to consist of nine members.
33. A Committee on Oil Industries and Oil Mining Interests, to consist of nine members
34 A Committee on Public Buildings and Grounds, to consist of eleven members.
35. A Committee on Public Health and Quarantine, to consist of seven members.
36 A Committee on Public Lands and Forestry, to consist of seven members.
37 A Committee on Public Morals, to consist of nine members
38 A Committee on Public Printing, to consist of seven members.
39. A Committee on Public Works, State Capitol, and Parks, to consist of nine members.
40 A Committee on Public Charities and Corrections, to consist of seven members.
41. A Committee on Medical and Dental Laws, to consist of seven members.
42. A Committee on Revenue and Taxation, to consist of nine members.
43 A Committee on Roads and Highways, to consist of eleven members.
44. A Committee on Rules and Regulations, to consist of five members, one of whom shall be the Speaker.
45. A Committee on State Hospitals and Asylums, to consist of eleven members.
46. A Committee on State Library, to consist of five members
47. A Committee on State Prisons and Reformatory Institutions, to consist of eleven members.
48. A Committee on Swamp and Overflowed Lands and Drainage, to consist of nine members
49 A Committee on Universities, to consist of seven members.
50. A Committee on Ways and Means, to consist of fifteen members.
51 A Committee on Revision and Reform of Laws, to consist of nine members.

The San Francisco Delegation, to whom may be referred matters of interest in particular to the City and County of San Francisco, but not to the exclusion of the jurisdiction of other committees.

The Los Angeles Delegation, to whom may be referred matters of interest in particular to Los Angeles City or County, but not to the exclusion of the jurisdiction of other committees

27. *Committees to be Appointed by Speaker.*

All committees shall be appointed by the Speaker, unless otherwise ordered by the House.

28. *Committee on Contested Elections.*

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

29. *Committee on Ways and Means.*

It shall be the duty of the Committee on Ways and Means to take into consideration all reports of the State officers and State Boards or State Commissions, and all propositions relative to the revenue of the State, as may be referred to them by the Assembly; to inquire into the state of the revenue and expenditures of the State, and report from time to time their opinion thereon. All bills for the appropriation of money, which were not at first referred to the Committee on Ways and Means, shall be reported to the House by the committees having them under consideration, and shall thereupon, without motion, be referred to the Committee on Ways and Means; and said committee shall consider and report thereon the amount of appropriation required, but such bill shall retain its place on file pending its consideration by said Committee on Ways and Means. The Committee on Ways and Means shall, from time to time, at least once in two weeks, report to the House the exact condition of legislation involving appropriations, and the aggregate amount of all the proposed appropriations pending

30. *Committee on Commissions and Public Expenditures*

It shall be the duty of the Committee on Commissions and Public Expenditures to ascertain what State commissions, institutions, or boards, if any, can be abolished or consolidated with advantage to the public, in view of a more economical adminstration of State affairs; to ascertain what expenditures and salaries of the various public offices and institutions can be advantageously reduced or discontinued; to prepare and report to the Assembly such bills or resolutions as may be required to carry out the recommendations of the committee.

31. *Committee on Engrossment.*

It shall be the duty of the Engrossing Committee to compare all bills ordered or considered engrossed by this House with the engrossed copies thereof, and before they pass out of the possession of the House, see that the engrossed bill is a true copy of the original, with such amendments as may have been made thereto; and said committee shall see that all engrossed bills are reported back in the order in which they were ordered engrossed.

32. *Committee on Rules and Regulations.*

It shall be the duty of the Committee on Rules and Regulations to have general charge and supervision of the business of the Assembly, to prepare and report as provided in Rule 67, temporary rules, for the transaction of the business of the Assembly. Any proposed change or amendment of the rules and all matters particularly affecting the policy of the government or the business of the Assembly shall be referred to it.

33. *Committee Expenditures.*

No committee shall be permitted to incur any expense by visiting any part of the State on official or other business, without first obtaining leave of the House by a two-thirds vote of the members thereof

34. *Committee of the Whole House.*

In forming a Committee of the Whole House, a chairman, to be named by the Speaker, shall preside. Bills committed to a Committee of the Whole House shall, in Committee of the Whole, be read by sections All amendments shall be noted and reported to the Assembly by the chairman After being reported to the Assembly, the bill shall again be subject to amendment before a vote on the report is taken.

35. *Rules in Committee of the Whole.*

The rules of the Assembly shall be observed in Committees of the Whole, as far as may be applicable, except limiting the time of speaking, and except that the ayes and noes shall not be taken.

36 *Motion to Rise Decided Without Debate.*

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

37. *Reference of Bills.*

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

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

38. *Calling Members to Order When Transgressing Rules.*

If any member, in speaking or otherwise, transgresses the rules of the House, the Speaker shall, or any member may, call to order; in which case the member so called

to order shall immediately sit down, unless permitted to explain; and if called to order by a member, such member shall immediately state the point of order If the point of order be sustained by the Chair, the member shall not be allowed to proceed; but if it be not sustained, then he shall be permitted to go on. Every such decision from the Chair shall be subject to an appeal to the House, but no discussion of a question of order shall be allowed, unless an appeal be taken from the decision of the Chair.

39. *Speaker to Decide Who is Entitled to the Floor.*

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

40. *Order in Speaking to Questions.*

Every member, when he speaks, shall, standing in his place, address "Mr. Speaker," and when he has finished he shall sit down. No member shall speak more than twice during the consideration of any one question, of whatever nature, on the same day and at the same stage of proceedings, without leave being granted, except the author of a bill or resolution, or mover of a question, who shall have the right to close the debate. No member shall be allowed to speak more that thirty (30) minutes upon any question, except by leave of the House.

41. *Called to Order for Offensive Words in Debate.*

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

42. *Personal Explanation.*

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

43. *Motions to be Stated by Speaker Shall be Reduced to Writing, or May be Withdrawn.*

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

44. *Motion to Adjourn.*

A motion to adjourn shall always be in order except during roll call. The Clerk shall enter on the Journal the name of any member moving an adjournment, also the hour at which the motion was made.

When a motion is made and seconded to adjourn, it shall be in order for the Speaker, before putting the question, to permit any member to state any fact to the House relating to the condition of the business of the House, which would seem to render it improper to adjourn at that time. Such statement, however, shall not be debatable, and such statement or statements shall not, in any case, occupy more than two minutes.

Concurrent resolutions for adjournment *sine die* shall in all cases, whether originating in the House or coming from the Senate be referred to the Committee on Ways and Means That committee shall report upon any such concurrent resolution not later than the next legislative day, and with regard to the status of the general appropriation bill and the tax levy.

45. *Precedence of Motions During Debate.*

When a question is under debate, or before the House, no motion shall be received but: To adjourn, to lay on the table; for the previous question; to postpone to a day certain; to commit or amend; to postpone indefinitely; which several motions shall have precedence in the order in which they are named, but the first three shall be decided without debate; and no motion to postpone to a day certain, to commit, or to postpone indefinitely, being decided, shall again be allowed on the same day and at the same stage of the proceedings. A motion to strike out the enacting clause of a bill shall have preference over a motion to amend, and, if carried, shall be considered equivalent to its rejection. A dilatory motion shall not be considered intervening business within the meaning of parliamentary usage.

46. *Previous Question.*

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

47. *Questions of Order After Previous Question is Ordered.*

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

have been ordered, ten minutes shall be allowed for explanation of the matters covered by the previous question, of which five minutes shall be given to the member moving the previous question, and five minutes to those opposed thereto.

48. *Previous Question Demanded.*

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

49. *Question Indefinitely Postponed.*

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

50. *Division of Questions.*

Any member may call for a division of the question, which shall be divided if it comprehend propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the House. A motion to strike out being lost, shall preclude neither a motion to add to nor a motion to strike out and insert.

51. *Substitute*

A substitute shall be deemed and held to be an amendment, and be treated in all respects as such.

52. *Subjects Different from the One Under Consideration.*

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

53. *Printing of Bills.*

Five hundred copies of all bills shall be printed. The Sergeant-at-Arms shall be required to certify to the reception by the House of all such printed matter, and the quantity thereof.

54. *Printing Extra Number of Bills, Etc.*

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

55. *Printing of Maps.*

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

56. *Filling Blanks.*

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

57 *Priority of Business.*

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

58. *Reading of Papers.*

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

59. *Notice of Reconsideration.*

On the day succeeding that on which a final vote on any bill or resolution has been taken said vote may be reconsidered on the motion of any member; *provided*, notice of intention to move such a reconsideration shall have been given on the day on which such final vote was taken, by a member voting with the majority; and it shall not be in order for any member to move a reconsideration on the day on which such final vote was taken. Said motion of reconsideration shall have precedence over every other motion, except a motion to adjourn. No notice of reconsideration shall be in order on the day preceding the last day of the session.

No motion to reconsider shall be adopted, except upon a roll call, and it shall require forty-one votes to adopt the motion.

60. *Elections by House*

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

61. *Calling Ayes and Noes.*

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

62. *Members at Clerk's Desk.*

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

63. *Voting on Question When Interested.*

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

64. *Division and Count of House*

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

65. *Explaining or Changing Vote.*

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

66. *Call of the House.*

Upon a call of the House the names of the members shall be called over by the Clerk, and the absentees noted, after which the names of the absentees shall again be called over. The door shall then be shut, and those for whom no excuse or insufficient excuses are made, may, by order of those present, be taken into custody, as they appear, or may be sent for and taken into custody by the Sergeant-at-Arms wherever to be found, or by special messenger, to be appointed for that purpose In the absence of a quorum, a majority of the members present may order a call of the House and compel the attendance of absentees in the manner above provided. No recess can be taken during a call of the House.

67. *Suspending and Changing Rules.*

No standing rule or order of the House shall be rescinded or changed without a vote of two thirds, and one day's notice being given of the motion therefor, *provided*, that the Committee on Rules and Regulations may at any time, except during a roll call, report a temporary rule providing for the consideration of any bill on the files of the House belonging to either of the following classes:

1. Bills affecting the State government, its revenue, its various departments or commissions, or appropriations therefor
2. Bills affecting county and township governments, or roads and highways
3. Bills affecting town, city, city and county governments, or the municipal affairs of the same.
4. Bills amending election or primary election laws.
5. Constitutional amendments.
6. Bills amending or repealing the Codes or sections thereof

Such temporary rule shall provide when a bill so selected shall be taken up for consideration, and the time when final vote shall be taken thereon and pending amendments thereto, if there be any.

It shall always be in order to call up for consideration such report. The same shall be subject to amendment by the House

On the adoption of such temporary rule by the House by a two-thirds vote by roll call of the members elected to the House, such bill shall thereupon be made the special order for the time fixed therein

A rule of order may be suspended temporarily by a vote of two thirds of the members elected, except that portion of Rule 6 relating to third reading of bills. A motion or resolution proposing to increase or diminish a standing committee shall not be adopted until the same has been referred to the Committee on Rules and Regulations.

The Committee on Rules and Regulations may also, at any time, report a temporary rule or regulation for the consideration of the business on the file, having regard to the condition of the business of the House. When such temporary rule or regulation shall have been adopted by the House, it shall have the effect, for the time being, of a standing rule, and shall be enforced by the Speaker.

68. *Members Absenting Themselves*

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

69. *Persons Admitted to Floor.*

No persons, except Senators, State officers, Governors and ex-Governors of States Members of Congress, Judges of the Supreme or Superior Courts, members of the press when accredited by their respective journals, ladies when specially invited by a member of the House, shall be admitted within the Assembly Chamber, except in the galleries, during the session of the House, but a majority may have the floor of the House within the bar cleared of any or all such persons. The Speaker is charged with the enforcement of this rule.

70. *Smoking in Hall.*

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

71. *Parliamentary Rules.*

The rules of parliamentary practice contained in Roberts' Rules of Order shall govern the House in all cases to which they are applicable, and in which they are not inconsistent with the Standing Rules and Orders of the House and the Joint Rules of the Senate and House of Assembly.

72. *Use of Hall*

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

73. *Fees for Witnesses.*

Witnesses summoned to appear before the House or any of its committees shall be paid as follows: For each day a witness shall attend, the sum of two dollars; for each mile he shall travel in coming to and going from the place of examination, the sum of ten cents No mileage shall be paid except where the witness has actually traveled for the purpose of giving testimony.

74. *Protest of Members.*

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

75. *Fees Allowed in Cases of Contest.*

Whenever, in the Assembly, a contest is made for the seat of any Assemblyman, no more than two hundred dollars shall be allowed as counsel fees to either side.

76. *Assignment of Attachés.*

The Committee on Attachés and Employés shall assign the committee clerks and the official stenographers of the House to the various committees, *provided*, that the Committee on Judiciary and the Committee on Ways and Means shall each be entitled to one clerk and one stenographer, to be selected by the chairmen of those committees, respectively.

All assignments of committee clerks and stenographers made by the Committee on Attachés and Employés under this rule shall be reported to the House and entered in the Journal.

77. *Introduction of Bills After Fortieth Day.*

On or prior to the fortieth day of the session the Speaker shall appoint a standing Committee on Introduction of Bills, to consist of three members.

All motions for leave to introduce bills after the fortieth day shall be sent to the desk in writing, under the order of "Introduction of Bills," and at no other time. The motion shall give the title of the bill, and shall be accompanied by the bill. The bill shall thereupon be referred to the Committee on Introduction of Bills.

That committee shall examine bills referred to it with particular reference to the question as to whether there is already any bill in either house of the same character which might be amended to effect the result sought, and generally as to the advisability of introducing the measure.

The committee shall report upon each bill so referred to it on the same legislative day. The report shall be made at the conclusion of the consideration of the Senate Special File.

The committee may, in its discretion, incorporate more than one bill in the resolution to grant leave to introduce, incorporating in the resolution the title of each bill in full, and the roll shall be called upon the adoption of the resolution without debate.

If a division of the question is demanded upon the introduction of any particular bill, the division shall be allowed, and the roll called separately upon the bill.

78 *Leave of Absence of Committee Visiting Public Institutions.*

When leave of absence shall be granted any committee, special or standing, to visit public buildings or institutions, or for any other purpose, such leave shall be granted only by a two-thirds vote taken *viva voce*, and no expenses or mileage of attachés shall be allowed No member of the Assembly shall accompany a committee as a substitute for a member thereof who declines to accompany the committee, without permission for such substitution being obtained from the Speaker Application for a leave of absence for a committee shall be made to the Assembly by the chairman thereof, by resolution, which shall give the name of the institution or institutions to be visited and briefly recite the occasion and necessity for visiting the same, together with the number of committeemen desiring leave. Such resolution shall immediately, and without debate, be referred to the Committee on Rules and Regulations, with instructions to report upon the next legislative day on the same, and whether the leave of absence can be granted without interfering with the business of the Assembly.

79. *Duties of Chief Clerk.*

It shall be the duty of the Chief Clerk to have charge and supervision of all the clerical business of the Assembly. He shall perform the duties imposed on him by law and the rules of the Assembly. He shall have the supervision of all the clerks and assistants at the desk, of the Journal Clerk and his assistants, of all bill clerks, bill filers, stenographers, and of all committee attachés, except the attachés to the com-

mittees on Judiciary and Ways and Means, and shall be responsible for the performance of their duties, and shall have power to suspend any such clerk or attaché under him for dereliction of duty, and shall report to the Speaker such suspension and the causes thereof. Said clerk or attaché shall not receive any pay during the time of such suspension. The Speaker shall have the power to relieve the attaché or clerk of his suspension, and shall have the power to remove any clerk or attaché for incompetency or for willful neglect of duty.

80. *Lobbying.*

No person engaged in presenting to the Assembly or its committees any business, or claim, or legislation, shall be permitted to engage in such business during the sessions of the Assembly, or be permitted on the floor of the Assembly during its sessions, and any person transgressing this rule shall be removed from the floor of the Assembly and be debarred from the privilege of the floor during the remainder of the entire session. The Speaker is charged with the enforcement of this rule.

This rule can not be suspended except by a two-third vote of the entire Assembly.

81. *Committee on Revision and Reform of Laws.*

It shall be the duty of the Committee on Revision and Reform of Laws to take into consideration all petitions, bills and resolutions touching the revision and reform of the existing laws of the State of California as shall or may be presented or come into question, and be referred to it by the Assembly.

JOHNSON of Sacramento, Chairman.

SPECIAL ORDER SET.

On motion of Mr. Johnson of Sacramento, the above report was ordered printed in the Journal, and made a special order for consideration immediately after the reading of the Journal on Thursday, January 7, 1909.

ANNOUNCEMENT.

The Speaker announced that he had received and placed on file the papers in the contest of Charles A. Nelson to a seat in the Assembly, entitled:

"In the matter of the contest of the right of Charles A. Nelson to a seat in the Assembly in the State of California, for the Thirty-second Assembly District

CORNELIUS P. LYONS, Contestant,
vs.
[No. 20,320.] CHARLES A NELSON Contestee."

RESOLUTIONS.

The following resolutions were offered:

By Mr. Transue:

Resolved, That each member of the Assembly be and is hereby allowed ($25 00) twenty-five dollars for contingent expenses, as provided by law, payable out of the appropriation for the contingent expenses of the Assembly, and that the aggregate amount of the value of the stamps and stationery which any member shall draw on his requisition from the Secretary of State shall be charged to his account as a part of his allowance made.

Resolution read.

The question being on the adoption of the resolution.

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

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Greer, Griffiths, Hammon, Hanlon, Hans, Hayes Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilhard, Leeds, Lightner, Macauley, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Young, and Mr Speaker—72.

NOES—None

Also:

Resolved, That the Sergeant-at-Arms of the Assembly or the bookkeeper to the Sergeant-at-Arms be and he is hereby authorized to receipt to the Controller for all warrants for payment to members, officers, and attachés of the Assembly.

Resolution read, and on motion adopted.

Also:

Resolved, That the Controller be and he is hereby directed to draw his warrant on the proper fund in favor of Clio Lloyd, Chief Clerk, and the State Treasurer is directed to pay the same, for the sum of seventy-five dollars, said amount being for the payment of postage, telegraphing, expressage, and incidental expenses of the Chief Clerk's office.

Resolution read.

The question being upon the adoption of the resolution.

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

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Costar, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Leeds, Lightner, Macauley, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Wilson, Young, and Mr. Speaker—71

NOES—None.

By Mr. Melrose:

Resolved, That the Chief Clerk of the Assembly be and he is hereby authorized and directed to purchase for the use of the members of the Assembly and the Chief Clerk, eighty-five copies each of Deering's Pony Codes, with latest amendments, general laws, and Treadwell's Constitution of California, latest edition.

Resolution read.

Mr. Coghlan moved to refer to Committee on Contingent Expenses and Accounts.

Motion lost

The question being upon the adoption of the resolution.

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

AYES—Messrs. Barndollar, Baxter, Beardslee, Bohnett, Butler, Cattell, Cogswell, Collier, Costar, Dean, Drew, Flavelle, Fleisher, Flint, Gibbons, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Leeds, Melrose, Moore, Mott, Odom, Otis, Perine, Preston, Pulcifer, Rech, Rutherford, Sackett, Silver, Telfer, Wagner, Webber, Whitney, Young, and Mr. Speaker—48.

NOES—Messrs. Beban, Black, Callan, Coghlan, Collum, Cronin, Cullen, Feeley, Gerdes, Hopkins, Johnston of Contra Costa, Juilliard, Lightner, Macauley, Maher, McManus, Mendenhall, Nelson, O'Neill, Polsley, Pugh, Schmitt, Stuckenbruck, Wheelan, and Wilson—25.

By Mr. Leeds:

Resolved, That the Sergeant-at-Arms be and he is hereby authorized to rent twenty typewriting machines for the use of stenographers of the Assembly, and the State Controller is hereby authorized to draw his warrant for the amount of the rental, and the State Treasurer is directed to pay the same out of the contingent fund of the Assembly.

Resolution read, and referred to Committee on Contingent Expenses and Accounts.

RECESS.

At twelve o'clock and thirty minutes P. M., on motion of Mr. Johnson of Sacramento, the Speaker declared the Assembly at recess until five o'clock P. M. of this day.

REASSEMBLED.

At five o'clock P. M. the Assembly reconvened.
Speaker Stanton in the chair.

INTRODUCTION OF BILL—(OUT OF ORDER).

Mr. Leeds asked for, and was granted, unanimous consent to introduce the following bill out of order:

Assembly Bill No. 1—An Act to amend Section 266 of the Political Code, relative to compensation and mileage of members of the Legislature.

Bill read first time, and referred to the Committee of the Whole.

RUSH ORDER TO PRINTER.

On motion of Mr. Leeds, Assembly Bill No. 1 was sent to the Printer with a rush order, and made a special order for consideration immediately after the reading of the Journal, on Thursday, January 7, 1909.

ADJOURNMENT.

At five o'clock and thirty minutes P. M., on motion of Mr. Johnson of Sacramento, the Assembly was declared adjourned until eleven o'clock A. M. of Thursday, January 7, 1909.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL.,
Thursday, January 7, 1909.

At eleven o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. P. A. Stanton, Speaker of the Assembly, in the chair.

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

Messrs. Barndollar, Beardslee, Beatty, Beban, Black, Bohnett, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Haves, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—73.

Quorum present.

PRAYER.

By invitation of the Speaker, prayer was offered by Rev. Seren N. Marsh.

READING OF JOURNAL.

During the reading of the Journal, on motion of Mr. Leeds, its further reading was dispensed with.

LEAVES OF ABSENCE.

On motion, leave of absence for the week was granted to Messrs. Gillis, Baxter, and Kehoe.

MESSAGES FROM THE SENATE.

On motion of Mr. Leeds, Senate messages, as follows, were taken up for consideration:

SENATE CHAMBER, SACRAMENTO, January 7, 1909.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Senate Bill No. 1—An Act making an appropriation to pay the expenses of Electors of President and Vice-President of the United States of America

Also: Senate Bill No. 2—An Act to amend Section 266 of the Political Code of the State of California, relative to compensation and mileage of members of the Legislature.

LEWIS A. HILBORN, Secretary of Senate.
By H. P. TRAVERS, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, January 7, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Senate Joint Resolution No. 1—Relative to a joint resolution in Congress confirming a grant of privileges made by the Secretary of the Interior Department for reservoir sites in the Hetch Hetchy Valley and at Lake Eleanor, in the Yosemite National Park and Forest Reserves, etc.

LEWIS A HILBORN, Secretary of Senate.
By H. P. TRAVERS, Assistant Secretary.

CONSIDERATION OF SENATE BILLS.

Senate Bill No. 1—An Act making an appropriation to pay the expenses of Electors of President and Vice-President of the United States of America.

Bill read first time, and referred to the Committee of the Whole.

Senate Bill No. 2—An Act to amend Section 266 of the Political Code of the State of California, relative to compensation and mileage of members of the Legislature.

Bill read first time, and referred to the Committee of the Whole.

CASES OF URGENCY.

The following resolution was introduced:

By Mr. Leeds:

Resolved, That Senate Bills Nos. 1 and 2 present cases of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the first, second, and third times and placed upon their passage.

Resolution read.

The question being upon the adoption of the resolution.

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

AYES—Messrs. Barndollar, Beardslee, Beatty, Beban, Bohnett, Callan, Cattell, Coghlan, Cogswell, Collier, Costar, Cronin, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Odom, Otis, Perine, Polsley, Preston, Pugh, Rech, Rutherford, Sackett, Schmitt, Silver, Telfer, Transue, Wagner, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—64.

NOES—None.

SECOND READING OF SENATE BILLS.

Senate Bill No. 1—An Act making an appropriation to pay the expenses of Electors of President and Vice-President of the United States of America.

Mr. Leeds moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Senate Bill No 1 considered.

Mr. Leeds moved that the committee do now rise, and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 7, 1909.

GENTLEMEN: The Committee of the Whole have had under the consideration Senate Bill No 1—An Act to amend Section 266 of the Political Code of the State of California, relative to compensation and mileage of members of the Legislature—and do now report same back, and recommend that it do pass.

STANTON, Chairman.

Bill read second time, and ordered on file for third reading.

THIRD READING OF BILL.

Bill read third time.

The question being upon the passage of the bill.

The roll was called, and Senate Bill No. 1 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Beban, Black, Bohnett, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis O'Neill, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—73.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 2—An Act to amend Section 266 of the Political Code of the State of California, relative to compensation and mileage of members of the Legislature.

Mr. Leeds moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Senate Bill No. 2 considered.

Mr. Leeds moved that the committee do now rise, and report in favor of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 7, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 2, and do now report the same back, and recommend that it do pass as amended.

STANTON, Chairman.

Bill read second time, and ordered on file for third reading.

THIRD READING OF BILL.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 2 passed by the following vote:

AYES—Messrs Barndollar, Beardslee, Beatty, Beban, Black, Bohnett, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Rutherford, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—74.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SENATE JOINT RESOLUTION CONSIDERED.

Senate Joint Resolution No 1—Relative to a joint resolution in Congress confirming a grant of privileges made by the Secretary of the Interior Department for reservoir sites in the Hetch Hetchy Valley and at Lake Eleanor, in Yosemite National Park and Forest Reserves, etc.

Mr. Coghlan moved that the consideration of Senate Joint Resolution No. 1 be considered a case of urgency and be taken up for adoption.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Beban, Black, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Costar, Cullen, Feeley, Gerdes, Hammon, Hanlon, Hans, Hayes, Hinkle, Hopkins, Johnson of San Diego, Juilliard, Leeds, Lightner, Macauley, Maher, McManus, Mott, Nelson, O'Neill, Perine, Preston, Pugh, Pulcifer, Rech, Sackett, Schmitt, Silver, Stuckenbruck, Transue, Wheelan, Wilson, Young, and Mr Speaker—45

NOES—Messrs. Bohnett, Cronin, Dean, Drew, Flavelle, Fleisher, Flint, Gibbons, Greer, Griffiths, Hawk, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, McClellan, Melrose, Mendenhall, Moore, Odom, Otis, Polsley, Rutherford, Telfer, Wagner, Webber, Whitney, and Wyllie—30.

Resolution referred to Committee on Federal Relations.

RESOLUTIONS—(OUT OF ORDER).

The following resolutions were offered:

By Mr. Transue:

WHEREAS, We have just learned of the accidental death of Mrs John F. Pryor, the wife of Hon. John F. Pryor, a former member of this body, therefore, be it

Resolved, That the Assembly extend to the Hon. John F. Pryor its heartfelt sympathy in this his hour of sorrow.

Resolved, That the Chief Clerk telegraph this resolution to the Hon. John F. Pryor

Resolution read, and on motion adopted.

By Mr. Johnson of Sacramento:

Resolved, That the following-named persons be and they are hereby appointed and employed for the positions, and at the per diem set opposite their respective names, said per diem to be paid out of the appropriations for the contingent expenses of the Assembly, said appointments to date from and include the 7th day of January, 1909; and the State Controller is hereby authorized and directed to draw his warrants upon the said fund in favor of the said following-named persons for the said per diem, and the State Treasurer is hereby authorized and directed to pay the same, viz:

T. G. Walker	Assistant to Chief Clerk	$6 00
Leo Preisker	Assistant to Chief Clerk	6 00
Nelson French	Assistant to Chief Clerk	6 00
L. B. Mallory	Assistant to Chief Clerk	6 00
Ben Cohn	Assistant to Sergeant-at-Arms	5 00
S. G. Tyler	Assistant to Sergeant-at-Arms	5 00
Charles Ross	Assistant to Sergeant-at-Arms	5 00
George S. Miller	Assistant to Sergeant-at-Arms	5 00
Charles A. Mienert	Assistant to Sergeant-at-Arms	5 00
J. M. Alexander	Assistant to Sergeant-at-Arms	5 00
P. McNally	Assistant to Sergeant-at-Arms	5 00
D. S. Millar	Assistant to Sergeant-at-Arms	5 00
C W Haub	Bookkeeper to Sergeant-at-Arms	5 00
May Coffield	Clerk to Sergeant-at-Arms	5 00
Stephen F. Otis	Assistant Minute Clerk	6 00
J F Fredendall	Assistant Minute Clerk	6 00
William Nye	Journal Clerk	6 00
Arthur S Moore	Assistant Journal Clerk	5 00
Chester Smith	Engrossing and Enrolling Clerk	6 00
Florence N True	Assistant Engrossing and Enrolling Clerk	5 00
Michel Scanlon	Assistant Engrossing and Enrolling Clerk	5 00
F. Waters	Assistant Engrossing and Enrolling Clerk	5 00
Maynard Michel	Assistant Engrossing and Enrolling Clerk	5 00
Miss Carrie Garreson	Assistant Engrossing and Enrolling Clerk	5 00
E F Van Alstine	Assistant Engrossing and Enrolling Clerk	5 00
W. C. Guirey	File Clerk	6 00
George P. Cook	Assistant File Clerk	5 00
Otto Lowentrout	Assistant File Clerk	5 00
S D Bromley	Bill Filer	4 00
M J. Dunn	Bill Filer	4 00
W. C. Renfro	Bill Filer	4 00
John Hayes	Bill Filer	4 00
J. H O'Brien	Bill Filer	4 00
William Milliken	Bill Filer	4 00
Thomas Rapp	Bill Filer	4 00
John Rolland	Bill Filer	4 00
C W. Wilson	Bill Filer	4 00
J M. Whiteside	Bill Filer	4 00
James McCaffery	Bill Filer	4 00
S. N. Marsh	Chaplain	4 00
Miss E Brill	Postmistress	4 00
Adah Ford	Assistant Postmistress	4 00
Jesse Seiler	Mail Carrier	3 00
Ben Hagerty	Page	2 50
B. L. Conlan	Page	2 50
Charles Rothwell	Page	2 50
C. Courtney	Page	2 50
C F. Feeley	Gatekeeper	3 00
Zeke Walters	Gatekeeper	3 00
Lloyd Hughes	Gatekeeper	3 00
Frank E. Redell	Doorkeeper	3 00
C. Wenig	Doorkeeper	3 00
L. L. Chrisler	Gallery Doorkeeper	3 00
Ed L. Vegeley	History Clerk	6 00
J. V Scofield	Assistant History Clerk	5 00
John Falkenstein	Bill Clerk	4 00
R. H. Graham	Assistant Bill Clerk	4 00
W. H. Graham	Assistant Bill Clerk	4 00
Joseph Moore	Assistant Bill Clerk	4 00
Peter Nielsen	Assistant Bill Clerk	4 00
James Hannon	Committee Clerk	4 00

J. C. Finnegan	Committee Clerk	$4 00
G. W. Elder	Committee Clerk	4 00
Thomas Y. Forbes	Committee Clerk	4 00
Cornelius Murphy	Committee Clerk	4 00
Miss M. Barton	Committee Clerk	4 00
William Drane	Committee Clerk	4 00
Ray Baker	Committee Clerk	4 00
Morris Doody	Committee Clerk	4 00
E. H Greer	Committee Clerk	4 00
Theo Lafayette	Committee Clerk	4 00
Ethel Shugg	Committee Clerk	4 00
Lulu McKinley	Committee Clerk	4 00
Y. V Johnson	Committee Clerk	4 00
Lee Wadsworth	Committee Clerk	4 00
Myrtle Glenn	Committee Clerk	4 00
Harry Bonnell	Committee Clerk	4 00
Archibald Dunbar	Committee Clerk	4 00
M. Boban	Committee Clerk	4 00
Clarence Grenfell	Committee Clerk	4 00
G. A. Sackett	Committee Clerk	4 00
B. Rutherford	Committee Clerk	4 00
G. Crittenden	Committee Clerk	4 00
Mary Walker	Committee Clerk	4 00
M. A. Hull	Committee Clerk	4 00
E. A. O'Brien	Committee Clerk	4 00
Dave Peterson	Watchman	3 00
B. J. Chambers	Watchman	3 00
J. J. Jones	Watchman	3 00
Mrs E E. Curtis	Clerk to Judiciary Committee	6 00
J. H. Wright	Stenographer	5 00
M. McCarthy	Stenographer	5 00
Eva Cattell	Stenographer	5 00
Miss Geneva Cahlin	Stenographer	5 00
W. R. Macrill	Stenographer	5 00
A. Stanton	Stenographer	5 00
Anna Langan	Stenographer	5 00
John Gardella	Porter	3 00

Resolution read.

The question being on the adoption of the resolution.

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

AYES—Messrs. Barndollar, Beardslee, Beatty, Beban, Black, Bohnett, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Dean, Drew, Feeley, Flavelle, Flint, Gerdes, Gibbons, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Leeds, Lightner, Macaulev, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Wilson, Wyllie, Young, and Mr. Speaker—73.

NOES—None.

RECESS.

At twelve o'clock and thirty minutes P. M., on motion of Mr. Johnson of Sacramento, the Speaker declared the Assembly at recess until two o'clock and fifteen minutes P. M. of this day.

REASSEMBLED.

At two o'clock and fifteen minutes P. M. the Assembly reconvened, Speaker Stanton in the chair.

ANNOUNCEMENT.

The Speaker announced that the attachés and employés of the Assembly would appear before the bar of the Assembly and take and subscribe to the oath of office.

Thereupon the above reported list of employés appeared before the bar of the Assembly and took and subscribed to the following oath of office:

OATH OF OFFICE.

I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of California, and discharge the duties of the office to which I am elected according to the best of my ability.

SPECIAL ORDER.

The time having arrived for the consideration of the special order heretofore set, the following was taken up for adoption.

REPORT OF COMMITTEE ON RULES AND REGULATIONS.

Mr. Drew moved that the temporary rules adopted January 4, 1909, be substituted for the committee report.

Motion duly seconded.

The question being upon the adoption of the substitute.

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

AYES—Messrs. Black, Bohnett, Callan, Cattell, Cogswell, Collum, Costar, Cronin, Drew, Flint, Gibbons, Hammon, Hanlon, Hayes, Hewitt, Hinkle, Hopkins, Irwin, Johnson of Placer, Juilliard, Lightner, Maher, Melrose, Mendenhall, Odom, Otis, O'Neill, Polsley, Preston, Rech, Rutherford, Sackett, Silver, Stuckenbruck, Telfer, Wagner, Webber, Wheelan, Whitney, Wilson, and Young—41.

NOES—Messrs. Barndollar, Beardslee, Beban, Coghlan, Colher, Cullen, Dean, Feeley, Flavelle, Fleisher, Gerdes, Greer, Griffiths, Hans, Hawk, Holmquist, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Leeds, Macauley, McClellan, McManus, Moore, Mott, Nelson, Perine, Pugh, Pulcifer, Schmitt, Transue, and Mr Speaker—32.

STANDING RULES OF THE ASSEMBLY.

1. *Hour of Meeting.*

The sessions of the House shall be daily (Sundays excepted), beginning at nine o'clock and thirty minutes A. M. Until February 6, 1909, adjournment shall be taken at twelve o'clock and thirty minutes P. M., and after said date a recess shall be taken at said hour to two o'clock P. M., unless otherwise ordered by a vote of the House

2 *Order of Business.*

1. Roll Call.
2. Prayer by the Chaplain.
3. Reading and Approval of the Journal
4. Presentation of Petitions.
5. Reports of Standing Committees
6. Reports of Select Committees.
7. Messages from the Governor.
8. Messages from the Senate.
9. Introduction and Reference of Bills.
10. Motions and Resolutions.
11. Special Orders of the Day.
12. Unfinished Business of the Preceding Day.
13. Business on Special File.
14. Business on General File and Third Reading of Bills.

3. *Reports of Committee on Engrossed and Enrolled Bills.*

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

4. *Messages from the Governor and Senate.*

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

5. *Petitions to be Presented, with a Brief Statement of Contents.*

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

6. *Introduction and Reading of Bills.*

Any member desiring to introduce a bill shall rise in his place and address the Speaker, and upon being recognized shall present the same. It shall then be numbered and read the first time at the Clerk's desk and referred to a standing committee, and be printed, and a copy placed upon the desk of each member. Every bill shall be read at length on three several days previous to its passage, unless in case of urgency two thirds of the House shall, by vote of ayes and noes, dispense with this provision. The Speaker shall give notice at each reading whether it be the first, second, or third, and no bill shall be read at either reading until the House has so determined by a vote. All bills to appropriate money for contingent purposes shall be presented by the Committee on Ways and Means. The chairman or clerk of each committee of the Assembly shall notify the author of any bill or proceeding pending before such committee of the hour and place of hearing or acting upon such bill or proceeding.

7. *Introduction of Bills by Committee.*

Any committee may introduce a bill appertaining to any subject coming within its consideration, whereupon it shall be read the first time and placed upon the proper second reading file. When such a bill is designed to be a substitute for one or more Assembly bills, the bills for which it is such a substitute shall, by a majority vote of the House, be deemed withdrawn, and shall not appear upon the file. Upon the introduction of a bill by a committee, it shall be numbered as a new bill, ordered printed, and placed upon the Assembly file for further action.

8. *Disposition of Senate Bills.*

When a Senate bill has been received by the House, with a message announcing that the same has passed the Senate, such bill shall be referred to a standing committee; *provided, however*, that when a Senate bill is received, the provisions of which are identical with those of an Assembly bill which has already been considered and reported by a committee of the House, such Senate bill shall be substituted for the Assembly bill (the latter being considered withdrawn), shall take the same place upon the Assembly file, and be considered as having received the same recommendation of the Assembly committee; *provided*, that the fact that the bills are identical shall be entered in the Journal.

9. *Joint Resolutions and Constitutional Amendments.*

Joint resolutions shall be treated the same as bills, *provided*, that they shall be read but once, and that after they have been reported by a committee, *and provided further*, that the ayes and noes shall not be called upon their adoption, unless regularly demanded. Proposed amendments to the Constitution shall be treated the same as bills; *provided*, they shall be read but once, and only after they shall have been reported by a committee.

10. *Proceedings Touching Appropriations of Money to be Considered in Committee of the Whole.*

All bills making appropriations of money shall be considered in a Committee of the Whole House while on second reading, and no addition to any appropriation shall be made out of Committee of the Whole.

11. *Reference of Bills.*

No debate shall be allowed on any motion to refer a bill or resolution to a committee The Speaker shall first indicate to what committee a bill or resolution ought to be referred, and it shall be so referred, unless upon a motion, without debate, the House by a majority vote refer it to some other committee.

12. *Referring With Special Instructions.*

A bill or resolution may be committed with special instructions at any time after the third reading has been ordered.

13. *Order of Making File.*

Upon the introduction of bills they shall be read the first time, and referred to committees as provided in Rule 6. When reported back they shall be placed upon the General File, to be kept by the Clerk, as follows: All bills when reported to the House by the committees shall be placed at the foot of the second-reading file, in the order in which the reports are made, and after the second reading they shall be placed at the foot of the third-reading file, in the order of reading, and precedence shall be given in the consideration of bills in the following order: Third-reading file and second-reading file, unless otherwise ordered by a two-thirds vote of the House. The Clerk shall post, in a conspicuous place in the chamber, a daily statement of the bills on the General File, setting forth the order in which they were filed, and specifying the alterations arising from the disposal of business each day.

14. *Order of Making Special File*

The Clerk shall, from time to time, make up a file, to be known as the Special File, on which he shall place bills relating to appropriations for the support of the State government and State institutions, revenue, election laws and constitutional amendments, in the order named, and in the order in which the same may be reported to the Assembly, and he shall place no other bills thereon, nor shall any bill on the General File be substituted for any bill thereon.

15. *Taking Up Bills Out of Order.*

When a member shall ask leave to have a bill taken up out of its regular order he shall in making the motion give the number and title of the bill, and its position on the file.

16. *Engrossing and Enrolling Bills.*

The Engrossing and Enrolling Clerk shall engross, and enroll, the bills which shall come to his hands for such purposes, in compliance with the provisions of Section 539 of the Political Code, and in the order of time in which the same shall be acted upon by the House. Said Clerk shall be responsible for every violation of this rule by his assistants or deputies; no Clerk of this House, or his deputy or assistant, shall demand or receive from any person any compensation other than that provided by law for any services performed by him in regard to the bills or preparation of bills before this House

17. *Bills to be Reported Back Within Ten Days.*

All bills referred to any committee shall be by such committee reported back to the House with its action thereon within ten days after such reference, unless the House, by request of such committee, shall otherwise order.

DUTIES OF SPEAKER.

18 *To Call the House to Order.*

The Speaker, or, in his absence, the Speaker pro tem., shall take the chair precisely at the hour appointed for meeting, and shall immediately call the House to order In the absence of both the Speaker and the Speaker pro tem . the Chief Clerk, or an assistant, shall call the House to order, whereupon a Chairman shall be elected from among the members to preside.

19. *To Preserve Order, to Decide Points of Order, and May Speak to Same.*

He shall preserve order and decorum; may speak to points of order in preference to other members, rising from his seat for that purpose; and shall decide questions of order subject to an appeal to the House by any member, on which appeal no member shall speak more than once, unless by leave of the House.

20. *To Have Direction of the Hall, May Call Any Member to the Chair.*

He shall have general direction of the hall. He shall have a right to name any member to perform the duties of the Chair, but such substitution shall not extend beyond an adjournment. .

21 *To Sign Resolution, etc., Attested by the Clerk.*

All acts, addresses, and joint resolutions shall be signed by the Speaker, and all writs, warrants, and subpœnas issued by order of the House shall be under his hand, attested by the Clerk.

22. *May Order the Galleries and Lobby Cleared.*

In case of any disturbance or disorderly conduct in the galleries or lobby, the Speaker (or Chairman of the Committee of the Whole House) shall have power to order the same to be cleared.

DUTIES OF THE SERGEANT AT-ARMS.

23 *To Attend Sittings of House; Serve Processes.*

The Sergeant-at-Arms shall attend the House during its sittings, to execute the commands of the Speaker of the House, and all process issued by authority thereof directed to him by the Speaker. He shall be sworn to keep the secrets of the House. He shall also have supervision of all the attachés of the House (except the clerks at the desk, the committee attachés, and the Page to the Speaker, which Page shall be under the exclusive supervision of the Speaker), and shall be responsible for the performance of their duties, and shall have power to suspend any attaché under him for dereliction of duty, and shall report to the Speaker such suspension and the causes thereof; said attaché shall not receive any pay during the time of such suspension The Speaker shall have the power to relieve the attaché of his suspension, and shall have the power to remove any attaché for incompetency or for willful neglect of duty.

24. *Fees of Sergeant-at-Arms.*

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

25. *Assistant Sergeant-at-Arms to be Doorkeeper*

The Assistant Sergeant-at-Arms shall be the Doorkeeper, and shall be sworn to keep the secrets of the House.

26. *Standing Committees.*

The Standing Committees of the House shall be as follows :

1. A Committee on Agriculture, to consist of seven members.
2. A Committee on Attachés and Employés, to consist of seven members.
3. A Committee on Banks and Banking, to consist of five members.
4. A Committee on Building and Loan Associations, to consist of seven members.
5. A Committee on Claims, to consist of seven members.
6. A Committee on Commerce and Navigation, to consist of nine members.
7. A Committee on Commissions and Public Expenditures, to consist of seven members
8. A Committee on Contingent Expenses and Accounts, to consist of seven members.
9. A Committee on Constitutional Amendments, to consist of seven members.
10. A Committee on Contested Elections, to consist of seven members.
11. A Committee on Corporations, to consist of nine members.
12. A Committee on Counties and County Boundaries, to consist of nine members.
13. A Committee on County and Township Governments, to consist of thirteen members
14. A Committee on Dairies and Dairy Products, to consist of nine members.
15. A Committee on Election Laws, to consist of seven members.
16. A Committee on Education, to consist of nine members.
17. A Committee on Engrossment and Enrollment, to consist of seven members.
18. A Committee on Fruit and Vine Interests, to consist of seven members.
19. A Committee on Fish and Game, to consist of eleven members.
20. A Committee on Federal Relations, to consist of seven members.
21. A Committee on Governor's Messages, to consist of five members
22. A Committee on Immigration, to consist of nine members.
23. A Committee on Insurance and Insurance Laws, to consist of nine members.
24. A Committee on Irrigation, to consist of nine members.
25. A Committee on Judiciary, to consist of twenty-one members.
26. A Committee on Labor and Capital, to consist of nine members.
27. A Committee on Levees and River Improvements, to consist of seven members.
28. A Committee on Manufactures and Internal Improvements, to consist of seven members.
29. A Committee on Mileage, to consist of five members
30. A Committee on Military Affairs, to consist of seven members.
31. A Committee on Mines and Mining Interests, to consist of nine members.
32. A Committee on Municipal Corporations, to consist of seven members
33. A Committee on Oil Industries and Oil Mining Interests, to consist of nine members.
34. A Committee on Public Buildings and Grounds, to consist of eleven members.
35. A Committee on Public Health and Quarantine, to consist of seven members.
36. A Committee on Public Lands and Forestry, to consist of seven members.
37. A Committee on Public Morals, to consist of nine members.
38. A Committee on Public Printing, to consist of seven members.
39. A Committee on Public Works, State Capitol, and Parks, to consist of seven members.
40. A Committee on Public Charities and Corrections, to consist of seven members.
41. A Committee on Reform of the Civil Service, to consist of five members
42. A Committee on Retrenchment and Reform, to consist of seven members.
43. A Committee on Revenue and Taxation, to consist of nine members.
44. A Committee on Revision and Reform of Laws, to consist of nine members.
45. A Committee on Roads and Highways, to consist of eleven members.
46. A Committee on Rules and Regulations, to consist of five members, one of whom shall be the Speaker.
47. A Committee on State Hospitals and Asylums, to consist of eleven members.
48. A Committee on State Library, to consist of five members.
49. A Committee on State Prisons and Reformatory Institutions, to consist of nine members
50. A Committee on Swamp and Overflowed Lands and Drainage, to consist of nine members.
51. A Committee on Universities to consist of seven members.
52. A Committee on Ventilation and Acoustics, to consist of five members.
53. A Committee on Ways and Means, to consist of fifteen members.

The San Francisco Delegation, to whom may be referred matters of interest in particular to the City and County of San Francisco; but not to the exclusion of the jurisdiction of other committees.

27. *Committees to be Appointed by Speaker.*

All committees shall be appointed by the Speaker, unless otherwise ordered by the House

28. *Committee on Contested Elections.*

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

29. *Committee on Ways and Means.*

It shall be the duty of the Committee on Ways and Means to take into consideration all reports of the State Officers and State Boards or State Commissions, and all propositions relative to the revenue of the State, as may be referred to them by the Assembly, to inquire into the state of the revenue and expenditures of the State, and report from time to time their opinion thereon All bills for the appropriation of money, which were not at first referred to the Committee on Ways and Means, shall be reported to the House by the committees having them under consideration, and shall thereupon, without motion, be referred to the Committee on Ways and Means; and said committee shall consider and report thereon the amount of appropriation required, but such bill shall retain its place on file pending its consideration by said Committee on Ways and Means The Committee on Ways and Means shall, from time to time, at least once in two weeks, report to the House the exact condition of legislation involving appropriations, and the aggregate amount of all the proposed appropriations pending.

30. *Committee on Commissions and Public Expenditures.*

It shall be the duty of the Committee on Commissions and Public Expenditures to ascertain what State commissions, institutions, or boards, if any, can be abolished or consolidated with advantage to the public, in view of a more economical administration of State affairs; to ascertain what expenditures and salaries of the various public offices and institutions can be advantageously reduced or discontinued; to prepare and report to the Assembly such bills or resolutions as may be required to carry out the recommendations of the committee.

31 *Committee on Engrossment.*

It shall be the duty of the Engrossing Committee to compare all bills ordered or considered engrossed by this House with the engrossed copies thereof; and before they pass out of the possession of the House, see that the engrossed bill is a true copy of the original, with such amendments as may have been made thereto; and said committee shall see that all engrossed bills are reported back in the order in which they were ordered engrossed.

32. *Committee on Revision and Reform of Laws.*

It shall be the duty of the Committee on Revision and Reform of the Law to take into consideration all petitions, bills, and resolutions touching the revision and reform of the existing laws of the State of California as shall or may be presented or come into question and be referred to it by the Assembly.

33. *Committee Expenditures.*

No committee shall be permitted to incur any expense by visiting any part of the State on official or other business, without first obtaining leave of the House by a two-thirds vote of the members thereof.

34. *Committee of the Whole House*

In forming a Committee of the Whole House, a chairman, to be named by the Speaker, shall preside Bills committed to a Committee of the Whole House shall, in Committee of the Whole, be read by sections. All amendments shall be noted and reported to the Assembly by the chairman After being reported to the Assembly, the bill shall again be subject to amendment before a vote on the report is taken.

35. *Rules in Committee of the Whole.*

The rules of the Assembly shall be observed in Committees of the Whole, as far as may be applicable, except limiting the time of speaking, and except that the ayes and noes shall not be taken

36. *Motion to Rise Decided Without Debate.*

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

37. *Reference of Bills.*

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

The Committee of the Whole House.

A Standing Committee.

A Select Committee.

38 *Calling Members to Order When Transgressing Rules.*

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

39. *Speaker to Decide Who is Entitled to the Floor.*

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

40. *Order in Speaking to Questions.*

Every member, when he speaks, shall, standing in his place, address "Mr. Speaker," and when he has finished he shall sit down No member shall speak more than twice during the consideration of any one question, of whatever nature, on the same day and at the same stage of proceedings, without leave being granted, except the author of a bill or resolution, or mover of a question, who shall have the right to close the debate. No member shall be allowed to speak more than thirty (30) minutes upon any question, except by leave of the House.

41. *Called to Order for Offensive Words in Debate.*

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

42. *Personal Explanation.*

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

43. *Motions to be Stated by Speaker Shall be Reduced to Writing, or May be Withdrawn.*

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

44. *Motion to Adjourn.*

A motion to adjourn shall always be in order, except during roll call The Clerk shall enter on the Journal the name of any member moving an adjournment, also the hour at which the motion was made

When a motion is made and seconded to adjourn, it shall be in order for the Speaker, before putting the question, to permit any member to state any fact to the House relating to the condition of the business of the House, which would seem to render it improper to adjourn at that time. Such statement, however, shall not be debatable, and such statement or statements, shall not, in any case, occupy more than two minutes

Concurrent resolutions for adjournment *sine die* shall in all cases, whether originating in the House or coming from the Senate, be referred to the Committee on Ways and Means. That committee shall report upon any such concurrent resolutions not later than the next legislative day and with regard to the status of the general appropriation bill and the tax levy.

45. *Precedence of Motions During Debate.*

When a question is under debate, or before the House, no motion shall be received but: To adjourn, to lay on the table, for the previous question, to postpone to a day certain, to commit or amend; to postpone indefinitely; which several motions shall have precedence in the order in which they are named, but the first three shall be decided without debate; and no motion to postpone to a day certain, to commit, or to postpone indefinitely, being decided, shall again be allowed on the same day and at the same stage of the proceedings. A motion to strike out the enacting clause of a bill shall have preference over a motion to amend, and if carried, shall be considered equivalent to its rejection. A dilatory motion shall not be considered intervening business within the meaning of parliamentary usage.

46. *Previous Question.*

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

47 *Questions of Order After Previous Question is Ordered.*

All incidental questions of order arising after a motion is made for the previous question, and pending such motion or previous question, shall be decided (whether on appeal or otherwise) without debate; *provided*, that after the previous question shall have been ordered, ten minutes shall be allowed for explanation of the matters covered by the previous question, of which five minutes shall be given to the member moving the previous question, and five minutes to those opposed thereto.

48. *Previous Question Demanded.*

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

49. *Question Indefinitely Postponed*

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

50. *Division of Questions.*

Any member may call for a division of the question, which shall be divided if it comprehend propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the House. A motion to strike out being lost, shall preclude neither a motion to add to nor a motion to strike out and insert.

51 *Substitute.*

A substitute shall be deemed and held to be an amendment, and be treated in all respects as such.

52. *Subjects Different from the One Under Consideration.*

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

53. *Printing of Bills.*

Five hundred copies of all bills shall be printed The Sergeant-at Arms shall be required to certify to the reception by the House of all such printed matter, and the quantity thereof

54. *Printing Extra Number of Bills, Etc.*

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

55 *Printing of Maps.*

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

56. *Filling Blanks*

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

57. *Priority of Business.*

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

58. *Reading of Papers.*

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

59. *Notice of Reconsideration.*

On the day succeeding that on which a final vote on any bill or resolution has been taken said vote may be reconsidered on the motion of any member; *provided*, notice of intention to move such a reconsideration shall have been given on the day on which such final vote was taken, by a member voting with the majority; and it shall not be in order for any member to move a reconsideration on the day on which such final vote was taken. Said motion of reconsideration shall have precedence over every other motion, except a motion to adjourn. No notice of reconsideration shall be in order on the day preceding the last day of the session.

No motion to reconsider shall be adopted, except upon a roll call, and it shall require forty-one votes to adopt the motion

60. *Elections by House*

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

61. *Calling Ayes and Noes*

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

62. *Members at Clerk's Desk.*

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

63 *Voting on Question When Interested*

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

64. *Division and Count of House*

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

65. *Explaining or Changing Vote*

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

66 *Call of the House.*

Upon a call of the House the names of the members shall be called over by the Clerk, and the absentees noted, after which the names of the absentees shall again be called over. The door shall then be shut, and those for whom no excuse or insufficient excuses are made, may, by order of those present, be taken into custody, as they appear, or may be sent for and taken into custody by the Sergeant-at Arms wherever to be found, or by special messenger, to be appointed for that purpose. In the absence of a quorum, a majority of the members present may order a call of the House and compel the attendance of absentees in the manner above provided. No recess can be taken during a call of the House.

67. *Suspending and Changing Rules.*

No standing rule or order of the House shall be rescinded or changed without a vote of two thirds, and one day's notice being given of the motion therefor; *provided*, that the Committee on Rules and Regulations may at any time, except during a roll call, report a temporary rule providing for the consideration of any bill on the files of the House belonging to either of the following classes:

1. Bills affecting the State government its revenue, its various departments or commissions, or appropriations therefor.
2. Bills affecting county and township governments, or roads and highways.
3. Bills affecting town, city, city and county governments, or the municipal affairs of the same.
4. Bills amending election or primary election laws
5. Constitutional amendments.
6. Bills amending or repealing the Codes or sections thereof

Such temporary rule shall provide when a bill so selected shall be taken up for consideration and the time when final vote shall be taken thereon and pending amendments thereto, if there be any.

It shall always be in order to call up for consideration such report. The same shall be subject to amendment by the House

On the adoption of such temporary rule by the House by a two-thirds vote thereof, if the bill be on third reading and by a majority vote of the members elected to the House, if otherwise, such bill shall thereupon be made the special order for the time fixed therein.

A rule of order may be suspended temporarily by a vote of two thirds of the members present, except that portion of Rule 6 relating to third reading of bills. A motion or resolution proposing to increase or diminish a standing committee shall not be adopted until the same has been referred to the Committee on Rules and Regulations.

The Committee on Rules and Regulations may also, at any time, report a temporary rule or regulation for the consideration of the business on the file, having regard to the condition of the business of the House When such temporary rule or regulation shall have been adopted by the House, it shall have the effect, for the time being, of a standing rule, and shall be enforced by the Speaker.

68 *Members Absenting Themselves.*

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

69. *Persons Admitted to Floor*

No persons except Senators, State officers, Governors and ex-Governors of States, Members of Congress, Judges of the Supreme or Superior Courts, members of the press when accredited by their respective journals, ladies when specially invited by a member of the House, shall be admitted within the Assembly Chamber except in the galleries, during the session of the House; but a majority may have the floor of the House within the bar cleared of any or all such persons. The Speaker is charged with the enforcement of this rule.

70. *Smoking in Hall.*

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

71. *Parliamentary Rules.*

The rules of parliamentary practice contained in Roberts' Rules of Order shall govern the House in all cases to which they are applicable, and in which they are not inconsistent with the Standing Rules and Orders of the House and the Joint Rules of the Senate and House of Assembly.

72. *Use of Hall.*

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

73. *Fees for Witnesses.*

Witnesses summoned to appear before the House or any of its committees shall be paid as follows: For each day a witness shall attend, the sum of two dollars; for each

mile he shall travel in coming to and going from the place of examination the sum of ten cents. No mileage shall be paid except where the witness has actually traveled for the purpose of giving testimony

74. *Protest of Members.*

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

75. *Fees Allowed in Cases of Contest*

Whenever, in the Assembly, a contest is made for the seat of any Assemblyman, no more than two hundred dollars shall be allowed as counsel fees to either side.

76. *Assignment of Attachés.*

The Committee on Attachés and Employés shall assign the committee clerks and the official stenographers of the House to the various committees; *provided*, that the Committee on Judiciary and the Committee on Ways and Means shall each be entitled to one clerk and one stenographer, to be selected by the chairman of those committees, respectively

All assignments of committee clerks and stenographers made by the Committee on Attachés and Employés under this rule shall be reported to the House and entered in the Journal.

77. *Introduction of Bills After Fiftieth Day*

On or prior to the fiftieth day of the session the Speaker shall appoint a standing Committee on Introduction of Bills, to consist of three members.

All motions for leave to introduce bills after the fiftieth day shall be sent to the desk in writing, under the order of "Introduction of Bills" and at no other time The motion shall give the title of the bill, and shall be accompanied by the bill. The bill shall thereupon be referred to the Committee on Introduction of Bills.

That committee shall examine bills referred to it with particular reference to the question as to whether there is already any other bill in either house of the same character which might be amended to effect the result sought, and generally as to the advisability of introducing the measure

The committee shall report upon each bill so referred to it on the same legislative day. The report shall be made at the conclusion of the consideration of the Senate Special File.

The committee may, in its discretion, incorporate more than one bill in the resolution to grant leave to introduce, incorporating in the resolution the title of each bill in full, and the roll shall be called upon the adoption of the resolution without debate.

If a division of the question is demanded upon the introduction of any particular bill, the division shall be allowed, and the roll called separately upon the bill.

78. *Form for Introduction of Bills.*

When a bill is introduced and when printed amending an existing law, the new matter shall be underscored, and portions of the law proposed to be omitted shall be included in brackets; *provided, however*, that where the subject consists of an entirely new section, the words thereof need not be underscored, and that when any bill introduced repeals an existing law in whole, the matter repealed need not be put in the bill All bills reported favorably or for consideration, if reported with amendments, shall be immediately reprinted; the new matter underscored and the parts of the law proposed to be omitted included in brackets

79. *Leave of Absence of Committee Visiting Public Institutions.*

When leave of absence shall be granted any committee, special or standing, to visit public buildings or institutions, or for any other purpose, such leave shall be granted only by a two-thirds vote taken *viva voce* and no expenses or mileage of attachés shall be allowed. No member of the Assembly shall accompany a committee as a substitute for a member thereof who declines to accompany the committee, without permission for such substitution being obtained from the Speaker. Application for a leave of absence for a committee shall be made to the Assembly by the chairman thereof, by resolution, which shall give the name of the institution or institutions to be visited and briefly recite the occasion and necessity for visiting the same, together with the number of committeemen desiring leave Such resolution shall immediately, and without debate be referred to the Committee on Rules and Regulations, with instructions to report upon the next legislative day on the same, and whether the leave of absence can be granted without interfering with the business of the Assembly.

NOTICE TO AMEND RULES.

Mr. Cattell gave notice that on the next legislative day he would move to amend the standing rules of the Assembly.

RESOLUTION.

The following resolution was offered:

By Mr. Transue:

Resolved, That the State Controller be and he is hereby directed to draw his warrant in favor of the Sergeant-at-Arms of the Assembly for the sum of fifteen ($15 00) dollars, payable out of the contingent fund of the Assembly, to be used as a revolving fund for the purchase of stamps and wrappers for sale at the Assembly postoffice

Resolution read.

The question being on the adoption of the resolution.

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

AYES—Messrs Barndollar, Beardslee, Beban, Black, Bohnett, Callan, Cattell, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Leeds, Lightner, Macauley, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Young, and Mr. Speaker—65

NOES—None.

MOTION.

Mr. Transue moved that on the next legislative day the Assembly proceed with the regular order of business.

Motion duly seconded and carried.

ADJOURNMENT.

At four o'clock and fifty minutes P. M., on motion of Mr. Johnson of Sacramento, the Assembly was declared adjourned until nine o'clock and thirty minutes A. M. of Friday, January 8, 1909.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL., Friday, January 8, 1909.

At nine o'clock and thirty minutes A. M., pursuant to adjournment, the Assembly was called to order.

Hon. P. A. Stanton, Speaker of the Assembly, in the chair.

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

Messrs Barndollar, Beardslee, Beban, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier Collum, Costar, Cronin, Cullen, Dean, Drew, Feeley, Fleisher, Flint Gerdes, Gibbons, Greer, Griffiths, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Lightner, Macauley, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis O'Neill, Perine, Polsley, Preston, Pugh, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Young, and Mr. Speaker—70.

Quorum present.

PRAYER.

Prayer was offered by the Chaplain, Rev. Seren N. Marsh.

READING OF JOURNAL.

During the reading of the Journal, on motion of Mr. Mott, its further reading was dispensed with.

LEAVE OF ABSENCE.

On motion, leave of absence for the day was granted to Messrs. Baxter, Beatty, Maher, Wyllie, Leeds, and Gillis.

INTRODUCTION OF BILLS.

The following bills were introduced:

By Mr. Johnson of Sacramento: Assembly Bill No. 2—An Act to amend section ten of the Code of Civil Procedure of the State of California so as to add another legal holiday to said section, to be known as "Discovery Day."

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 3—An Act to amend section ten of the Political Code of the State of California so as to add another legal holiday to said section, to be known as "Discovery Day."

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 4—An Act to amend section seven of the Civil Code relating to holidays.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 5—An Act to repeal an Act entitled "An Act to create a drainage district, to be called "Sacramento Drainage District," to promote drainage therein; to provide for the election and appointment of officers of said drainage district; defining the powers, duties and compensation of such officers and providing for the creation, division and management of reclamation, swamp land, levee, drainage and protection districts within said Sacramento Drainage District, and providing for levying and collecting assessments upon the land within said drainage district," approved March 20, 1905.

Bill read first time, and referred to Committee on Swamp and Overflowed Lands and Levees and River Improvements and Drainage.

Also: Assembly Bill No. 6—An Act to amend Section 170 of the Code of Civil Procedure.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 7—An Act to amend an Act entitled "An Act to repeal Title II of Part IV of the Political Code and to add a new Title II of Part IV of said code in place thereof, relating to the establishment of a uniform system of county and township government," approved March 18, 1907, by adding a new article and section to chapter six of said act to be known as Article XI, Section 4205, relating to the registration of voters, and the selection and election of a registrar of voters in counties of the fifth class, and prescribing his powers, duties and compensation.

Bill read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 8—An Act to amend section two hundred and seventy, two hundred and seventy-one and two hundred and seventy-one *a* of the Penal Code of the State of California, all relating to crimes against children.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 9—An Act to pay the claim of the county of Sacramento against the State of California.

Bill read first time, and referred to Committee on Claims.

Also: Assembly Bill No. 10—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered 327, making it a misdemeanor to print, publish, or advertise lotteries or lottery drawings.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 11—An Act providing for the registration of the purchasers of guns, pistols and other firearms, and providing for the punishment of dealers neglecting to register such purchasers.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 12—An Act to pay the claim of H. M. Sitton and to make an appropriation therefor, for the sum of one thousand eight hundred and fifty-six dollars and seventy-eight cents ($1,856.78) on bond on the State of California, No. 592, issued July 9, 1858.

Bill read first time, and referred to Committee on Claims.

Also: Assembly Bill No. 13—An Act to amend Section 321 of the Penal Code of the State of California, relating to punishments for the selling of lottery tickets.

Bill read first time, and referred to Committee on Public Morals.

Also: Assembly Bill No. 14—An Act to amend Section 1662 of the Political Code.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 15—An Act to amend Section 302 of the Civil Code.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 16—An Act to prevent any minor under the age of eighteen years to visit any race, race track, race course, prize fight, cock fight, or place where any race, prize fight or cock fight is advertised or represented to take place, and to provide a punishment therefor.

Bill read first time, and referred to Committee on Public Morals.

Also: Assembly Bill No. 17—An Act to amend Section 4234 of the Political Code of the State of California, relating to the compensation of officers of counties of the fifth class and their assistants and deputies

Bill read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 18—An Act to amend Section 249 of the Penal Code, relating to punishment of libel.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 19—An Act to add a new section to the Code of Civil Procedure, relating to juries, to be known and numbered as section six hundred and five.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 20—An Act providing for the purchase of a site for an armory and state arsenal for the National Guard, at the city of Sacramento, California; providing for the appointment of a commission to select and purchase said site, and providing for the erection of an armory and arsenal on said site, and appropriating money therefor.

Bill read first time, and referred to Committee on Military Affairs.

Also: Assembly Bill No. 21—An Act providing for the purchase of a site for a State Printing Office, at the city of Sacramento, California, providing for the appointment of a commission to select and purchase

said site, and providing for the erection of a building on said site, and appropriating money therefor.

Bill read first time, and referred to Committee on Public Buildings.

Also Assembly Bill No. 22—An Act to amend Section 800 of the Penal Code concerning the limitation of actions for a felony.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 23—An Act to repeal an act entitled "An Act concerning actions for libel and slander," approved March 23, 1872.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 24—An Act to amend section six hundred and sixty-six of the Penal Code of the State of California, relating to punishment for second offenses.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 25—An Act to amend section one of an Act entitled "An Act imposing a license tax upon itinerant vendors of drugs, nostrums, ointments or appliances sold for the cure of diseases, injuries or deformities," approved March 20, 1903.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also: Assembly Bill No. 26—An Act to amend Sections 3, 4, 5, 6, 7, 11, 13, 14, and 16 of an Act entitled "An Act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California State Board of Pharmacy," approved March 20, 1905, and amended March 21, 1907.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also: Assembly Bill No. 27—An Act to provide for the employment of a clerk by certain justices of the peace and to pay the salaries of such clerk.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 28—An Act to amend the title of Sections 1, 7, 8, and 9 of an Act entitled "An Act to regulate the sale of poisons in the State of California, and providing a penalty for the violation thereof," approved March 6, 1907.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also: Assembly Bill No. 29—An Act to amend Sections 3, 6, 9, 10, 11, 12, 14, 15, 16, and 20 of an Act entitled "An Act for the prevention of the manufacture, sale or transportation of adulterated, mislabeled or misbranded drugs, regulating the traffic in drugs and providing penalties for violation thereof," approved March 11, 1907.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also: Assembly Bill No. 30—An Act to pay the claim of James Touhey against the State of California, and making an appropriation therefor.

Bill read first time, and referred to Committee on Claims.

Also: Assembly Bill No. 31—An Act to amend Section 2957 of the Civil Code, relating to chattel mortgages, and the circumstances under which the same are void as to creditors and subsequent purchasers and incumbrancers.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 32—An Act to confer power upon municipalities to protect the health, morals and peace of their inhabitants by restricting undesirable, improper and unhealthy persons and persons whose practices are dangerous to public morals and health and peace to certain prescribed limits, and prescribing a punishment for a violation of this Act.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Assembly Bill No. 33—An Act to amend Section 2965 of the Civil Code, relating to the effect of mortgages upon personal property removed from the county where situated when mortgaged.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 34 An Act to amend Section 2955 of the Civil Code, relating to what kinds of personal property may be mortgaged.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 35—An Act to amend Section 103 of the Code of Civil Procedure.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 36—An Act to amend an Act entitled "An Act to provide for the classification of municipal corporations," approved March 2, 1883

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Assembly Bill No. 37—An Act to amend the Penal Code by adding a new chapter to Title IX of Part I thereof; to preserve one day in the week as a day of rest, and to promote health, morals and the public welfare.

Bill read first time, and referred to Committee on Public Morals.

Also: Assembly Bill No. 38—An Act to provide for the relief of indigent Union, Spanish-American, Philippine insurrection and Mexican war soldiers, sailors and marines and the families of those deceased or indigent, and to defray funeral expenses.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Assembly Bill No. 39—An Act to add two new sections to the Penal Code of the State of California, to be known as Sections 1168 and 1169, providing for indeterminate sentences of persons convicted of criminal offenses for the first time; and to provide for the release of such persons within the time for which they are sentenced to imprisonment.

Bill read first time, and referred to Committee on Public Charities and Corrections.

Also: Assembly Bill No. 40—An Act to add a new section to the Penal Code of the State of California, to be known as Section 310, to prevent the sale or exchange of intoxicating liquors of any character for anything but lawful money of the United States, and providing a penalty therefor.

Bill read first time, and referred to Committee on Public Morals.

Also: Assembly Bill No. 41—An Act to provide for the classification, segregation, grading, reward, and punishment of persons confined in State prisons and reformatories.

Bill read first time, and referred to Committee on Public Charities and Corrections.

Also: Assembly Bill No. 42—An Act to amend Section 758 of the Political Code, relating to the employment and compensation of the officers of the district courts of appeal.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Beardslee: Assembly Bill No. 43—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 2 thereof.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 44—An Act to amend an Act entitled "An Act to create a firemen's relief, health, life insurance and pension fund, in the several counties, cities and counties, cities and towns of the State," approved March 20, 1905.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Assembly Bill No. 45—An Act to amend Section 3498 of the Political Code of the State of California, concerning the approval of applications to purchase State lands.

Bill read first time, and referred to Committee on Swamp and Overflowed Lands and Levees and River Improvements and Drainage.

Also: Assembly Bill No. 46—An Act to amend Section 1181 of the Penal Code of the State of California, relating to new trials in criminal cases.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No 47—An Act making an appropriation to assist the State Board of Equalization in gathering data in the several counties for equalization purposes, and for the employment of expert accountants to verify reports of railroad companies made to said board.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Transue: Assembly Bill No 48—An Act to amend section three hundred and sixty-four of the Political Code, relating to the Board of Examiners.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Rech: Assembly Bill No. 49—An Act to add a new section to the Code of Civil Procedure of the State of California to be numbered section sixty-seven *a*, relating to the number of Superior Court Judges and providing for the appointment of three additional Superior Court Judges in and for counties of the second class (Los Angeles County), and providing for their compensation.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Cogswell: Assembly Bill No. 50—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto Title XXI, of Part IV, of Division First of said Act, relating to and providing for the incorporation, organization, management, and coöperation of agricultural and horticultural non-profit coöperation associations.

Bill read first time, and referred to Committee on Agriculture.

Also: Assembly Bill No. 51—An Act authorizing the Regents of the University of California to hold farmers' institutes, and making appropriation therefor.

Bill read first time, and referred to Committee on Agriculture.

Also: Assembly Bill No. 52—An Act to amend Section 649 of the Civil Code of the State of California, relating to the number of trustees of colleges and seminaries of learning.

Bill read first time, and referred to Committee on Education.

Also: Assembly Bill No. 53—An Act appropriating thirty-five hundred dollars for repairs on the main building of the Whittier State School.

Bill read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Also: Assembly Bill No. 54—An Act providing for an appropriation of thirty thousand dollars for the purpose of purchasing additional land for the Whittier State School.

Bill read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Also: Assembly Bill No. 55—An Act appropriating thirty-five hundred dollars to be expended for the purchase of a Mergenthaler linotype machine and equipment for the Whittier State School.

Bill read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Also: Assembly Bill No. 56—An Act appropriating one thousand dollars for the purchase of books and periodicals for the Whittier State School.

Bill read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Also: Assembly Bill No. 57—An Act appropriating the sum of twelve thousand dollars for building and equipping a hospital and receiving cottage for the Whittier State School.

Bill read first time, and referred to committee on State Prisons and Reformatory Institutions.

Also: Assembly Bill No. 58—An Act appropriating twenty thousand dollars for the purpose of building two cottages on the grounds of the Whittier State School.

Bill read first time, and referred to committee on State Prisons and Reformatory Institutions.

Also: Assembly Bill No. 59—An Act appropriating five thousand dollars to be expended in the erection of a manual training building on the grounds of the Whittier State School.

Bill read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Also: Assembly Bill No. 60—An Act appropriating eighteen hundred dollars for the purchase of one cylinder printing press for the Whittier State School.

Bill read first time, and referred to Committee on State Prisons and Reformatory Institutions.

By Mr. Schmitt: Assembly Bill No. 61—An Act to provide four (4) additional judges of the Superior Court of the City and County of San Francisco, State of California, for the manner of their appointment, and for their compensation.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Perine: Assembly Bill No. 62—An Act providing for the erection of a monument of gratitude to the memory of the late General Mariano Guadalupe Vallejo, the Father of the State of California, one

of the framers of the first Constitution, one of the first State Senators, and founder of the cities of Sonoma, Vallejo, and Benicia.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Otis: Assembly Bill No. 63—An Act to add a section to the Penal Code to be known as Section 337*a* thereof, relating to gambling by poolselling, bookmaking, bets and wagers, and providing the punishment for the violation thereof.

Bill read first time, and referred to Committee on Public Morals.

Also: Assembly Bill No. 64—An Act to amend Section 1425 of the Political Code, relating to the control of the University of California by Regents.

Bill read first time, and referred to Committee on Universities.

Also: Assembly Bill No. 65—An Act to amend Section 1427 of the Political Code, relating to the appointment of ex officio Regents of the University of California.

Bill read first time, and referred to Committee on Universities.

Also: Assembly Bill No. 66—An Act to amend Section 353 of Political Code, relating to ex officio Regents of the University of California.

Bill read first time, and referred to Committee on Universities.

Also: Assembly Bill 67—An Act authorizing suits against the State concerning real property and regulating the procedure therein.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 68—An Act to amend section one of an Act entitled "An Act requiring the wardens of State prisons of California to furnish the sheriffs of California and the Bureau of Identification with certain information concerning convicts, within thirty days after receiving said convicts, and providing for the payment of the expense incurred thereby," approved March 20, 1905, to include chiefs of police of regularly constituted police departments of incorporated cities and towns, among those to whom such information shall be furnished.

Bill read first time, and referred to Committee on State Prisons and Reformatory Institutions.

By Mr. Rutherford: Assembly Bill No. 69—An Act to make an appropriation for the location, survey and construction of a State highway from Emigrant Gap, Placer County, in an easterly direction through what is known as Truckee Pass, to the west end of Donner Lake, in Nevada County.

Bill read first time, and referred to Committee on Roads and Highways.

Also: Assembly Bill No. 70—An Act authorizing the board of supervisors of the several counties of this State to declare innavigable streams highways for the purpose of fishing and providing for the use of the same.

Bill read first time, and referred to Committee on Fish and Game.

By Mr. Hewitt: Assembly Bill No. 71—An Act to repeal an Act entitled "An Act to create the office of commissioner of transportation, and to define its powers and duties; to fix the maximum charges for transporting passengers and freights on certain railroads, and to prevent extortion and unjust discrimination thereon," approved April 1, 1878, and also to repeal an Act entitled "An Act to organize and define the powers of the Board of Railroad Commissioners," approved April 15, 1880, and to provide for the organization of the Board of Railroad Commissioners, define its powers and duties, and the powers and duties of railroad and transportation companies, their officers, agents and employees, and to define offenses by shippers and railroad and transporta-

tion companies, their officers, agents and employees, and other persons, and providing penalties for such offenses.

Bill read first time, and referred to Committee on Rules and Regulations.

Also: Assembly Bill No. 72—An Act to provide for the survey, location and construction of a State highway from Sattley, Sierra County, to Marysville, Yuba County, and to make an appropriation therefor.

Bill read first time, and referred to Committee on Roads and Highways.

Also: Assembly Bill No. 73—An Act to amend sections one, three, four, five, six, seven, nine, ten, thirteen, fourteen, and twenty of an Act entitled "An Act to promote drainage," approved March 18, 1885.

Bill read first time, and referred to Committee on Swamp and Overflowed Lands and Levees and River Improvements and Drainage.

Also: Assembly Bill No. 74—An Act to amend section one hundred and thirty-seven of the Civil Code of the State of California, relating to expenses of action for divorce, alimony, and maintenance.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 75—An Act to add a new section to the Penal Code, to be numbered 271*b*, making it a misdemeanor for any person who shall fail to endeavor in good faith to earn or otherwise provide, when able to do so, money with which to pay, or who fails to pay, whenever and so far as able, any allowance made by the court and directed to be paid by him to the wife for her support, or for the maintenance of any minor child or children of the marriage in any action of divorce, during the pendency of the action, at the final hearing, or at any time thereafter, and providing a penalty for such failure.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 76—An Act making an appropriation for the compilation of an index to the "Debates and Proceedings of the Constitutional Convention of the State of California, 1878–9."

Bill read first time, and referred to Committee on Ways and Means.

By Mr Drew: Assembly Bill No 77—An Act establishing a State Normal School and Agricultural Institute at Fresno, county of Fresno, State of California, and making an appropriation for the construction of a building, and the maintenance of said school.

Bill read first time, and referred to Committee on Education.

Also: Assembly Bill No. 78—An Act to regulate the ownership or possession of land by aliens.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 79—An Act requiring persons, corporations, receivers or trustees operating lines of railway to furnish cars for shipment of freight upon written application from shippers of freight, and providing a penalty and damages to be paid by such persons, corporations, receivers or trustees to shippers for failure to do so, and providing a penalty and damages to be paid to persons, corporations, receivers or trustees operating such railway lines by the applicant or shipper for failure to load or unload cars so furnished.

Bill read first time, and referred to Committee on Corporations.

Also: Assembly Bill No 80—An Act to amend Section 4028 of the Political Code of the State of California.

Bill read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 81—An Act to amend Section 271 of the Penal Code of the State of California, relating to the desertion of children by parents.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No 82—An Act authorizing and directing the State Board of Health to construct, furnish and equip, on lands of the University of California, at Berkeley, a building to be occupied and used by the State laboratory for the analysis and examination of foods and drugs; appropriating the sum of $10,000 therefor; and authorizing and directing the State Controller to draw his warrant for the said sum, and the State Treasurer to pay the same.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also: Assembly Bill No. 83—An Act to establish and maintain a State hygienic laboratory for bacteriological and chemical analysis, for the use of the State Board of Health; providing for the appointment of a director thereof, and assistants; making an appropriation therefor, and prescribing the duties of the State Controller and the State Treasurer in relation thereto, and repealing an Act entitled "An Act to establish and maintain a State hygienic laboratory for bacteriological and chemical analysis for the use of the State Board of Health, providing for the appointment of a director thereof and assistants; making an appropriation therefor, and prescribing the duties of the State Controller and State Treasurer in relation thereto," approved March 18, 1905.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also: Assembly Bill No. 84—An Act to amend an Act entitled "An Act to provide for the organization and management of county fire insurance companies," approved April 1, 1897, and Acts amendatory thereof, by amending Sections 10 and 11 thereof.

Bill read first time, and referred to Committee on Insurance.

By Mr. Johnson of Placer: Assembly Bill No. 85—An Act to provide for the survey, location and construction of a state highway from the western terminus of Lake Tahoe wagon road to the city of Placerville, and from the western corporate limits of said city in a westerly direction to the town of Folsom, and to make an appropriation therefor.

Bill read first time, and referred to Committee on Roads and Highways.

By Mr. Costar: Assembly Bill No. 86—An Act to amend Section 1670 of the Political Code of the State of California relating to high schools, by changing the time for the election and organization of the boards of trustees of union high school districts.

Bill read first time, and referred to Committee on Education.

Also: Assembly Bill No. 87—An Act to amend Section 330 of the Penal Code, relating to gambling.

Bill read first time, and referred to Committee on Public Morals.

By Mr. Griffith: Assembly Bill No. 88—An Act repealing an Act approved March 11, 1907, and entitled "An Act to increase the fixed annual appropriation for the Veterans' Home of California, located at Yountville, Napa County, State of California, from sixty-five thousand dollars per annum to seventy-five thousand dollars per annum for the fifty-ninth fiscal year and for each and every year thereafter and to that end to amend Section 1 of an Act approved March 20, 1905, entitled

'An Act to amend Section 1 of an Act entitled 'An Act to amend Section 1 of an Act approved March 20, 1899, entitled 'An Act to amend an Act entitled 'An Act to amend an Act approved February 28, 1887, entitled 'An Act to amend an Act to appropriate money for the support of aged persons in indigent circumstances residing in the home of the Veterans' Home Association, approved March 7, 1883, providing for an increase in the annual appropriation thereof, and changing the time for the payments thereof,' approved March 23, 1893, reducing the amount of such appropriation per capita, approved March 12, 1901, by providing for a fixed annual appropriation of sixty-five thousand dollars in the place and stead of seventy-five dollars per annum for each and every aged and indigent United States ex-soldier, sailor or marine admitted to or residing at said home.'"

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 89—An Act to provide for certain necessary improvements and repairs, and to furnish certain necessary medical and surgical appliances for the hospital at the Veterans' Home of California, located at Yountville, Napa County, and making on appropriation therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Assembly Bill No. 90—An Act making an appropriation for the construction of an addition to the hospital at the Veterans' Home of California, located at Yountville, Napa County, including a ward for the care and treatment of tuberculous patients.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Assembly Bill No. 91—An Act making an appropriation to complete certain necessary improvements at the Veterans' Home of California, located at Yountville, Napa County, California.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Assembly Bill No. 92—An Act to provide for the construction of an additional building at the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Assembly Bill No. 93—An Act authorizing and directing the Board of Managers of the Napa State Hospital to complete the receiving and treatment buildings of the grounds of the Napa State Hospital, and to furnish and equip said buildings, and making an appropriation therefor.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 94—An Act authorizing and directing the Board of Managers of the Napa State Hospital to erect and furnish cottages for the accommodation of female patients at the Napa State Hospital, and making an appropriation therefor.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 95—An Act authorizing and directing the Board of Managers of the Napa State Hospital to erect and furnish cot-

tages for the accommodation of male patients at the Napa State Hospital, and making an appropriation therefor.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 96—An Act authorizing and directing the Board of Managers of the Napa State Hospital to remodel and furnish and refurnish the general kitchen at the Napa State Hospital, and making an appropriation therefor.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 97—An Act authorizing and directing the Board of Managers of the Napa State Hospital to complete and improve the water distributing system at the Napa State Hospital, including the construction of a cement reservoir for distributing purposes, and making an appropriation therefor.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 98—An Act authorizing and directing the Board of Managers of the Napa State Hospital to erect and construct an auditorium for the assemblage of patients at the Napa State Hospital, and to furnish and equip said buildings and making an appropriation therefor.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 99—An Act allowing certain pensions and providing for the payment of the same, of employees of twenty-one years and upwards of service by the State of California in one or more of the public institutions of this State for the insane and those who shall become disabled while in the service of the State of California in one or more of the public institutions of this State for the insane, and providing for the payment thereof.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 100—An Act authorizing and directing the Board of Managers of the Napa State Hospital to construct and restore the principal tower of the buildings at the Napa State Hospital damaged by the earthquake of April 18, 1906, and install a clock therein, and making an appropriation therefor.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

By Mr. Melrose: Assembly Bill No. 101—An Act making an appropriation of three thousand four hundred and eighty dollars ($3,480.00) to be applied to the cost of grading, paving, guttering, curbing and sidewalking Grand avenue in the city of Los Angeles, along the easterly boundary of the grounds of the State Normal School at Los Angeles, and defining the duties of the Controller and Treasurer, in reference thereto.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

By Mr. Preston: Assembly Bill No. 102—An Act to amend Section 625 of the Code of Civil Procedure, relating to verdicts of juries in civil actions.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 103—An Act to repeal three sections of the Code of Civil Procedure, numbered 941*a*, 941*b*, and 941*c*, respectively, relating to the providing of a new and alternative method by which appeals may be taken from judgments, orders or decrees of the superior court of the State of California, to the supreme court or district courts of appeal thereof.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 104—An Act to repeal three sections of the Code of Civil Procedure, numbered 953*a*, 953*b*, and 953*c*, respectively, relating to a new and alternative method for the preparation of records to be used on appeals from judgments, orders or decrees of the superior court to the supreme court or district courts of appeal.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Nelson: Assembly Bill No. 105—An Act to provide four (4) additional judges of the Superior Court of the City and County of San Francisco, State of California, for the manner of their appointment, and for their compensation.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Gibbons: Assembly Bill No. 106—An Act authorizing certain suits against the State, and regulating the procedure therein

Bill read first time, and referred to Committee on Judiciary.

By Mr. Hammon: Assembly Bill No. 107—An Act concerning dependent and delinquent minor children, providing for their care, custody and maintenance until twenty-one years of age; providing for their trial and commitment to the Whittier State School and the Preston State School of Industry and the manner of such commitment and release therefrom, establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers; providing for detention home for said children; providing for the punishment of persons responsible for, or contributing to, the dependency or delinquency of children; and giving to the Superior Court jurisdiction of such offenses, and repealing inconsistent Acts.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 108—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be known and designated as Section 680*a*, prohibiting the corrupt influencing of agents, employees or servants, and providing a penalty for the violation thereof.

Bill read first time, and referred to Committee on Public Morals.

Also: Assembly Bill No. 109—An Act to amend Section 954 of the Penal Code of the State of California, relating to pleadings in criminal cases.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 110—An Act to amend Section 1070 of the Penal Code, relating to the number of peremptory challenges.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Hanlon: Assembly Bill No. 111—An Act to amend an Act entitled "An Act to amend an Act entitled an Act to establish a Code of Civil Procedure, approved March 11, 1872, by adding a new section thereto, to be numbered 274*a*, providing for the taking down and transcribing of instructions to jurors by judges of the Superior Court and for opinions rendered in the Superior Court," and to provide for the taking down and transcribing of findings and judgments and official correspondence.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Moore: Assembly Bill No. 112—An Act appropriating money for the building and furnishing a refectory building at the Preston School of Industry.

Bill read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Also: Assembly Bill No. 113—An Act appropriating money for the building and equipping of a hospital at the Preston School of Industry.

Bill read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Also: Assembly Bill No. 114—An Act appropriating money for the building and equipping of a central heating and power station, and to make the necessary changes in the plumbing at the Preston School of Industry.

Bill read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Also: Assembly Bill No. 115—An Act appropriating money for the purchase of a site and right of way and the building of a reservoir and pipe line for a clear water system at the Preston School of Industry, Ione, California.

Bill read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Also: Assembly Bill No. 116—An Act appropriating money for finishing and furnishing assembly hall and equipping the gymnasium at the Preston School of Industry.

Bill read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Also: Assembly Bill No. 117—An Act appropriating money for the building and furnishing of four cottages at the Preston School of Industry.

Bill read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Also: Assembly Bill No. 118—An Act appropriating money for the equipment of the trades building at the Preston School of Industry.

Bill read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Also: Assembly Bill No. 119—An Act appropriating money for a press-brick machine for the Preston School of Industry.

Bill read first time, and referred to Committee on State Prisons and Reformatory Institutions.

By Mr. Moore: Assembly Bill No. 120—An Act appropriating money for the purchase of bedding and furniture and for repairs for the use of the Preston School of Industry.

Bill read first time, and referred to Committee on State Prisons and Reformatory Institutions.

By Mr. Hawk: Assembly Bill No. 121—An Act declaring Friday, February 12, 1909, the one hundredth birthday of Abraham Lincoln, a legal holiday, and providing for a half-day session of the public schools for that day.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 122—An Act to prevent and punish the desecration of the flag of the United States.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Johnston: Assembly Bill No. 123—An Act to amend the Penal Code of California by adding a new section thereto, to be numbered 270c, relating to the support of indigent parents.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Sackett: Assembly Bill No. 124—An Act to provide for the investment of the moneys in the estate of deceased persons fund, and also to provide for payment of interest received into the State school fund.

Bill read first time, and referred to Committee on Education.

Also: Assembly Bill No. 125—An Act transferring the sum of $80,000 from the general fund to the estate of deceased persons fund.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Juilliard: Assembly Bill No. 126—An Act authorizing and directing the Board of Managers of the California Home for the Care and Training of Feeble-Minded Children, to make certain improvements, alterations, additions, and repairs upon the grounds of said home, and making an appropriation therefor.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 127—An Act authorizing and directing the Board of Managers of the California Home for the Care and Training of Feeble-Minded Children to erect, construct, and equip a pavilion to be used as a gymnasium for boys at the California Home for Feeble-Minded Children, and making an appropriation therefor.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 128—An Act authorizing and directing the Board of Managers of the California Home for the Care and Training of Feeble-Minded Children to enlarge and repair the hospital building at the California Home for the Care and Training of Feeble-Minded Children, and making an appropriation therefor.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 129—An Act making an appropriation for fencing at the California Home for the Care and Training of Feeble-Minded Children.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 130—An Act authorizing and directing the Board of Managers of the California Home for the Care and Training of Feeble-Minded Children to purchase and install laundry machinery at the California Home for the Care and Training of Feeble-Minded Children, and making an appropriation therefor.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 131—An Act authorizing and directing the Board of Managers of the California Home for the Care and Training of Feeble-Minded children to develop the water supply at the California Home for the Care and Training of Feeble-Minded Children, and making an appropriation therefor.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 132—An Act making an appropriation for the completion of repairs to the manor house at the California Home for the Care and Training of Feeble-Minded Children.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

By Mr. Maher: Assembly Bill No. 133— An Act to amend Sections 1 and 2 of an Act entitled "An Act to provide for the regulation of fires on, and the protection and management of public and private forest lands within the State of California, creating a State board of forestry and certain officers, subordinate to said board, prescribing the duties of such officers, creating a forestry fund, and appropriating the moneys in said fund, and defining and providing for the punishment of certain offenses for violations of the provisions of this Act, and making an appropriation therefor," approved March 18, 1905, providing for the appointment of a State board of forestry, and the appointment of a State Forester, and relating to their duties and term of office.

Bill read first time, and referred to the Committee on Public Land and Forestry.

By Mr. Coghlan: Assembly Bill No. 134—An Act to amend Section 8 of an Act entitled "An Act defining the duties and liabilities of employment agents, making the violation thereof a misdemeanor, and fixing the penalties therefor," approved February 12, 1903, approved March 18, 1905.

Bill read first time, and referred to Committee on Labor and Capital.

Also: Assembly Bill No. 135—An Act to amend an Act entitled "An Act directing the Commissioner of the Bureau of Labor Statistics to collect certain statistics and present them in biennial reports, and making it the duty of certain officers to furnish such statistics in compliance with the provisions of this Act," approved March 18, 1905.

Bill read first time, and referred to Committee on Labor and Capital.

Also: Assembly Bill No. 136—An Act to amend an Act entitled "An Act to provide for the proper sanitary condition of factories and workshops, and the preservation of the health of the employees," approved February 6, 1889.

Bill read first time, and referred to Committee on Labor and Capital.

Also: Assembly Bill No. 137—An Act to amend sections two, three and four of an Act entitled "An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation thereof," approved February 20, 1905.

Bill read first time, and referred to Committee on Labor and Capital.

Also: Assembly Bill No. 138—An Act to regulate and license the conducting and operating of employment agencies and to provide a revenue therefrom, for the enforcement of the provisions of this Act and other Acts relating to employment agents and employment agencies.

Bill read first time, and referred to Committee on Labor and Capital.

Also: Assembly Bill No. 139—An Act to aid the enforcement of an Act entitled "An Act to enforce the educational rights of children," approved March 24, 1903.

Bill read first time, and referred to Committee on Education.

Also: Assembly Bill No. 140—An Act to amend sections nine and ten of an Act entitled "An Act to establish and support a Bureau of Labor Statistics," approved March 3, 1883.

Bill read first time, and referred to Committee on Labor and Capital.

By Mr. Silver: Assembly Bill No. 141—An Act to amend section thirty-six hundred and seventeen of the Political Code, relating to the definition of terms and words.

Bill read first time, and referred to Committee on Building and Loans.

By Mr. Whitney: Assembly Bill No. 142—An Act to authorize the establishment of the California State Trades and Training School for dependent orphans, half orphans, abandoned children and children committed by court and placed under guardianship by the board of trustees, the purchase of a site, the preparation of plans and specifications for grounds and buildings, and to make the necessary appropriation therefor.

Bill read first time, and referred to Committee on Public Charities and Corrections.

By Mr. Hayes: Assembly Bill No 143—An Act authorizing and directing the Board of Managers of the Agnews State Hospital to continue the reconstruction work at said hospital and making an appropriation therefor.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

By Mr. Bohnett: Assembly Bill No. 144—An Act to provide for a state highway from Saratoga Gap into the California Redwood Park, and to make an appropriation therefor.

Bill read first time, and referred to Committee on Roads and Highways.

By Mr. Polsley: Assembly Bill No. 145—An Act to amend Section 1876 of the Political Code of the State of California, referring to contracts by school trustees.

Bill read first time, and referred to Committee on Education.

By Mr. O'Neill: Assembly Bill No. 146—An Act to amend Section 18 of an Act entitled "An Act to provide for the establishment and quieting of title to real property in case of the loss or destruction of public records," approved June 16, 1906, by extending the time to commence actions thereunder until July 1, 1912.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Wyllie: Assembly Bill No. 147—An Act authorizing the filing of petitions praying for an election to vote upon the question whether territory described in such petition shall become or remain no-license territory; providing for the calling and holding of such election; the counting and canvassing of the votes polled thereat; making it the duty of the proper governing body to declare such territory to be no-license territory upon a majority of votes being cast in favor thereof, and to forbid the granting of licenses to sell alcoholic liquors therein; providing that upon such affirmative vote being given, no licenses, permits or other authority to keep or maintain a saloon, or to sell, give away, or distribute alcoholic liquors therein shall be granted; and forfeiting and declaring void all such licenses or permits theretofore issued and in force; and making it a penal offense to sell, give away, or distribute alcoholic liquors within such territory, with certain exceptions, and providing penalties for such offenses.

Bill read first time, and referred to Committee on Public Morals.

By Mr. Wagner: Assembly Bill No. 148—An Act relating to and providing for the remuneration of attorneys and counselors at law for professional services rendered in superior courts in the defense of prosecutions conducted against indigent defendants.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Fleisher (by request): Assembly Bill No. 149—An Act providing for a postal direct primary for the nomination of candidates for all elective offices in the State of California, including Presidential Electors, Congressmen, United States Senators, delegates to the county, district, State and national conventions, and prohibiting corrupt practices in such elections.

Bill read first time, and referred to Committee on Election Laws.

Also: Assembly Bill No. 150—An Act for the preservation of seals or sea lions in the waters of the Santa Barbara channel, or on, about or near any land adjacent thereto.

Bill read first time, and referred to Committee on Fish and Game.

By Mr. Johnston of Contra Costa: Assembly Bill No. 151—An Act making an appropriation to pay the deficiency in the appropriation for postage and contingent expenses of the clerk of the Supreme Court for the fifty-ninth and sixtieth fiscal years.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Rech: Assembly Bill No. 152—An Act to amend an Act entitled "An act authorizing the judges of the superior court in all counties and cities and counties having a population of two hundred thousand inhabitants and over, to appoint a secretary," approved March 26, 1895.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Stanton: Assembly Bill No. 153—An Act to define and regulate the business of banking.

Bill read first time, and referred to Committee on Banks and Banking.

Also: Assembly Bill No. 154—An Act to provide for an exposition building at Los Angeles in Agricultural Park, for the use of all the counties of this State, for the purpose of maintaining permanent exhibits therein, of the resources of the different counties, and to make an appropriation for the construction of said exposition building.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Drew: Assembly Bill No. 155—An Act to validate the organization and incorporation of municipal corporations.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 156—An Act to provide for the establishment and maintenance of a fish hatchery at or near Shaver Lake, in the Sierra Nevada Mountains, and making an appropriation therefor.

Bill read first time, and referred to Committee on Fish and Game.

By Mr. Butler: Assembly Bill No. 157—An Act to prohibit bookmaking, wagering, betting and the selling of pools on any trial or contest of skill, speed or power of endurance, of, by, or between men, animals, or machines or upon any chance, casualty or uncertain or contingent event, and to prohibit the maintaining of places wherein bookmaking or poolselling is carried on, and to provide the punishment for the violation thereof.

Bill read first time, and referred to Committee on Public Morals.

INTRODUCTION OF RESOLUTIONS AND AMENDMENTS.

By Mr. Johnson of Sacramento: Assembly Joint Resolution No. 1—Authorizing and requesting the Governor to appoint a commission to coöperate with the Federal authorities for the drafting of a law and the formation of a legal plan for the improvement of the Sacramento River, and the reclamation of adjacent overflowed lands for irrigation, and the conservation of water.

Read, and referred to Committee on Federal Relations.

Also: Assembly Constitutional Amendment No. 1—A resolution to propose to the people of the State of California an amendment to Section 1, Article II, of the Constitution, in relation to the right of suffrage.

Read, and referred to Committee on Constitutional Amendments.

Also: Assembly Constitutional Amendment No. 2—Amending Article XX of the Constitution by adding a new section thereto, to be known as Section 21, relating to a day of rest.

Read, and referred to Committee on Constitutional Amendments.

By Mr. Greer: Assembly Constitutional Amendment No. 3—Proposing to amend Section 1, Article XVIII, of the Constitution, so as to submit amendments at special elections.

Read, and referred to Committee on Constitutional Amendments.

By Mr. Polsley: Assembly Constitutional Amendment No. 4—To propose to the people of the State of California an amendment to Section 1 of Article XX of the Constitution, relating to elections to change the seat of government.

Read, and referred to Committee on Constitutional Amendments.

By Mr. Stuckenbruck: Assembly Constitutional Amendment No. 5—A resolution to propose to the people of the State of California, an amendment to the Constitution of the State, by amending Section 7 of Article IX thereof, relating to boards of education and text-books, and providing for free text-books.

Read, and referred to Committee on Constitutional Amendments.

By Mr. Hammon: Assembly Constitutional Amendment No. 6—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending Section 7 of Article I thereof, relating to trial by jury.

Read, and referred to Committee on Constitutional Amendments.

Also: Assembly Constitutional Amendment No. 7—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding a new section thereto, to be numbered Section 8½ of Article I thereof, relating to the number of the members of the grand jury.

Read, and referred to Committee on Constitutional Amendments.

RESOLUTIONS.

The following resolutions were offered:

By Mr. Mott:

Resolved, That requisitions on the Secretary of State for stationery be limited to $30.00 each for the Judiciary and Ways and Means committees, and $10 00 each for all other standing committees; all requisitions to be signed by the chairman.

Resolution read, and on motion adopted.

Also:

Resolved, That the Secretary of State be instructed to close the accounts of members for stationery, and to certify same to State Controller.

Resolution read, and on motion adopted.

MOTION.

Mr. Johnson of Sacramento moved that when the Assembly adjourn this day it adjourn until one o'clock P. M. of Monday, January 11, 1909.

Motion carried.

RECESS.

At eleven o'clock A. M., on motion, the Speaker declared the Assembly at recess until twelve o'clock M. of this day.

REASSEMBLED.

At twelve o'clock M. the Assembly reconvened.

Speaker P. A. Stanton in the chair.

RESOLUTION.

In accordance with notice given on previous day, the following resolution was offered:

By Mr. Cattell:

Resolved, That the standing rules of the Assembly be amended as follows:

AMENDMENT No. 1.

Strike out Rule 8 and insert as follows:

8. *Disposition of Senate Bills.*

When a Senate bill has been received by the House, with a message announcing that the same has passed the Senate, such bill shall be referred to a standing committee, and if found by said committee to be identical with the provisions of an Assembly bill which has already been considered and reported by a committee of the Assembly, such Senate bill may be substituted for the Assembly bill (the latter being considered withdrawn), shall take the same place upon the Assembly file, and be considered as having received the same recommendation of the Assembly committee, *provided*, that the fact that the bills are identical shall be entered in the Journal.

AMENDMENT No 2.

Amend Rule 26, as found on page 10 of the Journal of January 7th, as follows:

In line 3 thereof strike out the word "five" and insert "seven"; and at the end of said line 3 strike out the period and insert . ,"one of whom shall be the Speaker."

In line 14, page 10, before the word "dairies" insert the words "live stock."

In line 17, page 10, strike out the word "seven" and insert the word "five."

In line 18, page 10, strike out the word "seven" and insert the word "nine."

Strike out all of line 27 after the figures "27" and insert "a Committee on Swamp and Overflowed Lands and Levees and River Improvements and Drainage, to consist of fifteen members."

After the figures "41" on page 10 strike out all of said line 41 and insert the following: "A Committee on Medical and Dental Laws, to consist of seven members."

Strike out all of lines 50 and 52, and insert the following:

"50 A Committee on Ways and Means, to consist of fifteen members."

Insert the figures "52" before the line reading "The San Francisco Delegation"

At the end of said Rule 26 insert:

"53. The Los Angeles Delegation, to whom may be referred matters of interest in particular to the City or County of Los Angeles, but not to the exclusion of the jurisdiction of the other committees."

AMENDMENT No. 3.

On page 15 of the Journal of January 7th, strike out all of Rule 77 and insert as follows:

77. *Introduction of Bills After Fortieth Day.*

On or prior to the fortieth day of the session the Speaker shall appoint a standing committee on Introduction of Bills, to consist of three members.

All motions for leave to introduce bills after the fortieth day shall be sent to the desk in writing, under the order of "Introduction of Bills," and at no other time. The motion shall give the title of the bill, and shall be accompanied by the bill. The bill shall thereupon be referred to the Committee on Introduction of Bills.

That committee shall examine bills referred to it with particular reference to the question as to whether there is already any bill in either House of the same character which might be amended to affect the result sought, and generally as to the advisability of introducing the measure

The committee shall report upon each bill so referred to it on the same legislative day. The report shall be made at the conclusion of the consideration of the Senate Special File

The committee may, in its discretion, incorporate more than one bill in the resolution to grant leave to introduce, incorporating in the resolution the title of each bill in full, and the roll shall be called upon the adoption of the resolution without debate

If a division of the question is demanded upon the introduction of any particular bill, the division shall be allowed, and the roll called separately upon the bill.

AMENDMENT NO 4.

On page 15 of the printed Journal of January 7th, after Rule 78, insert the following:

70. *Duties of Chief Clerk.*

It shall be the duty of the Chief Clerk to have charge and supervision of all the clerical business of the Assembly. He shall perform the duties imposed on him by law and the rules of the Assembly. He shall have the supervision of all the clerks and assistants at the desk, of the journal clerk and his assistants, of all bill clerks, bill filers, stenographers, and of all committee attachés except the attachés to the committees on Judiciary and Ways and Means, and shall be responsible for the performance of their duties, and shall have power to suspend any such clerk, or attaché under him for dereliction of duty, and shall report to the Speaker such suspension and the causes thereof. Said clerk or attaché shall not receive any pay during the time of such suspension. The Speaker shall have the power to relieve the attaché or clerk of his suspension, and shall have the power to remove any clerk or attaché for incompetency or for willful neglect of duty.

81. *Lobbying.*

No person engaged in presenting to the Assembly or its committees any business, or claim, or legislation, shall be permitted to engage in such business during the sessions of the Assembly, or be permitted on the floor of the Assembly during its sessions, and any person transgressing this rule shall be removed from the floor of the Assembly and be debarred from the privilege of the floor during the remainder of the entire session. The Speaker is charged with the enforcement of this rule.

This rule can not be suspended except by a two-third vote of the entire Assembly.

The question being on the adoption of the resolution.

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

AYES—Messrs Barndollar, Beardslee, Beban, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Greer, Griffiths, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Lightner, Macauley, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Young, and Mr Speaker—68.

NOES—Mr. Johnson of Sacramento—1.

NOTICE TO AMEND RULES.

Mr. Hewitt gave notice that on the next legislative day he would move to amend the standing rules of the Assembly.

ADJOURNMENT.

At two o'clock and thirty minutes P. M., on motion of Mr. Johnson of Sacramento, the Assembly was declared adjourned until one o'clock P. M. of Monday, January 11, 1909.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL.,
Monday, January 11, 1909.

At one o'clock P. M., pursuant to adjournment, the Assembly was called to order.

Hon. P. A. Stanton, Speaker of the Assembly in the chair.

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

Messrs. Barndollar, Baxter, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Costar, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Hammon, Hanlon, Hans Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilhard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—76.

Quorum present.

PRAYER.

Prayer was offered by the Chaplain, Rev. Seren N. Marsh.

READING OF JOURNAL.

During the reading of the Journal, on motion of Mr. Hans, its further reading was dispensed with.

LEAVE OF ABSENCE.

On motion, leave of absence for the day was granted to Mr. Beardslee.

ANNOUNCEMENTS.

The Speaker announced that, in conformity with the rules of the Assembly, all newspaper representatives must be duly accredited by their respective papers, and filed the following credential:

SACRAMENTO, CAL., January 11, 1909.

This certifies that Frank T. Barnes is the accredited representative of the Sacramento Union in the Assembly of the State Legislature.

EDWARD INSLEY, News Editor.

APPOINTMENT OF STANDING COMMITTEES.

The Speaker announced the following as the standing committees of the Assembly:

Agriculture—Cogswell (chairman), Johnson of San Diego, McClellan, Telfer, Wagner, and Whitney

Attachés and Employés—Drew (chairman), Transue, Beardslee, Coghlan, Rutherford, Stuckenbruck, and Hopkins

Banks and Banking—Transue (chairman), Hans, Perine, Griffiths, Hawk, Wheelan, and Mr. Speaker

Building and Loan Associations—Otis (chairman), Silver, Hayes, Perine, Drew, Wilson, and Lightner.

Claims—Cullen (chairman), Hanlon, Fleisher, Feeley, Moore, Mendenhall, and Collum.

Commerce and Navigation—McManus (chairman), Johnson of San Diego, Leeds, Kehoe, Feeley, Otis, Flint, O'Neill, and Black.

Commissions and Public Expenditures—Cattell (chairman), Callan, Mott, Johnston of Contra Costa, Macauley, Polsley, and Hopkins.

Contingent Expenses and Accounts—Telfer (chairman), Costar, Pulcifer, Beban, Nelson, Stuckenbruck, and Johnson of Placer.

Constitutional Amendments—Coghlan (chairman), Collier, Cronin, Hanlon, McClellan, Johnson of Sacramento, Barndollar, Baxter, and Preston.

Contested Elections—Hanlon (chairman), Beatty, Butler, Feeley, Hinkle, O'Neill, and Gibbons

Corporations—Beatty (chairman). Transue, Johnson of San Diego, Pulcifer, Hawk, Schmitt, Collier, Johnston of Contra Costa, Dean, Baxter, and Wheelan.

Counties and County Boundaries — Johnson of San Diego (chairman), Cogswell, Holmquist, Melrose, Fleisher, Flavelle, Pugh, Odom, and Webber.

County and Township Governments—Hans (chairman), Transue, Beardslee, Cronin, Beban, Macauley, Wagner, Irwin, Baxter, and Webber.

Election Laws—Leeds, (chairman), Johnson of Sacramento, Johnston of Contra Costa, Hinkle, Pugh, Rech, Drew, Webber and Hopkins.

Education—Sackett (chairman), Hans, Drew, Bohnett, McManus, Wyllie, Young, Stuckenbruck, and Odom.

Engrossment and Enrollment—Young (chairman), Callan, Feeley, Hammon, and Gillis.

Fruit and Vine Interests—Whitney (chairman), Hawk, Hayes, Wyllie, Mott, Wagner, Maher, Juilliard, and Johnson of Placer.

Fish and Game—Costar (chairman), Rutherford, Leeds, Collier, Beban, Dean, McClellan, Griffiths, Butler, Lightner, and Baxter.

Federal Relations—Mott (chairman), Coghlan, Kehoe, Schmitt, Costar, Polsley, and Johnson of Placer

Governor's Messages—Kehoe (chairman), Cogswell, Flint, Hewitt, and Black.

Immigration—Gerdes (chairman), Beban, Cullen, Schmitt, Whitney, Wyllie, Preston, O'Neill, and Mendenhall.

Insurance and Insurance Laws—Pulcifer (chairman), Dean, Rech, Melrose, Hawk, Callan, Beatty, Gillis, and Mendenhall.

Irrigation—Wagner (chairman), Flavelle, Melrose, Cattell, Hammon, Flint, Collum, Webber, and Mendenhall.

Judiciary—Johnson of Sacramento (chairman), Beatty, Coghlan, Cronin, Drew, Hammon, Hanlon, Johnston of Contra Costa, Kehoe, Leeds, Otis, Rech, Rutherford, Schmitt, Butler, Melrose, Irwin, Gibbons, Preston, Wheelan, and Wilson

Labor and Capital—Nelson (chairman), Telfer, Barndollar, Cattell, Pugh, Fleisher, Young, O'Neill, and Black.

Live Stock, Dairies, and Dairy Products—McClellan (chairman), Gerdes, Whitney, Dean, Hayes, Hinkle, Hammon, Moore, Holmquist, Kehoe, Irwin, and Gibbons.

Manufactures and Internal Improvements—Macauley (chairman), Nelson, Hewitt, Sackett, Preston, Collum, and Lightner

Medical and Dental Laws—Silver (chairman), Callan, Flint, Leeds, Otis, Polsley, and Lightner.

Mileage—Cronin (chairman), Perine, Collier, Maher, and Black

Military Affairs—Butler (chairman), Perine, Drew, Wagner, McManus, Hawk, and Juilliard.

Mines and Mining Interests—Rutherford (chairman), Flavelle, Dean, Kehoe, Wyllie, Moore, Griffiths, Gillis, and Johnson of Placer.

Municipal Corporations—Feeley (chairman), Barndollar, Greer, Hanlon, Holmquist, Melrose, Pugh, Polsley, and Maher

Oil Industries and Oil Mining Interests—Holmquist (chairman), Fleisher, Hinkle, Johnson of San Diego, Macauley, Preston, Webber, Odom, and Gibbons.

Public Buildings and Grounds—Pugh (chairman), Barndollar, Coghlan, Fleisher, Hinkle, Macauley, Nelson, Telfer, Costar, Baxter, and Gibbons.

Public Health and Quarantine—Barndollar (chairman), Coghlan, Silver, Whitney, McManus, Callan, and Maher

Public Lands and Forestry—Flint (chairman), Flavelle, Rech, Silver, Griffiths, Sackett, and Gillis.

Public Morals—Griffiths (chairman), Cattell, Young, Dean, Perine, Mott, Fleisher, Mendenhall, and Wilson.

Public Printing—Hawk (chairman), McManus, Telfer, Cullen, Greer, Maher, Hopkins.

Public Works, State Capitol, and Parks—Hayes (chairman), Gerdes, Pulcifer, Cullen, Preston, Maher, and Black.

Public Charities and Corrections—Collier (chairman), Young, Beatty, Mott, Gerdes, Lightner, and Wheelan.

Retrenchment and Reform—Wyllie (chairman), Cogswell, Silver, McManus, McClellan, Johnson of San Diego, and Irwin.

Revenue and Taxation—Melrose (chairman), Johnson of San Diego, Perine, Beban, Rech, Hawk, Hewitt, Irwin, and Juilliard.

Revision and Reform of Laws—Rech (chairman), Pulcifer, Bohnett, Hewitt, Wyatt, Wilson, Gillis, Wheelan, and Gibbons.

Roads and Highways—Greer (chairman), Rutherford, Silver, Cattell, Collier, Flint, Moore, Wyllie, Gillis, Johnson of Placer, and Stuckenbruck.

Rules and Regulations—Johnston of Contra Costa (chairman), Transue, Johnson of Sacramento, Beardslee, and Mr. Speaker

State Hospitals and Asylums—Flavelle (chairman), Beban, Beardslee, Cullen, Cattell, Hayes, Griffiths, Schmitt, Collum, Juilliard, and Webber.

State Library—Moore (chairman), Bohnett, Johnson of Sacramento, Odom, and Irwin.
State Prisons and Reformatory Institutions—Hammon (chairman), Butler, Cogswell, Holmquist, Moore, Silver, Gerdes, Transue, Hopkins, Odom, and Drew.
Swamp and Overflowed Lands and Levees and River Improvements and Drainage—Hewitt (chairman), Greer, Mott, Cronin, Johnson of Sacramento, Rech, Sackett, Whitney, Otis, O'Neill, Polsley, Stuckenbruck, Wilson, Juilliard, and Collum.
Universities—Schmitt (chairman), Bohnett, Young, Otis, Hanlon, Hans, and Wilson.
Ways and Means—Beardslee (chairman), Transue, Hewitt, McClellan, Perine, Cogswell, Costar, Nelson, Hinkle, Sackett, Hans, Bohnett, Greer, Juilliard, and Gibbons.
San Francisco Delegation—Beban (chairman), Macauley, Cullen, Black, Hopkins, Nelson, Collum, O'Neill, Gerdes, Beatty, McManus, Pugh, Callan, Schmitt, Coghlan, Wheelan, Perine, and Lightner.
Los Angeles Delegation—Leeds (chairman), Hanlon, Hammon, Rech, Transue, Cattell, Cogswell, Barndollar, and Stanton.

Mr. Hewitt asked for, and was granted, unanimous consent to have the time for making his motion to amend rules continued until Tuesday, January 12, 1909.

COMMUNICATION.

The following communication was presented by Mr. Transue:

SAN FRANCISCO, CALIFORNIA, January 11, 1909.

To the Assembly of the State of California:

A cordial invitation is extended to you to witness the ceremonies of the Electoral College of California during which the ballots will be cast for President and Vice-President of the United States at the State Capitol, Sacramento, Monday, January 11, 1909, at two o'clock P. M.

P. S. TELLER,
Chairman of the State Central Committee.

W. H. DAVIS, Secretary.

On motion, the invitation was accepted.

RESOLUTION.

The following resolution was offered:
By Mr. Transue:

Resolved, That the use of the Assembly Chamber be, and the same is hereby, granted for the meeting of the Electoral College of California, on Monday, January 11, 1909, at two o'clock P. M., and that the invitation to attend the ceremonies be, and is hereby, accepted.

Resolved, That the Sergeant-at-Arms be, and he is hereby, instructed to provide chairs for the members of the Senate, Federal and State officials, and citizens for said occasion.

Resolution read, and on motion adopted.

PETITION.

The following petition was presented:

SACRAMENTO, January 9, 1909.

To the Honorable the Assembly of the State of California

Your memorialist is the Sacramento County Society for the Prevention of Cruelty to Children, many years existing under the laws of the State.

Your petitioner prays you to pass the bill introduced into your body by Hon. Grove L. Johnson of Sacramento, providing for amendment of Sections 270, 271, and 271*a* of the Penal Code, all relating to crimes against children

In recent years the crimes of desertion and of abandonment of children of tender years have become of alarming frequency and volume, demanding some remedial legislation, because of seeming inadequacy of present laws and of inability of judicial power to cope with the evil.

The conditions resulted in a demand for a law requiring counties to employ offenders referred to at enforced labor, at a fixed wage, which should be applied to the support of the abandoned or deserted. Your petitioner for a time joined in that petition. It attempted to have framed such an Act as was asked for, but found it would be cumbrous, of doubtful practicability, and would in a State such as California, of vast area, and not of dense population, be difficult of enforcement, if enacted into law, and would impose upon counties for ways and means provision for labor, undue burdens, your

memorialist is advised, however, that the enactment into law of the bill of Mr. Johnson will highly conserve the ends in view, when taken into consideration with what is known as the "Probation" law, by which, under suspension of sentence, the orders of the court, with reasonable certainty, may be enforced. The bill of Mr. Johnson therefore raises the grade of the offenses to that of felony, at the discretion of the court. With a State prison term staring a defendant in the face, and an offered way of escape by labor under parole, it is believed the offenders will diminish in number greatly, and the crimes referred to be gratifyingly reduced, while if an offender escapes to another jurisdiction he may by extradition procedure be returned. As the law now stands the offenders, as a rule, prefer county jail to compliance with duty, and leave to the taxpayers the burden of support of the deserted children.

The distinction made in the bill of Mr. Johnson between desertion and abandonment, is, we find, one observed in the laws of older states, where, as here, one offense is deemed more blameworthy than the other.

And your memorialists will ever pray.

BY THE SOCIETY.
A. BONNHEIM, President.
J. A. WOODSON, Secretary.

The petition was read, ordered printed in the Journal, and referred to Committee on Public Charities and Corrections.

INTRODUCTION OF BILLS.

The following bills were introduced:

By Mr. Leeds: Assembly Bill No. 158—An Act making an appropriation for an additional stenographer for the Governor's office during and following the present session of the Legislature.

Bill read first time, and sent to Printer with rush order, without reference.

Also: Assembly Bill No. 159—An Act to amend Section 1380, Code of Civil Procedure.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 160—An Act to amend Section 1761 Code of Civil Proceedure.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 161—An Act to amend an Act to provide for work on streets, lanes, and alleys.

Bill read first time, and referred to Committee on Municipal Corporations.

By Mr. Greer: Assembly Bill No. 162—An Act making an appropriation for the maintenance of the James Marshall monument grounds.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 163—An Act making an appropriation to pay assessments which may be levied against the Sutter Fort property by the city of Sacramento for street work.

Bill read first time and referred to Committee on Ways and Means.

Also: Assembly Bill No. 164—An Act amending Section 3 of an Act entitled "An Act for the appointment of a guardian for Sutter's Fort property, prescribing his duties, and appropriating money therefor," approved March 16, 1895.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 165—An Act making an appropriation to pay the deficiency in the appropriation for postage and contingent expenses of the clerk of the Supreme Court, for the fifty-ninth and sixtieth fiscal years.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 166—An Act making an appropriation of $2,500 for restoring certain records in the office of the clerk of the Supreme Court in the city of San Francisco.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Perine: Assembly Bill No. 167—An Act to amend sections one thousand nine hundred and eight, one thousand nine hundred and seventeen, and one thousand nine hundred and twenty-three of the Political Code of California, all relating to the enrolled militia.

Bill read first time, and referred to Committee on Military Affairs.

Also: Assembly Bill No. 168—An Act to repeal Sections 2042 and 2043 of the Political Code of California, relating to the National Guard.

Bill read first time, and referred to Committee on Military Affairs.

Also: Assembly Bill No. 169—An Act to amend the Political Code of the State of California by adding two new sections thereto, to be known and designated as Section 1987 and Section 2107, both relating to the National Guard.

Bill read first time, and referred to Committee on Military Affairs.

Also: Assembly Bill No. 170—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 652½, and relating to offenses by peace officers, jailers, and sanitary officers.

Bill read first time, and referred to Committee on Military Affairs.

By Mr. Perine: Assembly Bill No. 171—An Act to furnish arms for the use of military academies in the State.

Bill read first time, and referred to Committee on Military Affairs.

By Mr. Hans: Assembly Bill No. 172—An Act to allow unincorporated towns and villages to establish, equip and maintain public libraries; to provide for the formation, government and operation of library districts; the acquisition of property thereby; the calling and holding of elections in such districts; the assessment, collection, custody and disbursement of taxes therein; and to create boards of library trustees.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Transue: Assembly Bill No. 173—An Act authorizing the State Veterinarian to employ during the balance of the sixtieth, and throughout the sixty-first and sixty-second fiscal years, such inspectors as he may deem necessary to inspect and supervise the dipping of sheep infected with the disease known as scabies; providing for the compensation and expenses of said inspectors, and making an appropriation therefor.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 174—An Act providing for the eradication of the disease known as scabies in sheep; providing for the duties of the State Veterinarian in relation thereto; making certain Acts in relation to sheep infected with such disease a misdemeanor; providing for a lien against such sheep for expenses and cost in the extermination of such disease; making certain persons liable for a violation of this Act, and providing for the enforcement of said lien.

Bill read first time, and referred to Committee on Live Stock, Dairies, and Dairy Products.

Also: Assembly Bill No. 175—An Act to amend an Act entitled "An Act providing for the extermination of the boophilus annulatus tick, defining certain crimes, and providing for certain civil and criminal actions," approved March 21, 1907, by amending Sections 1, 2, 3 and 4 thereof, and by adding a new section thereto, to be known and numbered as Section 1½.

Bill read first time, and referred to Committee on Live Stock, Dairies, and Dairy Products.

Also: Assembly Bill No. 176—An Act providing for a biennial appropriation in the general appropriation bill for the benefit of the Governor's residence and grounds.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 177—An Act to amend Section 1115 of the Code of Civil Procedure, relative to contesting certain elections.

Bill read first time, and referred to Committee on Election Laws.

Also: Assembly Bill No. 178—An Act to provide for the building, equipping, and furnishing of an armory to be used for the National Guard and National Guard purposes, in the city of Los Angeles, and to make an appropriation for the same.

Bill read first time, and referred to Committee on Military Affairs.

Also: Assembly Bill No. 179—An Act to provide for the appointment of a bakeshop inspector and for deputies; to provide for their compensation, and to define their powers and duties relating to the inspection of bakeshops and bakeries.

Bill read first time, and referred to Committee on Labor and Capital.

By Mr. Johnston of Contra Costa: Assembly Bill No. 180—An Act making an appropriation of two thousand five hundred dollars for restoring certain records in the office of the Clerk of the Supreme Court in the city of San Francisco.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. McClellan: Assembly Bill No. 181—An Act to pay the claim of A. G. Lafferty, and making an appropriation therefor.

Bill read first time, and referred to Committee on Claims.

By Mr. Griffiths (by request): Assembly Bill No. 182—An Act to authorize the Directors of the Veterans' Home of California to purchase the southeast quarter of the southwest quarter of section two in township six north, range five west, M. D. M., containing forty acres of land and situate in the county of Napa, State of California, and making an appropriation therefor.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 183—An Act to amend Section 184 of an Act entitled "An Act to establish a uniform system of county and township government," relating to salaries and expenses of county and township officers in counties of the twenty-seventh class.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Beatty: Assembly Bill No. 184—An Act to amend an Act entitled "An Act to provide for the establishment and quieting of title to real property in case of the loss or destruction of public records," approved June 16, 1906.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 185—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as Section 67*a*, relating to extra sessions of the Superior Court.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Mott: Assembly Bill No. 186—An Act to provide two additional Judges of the Superior Court of the County of Alameda.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 187—An Act to amend the Penal Code of California, by adding a new title to Part III thereof, to be numbered

Title III, Part III, of the Penal Code of California, relating to city prisons.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 188—An Act to amend Section 4290 of the Political Code of the State of California, relating to salaries and fees.

Bill read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 189—An Act to amend Section 3862 of the Political Code of the State of California, relating to compensation allowed for collecting certain taxes.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Nelson: Assembly Bill No. 190—An Act to provide compensation for injuries to employees.

Bill read first time, and referred to Committee on Labor and Capital.

Also: Assembly Bill No. 191—An Act to provide for temporary floors in buildings more than three stories high in the course of construction, and for the protection of the life and limb of workmen employed in such buildings from falling through joists or girders, and from falling sticks, rivets, etc.

Bill read first time, and referred to Committee on Labor and Capital.

Also: Assembly Bill No. 192—An Act to repeal Section 625 of the Code of Civil Procedure of the State of California, relating to special issues.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 193—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section to said Penal Code, to be known and numbered as Section 403¾, relating to and furnishing or erecting of unsafe or improper scaffolding or mechanical contrivances.

Bill read first time, and referred to Committee on Labor and Capital.

Also: Assembly Bill No. 194—An Act to amend Section 411 of the Code of Civil Procedure of the State of California, as adopted March 11, 1872, and as amended in 1873 and 1874, relative to the service of summons.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Sackett: Assembly Bill No. 195—An Act providing for the purchase by the State Board of Forestry of that certain tract of land in Sonoma County, California, commonly known as "Armstrong Woods," for park purposes, with power to manage such property, and making an appropriation to carry out the provisions of this Act.

Bill read first time, and referred to Committee on Public Lands and Forestry.

Also: Assembly Bill No. 196—An Act to provide county library systems.

Bill read first time, and referred to Committee on Education.

Also: Assembly Bill No. 197—An Act entitled "An Act to amend Section 1070 of the Penal Code, relating to the number of peremptory challenges."

Bill read first time and referred to Committee on Judiciary.

Also: Assembly Bill No. 198—An Act to amend Sections 1715 and 1716 of the Political Code, relating to school libraries.

Bill read first time, and referred to Committee on Education.

Also: Assembly Bill No. 199—An Act entitled "An Act to amend Section 954 of the Penal Code, relating to pleadings in criminal cases."

Bill read first time, and referred to Committee on Judiciary.

RECESS.

At two o'clock P. M., the Assembly was declared at recess until three o'clock P. M. of this day.

REASSEMBLED.

At three o'clock P. M. the Assembly reconvened.

Speaker P. A. Stanton in the chair.

INTRODUCTION OF BILLS—(RESUMED).

The following bills were introduced, and referred as indicated:

By Mr. Melrose: Assembly Bill No. 200—An Act to amend Section 591 of the Penal Code of the State of California.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 201—An Act to amend Subdivision 13 of Section 1674 of the Political Code.

Bill read first time, and referred to Committee on Education.

By Mr. Mendenhall: Assembly Bill No. 202—An Act to provide for acquiring a right of way for deepening and widening, and for deepening and widening the channel or outlet of Clear Lake, in Lake County, and making an appropriation therefor.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Bohnett: Assembly Bill No. 203—An Act to amend Section 1491 of the Code of Civil Procedure of the State of California, relating to notice to creditors of deceased persons.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 204—An Act to amend Sections 1103 and 1115 of the Political Code of the State of California, relating to the compiling and indexing of a register of voters.

Bill read first time, and referred to Committee on Election Laws.

Also: Assembly Bill No. 205—An Act to amend the Code of Civil Procedure of the State of California, by adding a new section thereto to be known as Section 542*a*, relating to attachments.

Bill read first time and referred to Committee on Judiciary.

By Mr. Pulcifer: Assembly Bill No. 206—An Act appropriating the sum of twelve thousand one hundred and fifty-five dollars to provide certain improvements to the plant and grounds of the Industrial Home of Mechanical Trades for the Adult Blind, at Oakland, California.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

By Mr. Flavelle: Assembly Bill No. 207—An Act authorizing and directing the Board of Managers of the Mendocino State Hospital to erect and construct an addition to the main kitchen of said hospital; to construct in conjunction with said kitchen a dining-room for kitchen help; to purchase a new kitchen range, steam-table and other necessary kitchen furniture; to enlarge the cold-storage rooms at said hospital, and making an appropriation therefor.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 208—An Act making an appropriation for the purchase of additional lands for the use and benefit of the Mendocino State Hospital.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 209—An Act making an appropriation for the erection and equipment of a building on the grounds of the Mendocino State Hospital to be used as a receiving ward for male and female patients, and the treatment of acute cases by hydrotherapy, electricity and all other modern methods.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 210—An Act authorizing and directing the Board of Managers of the Mendocino State Hospital to purchase laundry machinery for the said hospital, and making an appropriation therefor.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 211—An Act making an appropriation for the erection and construction of a dairy barn on the grounds of the Mendocino State Hospital.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 212—An Act to provide for the enlargement and re-roofing at Patton, and providing for additional machinery and remodeling, and making appropriations for the same.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 213—An Act providing for the construction and furnishing of a cottage for female patients at the Southern California State Hospital at Patton, and to make appropriation for the same.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 214—An Act to provide for the construction and furnishing of a one-story bungalow for the use of the first assistant physician at the Southern California State Hospital at Patton, and to make appropriation for the same.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 215—An Act to provide for the construction of storm drains and the completion of storm drains on the grounds of the Southern California State Hospital at Patton, and to make appropriation for the same.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 216—An Act to provide for the construction and furnishing of a second story upon that structure at the Southern California State Hospital at Patton called and known as "The Congregate Dining-room," and to make appropriation for the same.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 217—An Act to provide for the improvement of the roads, gutters and curbs on the grounds of the Southern

California State Hospital at Patton, and to make appropriation for the same.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

By Mr. Wheelan: Assembly Bill No. 218—An Act to regulate the practice of medicine, surgery, and midwifery, and medical colleges, and to acquire and dispose of real and personal property for purposes of medical education and scientific research, in the State of California, and to organize a State board to control the same, which shall be known as the "General Council," and for the organization of a board of medical examiners.

Bill read first time, and referred to Committee on Medical and Dental Laws.

By Mr. Wheelan: Assembly Bill No. 219—An Act to amend Section 739 of the Political Code of the State of California, relating to the compensation of certain officers of the Supreme Court of the State of California.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 220—An Act adding a new section to the Penal Code of the State of California, to be numbered 532*a*, relating to the perpetration of frauds upon secret societies organized for more than ten years prior to January 1, 1909.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 221—An Act to amend Section 925 of the Penal Code of the State of California, relating to grand juries; when and from whom they may ask advice, and who, may be present at the sesions of grand juries.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 222—An Act to amend Section 988 of the Penal Code, relating to the arraignment of defendants.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 223—An Act to amend Section 995 of Penal Code, relating to motion to set aside indictments, etc.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 224—An Act to amend Section 1488 of Penal Code, relating to appeals to Superior Court from courts of inferior jurisdiction, etc.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 225—An Act to amend Section 230 of the Code of Civil Procedure, relating to jury trials in justice's courts and in police and other inferior courts.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 226—An Act to amend an Act entitled "An Act authorizing the judges of the Superior Court in all counties and cities and counties having a population of 200,000 or over to appoint a Secretary."

Bill read first time, and referred to San Francisco Delegation.

By Mr. Polsley: Assembly Bill No. 227—An Act to add a new section to the Political Code, relating to the advertising of amendments to the Constitution.

Bill read first time, and referred to Committee on Constitutional Amendments.

Also: Assembly Bill No. 228—An Act to amend Section 1543 of the Political Code so as to provide for suspended districts.

Bill read first time, and referred to Committee on Education.

By Mr. Stuckenbruck: Assembly Bill No. 229—An Act to amend Section 637*a* of the Penal Code of the State of California, relating to the protection and preservation of birds.

Bill read first time, and referred to Committee on Fish and Game.

By Mr. Maher: Assembly Bill No. 230—An Act to amend Sections 1197, 1205, and 1211 of the Political Code, relating to elections within this State.

Bill read first time, and referred to Committee on Election Laws.

By Mr. Schmitt: Assembly Bill No. 231—An Act to amend Chapter 2, Title 4 of Part 3, of the Code of Civil Procedure of the State of California, relating to liens of mechanics, laborers, persons furnishing material, and other persons, upon real property by adding a new section to said chapter to be numbered one thousand one hundred and eighty-three and one half, providing for liens in favor of persons furnishing power in the construction, alteration, addition to, or repair, either in whole or in part of any building, wharf, bridge, ditch, flume, aqueduct, well, tunnel, fence, machinery, railroad, wagon road, or other structure, or in transporting the material furnished and to be used for such purposes, and declaring the rank of such liens.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Johnson of Sacramento: Assembly Bill No. 232—An Act to amend Section 3457 of the Political Code, relating to reclamation districts, the warrants thereof, the payment of assessments with warrants, extension of warrants, and the commencement of actions thereon.

Bill read first time, and referred to Committee on Swamp and Overflowed Lands and Levees and River Improvements and Drainage.

Also: Assembly Bill No. 233—Proposed amendments to Municipal Library Law.

Bill read first time, and referred to Committee on State Library.

Also: Assembly Bill No 234—An Act to provide for a school of library training.

Bill read first time, and referred to Committee on State Library.

Also: Assembly Bill No. 235—An Act amending Section 2300 of the Political Code, relating to the State Library Fund.

Bill read first time, and referred to Committee on State Library.

By Mr. Butler: Assembly Bill No 236—An Act to appropriate money to enforce the provisions of an Act approved March 20, 1905, entitled "An Act to prevent the sale of dairy products from unhealthy animals and produced under unsanitary conditions; to provide for the inspection of dairy stock, dairies, factories for the production of dairy products and places where dairy products are handled and sold; to improve the quality of dairy products of the State, to prevent deception in the sale of dairy products, and to appropriate money for enforcing its provisions."

Bill read first time, and referred to Committee on Live Stock, Dairies, and Dairy Products.

Also: Assembly Bill No. 237—An Act to amend Section 1737 of the Code of Civil Procedure, relating to public administrators.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 238—An Act to add a new section to the Political Code to be numbered 1840, relating to the levy and collection of special district school funds.

Bill read first time, and referred to Committee on Education.

Also: Assembly Bill No. 239—An Act to amend Section 1498 of the Code of Civil Procedure, relating to the time for commencing actions on rejected claims against estates of deceased persons.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Leeds: Assembly Bill No. 240—An Act to provide for the consolidation of municipal corporations.

Bill read first time, and referred to Committee on Municipal Corporations.

By Mr. Greer: Assembly Bill No. 241—An Act providing for an assistant gardener for Sutter's Fort.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 242—An Act making an appropriation for the maintenance and improvement of the grounds and buildings of Sutter's Fort.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Rutherford: Assembly Bill No. 243—An Act to amend Section 626*f* of the Penal Code, relating to the protection of deer.

Bill read first time, and referred to Committee on Fish and Game.

By Mr. Rutherford: Assembly Bill No. 244—An Act amending Section 6 of an Act entitled "An Act to regulate and license the hunting of game birds and animals, and to provide revenue therefrom for game preservation and restoration, and to make appropriation for the purpose of carrying out the objects of the Act," approved March 13, 1907.

Bill read first time, and referred to Committee on Fish and Game.

By Mr. Flint: Assembly Bill No. 245—An Act entitled "An Act to amend Sections 3109 and 3110 of the Political Code of the State of California, relating to public cemeteries, sale of lots, keeping same in order, and jurisdiction over the same."

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Mr. Sackett: Assembly Bill No. 246—An Act to amend Section 1565 of the Political Code, referring to teachers' institute and library funds.

Bill read first time, and referred to Committee on Education.

By Mr. Drew: Assembly Bill No. 247—An Act relating to the adjustment of county boundary lines.

Bill read first time, and referred to Committee on Counties and County Boundaries.

By Mr. Cogswell: Assembly Bill No. 248—An Act providing for an appropriation of twenty-five hundred dollars to be used in the purchase of a boiler for the Whittier State School.

Bill read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Also: Assembly Bill No. 249—An Act making an appropriation of five thousand dollars to pay the traveling expenses and salary of a parole officer for the Whittier State School.

Bill read first time, and referred to Committee on State Prisons and Reformatory Institutions.

By Mr. Johnston of Contra Costa: Assembly Bill No. 250—An Act to amend Section 1874 of the Political Code of California, relating to standing committee on Text-Books.

Bill read first time, and referred to Committee on Education.

By Mr. Polsley: Assembly Bill No. 251—An Act to regulate the assessment of migratory stock, and to provide for an equitable distribution of the taxes derived therefrom, and to prohibit any other taxes thereon.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Mr. Baxter: Assembly Joint Resolution No. 2—Relative to repairs of United States roads in Yosemite Valley.

Read first time, and referred to Committee on Federal Relations.

By Mr. Sackett: Assembly Constitutional Amendment No. 8—Proposed amendment to Article I of the Constitution, relative to the right of trial by jury.

Read, and referred to Commitfee on Constitutional Amendments.

Also: Assembly Constitutional Amendment No. 9—Proposed amendment to Article I of the Constitution, relative to grand jury.

Read, and referred to Committee on Constitutional Amendments.

By Mr. Pulcifer: Assembly Constitutional Amendment No. 10—Proposed amendment to Article XI of the Constitution, relative to the formation of new counties and new cities and counties.

Read, and referred to Committee on Constitutional Amendments.

By Mr. Drew (by request): Assembly Constitutional Amendment No. 11—Proposed amendment to Article IV of the Constitution, relative to direct legislation.

Read, and referred to Committee on Constitutional Amendments.

RESOLUTIONS.

The following resolutions were offered:

By Mr. Transue:

Resolved, That the State Printer be instructed to print one thousand (1,000) copies of all Assembly bills, files, histories, journals, constitutional amendments, joint resolutions, and concurrent resolutions, beginning with January 4th, for the use of the Assembly.

Resolution read, and on motion adopted.

By Mr. Mott:

Resolved. That the Secretary of the State is hereby directed to close the contingent expense accounts of the members of the Assembly, and to forthwith transmit a statement of the same to the State Controller, and the State Controller is hereby directed to draw his warrant in favor of each member of the Assembly for the amount remaining to his credit in his account, and the State Treasurer is hereby directed to pay such warrants.

Resolution read.

The question being on the adoption of the resolution.

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

AYES—Messrs. Barndollar, Baxter, Beban, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Greer, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Keboe, Leeds, Lightner, Macauley, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Pulcifer, Rutherford, Sackett, Schmitt, Silver, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—67.

NOES—Messrs. Juilliard and Stuckenbruck—2.

By Mr. Drew:

Resolved, That two copies of all printed bills and documents be distributed to each accredited representative of the newspapers.

Resolution read, and on motion adopted.

By Mr. Preston:

WHEREAS, The number of stenographers appointed by the House is palpably insufficient for the proper dispatch of the business of this House;

Resolved, That the following-named persons be and they are hereby appointed and employed for the positions and at the per diem set opposite their respective names; said per diem to be paid out of the appropriation for the contingent expenses of the Assembly, and said per diem to be paid by warrant of the Controller upon the State Treasurer in the manner provided by law, and in conformity with the practice in such cases:

Ada Robuska, Stenographer.....$5 00
Mabel Busch, Stenographer..... 5 00

Resolution read, and referred to Committee on Attachés and Employés.

MOTION.

Mr. Preston moved that the committee be instructed to report on the above resolution on the next legislative day.

Motion lost.

CREDENTIAL.

The Speaker filed the following credential of newspaper representative:

SACRAMENTO, CAL., January 11, 1909.

To the Speaker and Members of the Legislative Assembly of the State of California.

GENTLEMEN: Mr. D. H. Bradley is a regular accredited representative of the Oakland Enquirer, as legislative correspondent.

G B DANIELS,
President and General Manager Oakland Enquirer Pub. Co.

ADJOURNMENT.

At four o'clock P. M., on motion of Mr. Johnson of Sacramento, the Assembly was declared adjourned until ten o'clock A. M. of Tuesday, January 12, 1909.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL.
Tuesday, January 12, 1909.

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. P. A. Stanton, Speaker of the Assembly, in the chair.

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

Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Preston, Pugh, Pulcifer, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Young, and Mr. Speaker—73.

Quorum present.

PRAYER.

Prayer was offered by the Chaplain, Rev. Seren N. Marsh.

READING OF JOURNAL.

During the reading of the Journal, on motion of Mr. Transue, its further reading was dispensed with.

LEAVE OF ABSENCE.

On motion, leave of absence for the day was granted to Messrs. Wyllie and Wyatt.

APPROVAL OF JOURNAL.

On motion of Mr. Transue, the Journals of Monday, January 4, Tuesday, January 5, Wednesday, January 6, Thursday, January 7, Friday, January 8, and Monday, January 11, 1909, were approved as corrected by the Minute Clerk.

PETITION.

The following petition was presented by Mr. Coghlan, with the statement that it contained thirty-five thousand five hundred and thirty-five signatures:

PETITION AGAINST ANY PROPOSED SUNDAY LAW OR ANY OTHER FORM OF RELIGIOUS LEGISLATION FOR THE STATE OF CALIFORNIA.

To the Assembly of the State of California, Legislature of 1909

We, the undersigned, male citizens of the State of California (twenty-one years of age or over), believing that the civil enactment of any Sunday law would be subversive of religious liberty, and tend to destroy the peace and harmony of neighborhoods without elevating their morality above the present standing (which we believe to be equal to that of other states having Sunday laws), do therefore earnestly petition your honorable body to take no steps which will in any way permit a Sunday law, or any other form of religious legislation, to be placed upon the statute books of the State of California.

Petition read, ordered printed in the Journal, and the list of signatures ordered filed with the Secretary of State.

RESOLUTION.

The following resolution was offered:

By the Committee on Attachés and Employés:

Resolved, That the following-named persons be, and they are, hereby appointed and employed for the positions, and at the per diem set opposite their respective names, said per diem to be paid out of the appropriations for the contingent expenses of the Assembly, said appointments to date from and include the 13th day of January, 1909, and the State Controller is hereby authorized and directed to draw his warrants upon the said fund in favor of the said following-named persons for the said per diem, and the State Treasurer is hereby authorized and directed to pay the same, viz:

That the names of Miss Geneva Cahlin, heretofore appointed as a Stenographer at a per diem of $5.00, and W. H. Graham, heretofore appointed as an Assistant Bill Filer, at a per diem of $4.00, and C. Wenig, heretofore appointed as Doorkeeper, at a per diem of $3.00, and Mary Walker, heretofore appointed as Committee Clerk, at a per diem of $4.00, be stricken from the rolls, and the following-named appointed:

H E Aber	Assistant Bill Clerk	$4 00
Geneva Cahlin	Committee Clerk	4 00
I E Courtney	Committee Clerk	4 00
Marian Brown	Stenographer	5 00
E T Jones	Doorkeeper	3 00
James H. Anderson	Bookkeeper to Ways and Means Committee	6 00
Ralph A. Sollars	Stenographer to Ways and Means Committee	5 00
Emma Lily	Clerk to Ways and Means Committee	6 00

Frank L Gafney	Stenographer	$5 00
Sanford Barnes	Page	2 50
Eddie Fitzgerald	Page	2 50
Leslie Williams	Page	2 50
Tom Farewell	Page	2 50
John Kofad	Porter	3 00
R. H. Young	Porter	3 00
Billy Jones	Porter	3 00
F. Y. Madeley	Porter	3 00
S. B. Tombs	Porter	3 00
T. W. Hayzelden	Porter	3 00
Grant Holland	Porter	3 00
William White	Porter	3 00
J. Rhoades	Porter	3 00
O. D. Pierce	Porter	3 00
L. C Strachan	Porter	3 00
Joseph Finn	Bill Filer	4 00

DREW, Chairman.

The question being upon the adoption of the resolution.

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

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Butler Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Pugh, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Telfer, Transue, Wagner, Whitney, Wilson, Young, and Mr. Speaker—71.

NOES—Messrs. Gibbons, Irwin, Johnson of Placer, Preston, Stuckenbruck, and Webber—6.

SENATE MESSAGE.

The following Senate message was taken up and read:

SENATE CHAMBER, SACRAMENTO, January 12, 1909

MR SPEAKER. I am directed to inform your honorable body that the Senate on this day passed the following as a case of urgency:

Senate *Bill* No. 171—An Act making an appropriation for an additional stenographer for the Governor's office during and following the present session of the Legislature.

LEWIS A. HILBORN, Secretary.
By J. W. KAVANAGH, Assistant Secretary.

Senate Bill No. 171 read first time.

WITHDRAWAL OF ASSEMBLY BILL.

Mr. Leeds asked for and was granted unanimous consent to withdraw Assembly Bill No. 158, it being identical with Senate Bill No. 171, now in this House.

Assembly Bill No. 158 withdrawn, and ordered stricken from the file.

CASE OF URGENCY.

The following resolution was offered:

By Mr. Leeds:

Resolved, That Senate Bill No. 171 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the first, second, and third times, and placed upon, its passage.

Mr. Leeds moved the adoption of the resolution.

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

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon,

Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Pulcifer, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Young, and Mr. Speaker—74.

NOES—None.

Mr. Leeds moved that the Assembly resolve itself into Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Senate Bill No. 171 considered.

Mr. Leeds moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 12, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 171—An Act making an appropriation for an additional stenographer for the Governor's office during and following the present session of the Legislature—and do now report the same back, and recommend that it do pass.

STANTON, Chairman.

SECOND READING OF BILL.

Bill read second time, and ordered on file for third reading.

THIRD READING OF BILL.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 171 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Young, and Mr Speaker—76.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

INTRODUCTION OF BILLS.

The following bills were introduced, and referred as indicated:

By Mr. Johnson of San Diego: Assembly Bill No. 252—An Act to amend an Act entitled "An Act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness, and the distribution of their property," approved February 10, 1903, by adding thereto a new section to be numbered 10½.

Bill read first time, and referred to Committee on Irrigation.

By Mr. Johnson of Sacramento: Assembly Bill No. 253—An Act for the relief of aged teachers.

Bill read first time, and referred to Committee on Education.

By Mr. Mott: Assembly Bill No. 254—An Act to insure the better education of practitioners of naturopathy, and to regulate the practice of naturopathy in the State of California, providing penalties for the violation thereof.

Bill read first time, and referred to Committee on Medical and Dental Laws.

By Mr. Beban: Assembly Bill No. 255—An Act providing for a standard system of weights and measures.

Bill read first time, and referred to Committee on Municipal Corporations.

By Mr. Hinkle: Assembly Bill No. 256—An Act to provide an additional appropriation for the erection of a training school building for the use of the State Normal School at San Diego, California, and to equip the same.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Assembly Bill No. 257—An Act to provide for making repairs and for additional equipment at the State Normal School at San Diego, California, and making an appropriation therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Assembly Bill No. 258—An Act to provide for the improvement of the campus of the State Normal School at San Diego, California, and making an appropriation therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Assembly Bill No. 259—An Act providing for the appointment of a secretary to boards of education in incorporated cities or towns, and adding a new section to the Political Code to be known as Section 1616*a*.

Bill read first time, and referred to Committee on Education.

Also: Assembly Bill No. 260—An Act providing for the levy of a special tax for school purposes in incorporated cities and towns; and abolishing the holding of special elections therein, as provided for in sections eighteen hundred and thirty to eighteen hundred and thirty-six, inclusive, of the Political Code; providing for the collection of said tax, and adding certain sections to said Political Code, to be known as sections eighteen hundred and fifty-three, eighteen hundred and fifty-four, and eighteen hundred and fifty-five, relating to the revenues necessary to maintain grammar, primary, and kindergarten schools in incorporated cities.

Bill read first time, and referred to Committee on Education.

By Mr. Coghlan: Assembly Bill No. 261—An Act to amend Section 1855*a* of the Code of Civil Procedure, relating to secondary evidence of public records or documents lost or destroyed by fire or other calamity; also providing that in such case decrees of distribution and partition, and deeds made, pursuant to or under a judgment, or order of court, shall prima facie be deemed made under proceedings duly had.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Hanlon: Assembly Bill No. 262—An Act to add a new section to the Political Code, to be numbered Section 4052*b*, relating to the disposition of property of the counties.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Rech: Assembly Bill No. 263—An Act providing a plan and system whereby certain duties now performed by officers of cities in and about the taxation and assessment of property may be imposed upon and performed by county and State officers; and making county officers in certain cases ex officio officers of cities.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Assembly Bill No. 264—An Act to amend section six of an Act entitled "An Act to establish Police Courts in cities of the first and one-half class, to fix their jurisdiction and provide for officers of said courts, and to fix the compensation of certain officers thereof," approved March 5, 1901, relating to clerks in Police Courts in cities of the first and one-half class.

Bill read first time, and referred to Committee on Municipal Corporations.

By Mr. Gibbons: Assembly Bill No. 265—An Act to provide for certain improvements at the California Polytechnic School and making an appropriation therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Assembly Bill No. 266—An Act making an appropriation for the construction of barns at the California Polytechnic School, and for the purchase of farm equipment for the use of said school.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Assembly Bill No. 267—An Act making an appropriation for the construction and furnishing of dormitories and a dining hall at the California Polytechnic School.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

By Mr. Collier: Assembly Bill No. 268—An Act to amend Section 4249 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the twentieth class.

Bill read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 269—An Act to promote the horticultural interests of the State by providing county commissions of horticulture and repealing the Act entitled "An Act to promote the horticultural interests of the State," approved March 31, 1897, and amended and approved March 20, 1905.

Bill read first time, and referred to Committee on Agriculture.

Also: Assembly Bill No. 270—An Act to amend Sections 3897 and 3898 of the Political Code, relating to the collection of taxes of the State and counties.

Bill read first time, and referred to Committee on Revenue and Taxation.

Also: Assembly Bill No. 271—An Act to provide for the union of two or more high school districts, the filing of a petition with the county

superintendent of schools to submit the question of uniting union high school districts and calling for an election therefor, and the canvassing of the votes cast at said election.

Bill read first time, and referred to Committee on Education.

By Mr. Preston: Assembly Bill No. 272—An Act to amend Section 892 of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, and as amended March 9, 1903.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Assembly Bill No. 273—An Act to amend Section 692 of the Code of Civil Procedure, relating to the notice of sale of property on execution.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Transue: Assembly Bill No. 274—An Act to amend an Act entitled "An Act to protect domestic live stock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this Act, and to provide an appropriation therefor," which became a law March 18, 1899, and as amended March 20, 1905, and as further amended March 23, 1907, by amending Section 1 thereof as amended March 23, 1907, Section 2 thereof as amended March 23, 1907, Section 4 thereof, Section 5 thereof, Section 6 thereof, Section 7 thereof, and Section 8 thereof, and by adding a new section thereto, to be known and numbered as Section 7½, providing for additional officers and employees and fixing their salaries.

Bill read first time, and referred to Committee on Live Stock, Dairies, and Dairy Products.

Also: Assembly Bill No. 275—An Act to prevent the introduction, and provide for the investigation and suppression of contagious or infectious diseases, and appropriating money to be used for such purpose.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Mr. Beardslee: Assembly Bill No. 276—An Act to provide for the construction of a new laundry building at the Stockton State Hospital, and the purchase of such machinery and equipments as is necessary for the operation of the same and for the expense incurred in the removal of machinery from the old building to the new, and to make appropriations therefor.

Bill read first time, and referred to Committee on State Hospitals and Asylums

Also: Assembly Bill No. 277—An Act to provide for the wiring of hospital buildings and all other buildings situated in and about the grounds of the Stockton State Hospital, together with the installation of an electric light plant consisting of all necessary fixtures and equipments, and the wiring and installation of a telephone system and all the necessary equipments thereof in said buildings, and to make appropriations therefor.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 278—An Act to provide for the digging and construction of a tunnel connecting the hydrotherapeutic building with the engine room of the female department of the Stockton State Hospital,

for the purpose of conducting water pipes, heating pipes, electric wires, etc., and to make appropriations therefor.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 279—An Act to provide for the erection, equipping, and furnishing of two convalescent cottages, one for males and one for females, at the Stockton State Hospital farm, and to make appropriations for the same.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 280—An Act to provide for the erection of a water tower, tanks, pumps, boring of wells, and all necessary equipments of the same at Stockton State Hospital, for domestic use and fire purposes, and to make appropriations therefor.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

By Mr. Beatty: Assembly Bill No. 281—An Act to amend Section 784 of the Code of Civil Procedure, relating to sales in actions in partition.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 282—An Act to amend Section 775 of the Code of Civil Procedure, relating to sales in actions in partition.

Bill read first time, and referred to Committee on Judiciary.

By Mr Baxter: Assembly Bill No. 283—An Act to provide for the survey, location and construction of a State highway from the town of Mariposa, through Bear Creek, Missouri Gulch, and Stockton Creek, to the Yosemite Valley Railroad at Bear Creek Station, in Mariposa County, California, and making an appropriation therefor.

Bill read first time, and referred to Committee on Roads and Highways.

By Mr. Johnson of Placer: Assembly Bill No. 284—An Act to add a new section to the Political Code, to be numbered 1671*b*, relating to enlarging, reconstructing or replacing county high schools or increasing the capacity and accommodations thereof, and the levying of a special tax for such purposes.

Bill read first time, and referred to Committee on Education.

By Mr. Hayes: Assembly Bill No. 285—An Act to amend the Political Code of the State of California, by adding a new section thereto, to be numbered Section 4135*a*; validating defectively recorded instruments, and providing for the imparting of notice by the same to subsequent purchasers or incumbrancers.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Nelson: Assembly Bill No. 286—An Act to simplify the spelling of a certain class of words.

Bill read first time, and referred to Committee on Education.

Also: Assembly Bill No. 287—An Act to fix the hours of employment of employees of the State of California, or of any county, township, city or other municipality in said State; or of contractors or others performing work or furnishing material for the State of California, or for any county, township, city or other municipality thereof, and providing penalties for violation of the provisions of this Act.

Bill read first time, and referred to Committee on Labor and Capital.

Also: Assembly Bill No. 288—An Act to add a new section to the Code of Civil Procedure of the State of California, relating to sanitary

conditions in bakeries, and prohibiting the further reopening of basement bakeries.

Bill read first time, and referred to Committee on Labor and Capital.

By Mr. Juilliard: Assembly Bill No. 289—An Act to amend Section 789 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to termination of estates.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 290—An Act to amend Section 1265 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to homesteads and exemptions.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Telfer: Assembly Bill No. 291—An Act to add a new section to the Penal Code of the State of California, providing for the equipment of cars on street and interurban railroads with safety appliances for the promotion of the health and safety of passengers.

Bill read first time, and referred to Committee on Corporations.

Also: Assembly Bill No. 292—An Act to regulate the licensing and powers of detectives, and to provide for the regulation of the business of watchmen and guards in the State of California, to provide for the granting of permits to engage in such occupations, and prescribing penalties for the violation thereof.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Beardslee: Assembly Bill No. 293—An Act to amend Section 737 of the Political Code, relating to the salaries of Judges of the Superior Court.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Rutherford: Assembly Bill No. 294—An Act for the better protection of persons employed in mines; providing for the appointment of an inspector of mines, and defining his duties and fixing his compensation, and providing for the payment thereof.

Bill read first time, and referred to Committee on Mines and Mining Interests.

Also: Assembly Bill No. 295—An Act to add a new section to the Political Code, to be numbered 4250*a*, relating to and fixing the compensation of grand and trial jurors in the Superior Courts in counties of the twenty-first class.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 296—An Act to amend Section 4250 of the Political Code of the State of California, relating to the compensation and expenses of officers in counties of the twenty-first class.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Mott: Assembly Bill No. 297—An Act to amend Section 103 of the Code of Civil Procedure of the State of California, relating to Justice's Courts and Justices of the Peace.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Beban: Assembly Bill No. 298—An Act to amend Section 531 of Article XII of the Political Code.

Bill read first time, and referred to Committee on Public Printing.

By Mr. Johnson of San Diego: Assembly Constitutional Amendment No. 12—Proposed amendment to Article XIII of the Constitution, relative to the exemption from taxation of young forest plantations for a period of years.

Read, and referred to Committee on Constitutional Amendments.

By Mr. Preston: Assembly Constitutional Amendment No. 13—Proposed amendment to Article XLI, Section 9 of the Constitution, relative to the compensation of officers and the extension of the term of officers.

Read, and referred to Committee on Constitutional Amendments.

ANNOUNCEMENT.

The Speaker announced that he had received the papers in the contest of Thomas F. Roberts vs. George J. Black, and filed the papers with the Chief Clerk.

CREDENTIALS.

The Speaker also filed the following:

SACRAMENTO, CAL., January 11, 1909.

HON. CLIO W. LLOYD, *Chief Clerk Assembly, City*:

DEAR SIR: This is to certify that Franklin Hichborn, John Lloyd and Edwin Norman will be the legislative correspondents of the Sacramento Bee during the present session.

Respectfully,

CHARLES K. McCLATCHY, Editor.

SAN FRANCISCO, January 11, 1909.

HON. P. A. STANTON, *Speaker of the Assembly, Sacramento, Cal.*:

DEAR SIR: This is to certify that Messrs. G. A. Van Smith, E. F. O'Day, C. A. Farnsworth, and J. F. Neylan are accredited representatives of The Call, assigned to the duty of reporting all matters pertaining to the current session of the State Legislature, including all proceedings of the Assembly, and all matters pertaining to that body.

Yours very truly,

E. S. SIMPSON,
Managing Editor.

LOS ANGELES, CAL., January 11, 1909.

HON. PHIL. A. STANTON, *Speaker of the Assembly, Sacramento, Cal.:*

B. Frank Greaves is the accredited representative of the Times at the Legislature, and any courtesies extended him in that capacity will be appreciated.

H. E. ANDREWS,
Managing Editor.

RESOLUTION.

The following resolution was offered, notice having been given on a previous day:

By Mr. Hewitt:

Resolved, That Rule 26 of the standing rules of the Assembly be amended by adding a new subdivision thereto, the same to follow immediately after subdivision 53, and to read as follows:

"54. A Committee on Common Carriers, to consist of eleven members."

Resolution read.

Mr. Hewitt moved the adoption of the resolution.

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

AYES—Messrs. Barndollar, Beardslee, Beban, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Dean, Drew, Feeley, Flavelle, Bleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Lightner, Macauley, Maher, McClellan, McManus, Mendenhall, Moore, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whelan, Whitney, Wilson, Young, and Mr. Speaker—70.

NOES—Messrs. Baxter, Beatty, Black, Johnson of Sacramento, Leeds, and Mott—6.

ELECTION OF UNITED STATES SENATOR.

The hour of twelve o'clock M. having arrived, the Assembly proceeded to the election of a United States Senator.

RESOLUTION.

The following resolution was offered:

By Mr. Hans:

WHEREAS, The term of Hon. George C. Perkins, United States Senator in Congress from the State of California, elected January 13, 1903, will expire on the 4th day of March, A. D. 1909, and

WHEREAS, His successor, whose term shall commence on the said 4th day of March A. D 1909, must now be chosen in the manner required by law; therefore, be it

Resolved, That the Assembly do now proceed to nominate, by *viva voce* vote, a person for Senator in Congress from the State of California, for the term of six years, commencing March 4, A. D. 1909, pursuant to an Act of Congress, entitled "An Act to regulate the time and manner of holding elections for Senators in Congress," approved July 5, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States, entitled "An Act to revise and consolidate the Statutes of the United States, in force on the first day of December, 1873," approved January 22, 1874.

Resolution read, and on motion adopted.

The Chief Clerk of the Assembly, by direction of the Speaker, then read the following Act of Congress:

Title II, Chapter I, United States Revised Statutes—An Act to regulate the time and manner of holding elections for Senators in Congress, approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States, entitled "An Act to revise and consolidate the Statutes of the United States in force on the first day of December, Anno Domini 1873," approved January 22, 1874.

SECTION 14 The Legislature of each State, which is chosen next preceding the expiration of the time for which any Senator was elected to represent such State in Congress shall, on the second Tuesday after the meeting and organization thereof, proceed to elect a Senator in Congress.

SEC. 15. Such election shall be conducted in the following manner: Each House shall openly, by *viva voce* vote by each member present, name one person for Senator in Congress from such State, and the name of the person so voting for to receive a majority of the whole number of votes cast in each House, shall be entered upon the Journal of that House by the Clerk or Secretary thereof, or if either of them fails to give such majority to any person on that day, the fact shall be entered on the Journal. At twelve o'clock M. of the day following that on which proceedings are required to take place as aforesaid, the members of the two houses shall convene in Joint Assembly, and the Journal of each House shall then be read, and if the same person has received a majority of all the votes in each House, he shall be declared duly elected Senator. But if the same person has not received a majority of the votes of each house, or if either House has failed to take proceedings as required by this section, a Joint Assembly shall then proceed to choose, by a *viva voce* vote of each member present, a person for Senator, and the person who receives a majority of all the votes of the Joint Assembly, a majority of all the members elected to both Houses being present, and voting, shall be declared duly elected. If no person receives such majority on the first day, the Joint Assembly shall meet at twelve o'clock M. of each succeeding day during the session of the Legislature, and shall take at least one vote until a Senator is elected.

SEC. 16 Whenever, on the meeting of the Legislature of any State, a vacancy exists in the representation of such State in the Senate, the Legislature shall proceed on the second Tuesday after meeting and organization, to elect a person to fill such vacancy in the manner prescribed in the preceding section for the election of a Senator for a full term.

SEC. 17 Whenever, during the session of the Legislature of any State, a vacancy occurs in the representation of such State in the Senate, similar proceedings to fill such vacancies shall be had on the second Tuesday after the Legislature is organized and has notice of such vacancy.

SEC. 18 It shall be the duty of the executive of the State from which any Senator has been chosen, to certify his election, under the seal of the State, to the President of the Senate of the United States.

SEC. 19. The certificate mentioned in the preceding section shall be countersigned by the Secretary of the State.

The Speaker thereupon declared nominations for United States Senator to succeed the Hon. Geo. C Perkins now in order.

Mr. Pulcifer nominated George C. Perkins.

Mr. Perine seconded the nomination of George C. Perkins.

Mr. Wheelan nominated Harry P. Flannery.

Mr. Hopkins seconded the nomination of Harry P. Flannery.

Mr. Schmitt seconded the nomination of George C. Perkins.

Mr. Barndollar seconded the nomination of George C. Perkins.
Mr. Hans seconded the nomination of George C. Perkins.
Mr. Preston nominated J. O. Davis.
Mr. Otis seconded the nomination of George C. Perkins.
Mr. Cronin seconded the nomination of George C. Perkins.
Mr. Stuckenbruck seconded the nomination of J. O. Davis.

NOMINATIONS CLOSED.

There being no further nominations, the Speaker directed that the roll be called.

The roll was called with the following result:

For George C. Perkins—Messrs. Barndollar, Beardslee, Beatty, Beban, Bohnett, Butler, Cattell, Coghlan, Cogswell, Collier, Costar, Cronin, Cullen, Dean, Drew, Feeley, Ftavelle, Fleisher, Flint, Gerdes, Greer, Griffiths, Hammon, Hanlon, Hans Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Kehoe, Leeds, Macauley, McClellan, McManus, Melrose, Moore, Mott, Nelson, Otis, Perine, Pugh, Pulcifer, Rech, Rutherford, Schmitt, Silver, Stanton, Telfer, Transue, Wagner, Whitney, and Young—56.

For Harry P. Flannery—Messrs. Black, Collum, Hopkins, Lightner, O'Neill, and Wheelan—6.

For J. O. Davis—Messrs. Baxter, Gibbons, Gillis, Irwin, Johnson of Placer, Juilliard, Maher, Mendenhall, Odom, Polsley, Preston, Stuckenbruck, and Webber—13.

For Chester H Rowell—Mr. Callan—1.

For Thos R Bard—Mr. Sackett—1.

For Theodore Bell—Mr. Wilson—1.

Whole number of votes cast	78
Necessary to a choice	40
Geo C Perkins received	56 votes.
H P. Flannery received	6 votes.
J. O. Davis received	13 votes.
Chester H Rowell received	1 vote.
Thos R. Bard received	1 vote.
Theodore Bell received	1 vote.

George C. Perkins having received a majority of the votes cast, was declared the choice of the Assembly for United States Senator for the term beginning March 4, 1909.

RESOLUTION.

The following resolution was offered:

By Mr. Hans:

Resolved, That a message be sent to the Senate, informing the Senate of the vote for United States Senator in this House taken this day, and requesting the Senate to inform this House of the vote for United States Senator taken in the Senate, and informing the Senate that the Assembly will meet with the Senate in the Assembly Chamber to-morrow, Wednesday, January 13, 1909, at twelve o'clock noon, in Joint Assembly, for the purpose of electing, or declaring the election of, a United States Senator, pursuant to an Act of Congress entitled "An Act to regulate the time and manner of holding elections for Senators in Congress," approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States, entitled "An Act to revise and consolidate the Statutes of the United States in force on the first day of December, 1873," approved January 22, 1874.

Resolution read, and on motion adopted.

QUESTION OF PERSONAL PRIVILEGE.

Mr. Young arose to a question of personal privilege, and asked for and was granted permission to have the following statement printed in the Journal:

ASSEMBLY, CALIFORNIA LEGISLATURE,
THIRTY-EIGHTH SESSION.

I was instructed by my Assembly convention to oppose the reelection of Senator Perkins. I have carried out my instructions to the very best of my ability. It was

almost unanimously decided by those of similar views with myself that the only place for any possible effective opposition was the Republican caucus. Although I did not sign the caucus call, nevertheless I went into that caucus for the purpose of carrying out my instructions. My actions and words there are known to all those who attended that caucus. My vote there is on record on a call for ayes and noes demanded by myself. I went into the caucus with my eyes open, knowing that if my opposition there failed I should be bound by the action of the caucus I have accordingly to-day voted for the caucus nominee.

C. C. YOUNG.

ADJOURNMENT.

At one o'clock P. M., on motion of Mr. Johnson of Sacramento, the Assembly was declared adjourned until ten o'clock and thirty minutes A. M. of Wednesday, January 13, 1909.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL.,
Wednesday, January 13, 1909.

At ten o'clock and thirty minutes A. M., pursuant to adjournment, the Assembly was called to order.

Hon. P. A. Stanton, Speaker of the Assembly, in the chair.

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

Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Young, and Mr. Speaker—77.

Quorum present.

PRAYER.

Prayer was offered by the Chaplain, Rev. Seren N. Marsh.

READING OF JOURNAL.

During the reading of the Journal, on motion of Mr. Mott, its further reading was dispensed with.

LEAVE OF ABSENCE.

On motion, leave of absence for the day was granted to Messrs. Wyllie and Wyatt.

REPORT OF STANDING COMMITTEE.

The following resolution was offered as a report of the Committee on Judiciary:

Resolved, That the Chief Clerk be and he is hereby authorized and directed to purchase complete sets of Kerr's Codes and Henning's General Laws, as follows:

For Committee on Judiciary, three sets; for Committee on Ways and Means, one set; for Committee on Revision and Reform of Laws, one set; for Committee on Constitutional Amendments, one set.

JOHNSON OF SACRAMENTO, Chairman.

Mr. Johnson of Sacramento moved the adoption of the resolution.

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

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Telfer, Transue, Wagner, Whitney, Wilson Young, and Mr. Speaker—74.

NOES—None.

SENATE MESSAGE.

The following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, January 12, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day had the following proceedings in the matter of the election of a United States Senator from California:

The roll was called, and as each Senator's name was called he voted his choice for United States Senator, as follows:

For George C Perkins—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Cutten, Estudillo, Finn, Hartman, Hurd, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Roseberry, Rush, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—32

For J. O. Davis—Senators Campbell, Cartwright, Curtin, Holohan, Miller, and Sanford—6.

For Harry P. Flannery—Senator Hare—1.

For William H. Langdon—Senator Kennedy—1.

Whole number of votes cast	40
Necessary to a choice	21
George C Perkins received	32 votes.
J. O. Davis received	6 votes.
Harry P. Flannery received	1 vote.
William H. Langdon received	1 vote.

The President announced the result, and declared the Hon. George C. Perkins the choice of the Senate for United States Senator.

The following resolution was adopted:

Resolved, That the Secretary forthwith inform the Assembly of the vote for United States Senator in this Senate, and that the Senate will meet the Assembly in the Assembly Chamber to-morrow, Wednesday, January 13, 1909, at 12 o'clock meridian, in Joint Assembly for the purpose of electing or declaring the election of a United States Senator, pursuant to an Act of Congress entitled "An Act to regulate the time and manner of holding elections for Senators in Congress," approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the Statutes of the United States in force on the 1st day of December, Anno Domini 1873," approved January 22, 1874

LEWIS A. HILBORN, Secretary.
By J. W. KAVANAGH, Assistant Secretary.

INTRODUCTION OF BILLS.

The following bills were introduced and referred as indicated:

By Mr. Johnson of San Diego: Assembly Bill No. 299—An Act to provide for the investigation of agricultural problems and conditions in Imperial County, and making an appropriation therefor.

Bill read first time, and referred to Committee on Agriculture.

By Mr. Hammon: Assembly Bill No. 300—An Act providing for the construction of a water and sewer system in the California Redwood Park, and making an appropriation therefor.

Bill read first time, and referred to Committee on Public Lands and Forestry and to Ways and Means.

By Mr. Johnson of Sacramento: Assembly Bill No. 301—An Act to provide for work upon and the construction of sidewalks within municipalities.

Bill read first time, and referred to Committee on Municipal Corporations.

By Mr. Perine: Assembly Bill No. 302—An Act to amend sections 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934, 1935, 1951, 1953, 1954, 1956, 1957, 1958, 1962, 1966, 1985, 2020, 2026, 2076, 2078, 2079, 2081, 2086, 2102, 2011 and 2112, all of the Political Code of the State of California, relating to the National Guard.

Bill read first time, and referred to Committee on Military Affairs.

Also (by request): Assembly Bill No. 303—An Act to provide for health and development supervision in the public schools of the State of California.

Bill read first time, and referred to Committee on Education.

By Mr. Melrose: Assembly Bill No. 304—An Act to add two new sections to the Civil Code, to be numbered 2932*a*, 2932*b*, relating to trust deeds and other conveyances securing the payment of money.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 305—An Act to add four new sections to the Code of Civil Procedure to be numbered 549*a*, 549*b*, 549*c*, 549*d*, all relating to the trial of the right to personal property when levied upon under attachment or execution.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Wagner: Assembly Bill No. 306—An Act to secure uniform public accounting and making an appropriation therefor.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Wyllie: Assembly Bill No. 307—An Act to amend Section 924 of the Code of Civil Procedure.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Wheelan: Assembly Bill No. 308—An Act to amend Section 72 of the Code of Civil Procedure, relating to original jurisdiction of the Superior Courts.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 309—An Act to amend an Act entitled "An Act to establish a Penal Code," approved Feb. 14, 1872, by amending Sections 339 and 343 thereof, relating to pawnbrokers.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 310—An Act against betting, wagering and staking money or anything of value and against stake-holding and against betting upon or playing at any game or otherwise for money or anything of value; and against the maintenance of any place for receiving, recording or registering bets or wagers, or selling pools, and against receiving, recording, registering, wagering or selling pools, or carrying on bookmaking, and receiving money for any such purposes.

Bill read first time, and referred to Committee on Public Morals.

By Mr. Collum: Assembly Bill No. 311—An Act requiring of clubs and other organizations and associations licenses and affidavits to insure compliance with the provisions of this Act, and providing for cases of failure to obtain such license, and declaring the meeting places of offenders against such requirement common gambling houses, and requiring police surveillance thereof, and authorizing the breaking in thereof; and against visiting such places.

Bill read first time, and referred to Committee on Public Morals.

By Mr. Black: Assembly Bill No. 312—An Act against slot machines and other gambling devices.

Bill read first time, and referred to Committee on Public Morals.

By Mr. Pulcifer (by request): Assembly Bill No. 313—An Act to amend Section 44 of the Code of Civil Procedure of the State of California, relating to the apportionment of business of the Supreme Court and District Courts of Appeal.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Johnson of Placer: Assembly Bill No. 314—An Act to repeal an Act entitled "An Act supplementary to and amendatory of an Act entitled 'An Act concerning common schools in the city of Placerville, approved April first, eighteen hundred and sixty-four,'" to provide ways and means for building, furnishing, and repairing schoolhouses in said city, and for other purposes," approved March 16, 1874.

Bill read first time, and referred to Committee on Education.

Also: Assembly Bill No. 315—An Act to repeal an Act entitled "An Act to incorporate the town of Coloma," approved April 21, 1858.

Bill read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 316—An Act to repeal an Act entitled "An Act concerning common schools in the city of Placerville," approved April 1, 1864.

Bill read first time, and referred to Committee on Education.

Also: Assembly Bill No. 317—An Act to promote the safety of employees and travelers upon railroads by compelling common carriers by railroad to properly man their trains.

Bill read first time, and referred to Committee on Common Carriers.

By Mr. Lightner: Assembly Bill No. 318—An Act to amend Section 317 of the Penal Code of California.

Bill read first time, and referred to Committee on Medical and Dental Laws.

By Mr. Stanton: Assembly Bill No. 319—An Act to provide for the direct nomination of candidates for public office, by electors, political parties, and organizations of electors without conventions, at elections to be known and designated as primary elections, determining the tests and conditions upon which electors, political parties and organizations of electors may participate in any such primary election, and establishing the rates of compensation for primary election officers serving at such primary elections, providing for the organization of political parties and promulgating of their platforms, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator.

Bill read first time, and referred to Committee on Election Laws.

By Mr. Rech: Assembly Bill No. 320—An Act to amend Sections 3, 8, 20, and 21 of an Act approved March 23, 1901, and entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation thereof, and to repeal an Act now in force relating to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California,'" approved March 12, 1885, to repeal Sections 13 and 24 of said Act; also to amend Sections 12, 14, and 19 of said Act as amended by an Act approved March 20, 1903; also to amend

Section 21½ of said Act as added thereto by said Act approved March 20, 1903; and also to amend Section 15 of said Act of March 23, 1901, as amended by an Act approved March 6, 1907, all relating to the Board of Dental Examiners of California and the regulation of the practice of dentistry in the State of California.

Bill read first time, and referred to Committee on Medical and Dental Laws.

Also: Assembly Bill No. 321—An Act to repeal an Act entitled "An Act making a conspiracy to commit any crime against the person of, or an attempt to kill or commit any assault upon, the President or Vice-President of the United States, or Governor of any state or territory, any United States Justice or Judge, or the secretary of any executive department of the United States, a felony, and providing a penalty therefor," approved February 28, 1903.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 322—An Act to amend Section 183 of the Penal Code of the State of California, relating to a conspiracy to commit any crime against the person of the President or Vice-President of the United States, or Governor of any state or territory, or any United States Justice or Judge, or the secretary of any executive department of the United States, and providing a penalty therefor.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 323—An Act to add a new section to the Penal Code of the State of California, to be known as Section 186, making an attempt to kill or commit any assault upon the President or Vice-President of the United States, the Governor of any state or territory, or any United States Justice or Judge, or the secretary of any executive department of the United States, a felony, and providing a penalty therefor.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 324—An Act to repeal an Act entitled "An Act making the cost of certain bonds of receivers, assignees, trustees, guardians, administrators and executors chargeable to a certain extent against the trust estate," approved March 20, 1905.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 325—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as Section 1060, relating to bonds of receivers, assignees, trustees, guardians, administrators, and executors, against trust estates.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 326—An Act to repeal an Act entitled "An Act forbidding the employment of the inmates of State institutions in the manufacture, or production of articles for the use of State officers, or the officers and employees of State institutions," approved March 19, 1903.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 327—An Act to add a new section to the Political Code of the State of California, to be known as Section 2329, relating to forbidding the employment of the inmates of State institutions in the manufacture, or production of articles, for the use of State officers, or the officers and employees of State institutions.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 328—An Act to repeal an Act entitled "An Act to provide for the payment by the State or counties, or cities, or cities and counties, of the premium or charge on official bonds when given by surety companies," approved March 25, 1903.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 329—An Act to add a new section to the Political Code of the State of California, to be known as Section 988, relating to the payment of premiums on official bonds.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

By Mr. Rech: Assembly Bill No. 330—An Act to add a new section to the Penal Code of the State of California, to be known as Section 79, relating to school officers and teachers acting as agents.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 331—An Act to add a new section to the Penal Code of the State of California, to be known as Section 78, relating to the prevention of irregular issuance of teachers' certificates.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 332—An Act to add a new section to the Penal Code of the State of California, to be known as Section 422. relating to disturbing schools or school meetings.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 333—An Act to repeal Sections 1868, 1869 and 1870 of the Political Code of the State of California.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 334—An Act to repeal an Act entitled "An Act to prevent the destruction of forests by fire on public lands," approved February 13, 1872.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 335—An Act to add a new section to the Penal Code of the State of California, to be known as Section 384*a*, relating to the destruction of forests by fire on public lands.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 336—An Act to repeal an Act entitled "An Act authorizing the allowance, settlement, and payment of claims of counties against the State," approved March 9, 1893.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 337—An Act to add a new section to the Political Code of the State of California, to be known as Section 3881, relating to claims of counties against the State.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 338—An Act to repeal an Act entitled "An Act to encourage and provide for a general vaccination in the State of California," approved February 20, 1889.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 339—An Act to add five new sections to the Political Code of the State of California, to be known as Sections 2995, 2996, 2997, 2998, and 2999, relating to vaccination.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 340—An Act to add a new section to the Penal Code of the State of California, to be known as section one hundred and thirty-nine, relating to keeping the hides of animals killed or slaughtered, and providing a penalty for the violation thereof.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 341—An Act to repeal an Act entitled "An Act to regulate the disposition of the hides of cattle killed or slaughtered in the State of California," approved March 23, 1893.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 342—An Act to repeal an Act entitled "An Act to provide for the registration of bonds issued by common school, high school, or union high school districts," approved March 18, 1905.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 343—An Act to add two new sections to the Political Code of the State of California, to be known as Sections 1893 and 1894, providing for the registration of bonds issued by common school, high school, or union high school districts.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 344—An Act to repeal an Act entitled "An Act to prohibit the collection of accounts for liquors sold at retail," approved March 20, 1874.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 345—An Act to add a new section to the Civil Code of the State of California, to be known as section thirty-four hundred and thirty-four, relating to the collection of accounts for liquors sold at retail.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 346—An Act to repeal an Act entitled "An Act relative to the non-insurance of property belonging to the State against risk of damage or destruction by fire," approved March 10, 1891.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 347—An Act to add a new section to the Political Code of the State of California, to be known as Section 3236, relating to insurance on public buildings.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 348—An Act to repeal an Act entitled "An Act to declare valid writs, process, and certificates issued by the Superior Courts, of this State, or the clerks thereof, before such courts shall have been legally provided with seals," approved March 31, 1880.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 349—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as Section 80, relating to the validity of writs, process and certificates issued by the Superior Courts or the clerks thereof, before such courts shall have been legally provided with seals.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 350—An Act to repeal an Act entitled "An Act forfeiting to the State of California all payments for State lands where fraudulent title was sought to be obtained thereto," approved March 20, 1905.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 351—An Act to add a new section to the Political Code of the State of California, to be known as Section 3575, relating to forfeiture of title to lands sold by the State.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 352—An Act to add a new section to the Penal Code of the State of California, to be known as Section 296, relating to the injury or destruction of property in cemeteries.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 353—An Act to repeal an Act entitled "An Act to regulate the use of illuminating gas," approved March 20, 1903.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 354—An Act to add a new section to the Penal Code of the State of California, to be known as six hundred and fifty-three *e*, regulating the use of illuminating gas, and providing a penalty for the violation thereof.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

By Mr. Rech: Assembly Bill No. 355—An Act to repeal an Act entitled "An Act to provide for the change of name of school districts, and the manner of making such change," approved March 16, 1903.

Bill read first time, and referred to Committe on Revision and Reform of Laws.

Also: Assembly Bill No. 356—An Act to add a new section to the Political Code of the State of California, to be known as Section 1575*a*,

providing for the change of name of school districts, and the manner of making such change.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 357—An Act to repeal an Act entitled "An Act to provide for the disposal of moneys remaining in the building fund of any school district, after all bonds and indebtedness shall have been paid and liquidated, arising from the construction of school buildings," approved March 13, 1883.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 358—An Act to add a new section to the Political Code of the State of California, to be known as Section 1892, providing for moneys remaining in the building fund of any school district, after all bonds and indebtedness shall have been paid and liquidated, arising from the construction of school buildings.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 359—An Act to add a new section to the Political Code of the State of California, to be known as Section 4221, relating to the markings of Government survey.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 360—An Act to repeal an Act entitled 'An Act to further perpetuate the markings of the Government survey," approved March 18, 1905.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 361—An Act to add two new sections to the Penal Code of the State of California, to be known as Sections 596*a*, and 596*b*, relating to the unlawful administering of drugs to animals on exhibition.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 362—An Act to repeal an Act entitled "An Act to prevent tampering with animals, and to prevent the giving or administering of poison or drugs to horses, cattle, dogs, animals, and other live stock, except for medicinal purposes, and making the same a misdemeanor," approved March 23, 1901.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 363—An Act to add to Chapter III, Title VII, Part III, of the Political Code of the State of California, thirteen new sections to be numbered as Sections 3074½, 3075½, 3080*a*, 3080*b*, 3080*c*, 3080*d*, 3080*e*, 3080*f*, 3080*g*, 3080*h*, 3080*i*, 3080*j*, and 3084, relating to the issuance and registration of burial and disinterment permits, and the establishment of registration districts in counties, cities and counties, cities and incorporated towns, under the superintendence of the State Bureau of Vital Statistics, and prescribing the powers and duties of registrars, coroners, physicians, undertakers, sextons, and other persons in relation to such registration, and fixing the penalty for the violation thereof.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 364—An Act to repeal an Act entitled "An Act for the registration of deaths, the issuance and registration of burial and disinterment permits and the establishment of registration districts in counties, cities and counties, cities and incorporated towns, under the superintendence of the State Bureau of Vital Statistics and prescribing the powers and duties of registrars, coroners, physicians, undertakers, sextons, and other persons, in relation to such registration, and fixing the penalties for the violation of this Act," approved March 18, 1905.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 365—An Act to add a new section to the Political Code of the State of California, to be known as Section 1580, confirming the organization of school districts.

Bill read first time, and referred to Committee an Revision and Reform of Laws.

Also: Assembly Bill No. 366—An Act to repeal an Act entitled "An Act confirming the organization of school districts," approved March 18, 1905.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 367—An Act to add three new sections to the Political Code of the State of California, to be known as Sections 686, 687 and 688, providing for the exchange of commodities between the public institutions owned or managed and controlled by the State, or the political divisions thereof.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 368—An Act to repeal an Act entitled "An Act providing for the exchange of commodities between the public institutions owned or managed and controlled by the State, or the political divisions thereof," approved March 18, 1905.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 369—An Act to add a new section to the Penal Code of the State of California to be known as Section 728, providing for the appointment of policemen on cars or boats of railroad and steamship companies.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 370—An Act to repeal an Act entitled "An Act to provide for the appointment of policemen, with the power of peace officers to serve on the premises, cars, or boats of railroads and steamship companies," approved March 23, 1901.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 371—An Act to add five new sections to Article 6, of Chapter 3, of Title 3, Part 4, Division 3, of the Civil Code of the State of California, to be numbered, 1873, 1874, 1875, 1876, and 1877, relating to estrays, and providing for the impounding and sale thereof.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 372—An Act to repeal an Act entitled "An Act relating to estrays, providing for taking them up, and giving a lien

on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force relating to estrays," approved March 23, 1901.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

By Mr. Wilson: Assembly Bill No. 373—An Act to add two new sections to the Political Code, relating to the protection of farm names.

Bill read first time, and referred to Committee on Agriculture.

PRIVILEGE OF FLOOR.

On motion of Mr Mott, the privilege of the floor was granted to Joseph M. Kelly.

RE-REFERENCE OF BILLS.

On motion of Mr. Beardslee, Assembly Bill No. 45—An Act to amend Section 3498 of the Political Code of the State of California, concerning the approval of applications to purchase State lands—was recalled from the Committee on Swamp and Overflowed Lands and referred to Committee on Judiciary.

CREDENTIALS.

The Speaker filed the following newspaper credentials:

Mr. B. R. Walker is duly authorized to represent the Fresno Republican as its regular correspondent at this session of the Legislature.

CHESTER H. ROWELL, Editor.

SACRAMENTO, January 13, 1909.

I will also represent the Republican.

CHESTER H. ROWELL

EXAMINER BUREAU, SACRAMENTO, January 12, 1909.

HON. CLIO LLOYD, *Chief Clerk Assembly, Sacramento, Cal.*

DEAR SIR: I address you to inform you that the following-named are members of the Examiner staff in this city: Al. Murphy, Edward H. Hamilton, Louis Levy W. T Haley, Oscar Chopin, Otheman Stevens, representing the Los Angeles Examiner. I am here in charge of the bureau. Any consideration that may be extended to the staff mentioned by the officers of the Assembly will be highly appreciated.

Yours very respectfully,

FREDERICK S. MYRTLE, in charge.

SACRAMENTO, CALIFORNIA, January 12, 1909.

This is to certify that John F. Blunt and C. A. Lawry are the accredited representatives of the Pacific Press in the Senate and the Assembly of the State Legislature.

THE PACIFIC PRESS,
By I. O. CORLISS,
Secretary and Field Director of the Religious Liberty Bureau.

SAN FRANCISCO, CAL., January 12, 1909

Speaker of the Assembly, Sacramento, Cal.

John Taylor Waldorf is accredited representative of Bulletin in House of Representatives.

FREMONT OLDER,
Managing Editor.

NOTICE TO AMEND RULES.

Mr. Johnson of Sacramento gave notice that on the next legislative day he would move to amend the standing rules of the Assembly.

RECESS.

At eleven o'clock and forty minutes A. M. the Assembly was declared at recess until eleven o'clock and fifty-five minutes A. M. of this day.

REASSEMBLED

At eleven o'clock and fifty-five minutes A. M. the Assembly reconvened.

Speaker P. A. Stanton in the chair.

ANNOUNCEMENT.

The Chief Clerk announced that he had received the following oath of office, subscribed and sworn to by Assemblyman John J. Wyatt, administered by the county clerk of Monterey County, in accordance with resolution adopted January 4, 1909:

OATH OF OFFICE.

I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of California, and discharge the duties of the office of Member of the Assembly, Fifty-ninth District, California, according to the best of my ability. So help me God.

JOHN J. WYATT.

IN JOINT ASSEMBLY.

ASSEMBLY CHAMBER, Wednesday, January 13, 1909.

The hour of twelve o'clock meridian having arrived, the Sergeant-at-Arms announced that the members of the Senate were at the bar of the House.

The Senate and the Assembly then met in joint session for the purpose of electing a United States Senator, pursuant to an Act of Congress, entitled "An Act to regulate the time and manner of holding elections for Senators in Congress," approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the Statutes of the United States in force on the first day of December, A. D. 1873," approved January 22, 1874.

Hon. Warren R. Porter, President of the Senate, in conjunction with Hon. P. A. Stanton, Speaker of the Assembly, presiding.

The President of the Senate directed the Secretary of the Senate to call the roll of the Senators.

The roll of the Senate was then called, and the following Senators answered to their names:

Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutten, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—39.

Quorum present.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

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

Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom Otis, O'Neill, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Young, and Mr. Speaker—78.

Quorum present.

The President of the Senate declared that a quorum of the Joint Assembly was present, and that the election of a United States Senator to succeed the Hon. George C. Perkins, as such, was now in order, and directed the Secretary of the Senate to read the Act of Congress requiring a Joint Assembly to be held this day.

The Secretary of the Senate, by direction of the President, then read the following Act of Congress:

Title 2, Chapter 1, United States Revised Statutes—An Act to regulate the time and manner of holding elections for Senators in Congress, approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States, entitled "An Act to revise and consolidate the Statutes of the United States in force on the first day of December, Anno Domini, 1873," approved January 22, 1874

SEC. 14. The Legislature of each State, which is chosen next preceding the expiration of the time for which any Senator was elected to represent such State in Congress shall, on the second Tuesday after the meeting and organization thereof, proceed to elect a Senator in Congress.

SEC. 15. Such election shall be conducted in the following manner: Each House shall openly, by *viva voce* vote by each member present, name one person for Senator in Congress from such State, and the name of the person so voted for who received a majority of the whole number of votes cast in each House shall be entered upon the Journal of that House by the Clerk or Secretary thereof, or if either of them fails to give such majority to any person on that day the fact shall be entered on the Journal At twelve o'clock M. of the day following that on which proceedings are required to take place as aforesaid, the members of the two Houses shall convene in Joint Assembly, and the Journal of each House shall then be read, and if the same person has received a majority of all the votes in each House, he shall be declared duly elected Senator But if the same person has not received a majority of the votes of each House, or if either house has failed to take proceedings as required by this section, the Joint Assembly shall then proceed to choose, by a *viva voce* vote of each member present, a person for Senator, and the person who receives a majority of all the votes of the Joint Assembly, a majority of all the members elected to both Houses being present and voting, shall be declared duly elected. If no person receives such majority on the first day, the Joint Assembly shall meet at twelve o'clock M. of each succeeding day during the session of the Legislature, and shall take at least one vote until a Senator is elected.

SEC. 16. Whenever, on the meeting of the Legislature of any State, a vacancy exists in the representation of such State in the Senate, the Legislature shall proceed on the second Tuesday after meeting and organization, to elect a person to fill such vacancy in the manner prescribed in the preceding section for the election of a Senator for a full term.

SEC. 17 Whenever, during the session of the Legislature of any State, a vacancy occurs in the representation of such State in the Senate, similar proceedings to fill such vacancies shall be had on the second Tuesday after the Legislature is organized and has notice of such vacancy.

SEC. 18. It shall be the duty of the executive of the State from which any Senator has been chosen, to certify his election, under the seal of the State, to the President of the Senate of the United States.

SEC. 19. The certificate mentioned in the preceding section shall be countersigned by the Secretary of State of the State.

The Secretary of the Senate, by direction of the President of the Senate, then read from the Journal of the Senate of Tuesday, January 12, 1909 (which was the second Tuesday after the organization of the thirty-eighth session of the Legislature of California), so much of the proceedings as related to the election of a Senator in Congress to succeed the Hon. George C. Perkins, a United States Senator from California, whose term of office is about to expire, whereby it appeared that forty Senators were present, each voting for his choice and that

Hon. Geo. C. Perkins received	32 votes.
Hon. J. O Davis received	6 votes.
Hon. Harry P. Flannery received	1 vote.
Hon. William H. Langdon received	1 vote.

The President of the Senate then announced that it appeared from the reading of the Journal of the Senate that the Hon. George C. Perkins had received a majority of the votes of the Senate, and declared him the choice of the Senate for United States Senator to fill the term commencing March 4, 1909.

The Chief Clerk of the Assembly, by the direction of the Speaker, then read from the Journal of the Assembly of Tuesday, January 12, 1909 (which was the second Tuesday after the organization of the thirty-eighth session of the Legislature of the State of California), so much of the proceedings as related to the election of a Senator in Congress to succeed the Hon. George C. Perkins, a United States Senator from California, whose term of office is about to expire, whereby it appeared that seventy-eight members of the Assembly were present and voted each for his choice, and that

Hon. George C. Perkins received	56 votes.
Hon. J. O. Davis received	13 votes.
Hon. Harry P. Flannery received	6 votes.
Hon. Chester Rowell received	1 vote
Hon. Thos R. Bard received	1 vote
Hon. Theodore Bell received	1 vote.

The Speaker of the Assembly then announced that it appeared from the reading of the Journal of the Assembly that Hon. George C. Perkins had received a majority of the votes of the Assembly, and declared him the choice of the Assembly for United States Senator to fill the term commencing March 4, 1909.

The President of the Senate, Hon. Warren R. Porter, then declared as follows: It appearing from the Journals of the Senate and Assembly, as read in Joint Assembly, that Hon. George C. Perkins has received a majority of all the votes of the Senate and a majority of all the votes of the Assembly, I therefore declare Hon. George C. Perkins duly elected United States Senator in the Congress of the United States from the State of California for the term commencing March 4, 1909.

ANNOUNCEMENT.

The President announced the receipt of a telegraphic communication from the Hon. George C. Perkins, which was read, and ordered printed in the Journal.

TELEGRAM.

WASHINGTON, D. C., January 12, 1909

HON. WARREN R. PORTER, *President of the Senate, and* HON P. A. STANTON, *Speaker of the Assembly, California State Legislature, Sacramento, Cal.*

Permit me to make grateful acknowledgment to you, and through you to the members of the Legislature and the people of California, for the great honor conferred upon me in electing me for the fourth time one of California's representatives in the Senate of the United States. My record in the past I offer as the best guarantee I can give that in the future I will strive to the utmost of my ability to faithfully and honestly represent all of the people and to uphold the honor and strive for the welfare of our country and commonwealth. The people have only to make known to me through the Legislature, county, city or commercial organizations, their wishes, and I, as their public servant and representative, will endeavor to obey their command. The highest ambition and prayer of my life is to so perform my duties in Congress that when I retire to private life at the expiration of the term for which I have been elected, I may have and retain the good will of the people of the Golden State, who have so often honored me with their confidence.

(Signed) GEORGE C. PERKINS.

RESOLUTION.

The following resolution was offered:

By Senator Bates:

Resolved, That the Secretary of the Senate and the Chief Clerk of the Assembly be, and they are hereby, directed to prepare and transmit forthwith to the Governor of the State of California a copy of the proceedings of the Joint Assembly pertaining to the election, and declaring the election of a person to the United States Senate in Congress

from California for the term of six years, beginning March 4, 1909, in accordance with an Act of Congress entitled "An Act to regulate the time and manner of holding elections for Senators in Congress," approved July 25, 1866, and that said copy be attested by the President and the Secretary of the Senate, and the Speaker and the Chief Clerk of the Assembly.

Resolution read, and adopted.

On request of Senator Caminetti, the following statement was ordered printed in the Journal:

STATEMENT BY SENATOR CAMINETTI.

MR. PRESIDENT: During the campaign of 1906, in the Tenth Senatorial District, resulting in my election as Senator, I made the question of "The election of United States Senators by direct vote of the people" one of the leading issues upon which I asked the suffrages of the people. I then pledged myself in all my speeches, and in the press, to endeavor to secure the passage of a law by the Legislature, in case of my election having that object in view, and in case of failure in the effort I would nevertheless follow that principle and vote for the choice of a majority of the qualified electors of that district in the selection of a Senator during my term of office.

The last session of the Legislature failed to enact the necessary legislation on the subject, but the people of my district have nevertheless plainly indicated to me that Hon. George C. Perkins was at the last election, and now is, their choice for the United States Senatorship.

Under these circumstances I feel in honor bound by my pledges to the people of the Tenth Senatorial District, to record the choice of a majority of the qualified electors thereof for Hon. George C. Perkins for United States Senator, hoping in so doing that it will never again be necessary for a member of the Legislature to vote the choice of the people of his district in this, or any other, indirect way, but that this Legislature will rise superior to partisanship and give to the people hereafter an opportunity, under suitable laws, to vote directly for candidates for that office. Should this Legislature fail in this high duty to the public, I trust that the people, in whom all power resides, will hereafter take up this matter in the way the people of the Tenth Senatorial District did two years ago, and thus be able in all legislative districts of the State to record their choice for the exalted office of United States Senator.

A. CAMINETTI

READING AND APPROVAL OF MINUTES OF JOINT ASSEMBLY.

The President of the Senate directed the Secretary to read the minutes of the Joint Assembly, and, on motion of Senator Leavitt, the same were approved.

ADJOURNMENT.

At twelve o'clock and thirty minutes P. M., the President of the Senate declared the Joint Assembly adjourned *sine die*.

WARREN R. PORTER,
President of Senate.
LEWIS A. HILBORN,
Secretary of Senate.
P. A. STANTON,
Speaker of Assembly.
CLIO LLOYD,
Chief Clerk of Assembly.
W. H. WRIGHT,
Minute Clerk of Senate.
H. A. HARPER,
Minute Clerk of Assembly.

REASSEMBLED.

At twelve o'clock and thirty minutes P. M. the Assembly reconvened. Speaker P. A. Stanton in the chair.

RESOLUTIONS.

The following resolutions were offered:

By Mr. Beardslee:

Resolved, That the Sergeant-at-Arms be, and he is hereby, instructed to purchase such furniture as is required to properly equip the different committee rooms of the Assembly, and the same to be paid out of the contingent fund of the Assembly.

The resolution was read, and referred to the Committee on Contingent Expenses and Accounts.

By Mr. Transue:

Resolved, That the name of R. H. Young, heretofore appointed as a Porter, at a per diem of $3.00, be stricken from the rolls, and the name of M. E Brown be substituted therefor as Porter at a per diem of $3.00, said per diem to be paid out of the appropriations for the contingent expenses of the Assembly; said appointment to date from and include the 13th day of January, 1909, and the State Controller is hereby authorized and directed to draw his warrants upon the said fund in favor of the said named person for the said per diem, and the State Treasurer is hereby authorized and directed to pay the same.

Resolution read, and on motion adopted.

Also:

Resolved, That the action of J. T Stafford, Sergeant-at-Arms, in employing necessary assistants after the organization of the Assembly to perform the duties of Assistant Clerks, Chaplain, Stenographers, Bookkeeper, Clerks, Porters, and Pages, is hereby approved and ratified, and the Controller of State is directed to draw his warrant in favor of said J. T. Stafford against the contingent fund of the Assembly in the sum of four hundred and eighty-one ($481 00) dollars, said payment being on account of services rendered as follows, and the State Treasurer is hereby authorized and directed to pay the same:

T. G. Walker, Assistant Clerk, 3 days at $6 00	$18 00
S N. Marsh, Chaplain, 3 days at $4 00	12 00
Ben Cohn, Assistant Sergeant-at-Arms, 2 days at $5.00	10 00
C. W. Haub, Bookkeeper, 3 days at $5.00	15 00
May Cofield, Clerk to Sergeant-at-Arms, 3 days at $5.00	15 00
John Kofod, Porter, 8 days at $3 00	24 00
M. Senna, Porter, 8 days at $3.00	24 00
J. Ford, Porter, 8 days at $3.00	24 00
J. H. Wright, Stenographer, 3 days at $5 00	15 00
Ralph A. Sollars, Stenographer, 9 days at $5.00	45 00
Frank L. Gafney, Stenographer, 9 days at $5.00	45 00
L. Williams, Page, 8 days at $2 50	20 00
E. Fitzgerald, Page, 8 days at $2.50	20 00
B. Hagerty, Page, 3 days at $2 50	7 50
C. Rothwell, Page, 2 days at $2 50	5 00
J Farewell, Page, 9 days at $2 50	22 50
I. Roseberg, Porter, 1 day at $3 00	3 00
W White, Porter, 8 days at $3 00	24 00
J. G. Kelley, Porter, 8 days at $3.00	24 00
F. Y. Madeley, Porter, 8 days at $3 00	24 00
J. Royal, Porter, 3 days at $3.00	9 00
J. Blackley, Porter, 2 days at $3 00	6 00
G. Holland, Porter, 8 days at $3.00	24 00
J. Tombs, Porter, 6 days at $3 00	18 00
J. Rhoades, Porter, 6 days at $3.00	18 00
E. Hodges, Porter, 3 days at $3 00	9 00
J. D Hazelden, Porter, 2 days at $3.00	6 00

The resolution was read, and referred to Committee on Attachés and Employés.

ADJOURNMENT.

At one o'clock P. M., on motion of Mr. Johnson of Sacramento, the Assembly was declared adjourned until ten o'clock and thirty minutes A. M. of Thursday, January 14, 1909.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL.,
Thursday, January 14, 1909.

At ten o'clock and thirty minutes A. M., pursuant to adjournment, the Assembly was called to order.

Hon. P. A. Stanton, Speaker of the Assembly, in the chair.

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

Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callen, Cattell, Coghlan, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Young, and Mr. Speaker—75.

Quorum present.

PRAYER.

Prayer was offered by the Chaplain, Rev. Seren N. Marsh.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Beban, its further reading was dispensed with.

LEAVE OF ABSENCE.

On motion, leave of absence for the day was granted to Messrs. Wyllie, Wyatt, Gerdes, Hans, and Preston.

CREDENTIALS.

The following credentials of newspaper representatives were filed:

SAN FRANCISCO, January 13, 1909

The bearer, L. Dunn, is the authorized Sacramento correspondent of the Wasp. Any courtesies extended to him will be appreciated by the

WASP PUBLISHING COMPANY.
THOMAS E. FLYNN, Manager.

LOS ANGELES, CALIFORNIA, January 12, 1909

HON. P. A. STANTON, *Speaker California Assembly, Sacramento, Cal.*

DEAR SIR: E. A. Dickson is hereby appointed special correspondent for the Express, and will represent this paper at Sacramento during the session of the Legislature for 1909.

Yours truly,

H. W. BRUNDIGE,
Managing Editor.

SAN FRANCISCO, CALIFORNIA, January 12, 1909.

To the Senate and Assembly of the State of California:

This is to certify that Blaine Phillips has been selected to report the proceedings of the legislative session for the San Francisco Chronicle.

JOHN P. YOUNG
Managing Editor.

PETITIONS.

The following petitions were received and ordered printed in the Journal and referred to Committee on Public Morals.

By Mr. Drew:

To Our Legislative Senator and Assemblyman

WHEREAS, California is the only state in the Union without a Sunday rest law; and

WHEREAS, We believe it to be for the best welfare of our state to have such a law; therefore,

Resolved, That we earnestly request you, as the representatives of the citizens of this district, that you give your vote and strong support to the passage of the Sunday rest bill drafted by the Reform Bureau of California, which is outlined in the circular sent herewith

The above was unanimously adopted at a public meeting of citizens in Fowler on January 11, 1909, and the undersigned were authorized to so attest.

F E. WELLS.
C. A. HARRISON.
H. G. HOOTBY.
M. PETTIS.
K. M. KAPRIELIAN.

By Mr. Gibbons:

To the State Assembly of California

WHEREAS, This is the only state in the Union without a Sunday rest law, and

WHEREAS, This age of strenuous competition demands a weekly rest day;

Therefore, the undersigned, business and professional men and laborers hereby earnestly petition your honorable body to enact a general Sunday rest law that will prohibit all lines of public business and labor, except works of real necessity and mercy and such private work as is not against the public welfare. (Names follow.)

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON RULES AND REGULATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, CAL., January 14, 1909.

MR. SPEAKER: Your Committee on Rules and Regulations, to whom was referred Assembly Bill No. 71—An Act to repeal an Act entitled "An Act to create the office of Commissioner of Transportation, and to define its powers and duties, to fix the maximum charges for transporting passengers and freights on certain railroads, and to prevent extortion and unjust discrimination thereof," approved April 1, 1878, and also to repeal an Act entitled "An Act to organize and define the powers of the Board of Railroad Commissioners," approved April 18, 1880, and to provide for the organization of the Board of Railroad Commissioners, define its powers and duties and the powers and duties of railroad and transportation companies, their officers, agents and employees, and to define offenses by shippers and railroad and transportation companies, their officers, agents and employees and other persons, and providing penalties for such offenses—have had the same under consideration, and respectfully report the same back, with recommendation that it be referred to Committee on Common Carriers.

JOHNSTON OF CONTRA COSTA, Chairman.

Mr. Johnston moved the adoption of the report.

Motion carried.

Assembly Bill No. 71 re-referred to Committee on Common Carriers.

ANNOUNCEMENT.

The Speaker made the announcement of the appointment of standing committee as follows:

ON COMMON CARRIERS

Perine (chairman), Hewitt, Transue, Irwin Juilliard, McClellan, Costar, Hawk, Rutherford, Melrose, and Sackett.

REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

ON FEDERAL RELATIONS

ASSEMBLY CHAMBER, SACRAMENTO, CAL., January 14, 1909.

MR. SPEAKER: Your Committee on Federal Relations, to whom was referred Assembly Joint Resolution No. 2—Relative to repairs of United States roads in Yosemite Valley.

Also Senate Joint Resolution No. 1—Relative to a joint resolution in Congress confirming a grant of privileges made by the Secretary of the Interior Department for reservoir sites in the Hetch Hetchy Valley and at Lake Eleanor, in the Yosemite National Park and Forest Reserves, etc

Also: Assembly Joint Resolution No 1—Authorizing and requesting the Governor to appoint a commission to cooperate with the Federal authorities for the drafting of a law and the formation of a legal plan for the improvement of the Sacramento River, and the reclamation of adjacent overflowed lands; for irrigation; and the conservation of water.

Have had the same under consideration, and respectfully report the same back and recommend that they be adopted.

MOTT, Chairman.

SPECIAL ORDER SET.

On motion of Mr. Coghlan, the consideration of Senate Joint Resolution No. 1 was made a special order for Friday, January 15, 1909, immediately after the reading of the Journal.

ON ATTACHÉS AND EMPLOYÉS.

ASSEMBLY CHAMBER, SACRAMENTO, CAL., January 14, 1909.

To the Assembly of the State of California Your Committee on Attachés and Employés, to whom was referred the resolution introduced by Mr Transue, found on page 16 of the Journal of January 13, 1909, would report as follows:

We have examined the said report and the items thereof as therein set forth, and find the same true and correct. We would further report that there have been employed for the regular service of this body the following attachés:

Assistants to Chief Clerk	4
Assistants to Sergeant-at-Arms	8
Bookkeeper to Sergeant-at-Arms	1
Clerk to Sergeant-at-Arms	1
Assistant Minute Clerks	2
Journal Clerk	1
Assistant Journal Clerk	1
Engrossing and Enrolling Clerk	1
Assistant Engrossing and Enrolling Clerks	6
File Clerk	1
Assistant File Clerks	2
Bill Filers	12
Chaplain	1
Postmistress	1
Assistant Postmistress	1
Mail Carrier	1
Pages	8
Gatekeepers	3
Doorkeepers	2
Gallery Doorkeeper	1
History Clerk	1
Assistant History Clerk	1
Bill Clerk	1
Assistant Bill Clerks	4
Committee Clerks	26
Watchmen	3
Clerk to Judiciary Committee	1
Stenographers	10
Porters	11

That the total amount of compensation required to meet the expense of this force of assistants for this body is $517 per day; that by the aforesaid resolution paying out of the funds of this Assembly the expenses of organization the sum of $481 is appropriated from that amount, leaving a balance of accumulation in the sum of $1,105.50; that there will be required to meet the expenses of this body from said accumulation, figuring the length of the session at sixty-five days, the sum of $1,105 additional; and that deducting this amount from the balance of the accumulations leaves a balance of $0.50, which we recommend be held for future contingencies.

We further recommend the adoption of the resolution offered by Mr. Transue.

Respectfully submitted.

DREW, Chairman.

On motion of Mr. Transue, the following resolution was taken up for consideration:

Resolved, That the action of J. T. Stafford, Sergeant-at-Arms, in employing necessary assistants after the organization of the Assembly to perform the duties of Assistant

Clerks, Chaplain, Stenographers, Bookkeeper, Clerks, Porters, and Pages, is hereby approved and ratified, and the Controller of State is directed to draw his warrant in favor of said J. T. Stafford against the contingent fund of the Assembly in the sum of four hundred and eighty-one ($481 00) dollars, said payment being on account of services rendered as follows, and the State Treasurer is hereby authorized and directed to pay the same:

T. G. Walker, Assistant Clerk, 3 days at $6.00	$18 00
S. N. Marsh, Chaplain, 3 days at $4.00	12 00
Ben Cohn, Assistant Sergeant-at-Arms, 2 days at $5.00	10 00
C. W. Haub, Bookkeeper, 3 days at $5 00	15 00
May Coffield, Clerk to Sergeant-at-Arms, 3 days at $5 00	15 00
John Kofod, Porter, 8 days at $3.00	24 00
M. Senna, Porter, 6 days at $3.00	18 00
J. Ford, Porter, 8 days at $3 00	24 00
J. H. Wright, Stenographer, 3 days at $5.00	15 00
Ralph A. Sollars, Stenographer, 9 days at $5.00	45 00
Frank L. Gafney, Stenographer, 9 days at $5.00	45 00
L. Williams, Page, 8 days at $2.50	20 00
E. Fitzgerald, Page, 8 days at $2.50	20 00
B. Hagerty, Page, 3 days at $2.50	7 50
C. Rothwell, Page, 2 days at $2.50	5 00
J. Farewell, Page, 9 days at $2.50	22 50
I. Roseberg, Porter, 1 day at $3 00	3 00
W. White, Porter, 8 days at $3 00	24 00
J. G. Kelley, Porter, 8 days at $3 00	24 00
F. Y. Madeley, Porter, 8 days at $3.00	24 00
J. Royal, Porter, 3 days at $3 00	9 00
J Blackley, Porter, 2 days at $3.00	6 00
G Holland, Porter, 8 days at $3.00	24 00
J. Tombs, Porter, 6 days at $3.00	18 00
J. Rhodes, Porter, 6 days at $3.00	18 00
E. Hodges, Porter 3 days at $3.00	9 00
J. D. Hazelden, Porter, 2 days at $3.00	6 00

Mr. Transue moved the adoption of the resolution.

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

AYES—Messrs. Barndollar, Beardsley, Beatty, Beban, Black, Bohnett, Callan, Cattell, Coghlan, Collier, Collum, Costar, Cronin, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gillis, Greer, Griffiths, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Pugh, Pulcifer, Réch, Rutherford, Sackett, Schmitt, Silver, Telfer, Transue, Wagner, Webber, Whitney, Wilson, and Mr. Speaker—66.

NOES—Messrs. Butler, Gibbons, Maher, Stuckenbruck, and Young—5.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, CAL., January 14, 1909.

To the Assembly of the State of California Your Committee on Attachés and Employés, to whom was referred the resolution of Mr. Preston, found on page 14 of the Journal of January 11, 1909, have considered the same and report thereon as follows:

That prior to the introduction and reference of said resolution your committee had appropriated, out of the sum of $500 per day provided by law for the use of this Assembly, all of said fund, and there is now no money available for the payment of the stenographers recommended by the resolution aforesaid.

DREW, Chairman.

ON AGRICULTURE.

ASSEMBLY CHAMBER, SACRAMENTO, January 14, 1909.

MR. SPEAKER: Your Committee on Agriculture, to whom was referred Assembly Bill No. 50—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto Title XXI of Part IV of Division First of said Act, relating to and providing for the incorporation, organization, management, and coöperation of agricultural and horticultural non-profit cooperative associations—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

COGSWELL, Chairman.

The above reported bill ordered on file for second reading.

SENATE MESSAGE.

The following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, January 14, 1909.

MR. SPEAKER. I am directed to inform your honorable body that the Senate on this day passed, as a case of urgency, Senate Bill No 6—An Act transferring money from the general fund to the state printing fund, to defray the expenses of legislative printing for the thirty-eighth session of the Legislature and directing the State Controller and State Treasurer to make such transfer.

LEWIS A HILBORN, Secretary.
By J W. KAVANAGH, Assistant Secretary

Senate Bill No. 6 read first time, and referred to Committee on Ways and Means.

INTRODUCTION OF BILLS.

The following bills were introduced and referred as indicated:

By Mr. Drew: Assembly Bill No. 374—An Act to provide for the payment of expenses incurred in making repairs on and in the Capitol building, and for the furnishing of the legislative chambers, and the clerks', officers' and committee rooms therein, and all other necessary expenses occurred in so doing, and to make appropriation for the same.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Pulcifer (by request): Assembly Bill No. 375—An Act for the regulation of the practice of medicine and surgery, osteopathy, chiropractic, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation.

Bill read first time, and referred to Committee on Medical and Dental Laws.

By Mr. Hinkle: Assembly Bill No. 376—An Act granting to the city of San Diego certain tide lands of the bay of San Diego, and the right to regulate commerce and navigation and harbor improvements between a portion of the seawall line and pierhead line of San Diego harbor, as said lines are now established or as they may be hereafter established.

Bill read first time, and referred to Committee on Commerce and Navigation.

By Mr. Hewitt: Assembly Bill No. 377—An Act to provide for the accomplishment of the work of the direct improvement of the navigation of the Sacramento, San Joaquin and Feather rivers, of the State of California, as recommended in the special report of the California Débris Commission, dated June 30, 1907, and made jointly by Brigadier General A. Mackenzie, Chief of Engineers, C. H. McKinstry, Major, Corps of Engineers, and Thomas H Jackson, Captain, Corps of Engineers, of the United States Army, and printed with the annual report of the Chief of Engineers of the United States Army for the fiscal year ending June 30, 1907, and making an appropriation for such work.

Bill read first time, and referred to Committee on Swamp and Overflowed Lands and Levees and River Improvements and Drainage.

Also: Assembly Bill No. 378—An Act to add a new section to Chapter VIII of Title II of Part III of the Political Code, to be known as Section 1197*b*, and providing for advising the voter of the experience of judicial candidates by designating as such on the ballot incumbents who are candidates for reëlection.

Bill read first time, and referred to Committee on Election Laws.

Also: Assembly Bill No. 379—An Act to add a new section to Chapter VII of Title II of Part III of the Political Code, to be known as Section 1197*a*, and providing for the arrangement of judicial candidates on the ballot without designation of party affiliations.

Bill read first time, and referred to Committee on Election Laws.

By Mr. Johnson of Placer: Assembly Bill No. 380—An Act to amend Section 4269 of Title II, Part IV of the Political Code, by adding another subdivision thereto, to be known and described as Subdivision 16 thereof.

Bill read first time, and referred to Committee on Education.

By Mr. Cullen: Assembly Bill No. 381—An Act to amend Section 5 of an Act entitled "An Act to amend Sections 4, 5, 6, 10, 13, and 14 of an Act entitled 'An Act for the more effectual prevention of cruelty to animals,' approved March 20, 1874, and to add three new sections to said Act to be known as Sections 20, 21, and 22, in relation to cruelty to animals, and the arrest, trial, and punishment of offenders against the provisions of said Act, and liens on property in certain cases arising under this Act," approved March 14, 1901.

Bill read first time, and referred to Committee on Live Stock, Dairies and Dairy Products.

Also: Assembly Bill No. 382—An Act to amend Section 607*f* of the Civil Code of the State of California, relating to societies for the prevention of cruelty to children and animals.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Leeds: Assembly Bill No. 383—An Act to amend the Civil Code, by adding thereto a new section to be numbered 2004, relating to assignment of wages of employees and protection of family of employee and his employer from effect of such assignment.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Irwin: Assembly Bill No. 384—An Act to amend section thirty-nine of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897

Bill read first time, and referred to Committee on Irrigation.

By Mr. Fleisher: Assembly Bill No. 385—An Act to amend section six hundred and twenty-eight of the Penal Code, relating to crawfish, shrimps, crab, sturgeon and abalone.

Bill read first time, and referred to Committee on Fish and Game.

By Mr. Moore: Assembly Bill No. 386—An Act to make an appropriation for the repair and maintenance under the supervision, management and control of the Department of Engineering of the State of California, of that certain state highway commencing at Pine Grove, in Amador County, and running thence via Hope Valley, to connect at Osgood's place, in El Dorado County, with the Lake Tahoe wagon road, and via Markleeville, in Alpine County, to connect at Junction, in Mono County, with the Sonora and Mono road; to place such highway under the supervision, management and control of such Department of Engineering, and to designate and name such state highway as the Alpine State Highway.

Bill read first time, and referred to Committee on Roads and Highways.

By Mr. Wyllie: Assembly Bill No. 387—An Act to provide for the continuation of the construction of the highway known as King's River Highway, to declare it a state highway, and to make an appropriation therefor.

Bill read first time, and referred to Committee on Roads and Highways.

By Mr. Costar: Assembly Bill No. 388—An Act to provide for the erection of a training school building for the use of the State Normal School at Chico, California, to equip the same, and to make an appropriation therefor.

Bill read first time, and referred to Committee on Public Buildings.

By Mr. Sackett: Assembly Bill No. 389—An Act to amend Section No. 1771 of the Political Code, relating to duties of county boards of education.

Bill read first time, and referred to Committee on Education.

By Mr. Beardslee: Assembly Bill No. 390—An Act to amend Sections 2136, 2137, 2138, 2140, 2141, 2142, 2145, 2153, 2154, 2161, 2162, 2163, 2167*a*, 2168, 2170, 2171, 2172, 2176, 2177, 2179, 2180, 2181, 2187, 2189, 2192, 2193, and 2195 of the Political Code, relating to the powers and duties of the State Commission in Lunacy, to the government and management of State hospitals for the insane and other incompetent persons, and to the care, custody, apprehension, commitment, and maintenance of insane and other incompetent persons.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 391—An Act making an appropriation to pay the deficiency in the appropriation for the support of the Veterans' Home of California for the fifty-ninth and sixtieth fiscal years.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 392—An Act making an appropriation to pay the deficiency in the appropriation for contingent and traveling expenses of the State Veterinarian and assistant for the fifty-ninth fiscal year.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 393—An Act making an appropriation to pay the deficiency in the appropriation for aid to the State Agricultural Society for the fifty-ninth fiscal year.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 394—An Act making an appropriation to pay the deficiency in the appropriation for contingent and traveling expenses of the Department of Engineering for the fifty-ninth and sixtieth fiscal years.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 395—An Act making an appropriation to pay the expenses of certain district attorneys in foreclosing delinquent school land purchases.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 396—An Act making an appropriation to pay the deficiency in the appropriation made by Chapter 8, Statutes of 1905, relative to payment of rental, cost of moving and other necessary expenses incurred by different State officers.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 397—An Act making an appropriation to pay the deficiency in the appropriation made by Chapter 212, Statutes 1905, relative to improvements at the State Printing Office.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 398—An Act making an appropriation to pay the deficiency in the appropriation for support and expenses of the State Board of Horticulture for the fifty-ninth fiscal year.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 399—An Act making an appropriation to pay the deficiency in the appropriation for the transportation of prisoners and insane and delinquent and feeble-minded children for the fifty-ninth and sixtieth fiscal years.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 400—An Act making an appropriation to pay the deficiency in the appropriation for arresting criminals without the State for the fifty-eighth, fifty-ninth, and sixtieth fiscal years.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 401—An Act making an appropriation to pay the deficiency in the appropriation for support of the Preston School of Industry for the sixtieth fiscal year.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 402—An Act making an appropriation to pay the deficiency in the appropriation for salaries of officers and employees of the Preston School of Industry for the sixtieth fiscal year.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 403—An Act making an appropriation to pay the claim of J. E. Clause against the State of California.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 404—An Act making an apppropriation to pay the claim of the Southern Construction Company against the State of California.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Flavelle: Assembly Bill No. 405—An Act to provide for the inspection of petroleum oils, kerosene, gasolene, benzine, naphtha and all fluids which are the product of petroleum or into which any product of petroleum enters, and to provide for a State inspector thereof and deputies, and to define and provide for their duties and salaries, and to provide penalties for violation thereof.

Bill read first time, and referred to Committee on Oil and Oil Industries.

By Mr. Johnson of Sacramento: Assembly Bill No. 406—An Act regulating the sale of those parts of the beds of the navigable streams of the State, which parts have been abandoned by the state and governmental authority for navigable purposes.

Bill read first time, and referred to Committee on Public Lands and Forestry.

Also: Assembly Bill No. 407—An Act to amend Section 170 of the Code of Civil Procedure of this State, relating to and providing for the disqualification of judges to sit and act.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 408—An Act to amend Section 171 of the Code of Civil Procedure of this State, relating to the practice of law by judges or county clerks.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Perine (by request): Assembly Bill No. 409—An Act to appropriate money to pay the claim of W. H. Cobb against the State of California.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. McClellan: Assembly Bill No. 410—An Act to amend Section 536 of the Penal Code, relating to false statements by consignees and others, and to add a new section to the Penal Code, to be numbered Section 536*a*, imposing certain duties upon consignees and others.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Pugh: Assembly Bill No. 411—An Act to add a new section to the Political Code, to be known and numbered as Section 4248*a*, relating to the restoration of certificates of birth, marriage licenses, marriage certificates or certificates of death, or the records thereof, which may have been lost, injured, mutilated or destroyed by conflagration or other public calamity, or for the establishment or proof of births, marriages or deaths, occurring at periods when there existed no statutes in this State for the registration of the same.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Collier: Assembly Bill No. 412—An Act regulating public bakeries and providing for a State inspector of the same.

Bill read first time, and referred to Committee on Labor and Capital.

By Mr. Rech: Assembly Bill No. 413—An Act to amend an Act entitled "An Act to create a fund to be known as the United States forest reserve fund and to provide for the payment out of such fund to the treasuries of the several counties entitled thereto of certain moneys received from the Government of the United States, and also to regulate the manner of expenditure by the counties of the moneys so paid," approved March 18, 1907.

Bill read first time, and referred to Committee on Public Lands and Forestry.

Also: Assembly Bill No. 414—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 3788 thereof, as amended March 28, 1895, said section being a part of Chapter VII, Title IX, Part III of the Political Code of the State of California, said Title IX relating to revenue, said Chapter VII relating to the collection of property taxes and said section hereby amended relating to the resale of State lands upon which taxes have accrued, but which have not been paid, and repealing Section 15 of an Act entitled "An Act to amend Section 3765, Section 3773, Section 3778, Section 3780, Section 3781, Section 3785, Section 3788, Section 3813, Section 3816, and Section 3817; and to repeal Section 3774, Section 3775, Section 3776, Section 3777, Section 3779, Section 3782, Section 3783, Section 3784 and Section 3818 of an Act of the Legislature of the State of California, entitled 'An Act to establish a Political Code,' approved March 12, 1872, relating to the sale of real property for delinquent taxes, and the redemption and resale of such property; and to add a new section thereto, to be known and designated as Section 3801, also relating to the sale of real property for delinquent taxes," approved February 25, 1895, all relating to the sale of State lands.

Bill read first time, and referred to Committee on Public Lands and Forestry.

By Mr. Wheelan: Assembly Bill No. 415—An Act to amend Section 1487 of the Penal Code, relating to the discharge of prisoners upon habeas corpus.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Juilliard: Assembly Bill No. 416—An Act to provide a uniform system of administration for public roads and highways, and to provide

for building, repairing and maintaining the same, and to provide revenue for said purposes.

Bill read first time, and referred to Committee on Roads and Highways.

MOTION.

Mr. Johnson, of Sacramento, moved that Rule 69 of the Standing Rules of the Assembly be amended:

By inserting after the word "Supreme" the words "or Appellate."

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

AYES—Messrs. Barndollar, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, McCauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Pugh, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Wilson, Young, and Mr Speaker—69.

NOES—None

SENATE MESSAGE.

The following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, January 14, 1909.

MR SPEAKER. I am directed to inform your honorable body that the Senate on this day passed, as a case of urgency, Senate Bill No 41—An Act declaring Friday, February 12, 1909, the one hundredth birthday of Abraham Lincoln, a legal holiday, and providing for a half-day session of the public schools for that day.

LEWIS A. HILBORN, Secretary,
By J. W. KAVANAGH, Assistant Secretary.

CASE OF URGENCY.

The following resolution was offered:

By Mr. Johnson of Sacramento:

Resolved, That Senate Bill No. 41 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the first, second, and third times, and placed upon its passage.

Mr. Johnson of Sacramento moved the adoption of the resolution.

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

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gibbons, Gillis, Griffiths, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Johnson of Sacramento, Johnson of Placer, Johnson of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Pugh, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Young, and Mr. Speaker—72.

NOES—None.

Senate Bill No. 41—An Act declaring Friday, February 12, 1909, the one hundredth birthday of Abraham Lincoln, a legal holiday and providing for a half-day session of the public schools for that day.

Bill read first time.

Bill read second time, and ordered on file for third reading.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 41 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, O'Neill, Perine, Polsley, Pugh, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Young, and Mr. Speaker—70.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

CONCURRENT RESOLUTION.

The following concurrent resolution was offered:

By Mr. Drew:

WHEREAS, On February 12th next will occur the one hundredth anniversary of the birth of the greatest exponent of civil liberty in America, the people's champion and friend Abraham Lincoln; and

WHEREAS, It is fitting and proper that we should show grateful recognition of his life and character; therefore, be it

Resolved, That the hour between eleven and twelve o'clock M. on February 12th, be devoted to exercises in memory of Abraham Lincoln, that his name may be perpetuated, his character honored, and his life emulated; and be it further

Resolved, That a Joint Senate and Assembly Committee, to consist of three Assemblymen to be appointed by the Speaker of the Assembly and two Senators to be appointed by the President of the Senate, have charge of the exercises on that occasion.

Resolution read, and referred to Committee on Rules and Regulations.

SUBSTITUTION.

The Speaker announced that he had substituted the name of Mr. Johnson of Placer for the name of Mr. Wyatt, on the Committee on Revision and Reform of Laws.

ADJOURNMENT.

At twelve o'clock and fifteen minutes P. M., on motion of Mr. Johnson of Sacramento, the Assembly was declared adjourned until ten o'clock A. M. of Friday, January 15, 1909.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL., Friday, January 15, 1909.

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. P. A. Stanton, Speaker of the Assembly, in the chair.

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

Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hawk,

Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Mendenhall, Moore, Mott, Nelson, Odom, O'Neill, Polsley, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Young, and Mr. Speaker—70.

Quorum present.

PRAYER.

Prayer was offered by the Chaplain, Rev. Seren N. Marsh.

READING OF JOURNAL.

During the reading of the Journal, on motion of Mr. Mott, its further reading was dispensed with.

APPROVAL OF JOURNAL.

On motion of Mr. Transue, the Journals of Tuesday, January 12, and Wednesday, January 13, 1909, as corrected by the Minute Clerk, were approved.

LEAVE OF ABSENCE.

On motion, leave of absence for the day was granted to Messrs. Wyllie, Wyatt, Gerdes, Hans, Preston, Pulcifer, Pugh, and Perine.

CREDENTIALS.

The following credentials of newspaper representatives were filed:

SAN FRANCISCO, CALIFORNIA, January 14, 1909.

Sergeant-at-Arms, Assembly, Sacramento, Cal.

DEAR SIR: The bearer, Mr. H T. Quinn, has been detailed by the Associated Press to report the sessions of the California State Legislature. Any courtesies extended to him will be appreciated.

Yours truly,

PAUL COWLES.
Superintendent Western Division.

OAKLAND, CALIFORNIA, January 14, 1909.

HON. PHILIP A. STANTON, *Speaker of the Assembly, Sacramento, Cal.*

DEAR SIR: The bearer, Edward A. O'Brien, is the accredited correspondent of the Oakland Tribune to the thirty eighth legislative session of the State of California, 1909.

Yours cordially,

JOHN F. CONNERS,
Managing Editor.

BERKELEY, CAL., January 13, 1909.

HON. C. C. YOUNG, *Assemblyman, Sacramento, Cal*

DEAR FRIEND: This is to certify that Friend W. Richardson is authorized to represent the Gazette during the session of the Legislature.

Yours sincerely,

F. W. RICHARDSON.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, January 15, 1909.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following correctly engrossed:

Assembly Joint Resolution No. 1—Authorizing and requesting the Governor to appoint a commission to cooperate with the Federal authorities for the drafting of a law and the formation of a legal plan for the improvement of the Sacramento River;

and the reclamation of adjacent overflowed lands; for irrigation; and the conservation of water

Assembly Joint Resolution No. 2—Relative to repairs of United States roads in Yosemite Valley.

YOUNG, Chairman

SPECIAL ORDER.

The time for the consideration of special orders heretofore set having arrived, the following was taken up:

Senate Joint Resolution No. 1—Relative to a joint resolution in Congress confirming a grant of privileges made by the Secretary of the Interior Department for reservoir sites in the Hetch Hetchy Valley and at Lake Eleanor, in the Yosemite National Park and Forest Reserves, etc.

Senate joint resolution read.

AMENDMENT.

The following amendment was offered:

By Mr. Baxter:

After the word "Congress," next to the last line, to read as follows: "of legislation that will grant to San Francisco all the water and water rights and reservoir sites mentioned in the preamble of this resolution, the point of diversion of said waters to be at or about the confluence of Jawbone Creek and the Tuolumne River."

The question being on the adoption of the amendment.

Roll call was demanded by Messrs. Baxter, Drew, and Johnson of Sacramento.

The roll was called, and the amendment lost by the following vote:

AYES—Messrs Baxter, Cattell, Dean, Drew, Gibbons, Gillis, Greer, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, McClellan, Mendenhall, Moore, Odom, Polsley, Rutherford, Sackett, Stuckenbruck, Telfer, Wagner, and Webber—22

NOES—Messrs. Barndollar, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Coghlan, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Feeley, Flavelle, Fleisher, Flint, Griffiths, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Johnson of San Diego, Johnston of Contra Costa, Kehoe, Leeds Lightner, Macauley, Maher, McManus, Melrose, Mott, Nelson, Otis, O'Neill, Pugh, Rech, Schmitt, Silver, Transue, Wheelan, Whitney, Wilson, Young, and Mr. Speaker—50.

The question being upon the adoption of Senate joint resolution.

A vote was taken, and Senate Joint Resolution No. 1 adopted.

SENATE JOINT RESOLUTION NO. 1

Relative to a joint resolution in Congress confirming a grant of privileges made by the Secretary of the Interior Department for reservoir sites in the Hetch Hetchy Valley and at Lake Eleanor, in the Yosemite National Park and Forest Reserves, etc.

WHEREAS, There is pending in the Congress of the United States a joint resolution confirming a certain grant of privileges made by the Secretary of the Interior Department to the City and County of San Francisco, under date of May 11, 1908, whereby certain applications for reservoir sites in the Hetch Hetchy Valley and at Lake Eleanor in the Yosemite National Park and Forest Reserves, to be used for a source of water supply by said city and county, conditioned upon certain stipulations and agreements made by the parties thereto, were approved by said Secretary of the Interior Department; therefore, be it

Resolved by the Senate, the Assembly concurring, That our Senators in Congress be instructed, and our members in Congress be requested, to use all honorable means to secure the prompt adoption by Congress of the joint resolution referred to in the preamble of this resolution.

RESOLUTION.

The following concurrent resolution was offered:

By Mr. Otis:

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California request the admission of the University of California to the list of accepted institutions entitled to the benefits of the Carnegie foundation for the advancement of teaching; and be it further

Resolved, That we express our high appreciation of the beneficent purposes of this foundation, and of the good which it has wrought in strengthening and developing the system of university education in America, and providing more adequate reward, through its pension plan, for the service of American scholars to the community.

Concurrent resolution read, and on motion adopted.

Assembly Concurrent Resolution No. 1 ordered transmitted to the Senate.

MOTION

Mr. Johnson of Sacramento moved that when the Assembly adjourn this day, it adjourn until one o'clock P. M. of Monday, January 18, 1909.

Motion carried.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, January 4, 1909.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 15—An Act to amend Section 302 of the Civil Code.

Also: Assembly Bill No. 49—An Act to add a new section to the Code of Civil Procedure of the State of California, to be numbered section sixty-seven *a*, relating to the number of Superior Court Judges and providing for the appointment of three additional Superior Court Judges in and for counties of the second class (Los Angeles County), and providing for their compensation.

Also: Assembly Bill No 61—An Act to provide four (4) additional judges of the Superior Court of the City and County of San Francisco, State of California, for the manner of their appointment, and for their compensation.

Also: Assembly Bill No. 78—An Act to regulate the ownership or possession of land by aliens.

Also: Assembly Bill No 184—An Act to amend an Act entitled "An Act to provide for the establishment and quieting of title to real property in case of the loss or destruction of public records," approved June 16, 1906

Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

JOHNSON OF SACRAMENTO, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 4, 1909.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 123—An Act to amend the Penal Code of California by adding a new section thereto, to be numbered 170*c*, relating to the support of indigent parents—have had the same under consideration, and respectfully report the same back with one amendment, and recommend that it do pass as amended.

JOHNSON OF SACRAMENTO, Chairman.

The above reported bills ordered on file for second reading.

ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, January 14, 1909.

MR SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 121—An Act declaring Friday, February 12, 1909, the one hundredth birthday of Abraham Lincoln, a legal holiday, etc—have had the same under consideration, and respectfully report the same back with recommendation that it be withdrawn.

SACKETT, Chairman.

WITHDRAWAL OF BILL.

Mr. Hawk asked for and was granted unanimous consent to withdraw Assembly Bill No. 121, it being identical with Senate Bill No 41 already passed by the Assembly.

Assembly Bill No. 121 withdrawn and ordered stricken from the file.

ON MILITARY AFFAIRS.

ASSEMBLY CHAMBER, SACRAMENTO, January 15, 1909.

MR SPEAKER: Your Committee on Military Affairs, to whom was referred Assembly Bill No. 168—An Act to repeal Sections 2042 and 2043 of the Political Code of California, relating to the National Guard—report the same back and recommend its passage.

Also: Assembly Bill No. 170—An Act entitled "An Act to add a new section to the Penal Code of the State of California, to be numbered Section 652½, and relating to offenses by peace officers, jailers, and sanitary officers"—report the same back with four amendments, and recommend its passage as amended.

BUTLER, Chairman

The above reported bills ordered on file for second reading.

ON ROADS AND HIGHWAYS.

ASSEMBLY CHAMBER, SACRAMENTO, January, 15, 1909

MR SPEAKER: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 69—An Act to make an appropriation for the location, survey and construction of a state highway from Emigrant Gap, Placer County, in an easterly direction through what is known as the Truckee Pass, to the west end of Donner Lake, in Nevada County—have had the same under consideration, and respectfully report the same back with recommendation that the same do pass, and that it be referred to the Committee on Ways and Means.

Also: Assembly Bill No. 85—An Act to provide for the survey, location and construction of a State highway from the western terminus of the Lake Tahoe wagon road to the city of Placerville, and from the western corporate limits of said city in a westerly direction to the town of Folsom, and to make an appropriation therefor—have had the same under consideration, and respectfully report the same back with recommendation that the same do pass, and that it be referred to the Committee on Ways and Means.

GREER, Chairman.

The above reported bills ordered on file for second reading, and re-referred to Committee on Ways and Means.

ON UNIVERSITIES.

ASSEMBLY CHAMBER, SACRAMENTO, January 15, 1909.

MR SPEAKER: Your Committee on Universities, to whom was referred Assembly Bill No. 64—An Act to amend section fourteen hundred and twenty-five of the Political Code, relating to the control of the University of California by Regents.

Also: Assembly Bill No 65—An Act to amend section fourteen hundred and twenty-seven of the Political Code, relating to the appointment of ex officio Regents of the University of California.

Also: Assembly Bill No. 66—An Act to amend section three hundred and fifty-three of the Political Code, relating to ex officio Regents of the University of California.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

SCHMITT, Chairman.

The above reported bills ordered on file for second reading.

REPORT OF HOLD-OVER COMMITTEE.

The following report of the legislative committee appointed by the Assembly of the thirty-seventh Legislature to examine into the management of the State Printing Office was submitted by Mr. Transue for the committee:

ON INVESTIGATION OF STATE PRINTING OFFICE.

SACRAMENTO, December 5, 1908.

To His Excellency Governor JAMES N. GILLETT *and*

To the Legislature of the State of California

On March 9, 1907, the Assembly of the State of California, by resolution duly passed, provided for the appointment of a committee of five of its members whose duty it should be to examine into, and report upon, any and all matters in any way connected with or pertaining to the management and conduct generally by the Superintendent of State Printing, of the business and affairs of the State Printing Office. Also to examine into and report upon the methods pursued by the Superintendent of State Printing in the purchase of supplies, equipment and material for the use of his office, with a view of ascertaining whether in the purchase of such supplies and materials the best interests of the State were subserved, etc.

The full text of the resolution is as follows:

Resolved, That the Speaker of the Assembly be and he is hereby authorized and empowered to appoint a committee of five members to examine into and report upon all matters in any way connected with or pertaining to the management and conduct generally by the Superintendent of State Printing of the business and

affairs of the State Printing Office; also to examine into and report upon the methods pursued by said State Printer in the purchase of supplies, equipment and all necessary materials, with a view of ascertaining whether or not in the furnishing of such supplies and equipment the best interests of the State are subserved, to the end that the Department of State Printing will be enabled to furnish supplies of printing, binding, ruling, etc., to the various departments of the State at a reasonable compensation, and at figures which will compare favorably with the charges made for like work by private institutions

Resolved, That the said committee be, and it hereby is, authorized and empowered to do any and all things necessary to have a full and complete investigation of the matters hereinabove enumerated, and to that end to employ all necessary clerical and expert assistance; to send for persons and papers, and to take all necessary means to procure the attendance of witnesses and testimony. Members of said committee are, and each of them is, hereby authorized to administer oaths; and all the provisions of Article VIII of Chapter II, Title I, and Part III of the Political Code of this State relative to the "attendance and examination of witnesses before the Legislature and committees thereof," applies to the committee appointed under this resolution, and the Sergeant-at-Arms of the Assembly is hereby authorized and directed to serve any and all subpœnas and orders, or other process, that may be issued by the chairman of said committee when directed to do so by the chairman.

And be it further resolved, That said committee report the result of its investigations and recommendations to the thirty-eighth session of the California Legislature; and that the said committee shall also report to the Governor of the State of California the result of its investigations and recommendations immediately upon the completion of its labors; and there is hereby appropriated out of any moneys in the State treasury not otherwise appropriated the sum of $500 to pay the charges and costs to be incurred by the said committee to be appointed hereunder for clerical and other assistance and for fees of witnesses attending said investigation, and for other expenses connected with said investigation aside from the personal expenses of said committee, and the Controller is hereby directed to draw his warrant for $500 in favor of the chairman of said committee, when appointed, and the Treasurer is hereby directed to pay the same for said purposes."

According to the provisions of this resolution, the Speaker of the Assembly appointed Assemblymen M. Estudillo, S. H. Beckett, N. W. Thompson, R. H. Jury, and George W. Root as such committee.

The undersigned, members of said committee, would respectfully report that such committee has conducted a thorough and impartial investigation of all the matters within the scope of the said resolution, in the course of which three sessions were held at the city of Sacramento. These sessions were public, attended by all the members of the committee as well as by Mr. Shannon, Superintendent of State Printing, and Judge Devine, his attorney.

The first session was called to order on August 19, 1907, and Mr. S. D. Pelton was then sworn as stenographer for the committee.

No written charges either against the Superintendent of State Printing or against his manner of conducting the office have ever been filed with or submitted to this committee. In a general way, it may be stated, that two accusations were sought to be proven. First, that the Superintendent of State Printing had secretly, without authority of law, and without notice, sold certain printing presses at a price far below their actual value; second, that through the influence of that official awards of bids to furnish material and supplies to the State Printing Office were made to favored persons or firms, such awards not being based upon the merit of their proposals or the interest of the State, but from corrupt motives and in utter disregard of both the letter and the spirit of the law and the rights of other bidders. In the course of the investigation a number of witnesses were summoned and examined. Among those were representatives of firms which had been unsuccessful bidders for the contract to furnish supplies and materials for the State Printing Office, employing printers of Sacramento, and officers of the typographical union of that city.

SALE OF PRINTING PRESSES

Four old presses and some other machinery were sold by the Superintendent of State Printing at private sale. In no case, however, was any such sale made without the previous authorization of the State Board of Examiners. While the prices realized were low, it was shown by the testimony that the presses had been used for many years, were of slow speed and wholly unfitted to form any part of the equipment of a modern, efficient plant. It also appeared from the testimony that the prices realized were approximately the fair market value of the articles sold.

AWARD OF CONTRACTS FOR SUPPLIES.

Under the provisions of the Political Code the Superintendent of State Printing is required annually to submit an estimate of quantities and samples of materials that will be needed during the next year to the Board of Examiners, which board then authorizes him to invite, by public advertisement, the submission of bids for furnishing such materials. The Superintendent and Board of Examiners, acting as a Board of Award, receive and examine the bids which are submitted in pursuance to the advertisement and determine the awards.

Your committee took the testimony of members of the State Board of Examiners and examined their records with respect to these awards, in addition to hearing the representatives of firms which had submitted bids for supplies From all of the evidence given and the facts disclosed to the committee, it appeared conclusively that the Board of Award had complied strictly with the provisions of the law. No evidence was submitted showing or tending to show that any collusion or undue influence had been used, or that the Superintendent of State Printing had any part in the acceptance or rejection of any bids so submitted, other than as one member of the Board of Award above mentioned

The committee has had the cordial support and cooperation of the Governor throughout this work, and by his direction a portion of the Secret Service Fund of the State was expended in the investigation.

COST OF PRINTING, ETC

Your committee would call attention to the provisions of Section 531 of the Political Code, to the effect that the Superintendent of State Printing shall at no time pay compositors, pressmen or assistants, a higher rate of wages than is paid by those employing printers in Sacramento for like work It appears from the testimony taken by this committee and also from the reports of previous investigating committees, notably that of 1901, that the rate of wages paid in the State Printing Office is, and for a number of years past has been, considerably in excess of the commercial rate in Sacramento, for the same class of labor. This plain provision of the Code seems to have been entirely ignored This also constitutes one of the reasons that the cost of printing in the State Printing Office has generally been greater for similar work than in private establishments.

Since 1903 a considerable amount has been appropriated for and expended in the purchase of new and improved machinery and labor-saving devices for use both in the composing room and bindery, with the result that the cost of turning out finished work has been reduced. In view of the increasing volume of business in the office, and in order to provide for economically handling the business of the next legislative session further purchases of machinery should be made During the period covered by this investigation, substantial reductions have been made by the Superintendent of State Printing in the prices charged by him to the different departments for the work required by them of his office. This is illustrated by tables which appear later in this report.

To give a general idea of the cost of the State Printing Office, we will take the Controller's report for the years 1906-7, which cost $1,335 for 1,000 copies His report consisted of 188 pages, and no doubt was a difficult piece of work to do. However, the testimony of witnesses taken during the session of the committee, for instance, that of Mr. Hassett, showed that it would cost at least from $1,200 to $1,500 for a private concern to print the same.

Incidentally the committee wishes to state that it was a most difficult matter to secure testimony in reference to the comparative cost of printing, from printers in Sacramento and San Francisco, the witnesses claiming that it was hard for them to give an estimate of the cost for the simple reason that they had not seen the original copy, and knew nothing of the amendments that might have been made to the original copy.

Another instance that would give an idea of the cost of printing is a reference to Assembly Bill 975, known as the "General Appropriation Bill." This bill cost a total of $174 30 for nine printings. The bill contained 23 pages, and the estimate of the cost is given as follows:

A. B. 975, 23 pages—1,000.		
Composition	$39 00	
Press	6 00	
Bind	6 00	
Stock	4 35	
		$55 35
First Amendment, 1,000 23 pp		
Composition	$6 50	
Press	6 00	
Bind	6 00	
Stock	4 35	
		$22 85
First Amendment, Engrossed—75 23 pp		
Composition	$1 00	
Press	3 00	
Bind	1 50	
Stock	40	
		$5 90
Second Amendment, 1,000. 23 pp.		
Composition	$7 50	
Press	6 00	
Bind	6 00	
Stock	4 35	
		$23 85

Second Amendment, Engrossed—75. 23 pp.		
Composition	$1 00	
Press	3 00	
Bind	1 50	
Stock	40	
		$5 90
Third Amendment, 1,000 24 pp.		
Composition	$4 75	
Press	6 00	
Bind	6 00	
Stock	4 35	
		$21 10
Third Amendment, Engrossed—75. 24 pp.		
Composition	$1 00	
Press	3 00	
Bind	1 50	
Stock	40	
		$5 90
Enrolled, 75 copies; 50 book, 25 bound 21 pp.		
Composition	$12 00	
Press	3 00	
Bind	3 00	
Stock	95	
		$18 95
Chapter—500 20 pp.		
Composition	$4 00	
Press	5 00	
Bind	3 50	
Stock	2 00	
		$14 50

These two are picked up as instances of the charges in the State Printing Office that seem to be high However, in justice to the Superintendent of State Printing it must be said that he has succeeded in making some material reductions in the cost of printing, and that, in one instance, at least, the report of the Secretary of State, the cost is reduced more than one half. The Superintendent of State Printing attributes this reduction to the use of Mergenthaler machines in the making of the report, whereas in 1906 the work was done by hand. The list follows.

Board of Health

1906.				1908.			
No copies.	No. pages.	Cost.	Price per page.	No copies.	No. pages.	Cost.	Price per page.
1,200	156	$857 50	$6 50	1800	227	$1,235.50	$5.45
			Building and Loan Commission.				
1,000	83	$416 50	$5 02	750	125	$406 25	$3 25
			Secretary of State.				
1,000	133	$1.204.50	$9.06	500	155	$697 50	$4.50
			Home Adult Blind.				
500	12	$95 00	$7.92	250	13	$44 00	$3 38
			State Agricultural Society.				
1905.							
1,000	278	$1,678 00	$6 04				
5,000	(1906) 230	$1,368 00	$5 05	5,000	214	$1,075.00	$5 02
			Superintendent of State Printing				
500	42	$236.00	$5.82	500	41	$209 50	$5.11
			Surveyor General.				
1,000	33	$161 25	$4.89	200	8	$39 00	$4 87
			Dental Examiners.				
3,000	62	$295 00	$4 78	2,500	62	$226.75	$3 68

According to the State Controller a comparison of the total expenditures of the State Printing Office for five years last past averages about the same as for five years previous to 1898, and the figures of the State Controller show that a large portion of the expenditures is attributable to the cost of manufacturing school text-books and less to general printing.

STATE PRINTING OFFICE EXPENDITURES.

Fiscal Years	Total Expenditures	For School Text-books.	All Except Text-books
1892-3	$283.233 13	$35,725 88	$247,507 25
1893-4	270 228 03	116,558 73	153,669 30
1894-5	288,019 59	102,296 89	185,722 70
1895-6	289,515 76	96,286 59	193,247 17
1896-7	285,213 05	91,988 94	193,224 11
Total for five years	$1,416,209 56	$442,839 03	$973,370 53
Average for five years	283,241 91	88,567 80	194,674 10
1897-8 appropriations vetoed.	$98,989 09	$92,009 93	$6,979 16
1898-99	208,864 06	82,558 83	126,305 23
1899-1900	139,886 71	71,790 45	68,096 26
1900-1	242,633 37	82,378 05	160,255 32
1901-2	170,214 40	84,283 05	85,931 35
1902-3	229,223 20	76,771 11	152,425 09
Total for five years	$990,821 74	$397,781 49	$593,013 25
Average for five years	198,164 32	79,556 29	118,602 65
1903-4	$237,519 32	$109,312 80	$128,206 52
1904-5	329,873 67	168,801 64	161,072 03
1905-6	270,621 37	137,918 61	132,702 76
1906-7	345,311 73	146,600 32	198,711 41
1907-8	230,191 85	131,139 21	99,052 64
Total for five years	$1,413,517 94	$693,772 58	$719,745 36
Average for five years	282,703 58	138,754 51	143,949 07

To give the public a general idea of the wages paid by the State Printing Office the following table is given:

Deputy State Printer	$2,400 00	per year
Bookkeeper	1,980 00	per year
Stenographer	1,080 00	per year
Copy Editor	1,800 00	per year
General Foreman	225 00	per month
Bookkeeper	125 00	per month
Foreman, bindery	175 00	per month.
Foreman, pressroom	175 00	per month
Assistant Foreman, pressroom	30 00	per week.
Foreman, book room	36 00	per week.
Foreman, job room	36 00	per week
Foreman, electro department	36 00	per week
Timekeeper	150 00	per month
Watchman	100 00	per month.

To that table should be added: compositors are paid $4.50 per day, pressmen $4.50 per day, binders $4 and $4.50, porters and laborers $3 to $3.50 per day, and folders and sewers $10 to $12 a week.

It was a difficult matter to secure accurate information in regard to the wages and salaries paid by private concerns throughout the State, for the reason that they varied with the importance of the institution and the volume of business done, but it was generally conceded that the State Printing Office is the largest institution of its kind in the State. However, the committee secured some figures that may serve as a basis of comparison, to a certain extent. For instance: The testimony produced before the committee showed that general foremen were paid all the way from $30 to $45 per week, and in one instance—that of a firm in San Francisco, general foremen received from $75 to $85 per week; the foreman of the bindery $6 per day, foreman of the pressroom $30 per week, and linotype operators from $5 to $6 per day. The testimony showed also that compositors received a minimum wage $22.50 per week, pressmen $18 to $30 per week, job compositors $4 per day, finishers $4 per day as a minimum and rulers $4 per day as a minimum, and folders receive from $8 to $12 per week.

A schedule furnished by a large establishment in Los Angeles shows the following wages paid: Foreman of the composing room, $7.50 per night, linotype operators $6.30 per night of seven hours, make-up men and hand compositors an average of $4 and $5 per night of seven to eight hours, proof readers $3.50 to $5 per night of seven hours, copyholders $2 to $2.50 per night of seven hours, head machinist $7 per night; assistant machinist $3.50 to $4.50 per night. In the press room and stereotype room, the foremen receive from $6.50 to $7.50 per night, journeymen receive from $3.50 to $5.00 per night. These men, of course, are the best and most efficient that can be secured in that establishment.

The same institution pays in its job room as follows Foreman $5 per day, proof reader $3, copyholders $1.83, stone men and compositors $3 to $3.75, and in the bindery this institution pays the foreman $5 per day, head finisher $4, head forwarder $3.33, forwarders, binders and rulers, $2.50 to $3, forelady of the folding, sewing, stitching and collating department, $2.33, perforators, collators, etc, $1 to $1.66. In the pressroom the foreman is paid $5.83, pressmen $1.75 to $3.33, porter $1.16, electrotypers are paid $4, bookkeeper $4.50, assistant bookkeeper $3.00, carpenters $4.00.

STATE SCHOOL BOOKS.

As about one half of the expenditure of the State Printing Office is incurred in the preparation of school books, any inquiry into the method of conducting that office would be incomplete unless this important item was taken into consideration. As the law provides that such books must be sold at cost, your committee devoted considerable time to ascertaining the method in use for determining such cost. The investigating committee of 1901 reported that by reason of errors in computation some of the books were then being sold for less than their actual cost, entailing, of course, a loss to the State. Improved machinery, since introduced, has materially reduced the cost of manufacture, but the selling price for the books remains the same. Your committee is of opinion that a more strict and thorough system of auditing and accounting should be installed in the State Printing Office, in order that the exact cost of each series of school books printed may be determined. It is evident from the following table furnished by the Superintendent of State Printing that books are being produced at a cost much below the selling price.

STATEMENT OF ALL VALUES SCHOOL TEXT-BOOK DEPARTMENT OTHER THAN MACHINERY AND FIXTURES

	Jan 5, 1903	June 30, 1907
Stock on hand	$31,878 16	$68,388 05
Finished books in warehouse	36,400 73	94,288 98
Cash credit in treasury	14,487 21	5,598 05
	$82,766 10	$168,275 08
Unfinished books (at 25c)	54,905 00	177,269 00
	$137,671 10	$345,544 08
Gain in 4½ years	207,872 98	

In the opinion of this committee, one of two plans should be adopted: Either the present price of books (which in no case exceeds the price charged by private publishers for similar books) should be maintained and a fixed per cent of the income of the school book fund set aside until the original investment of over $400,000 by the State has been repaid to the State, or the price to the school children should be reduced to actual cost of production.

Under our present system the State Board of Education adopts the school books. These books are written by various authors employed by Eastern book companies, and the copyrights and plates which are owned by book companies throughout the country, are reuted to the State of California. For these copyrights and the plates a royalty is paid by the State of California, as follows:

On the primer	$ .048
First reader	.056
Second reader	.072
Third reader	.10
Fourth reader	.12
First book of arithmetic	07
Grammar school arithmetic	13
English lessons, book 1	08
English lessons, book 2	12
Introductory history	15
Grammar school history	30
Introductory geography	.125
Grammar school geography	.28
Physiology and hygiene	.12
Speller, book 1	.025

These royalties amount to a considerable sum of money, as will appear by the following: Royalties were paid from July 1, 1906, to June 30, 1907, to the American Book Company, $36,017.45; McMillan & Co., $3,780.49; D. C. Heath & Co., $5,881.02, Ginn & Co., $11,540.02. Total, $57,218.98.

Of course this committee is not versed in the intricacies of our modern system of education, the science of writing text books or the art of adjusting royalties, but it appears that this is a big royalty for the children of California to pay for the privilege of using the book company's plates and copyrights. It would appear to us that some way ought to be devised to keep that money in the State of California. The committee found that useful and necessary changes are often made to the books furnished by the Text-book Committee. In saying this, the committee is cognizant

of the fact that it is claimed that when the books were written in California they were very inferior to the present text-books The committee finds that the price of the school book to the child is controlled by the cost of printing by the Superintendent of State Printing, plus the royalty and postage. The number of books to be printed seems to be a mere matter of guess work thus far. In order to ascertain the number of books to be printed, the sale of books for the previous year, and the number of census children, are used as the basis to estimate the number of books to be ordered printed.

CHANGES SUGGESTED

We believe that there would be a material reduction in the cost of printing, of legislative bills, for instance, if some rule could be adopted by the Legislature of California such as the one existing in the State of Wisconsin. If every bill introduced in the House, before being read, should be referred to a committee on revision, the duty of which committee should be to ascertain whether the bill complied with the rules and statutory requirements, the committee having power to make corrections and recommendations as to the form of the bill, we believe it would save cost in printing; for the drawing of bills properly is difficult; we believe this will be acknowledged; ambiguities and errors creep frequently into a bill through the lack of experience and skill of the legislator, honest mistakes to be sure, but mistakes that in the end prove expensive to the State. The courts realize this, for the judges said, in one case at least (*In re Moffitt*, 35 Cal. Dec. 379), "For their ignorance they, and not the courts are responsible, and for their omissions they, and not the courts, must find a remedy"

We would suggest the adoption of the following rules as a means of saving expense in printing:

1 Minor clerical errors in any bill, memorial or resolution, such as errors in orthography or grammar, or the use of one word for another, as "affect" for "effect," wrong numbering or references, whether such errors occur in the original bill or in any amendment thereto, shall be corrected by the Chief Clerk as a matter of course upon the approval of the chairman of any committee to which the bill was referred.

2. The Chief Clerk shall insert the enacting or usual enabling clause in any bill before its passage if the same shall have been omitted.

3 Any corrections made by the clerk under this rule shall be noted by him upon the journal.

4 The adoption of a rule requiring every bill offered in either House before being read, to be announced and bulletined by the clerk, and then referred to a committee on revision, the duty of which committee shall be to see that the bill complies with the law in regard to form and then report the bill to the House if in proper form, otherwise to return the bill to the member offering the same.

FINDINGS.

Your committee submit the following findings as the result of their investigation·

1. That the maintenance of the State Printing Office is preferable to letting the work out by contract.

2. That the charges for the work have been gradually reduced.

3. That the best results can only be obtained by the installation of adequate modern machinery

4 That the four linotype machines now owned by the State have not sufficient capacity to care for all of the legislative work, and that additional machines should be obtained sufficient to handle all of that class of work

5 That competent compositors are not always available, but that operators for the linotype machine can ordinarily be obtained without difficulty.

6 That rumors of corruption, inattention to business and general inefficiency are untrue.

7 That a closer estimate of the cost of furnishing schoolbooks should be made

8. That the selling price of most of the school books could be reduced.

9. That the plan of allowing to each department a specific sum for printing has been found to be productive of good results.

10 That the minimum wages paid to compositors and pressmen have been increased throughout the State, within the past two years. The establishment of the eight-hour day has also materially increased the cost of work.

RECOMMENDATIONS.

The committee would recommend:

1. That the system of making appropriations of fixed amounts to departments for printing should be continued

2. That the price at which schoolbooks are sold should be adjusted.

3. That additional machinery including linotypes should be purchased for the State Printing Office.

4 That no sales of antiquated or unused machinery should be made unless previous public notice be given by advertisement for a reasonable period.

5. That the Legislature provide by the appointment of appropriate committees and a change of its rules for a system of revision of bills prior to their being printed This, we believe, would result in a great saving to the State

6. That a modern system of accounting and bookkeeping be installed in the State Printing Office.

A WORD IN CONCLUSION.

In justice to Mr. Jury, the one member of the committee who does not sign this report, and to the other members, it should be stated that Mr. Jury, as a member of the committee, took a very active part in procuring evidence, particularly such as would be untavorable to Mr. Shannon. Mr Jury had every opportunity at hand to substantiate these charges, every clue given was investigated, every thread of evidence followed up to its source, every witness suggested by him or others subpœnaed and examined, but the result was an utter failure to prove any of the charges

The records of the committee show that Mr Jury was present when a motion was made to close the hearing, that he participated in the discussion, fully assenting to that plan, and voted in favor of the motion; that upon his motion a subcommittee was appointed to prepare the report and submit the same to the committee, he then stating that he would approve and sign the report to be so prepared. Subsequently he stated to the members of the committee that he would not join in the report and expressly refused to sign the same, declaring that he would prepare and submit a minority report.

A copy of the testimony taken accompanies this report.

Respectfully submitted

MIGUEL ESTUDILLO (Chairman),
N. W. THOMPSON,
GEO. W. ROOT,
SAMUEL H. BECKETT,
Members of Committee.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, CAL., January 14, 1909

MR SPEAKER: Your Special Committee on the Investigation of the State Printing Office, appointed at the close of the thirty-seventh session of the Legislature to investigate the charges in reference to the management of the State Printing Office, begs leave to report that it has submitted its report with accompanying bills, and that they have incurred in the discharge of the duties of the said committee, the following expenses:

M. Estudillo	$205 00
N. W. Thompson	178 00
S W. Beckett	115 00
George Root	108 50
R. H. Jury	115 00
Stamps	3 00
Stenographer S. D Pelton, per diem and transcript of testimony	1,384 80
Stenographer N. B. Andrews, per diem	30 00
Telephoning	5 00
Telegraphing	2 50
J. T Stafford, per diem	84 00
J. T. Stafford, to moneys expended in subpœnaing witnesses and moneys advanced for supplies	127 80
Total	$2,358 60

And your committee respectfully recommends the adoption of the following resolution:

Resolved, That the State Controller be, and he is hereby, directed to draw his warrant in favor of M Estudillo for the sum of $2,358 60, in payment of the said expenses incurred The said sum of $2,358 60 to be paid out of the contingent fund of the Assembly, and the Treasurer is hereby directed to pay the same.

All of which is respectfully submitted.

MIGUEL ESTUDILLO, Chairman.

Report received and read, ordered printed in the Journal, and referred to Committee on Contingent Expenses and Accounts.

HOUR OF RECESS EXTENDED.

On motion of Mr. Transue, the hour of recess was extended thirty minutes.

INTRODUCTION AND FIRST READING OF BILLS.

The following bills were introduced, and referred as indicated:

By Mr. Hammon: Assembly Bill No. 417—An Act to amend Section 1207 of the Civil Code of the State of California, relating to the recordation of certain instruments and certificates of acknowledgment,

the notice such recordation shall impart, and to the effect as evidence of certified copies of the records of same.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 418—An Act to amend section four of "An Act to amend an Act entitled 'An Act to enforce the educational rights of children, and providing penalties for violation of the Act,' approved March 24, 1903, and amended March 20, 1905, by amending sections three, four, five, and six of said Act, and by adding a new section to said Act to be numbered section seven and one half," relating to the appointment and compensation of attendance officers.

Bill read first time, and referred to Committee on Education.

By Mr. Mott: Assembly Bill No. 419—An Act making an appropriation of one thousand dollars ($1,000.00) to pay the claim of Edward W. Lehner against the State of California.

Bill read first time, and referred to Committee on Claims.

By Mr. Coghlan: Assembly Bill No. 420—An Act to amend Section 791 of the Political Code, relating to the number of notaries public.

Bill read first time, and referred to San Francisco Delegation.

Also: Assembly Bill No. 421—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a section thereto, to be designated and known as Section 1716, relating to the payment and enforcement of claims against municipal corporations in certain cases.

Bill read first time, and referred to Committee on Municipal Corporations.

By Mr. Transue: Assembly bill No. 422—An Act granting to municipal corporations of the State of California rights of way over public lands of the State for the location, construction and maintenance of water works and water plants; and the right to take material from such lands for the construction of such works, and to take any waters belonging to the State for the purpose of supplying any such municipality and its inhabitants with water.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Assembly Bill No. 423—An Act to prohibit the sale of intoxicating liquors within a certain distance of any camp or assembly of men, numbering twenty-five or more, engaged upon the construction, repair, or operation of any public work, improvement, or utility.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Assembly Bill No. 424—An Act to promote education in literature, music and the fine arts, and making an appropriation therefor.

Bill read first time, and referred to Committee on Education.

By Mr. Johnson of Sacramento: Assembly Bill No. 425—An Act to amend section four hundred and eight of the Civil Code, relating to the duties incumbent upon foreign corporations who desire to do business in California.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 426—An Act to amend Section 330 of the Penal Code of California, relating to gaming.

Bill read first time, and referred to Committee on Public Morals.

Also: Assembly Bill No. 427—An Act to amend Section 4234 of the Political Code of the State of California, relating to the compensation of officers of counties of the fifth class and their assistants and deputies.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr Leeds: Assembly Bill No. 428—An Act to amend an Act entitled "An Act to provide for the appointment of pilots, and defining their duties and compensation at the Port of Wilmington, and Bay of San Pedro," approved March 19, 1889.

Bill read first time, and referred to Committee on Commerce and Navigation.

Also: Assembly Bill No. 429—An Act authorizing municipal corporations, other than freeholder charter cities, to change their names, and providing the procedure therefor.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Assembly Bill No. 430—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, and all amendments thereto.

Bill read first time, and referred to Committee on Municipal Corporations.

By Mr. Whitney: Assembly Bill No. 431—An Act to amend Section 764 of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, as amended March 23, 1901, and March 3, 1905, relating to the powers of boards of trustees of cities of the fifth class.

Bill read first time, and referred to Committee on Municipal Corporations.

By Mr. Polsley: Assembly Bill No. 432—An Act to amend Act No. 1060, Section 1, in regard to estrays.

Bill read first time, and referred to Committee on Live Stock, Dairies and Dairy Products.

Also: Assembly Bill No. 433—An Act to repeal an Act approved March 13, 1907, entitled "An Act to regulate and license the hunting of game birds and animals, and to provide revenue therefrom for a game preservation and restoration, and to make appropriation for the purpose of carrying out the object of this Act."

Bill read first time, and referred to Committee on Fish and Game.

By Mr. Costar: Assembly Bill No. 434—An Act to amend Section 628*a* of the Penal Code of the State of California, relating to the protection and preservation of striped bass.

Bill read first time, and referred to Committee on Fish and Game.

Also: Assembly Bill No. 435—An Act to amend Section 632½ of the Penal Code of the State of California, relating to the protection and preservation of steelhead trout.

Bill read first time, and referred to Committee on Fish and Game.

Also: Assembly Constitutional Amendment No. 14—Proposed amendment to Article I of the Constitution, relating to the right of the people to fish.

Read first time, and referred to Committee on Constitutional Amendments.

By Mr. Schmitt: Assembly Bill No. 436—An Act to amend an Act entitled "An Act for the certification of land titles and the simplification of the transfer of real estate," approved March 17, 1897, by amending section five of said Act.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 437—An Act to amend an Act entitled "An Act for the certification of land titles and the simplification of the transfer of real estate," approved March 17, 1897, by amending sections six, nine, and thirteen of said Act.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 438—An Act to amend an Act entitled "An Act for the certification of land titles and the simplification of the transfer of real estate," approved March 17, 1897, by amending Section 114 thereof and by adding three new sections thereto to be numbered 112*a*, 114*b*, 114*c*, all relating to the fees of registrars and to the use of a part thereof in the creation of an assurance fund, and providing for the custody and management of said fund and the determination and disposition of claims against the same.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Maher: Assembly Bill No. 439—An Act to amend Section 852 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations."

Bill read first time, and referred to Committee on Municipal Corporations.

By Mr. Beardslee: Assembly Bill No 440—An Act to amend Section 4237 of the Political Code, relating to county and township officers of counties of the eighth class.

Bill read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 441—An Act to add a new section to the Code of Civil Procedure, to be numbered Section 103½, authorizing city justices in cities and towns of the third class to appoint a clerk.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No 442—An Act to amend "An Act to provide for work upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by adding thereto a new section numbered 5½, providing for the doing of sidewalk work by cities in the absence of bidders for doing the same.

Bill read first time, and referred to Committee on Municipal Corporations.

By Mr. Johnson of Placer: Assembly Bill No. 443—An Act to amend an Act entitled "An Act to regulate and license the hunting of game birds and animals, and to provide revenue therefrom, for game reservation and restoration, and to make an appropriation for the purpose of carrying out the objects of this Act," approved March 13, 1907, by amending section three thereof.

Bill read first time, and referred to Committee on Fish and Game.

By Mr. Rutherford: Assembly Bill No. 444—An Act to amend Article V, Chapter VII, Title XI, Part III of the Code of Civil Procedure of the State of California, by amending Section 1577 thereof and adding a new section thereto, to be numbered 1580, relating to the real property of decedents, minors and incompetent persons.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 445—An Act to regulate the hours of labor in mines.

Bill read first time, and referred to Committee on Mines and Mining.

By Mr. Butler: Assembly Bill No. 446—An Act to amend Section 8 of an Act entitled "An Act to create a State Bureau of Criminal Identification, providing for the appointment of a director of said bureau, defining his duties, qualifications and powers, providing for the appointment of a clerk of said bureau, and fixing his qualifications, fixing the compensation of said director and clerk, providing for the manner of paying the same, and providing for the expense of conducting the office," approved March 20, 1905.

Bill read first time, and referred to Committee on State Prisons.

Also: Assembly Bill No. 447—An Act providing for a biennial appropriation in the General Appropriation Bill for the support and maintenance of the Bureau of Criminal Identification of the State of California.

Bill read first time, and referred to Committee on State Prisons and Reformatory Institutions and Committee on Ways and Means.

Also: Assembly Bill No. 448—An Act to amend Sections 241 and 242 and to repeal Section 243 of the Code of Civil Procedure of the State of California, all relating to the impaneling of grand juries.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 449—An Act to repeal Sections 894 to 901, inclusive, of the Penal Code, and to amend Section 903 of the same Code, all relating to grand juries.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 450—An Act to amend Section 925 of the Penal Code, relating to proceedings before the grand jury.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 451—An Act to amend Section 226 of the Code of Civil Procedure, relating to grand juries and trial jury panels.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Assembly bill No. 452—An Act to amend Section 227 of the Code of Civil Procedure, relating to trial jury panels.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Assembly Bill No. 453—An Act to add a new section to the Code of Civil Procedure, to be numbered 229, relating to procedure on forming a panel of trial jurors.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Assembly Bill No. 454—An Act to amend Section 198 of the Code of Civil Procedure, relating to the competency of grand and trial jurors.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Assembly Bill No. 455—An Act to amend Section 199 of the Code of Civil Procedure, relating to the incompetency of grand and trial jurors.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Assembly Bill No 456—An Act to amend Section 1055 of the Penal Code of the State of California, and to repeal Sections 1058, 1059, 1060, 1061, 1062, 1063, 1064 and 1065 thereof, all relating to challenges to trial jurors and trial jury panels.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Assembly Bill No. 457—An Act to amend Section 1076 of the Penal Code of the State of California, relating to challenges for cause of trial jurors.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Assembly Bill No. 458—An Act to amend Section 170 of the Code of Civil Procedure of the State of California, relating to disqualification of judges.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Assembly Bill No. 459—An Act to amend Section 1487 of the Penal Code, relating to ground of discharge on habeas corpus.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Assembly Bill No. 460—An Act to amend Section 995 of the Penal Code, relating to motions to set aside indictments on informations.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Assembly Bill No. 461—An Act to amend Section 997 of the Penal Code of the State of California, relating to proceedings when motion to set aside indictment or information is determined.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Assembly Bill No. 462—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered 1079, relating to the examination of jurors.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Assembly Bill No. 463—An Act to amend Section 1012 of the Penal Code, relating to lack of jurisdiction.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Assembly Bill No. 464—An Act to amend Section 1173 of the Penal Code of the State of California relating to exceptions by the defendant to the change of place of trial.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Assembly Bill No. 465—An Act to amend Section 1187 of the Penal Code of the State of California relating to the effect of an order setting aside the judgment.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Assembly Bill No. 466—An Act to repeal Section 1010 of the Penal Code of the State of California, relating to resubmission of case when demurrer is allowed.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Assembly Bill No. 467—An Act to amend Section 1009 of the Penal Code of the State of California relating to the effect of an order allowing demurrer.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Assembly Bill No. 468—An Act to repeal Section 998 of the Penal Code of the State of California, relating to resubmission of case when motion to set aside indictment or information is granted.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Assembly Bill No. 469—An Act to amend Section 802 of the Penal Code of the State of California, relating to the Statute of limitations.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Assembly Bill No. 470—An Act to amend Section 1098 of the Penal Code of the State of California, relating to separate trials of persons jointly charged with felony.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Assembly Bill No. 471—An Act to amend Section 990 of the Penal Code of the State of California, relating to proceedings on arraignment.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Assembly Bill No. 472—An Act to amend Section 686 of the Penal Code, relating to rights of a defendant in a criminal action.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Assembly Bill No. 473—An Act to amend Section 1070 of the Penal Code, in respect to the number of peremptory challenges to jurors.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Assembly Bill No. 474—An Act to amend Section 1093 of the Penal Code of the State of California, relating to trials.

Bill read first time, and referred to Committee on Judiciary

Also (by request): Assembly Bill No. 475—An Act to amend Section 1401 of the Penal Code of the State of California, relating to proof by affidavits and depositions and entitling thereof.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Assembly Bill No. 476—An Act to amend Section 2065 of the Code of Civil Procedure, relating to witnesses.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Assembly Bill No. 477—An Act to amend Section 2051 of the Code of Civil Procedure, relating to witnesses.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Assembly Bill No. 478—An Act to repeal Section 1323 of the Penal Code, relating to defendants as witnesses.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Assembly Bill No. 479—An Act to amend Section 1105 of the Penal Code of the State of California, relating to burden of proof.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Assembly Bill No. 480—An Act to amend Section 1096 of the Penal Code, relating to reasonable doubt.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Assembly Bill No. 481—An Act to amend Section 1127 of the Penal Code of the State of California, relating to instructions to juries.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Assembly Bill No. 482—An Act to amend Section 1170 of the Penal Code of the State of California, relating to exceptions allowed the defendant upon trial.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Assembly Bill No. 483—An Act to amend Section 1118 of the Penal Code of the State of California, relating to advice of court to jury to acquit defendant.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Assembly Bill No. 484—An Act to amend Section 1117 of the Penal Code of the State of California, relating to exceptions that may be taken by the parties.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Assembly Bill No. 485—An Act to amend Section 1181 of the Penal Code of the State of California, relating to a motion for a new trial.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Assembly Bill No. 486—An Act to amend Section 1191 of the Penal Code of the State of California, relating to time for pronouncing judgment.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Assembly Bill No. 487—An Act to amend Section 1201 of the Penal Code, relating to proceedings on judgment.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Assembly Bill No. 488—An Act to amend Section 1369 of the Penal Code, relating to trial on the question of insanity.

Bill read first time, and referred to Committee an Judiciary.

Also (by request): Assembly Bill No. 489—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 1210, relating to motions for a new trial.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Assembly Bill No. 490—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 1209, relating to proceedings to set aside judgment.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Assembly Bill No. 491—An Act to amend Section 1182 of the Penal Code of the State of California, relating to motion for a new trial.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Assembly Bill No. 492—An Act to amend Section 1186 of the Penal Code of the State of California, relating to a motion to set aside the judgment.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Assembly Bill No. 493—An Act to amend Section 1185 of the Penal Code of the State of California, relating to a motion to set aside the judgment.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Assembly Bill No. 494—An Act to amend Section 52 of the Code of Civil Procedure of the State of California, relating to the appellate jurisdiction of the Supreme Court, the District Courts of Appeal, and the Superior Court.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Assembly Bill No. 495—An Act to amend Section 1207 of the Penal Code of the State of California, relating to the judgment roll.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Assembly Bill No. 496—An Act to add a new section to the Penal Code of the State of California, to be numbered 1208, relating to the time when the judgment becomes final.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Assembly Bill No. 497—An Act to repeal Section 1176 of the Penal Code of the State of California, relating to charge of the court.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Assembly Bill No. 498—An Act to amend Section 1235 of the Penal Code, relating to the right of appeal of the parties.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Assembly Bill No. 499—An Act to amend Section 1239 of the Penal Code of the State of California, relating to the time for taking appeals.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Assembly Bill No. 500—An Act to amend Section 1240 of the Penal Code of the State of California, providing how an appeal is taken.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Assembly Bill No 501—An Act to amend Section 1237 of the Penal Code of the State of California, relating to the right of appeal of the defendant.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Assembly Bill No. 502—An Act to amend Section 1246 of the Penal Code of the State of California, providing for the record on appeal by a defendant.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Assembly Bill No. 503—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 1013, relating to lack of jurisdiction.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Assembly Bill No. 504—An Act to amend Section 1238 of the Penal Code of the State of California, relating to the right of appeal by the people.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Assembly Bill No. 505—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 1246*a*, providing for the record on appeal by the people.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Assembly Bill No. 506—An Act to amend Section 1008 of the Penal Code of the State of California, relating to proceedings on order allowing demurrer.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Assembly Bill No. 507—An Act to amend Section 1259 of the Penal Code of the State of California, relating to appeal by defendant.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Assembly Bill No. 508—An act to repeal Sections 1171, 1174, 1175, and 1177 of the Penal Code of the State of California, relating to bills of exceptions on appeal.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Assembly Bill No. 509—An act to add a new section to the Penal Code of the State of California, to be numbered 1247 relating to proceedings after verdict when the trial judge is unable or refuses to act.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Assembly Bill No. 510—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 1247*a*, relating to the death or inability of the official reporter or the trial judge as to certifying transcript on appeal.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Assembly Bill No 511—An Act to amend Section

1264 of the Penal Code of the State of California, relating to judgment on appeal, and allowance of certain costs to defendant.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Assembly Bill No. 512—An Act to amend Section 1258 of the Penal Code, relating to decision on appeal.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Sackett: Assembly Bill No. 513—An Act to establish a State Training High School near or on the grounds of the University of California, at Berkeley, in the county of Alameda, and making an appropriation therefor.

Bill read first time, and referred to Committee on Education.

Also: Assembly Bill No. 514—An Act to amend Section 1663 of the Political Code, relating to duties of county boards of education.

Bill read first time, and referred to Committee on Education.

By Mr. Rech: Assembly Bill No. 515—An Act to repeal an Act entitled "An Act supplemental to an Act entitled 'An Act concerning trespassing animals upon private lands in certain counties of the State of California,' approved March 7, 1878, and to extend the provisions of said Act to Sutter County," approved March 15, 1907.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 516—An Act to repeal an Act entitled "An Act to prevent persons from unlawfully using or wearing the badge of the Grand Army of the Republic of this State," approved March 10, 1887.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 517—An Act to repeal an Act entitled "An Act to amend the Penal Code of California, by adding four new sections thereto, to be numbered Section 597*a*, Section 597*b*, Section 597*c*, and Section 597*d*, relating to docking of horses' tails, and providing a punishment therefor," approved March 15, 1907.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 518—An Act to repeal an Act entitled "An Act to protect the school districts of this State from injury during the year 1880, by the operation of Section 12 of Article XIII of the Constitution," approved April 15, 1880.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 519—An Act to repeal an Act entitled "An Act to prevent hunting and shooting on private inclosed grounds, and the destruction of growing timber on private grounds in certain counties in this State," approved March 8, 1872.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 520—An Act to repeal an Act entitled "An Act permitting all ex-Union soldiers and sailors of the civil war, honorably discharged from military or marine service of the United States, the right to vend, hawk, and peddle goods, wares, fruits or merchandise not prohibited by law, in any county, town, village, incorporated city or municipality in the State of California, without paying a license," approved March 20, 1905.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 521—An Act to repeal an Act entitled "An Act to regulate and protect bee-keeping in the county of San Bernardino," approved March 27, 1878.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 522—An Act to repeal an Act entitled "An Act prescribing how judgment, which may be recovered against any city and county of over one hundred thousand population, shall be paid," approved March 26, 1895.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 523—An Act to repeal an Act entitled "An Act to provide for the appointment and salary of a clerk in the office of the Superintendent of Public Instruction and to make an appropriation therefor," approved March 27, 1895.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 524—An Act to repeal an Act entitled "An Act providing that all encampments of the National Guard shall be held at the State camp of instruction, unless otherwise ordered," approved March 20, 1899.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 525—An Act to repeal an Act entitled "An Act to provide for the management of the Yosemite Valley, and the Mariposa Big Tree Grove," approved April 15, 1880.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 526—An Act to repeal an Act entitled, "An Act to provide for public administrators in certain cases," approved March 30, 1872.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 527—An Act to repeal an Act entitled "An Act concerning lodging houses and sleeping apartments within the limits of incorporated cities," approved April 3, 1876.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 528—An Act to repeal an Act entitled "An Act to provide for the marking, branding, or labeling of boxes, barrels or packages, containing fruits, fresh or dried, and fixing a penalty for the violation thereof, and for the appointment of inspectors under its provisions," approved March 20, 1903.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 529—An Act to repeal section thirty hundred and fifty-four of the Civil Code of the State of California, relating to the liens of bankers.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 530—An Act to repeal an Act entitled "An Act fixing the rates of interest and charges on loans upon chattel mort-

gages on certain personal property, and prescribing penalties for the violation of the Act," approved March 20, 1905.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 531—An Act to repeal an Act entitled "An Act to establish a State Board of Silk Culture, and to provide moneys for the expenses thereof," approved March 18, 1885.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 532—An Act to repeal Section 598 of the Civil Code of the State of California, relating to benevolent and religious corporations.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 533—An Act to repeal an act entitled, "An Act requiring the marking of packages of butter containing less than six pounds and more than one half pound so as to advise the purchaser or others as to the weight of butter contained in such package," approved March 20, 1905.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 534—An Act to repeal an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 535—An Act to repeal Section 1875 of the Political Code of the State of California, relating to penalties for the neglect to use text-books adopted.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 536—An Act to repeal an Act entitled "An Act to authorize the Justices of the Supreme Court to appoint a librarian for the said court, fixing a salary," approved March 11, 1893.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 537—An Act to repeal an Act entitled "An Act to provide for a lunch hour for laborers in sawmills, shake mills, shingle mills, and logging camps," approved February 28, 1901.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 538—An Act to repeal an Act entitled "An Act to promote emigration from the State of California," approved March 26, 1880.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 539—An Act to repeal an Act entitled "An Act to legalize applications heretofore made for the purchase of lands belonging to this State, and to confirm the title of the purchasers under such applications," approved March 27, 1872.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 540—An Act to repeal an Act entitled "An

Act to prevent discrimination against female teachers," approved March 30, 1874.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 541—An Act to repeal an Act entitled "An Act to provide for the incorporation of associations for lending money on personal property, and regulating the same, and to forbid certain loans of money, property, or credit," approved March 21, 1905.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 542—An Act to repeal an Act entitled "An Act prescribing the form of complaint in actions to recover delinquent taxes, and to authorize the bringing of suits therefor," approved April 23, 1880.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 543—An Act to repeal an Act entitled "An Act in relation to the currency of the United States," approved March 12, 1880.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 544—An Act to repeal an Act entitled "An Act to create the office of sheep inspector for the State of California, to provide for the appointment, and to define the powers and duties of said officer and his deputies, and their compensation, and providing for the prosecution of offenses under the same and to suppress and prevent dissemination of scab among sheep," approved March 24, 1903.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 545—An Act to repeal an Act entitled "An Act regarding organizations, officers, and members of the National Guard who entered the United States volunteer service in the Spanish-American war of eighteen hundred and ninety-eight, their privileges and exemptions, and retirements, and providing for the return to the National Guard of such organizations, officers and members," approved March 21, 1899.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 546—An Act to repeal an Act entitled "An Act to prevent destruction by fire of property of contiguous owners," approved March 31, 1891.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 547—An Act to repeal an Act entitled "An Act to prevent combinations to obstruct the sale of live stock in the State of California," approved February 27, 1893.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 548—An Act to repeal an Act entitled "An Act to prevent persons passing through enclosures and leaving them open, by tearing down fences, or otherwise, and to prevent hunting upon inclosed lands in the State of California," approved March 23, 1876.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 549—An Act to repeal an Act entitled "An Act to prevent persons passing through inclosures and leaving them open, and tearing down fences to make passage through inclosures," approved March 16, 1872.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 550—An Act to repeal an Act entitled "An Act to authorize the managers of orphan asylums to give their consent to the adoption of certain children under their care," approved April 1, 1878.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 551—An Act to repeal an Act entitled "An Act providing for the removal of human remains from cemeteries in cities having a population of more than five thousand and not exceeding one hundred thousand," approved March 23, 1893.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 552—An Act to repeal an Act entitled "An Act to regulate medical practice, to prevent blindness in infants," approved February 17, 1897.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 553—An Act to repeal an Act entitled "An Act to authorize counties, cities and counties, and incorporated towns, and chartered or incorporated cities, to license bicycles, tricycles and similar vehicles, and collect a fee therefor, for the purpose of devoting such fee to the construction of paths along country roads for the use of pedestrians, and the wheeling thereon of such vehicles," approved March 16, 1901.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 554—An Act to repeal an act entitled "An Act to regulate the sale of imitation olive oil, and to repeal an act entitled 'An Act to regulate the sale of olive oil,'" approved March 23, 1893.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 555—An Act to repeal an Act entitled "An Act authorizing and directing district attorneys to bring suits to abate public nuisances.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 556—An Act to repeal an Act entitled "An Act for the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors," approved March 26, 1895.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 557—An Act to repeal an Act entitled "An Act to abolish attorney's fees, and other charges, in foreclosure suits," approved March 27, 1874.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 558—An Act to repeal an Act entitled "An Act relative to the meeting place of high school boards within municipal corporations," approved March 15, 1901.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 559—An Act to repeal an Act entitled "An Act to provide for the levy and collection of taxes by and for school districts, except in municipal corporations of the first class," approved February 14, 1891.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 560—An Act to repeal an Act entitled "An Act authorizing the appointment of certain permanent employees of the State Capitol, and fixing their compensation," approved March 30, 1874.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 561—An Act to repeal an Act entitled "An Act to provide for prosecuting attorneys of police courts in cities of the second class, and regulating the compensation of such officers," approved March 23, 1901.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 562—An Act to repeal an Act entitled "An Act concerning special election," approved February 9, 1878.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

SECOND READING OF BILLS.

Assembly Bill No. 50—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto Title XXI, of Part IV, of Division First of said Act, relating to and providing for the incorporation, organization, management, and coöperation of agricultural and horticultural non-profit coöperation associations.

Bill read second time, and ordered to engrossment.

Assembly Joint Resolution No. 2—An Act relative to repairs of United States roads in Yosemite Valley.

Assembly joint resolution read, and on motion adopted.

ASSEMBLY JOINT RESOLUTION NO. 2.

Relative to repairs of United States roads in Yosemite Valley.

WHEREAS, Since Yosemite Valley was ceded by the State of California to the United States, sufficient money has not been appropriated by Congress to maintain the public roads in said valley in a suitable or fit condition for public travel thereover; therefore, be it

Resolved by the Assembly and the Senate of California, jointly, That our Senators in Congress be instructed and our Representatives be requested to use all honorable means necessary to secure appropriations in the present session of Congress sufficient to place said roads in good condition; and be it further

Resolved, That the Chief Clerk of the Assembly immediately forward a copy of these resolutions to each of the Senators and Representatives in Congress, from California.

ADJOURNMENT

At one o'clock P. M., on motion of Mr. Mott, the Assembly was declared adjourned until one o'clock P. M. of Monday, January 18, 1909.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL.,
Monday, January 18, 1909.

At one o'clock P. M., pursuant to adjournment, the Assembly was called to order.

Hon. P. A. Stanton, Speaker of the Assembly, in the chair.

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

Messrs Barndollar, Baxter, Beardslee, Beban, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Costar, Cronin, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gibbons, Greer, Griffiths, Hammon, Hanlon, Hawk, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, McClellan, McManus, Melrose, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Preston, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—65

Quorum present.

PRAYER.

Prayer was offered by the Chaplain, Rev. Seren N. Marsh.

READING OF JOURNAL.

During the reading of the Journal, on motion of Mr. Transue, its further reading was dispensed with.

APPROVAL OF JOURNALS.

On motion of Mr. Transue, the Journals of Thursday, January 14, and Friday, January 15, 1909, as corrected by the Minute Clerk, were approved.

LEAVES OF ABSENCE.

On motion, leaves of absence for the day were granted to Messrs. Wyatt, Silver, Gerdes, Collum, Beatty, Hans, and Polsley.

PETITIONS.

The following petitions were presented:

By Mr. Leeds and Mr. Preston:

Petitions in favor of the passage of a Sunday rest law.

Petitions read, and referred to Committee on Public Morals.

By Mr. Hammon:

We, the undersigned electors, earnestly appeal to you, and through you to the Legislature now in session, to pass a free text-book bill, granting free text-books to all the public schools in the State of California.

T. E. BLAND (and others).

Petition read, ordered printed in the Journal, and referred to the Committee on Education.

By Mr. Cogswell:

We, the undersigned voters and residents of Glendora Precinct, Los Angeles County, California, do most earnestly urge upon you to support any reasonable action taken in the present session of the California Legislature, looking to the abolishment of betting on the racing of horses in the State of California. (Names.)

Petition read, ordered printed in the Journal, and referred to Committee on Public Morals.

INTRODUCTION OF BILLS.

The following bills were introduced, and referred as indicated:

By Mr. Griffiths: Assembly Bill No. 563—An Act to amend Section 1793 of the Code of Civil Procedure of the State of California, relating to guardians.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Hinkle: Assembly Bill No. 564—An Act to provide for the issuance and sale of State bonds to create a fund for the construction by the Board of State Harbor Commissioners for the bay of San Diego of a seawall, wharves, piers, state railroad, spurs, betterments and appurtenances in the county of San Diego; to create a sinking fund for the payment of said bonds; to define the duties of State officers in relation thereto; to make an appropriation of one thousand dollars for the expense of printing said bonds, and to provide for the submission of this Act to a vote of the people.

Bill read first time, and referred to Committee on Commerce and Navigation.

Also: Assembly Bill No. 565—An Act to provide for the construction of a section of a seawall on the bay of San Diego, reclaiming tide lands, and making an appropriation therefor.

Bill read first time, and referred to Committee on Commerce and Navigation.

Also: Assembly Bill No. 566—An Act to amend section three hundred eight of the Penal Code of the State of California, relating to the sale of cigarettes and tobacco.

Bill read first time, and referred to Committee on Public Morals.

Also: Assembly Bill No. 567—An Act to amend Section 1665 of the Political Code, relative to the course of study in the public schools of the State of California.

Bill read first time, and referred to Committee on Education.

By Mr. Dean: Assembly Bill No. 568—An Act appropriating money for a state highway from Alturas to New Pine Creek.

Bill read first time, and referred to Committee on Roads and Highways.

Also: Assembly Bill No. 569—An Act to amend Section 3335 of the Political Code of the State of California, concerning the formation of fire companies.

Bill read first time, and referred to Committee on Municipal Corporations.

By Mr. Preston: Assembly Bill No. 570—An Act to amend Section 631*b* of the Penal Code, relating to the creation of the game preservation fund, and the disposition to be made thereof.

Bill read first time, and referred to Committee on Fish and Game.

Also: Assembly Bill No. 571—An Act to amend section six hundred and thirty-two of the Penal Code, relating to the closed season for certain fish.

Bill read first time, and referred to Committee on Fish and Game.

By Mr. Feeley (by request): Assembly Bill No. 572—An Act to amend Section 4041 of the Political Code, relating to the general, permanent powers of boards of supervisors.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Johnston of Contra Costa: Assembly Bill No. 573—An Act to amend Section 161*a* of the Penal Code of the State of California, relating to falsely advertising as an attorney.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Young: Assembly Bill No. 574—An Act to amend Sections 10 and 14 of "An Act creating a State commission on voting or balloting machines, defining their powers, and providing for the use at the option of indicated local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result at such elections; and providing for the punishment of all violations of the provisions of this Act," approved March 20, 1903.

Bill read first time, and referred to Committee on Election Laws.

By Mr. McManus: Assembly Bill No. 575—An Act providing for the labeling or stamping by the manufacturer, vendor, or person, offering for sale any article of hotel, boarding or lodging house, or domestic or office furniture, the cushions whereof are stuffed in whole or in part with materials made of secondhand or cast-off clothing, rags, or cast-off, or secondhand material of any character, so that the label or stamp shall show the character of the materials with which such articles are so partly made or stuffed, and making the violating of any of the provisions of this Act a misdemeanor.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Mr Beardslee: Assembly Bill No. 576—An Act to amend Section 1312 of the Code of Civil Procedure, relating to contesting the probate of wills.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Otis: Assembly Bill No. 577—An Act to amend Section 135 of the Civil Code, relating to interlocutory divorce judgments.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 578—An Act adding a new section to the Code of Civil Procedure, to be known as Section 1203½, relative to teamsters' lien on building and property.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 579—An Act amending Section 1856 of the Civil Code, relative to lien of depositary for hire on property.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 580—An Act to amend Section 2144 of the Civil Code, relative to carriers' lien on property.

Bill read first time, and referred to Committee on Judiciary.

By Mr. O'Neill: Assembly Bill No. 581—An Act to regulate the work and hours of employees engaged in the occupation of cooks, waiters and waitresses in public eating houses, and providing for a penalty for the violation thereof.

Bill read first time, and referred to Committee on Labor and Capital.

By Mr. Callan: Assembly Bill No. 582—An Act to prohibit corrupt lobbying and corrupt practices concerning or in opposition or support of the enactment of laws or the allowance of claims against the State, and to provide penalties for the violation of any of the provisions of this Act.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Flavelle: Assembly Bill No. 583—An Act to amend sections one, two and three of an Act entitled "An Act to provide for the formation, organization, and classification of new counties, for locating county seats, for the election and appointment of officers, and for the fulfillment and the adjustment of the rights and obligations arising between such new counties and other counties," approved March 15, 1907.

Bill read first time, and referred to Committee on Counties and County Boundaries.

By Mr. Leeds: Assembly Bill No. 584—An Act to amend Section 1425 of the Penal Code of the State of California, relating to the jurisdiction of Justice's Courts.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Greer: Assembly Bill No. 585—An Act to amend Section 4234 of the Political Code, relating to salaries and fees of officers of counties of the fifth class.

Bill read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 586—An Act to regulate the organization of fraternal insurance associations.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

By Mr. Johnson of Sacramento: Assembly Bill No. 587—An Act to amend Section 182 of the Penal Code of the State of California, relating to criminal conspiracy, defining same, and fixing the punishment.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 588—An Act to amend Section 4234 of the Political Code of the State of California, relating to the compensation of officers of counties of the fifth class, and their assistants and deputies.

Bill read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 589—An Act to revise the law relating to the sentence and commitment of persons convicted of crime, and providing for assistant of reform and parole, and to create the necessary officers therefor, defining their powers and duties, and to fix their compensation, and appropriating the money necessary to carry the same into effect, and to repeal all Acts and parts of Acts in conflict therewith.

Bill read first time, and referred to Committee on Public Charities and Corrections.

By Mr. Wyllie: Assembly Bill No. 590—An Act to provide for the establishment and maintenance of a fish hatchery at or near Lemon Cove, in Tulare County, and making an appropriation therefor.

Bill read first time, and referred to Committee on Fish and Game.

Also: Assembly Bill No. 591—An Act to amend Section 4247 of the Political Code of the State of California, relating to the salaries and fees of officers of counties of the eighteenth class.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Fleisher: Assembly Bill No 592—An Act to amend an Act entitled "An Act relating to commitments to the State School of Whittier and to the Preston School of Industry; fixing the authority to examine and commit to such schools with the Superior Judges of the counties, and fixing the responsibilities from which commitments are made to the State for maintenance of the persons committed therefrom;

providing for the manner of payment thereof, and fixing the responsibility of the parties to the counties from which their children are committed," approved March 26, 1895.

Bill read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Also: Assembly Bill No. 593—An Act to add a new section to the Political Code, to be known as section eighteen hundred and thirty-nine *a*, relating to school district tax.

Bill read first time, and referred to Committee on Education.

Also (by request): Assembly Bill No. 594—An Act to provide for the establishment and maintenance of public museums of natural and historical objects within municipalities.

Bill read first time, and referred to Committee on Municipal Corporations.

By Mr. Juilliard: Assembly Bill No. 595—An Act making an appropriation for the purpose of enlarging the power house at the California Home for the Care and Training of Feeble-Minded Children, and for the purchase and installation therein of two steam boilers and necessary tools and machinery.

Bill read first time, and referred to Committee on State Hospitals.

Also: Assembly Bill No. 596—An Act making an appropriation for the erection and construction of a building at the California Home for the Care and Training of Feeble-Minded Children, as an addition to the present kitchen, to be used for the accommodation of a cold storage and ice plant; for the purchase and installation in the said building of a cold storage and ice plant; for repairs to the present kitchen at said home; and for the purchase and installation in said kitchen of necessary kitchen ranges and cooking utensils.

Bill read first time, and referred to Committee on State Hospitals.

By Mr. Wilson: Assembly Bill No. 597—An Act to amend section thirteen hundred and forty nine of the Code of Civil Procedure of the State of California, relating to the person or persons to whom letters testamentary on proved will may be issued.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 598—An Act to amend Section 1365 of the Code of Civil Procedure of the State of California, relating to the order of persons entitled to administer to an estate, and providing that a partner shall not be appointed as administrator.

Bill read first time, and referred to Committee on Judiciary.

RE-REFERENCE OF BILL.

On motion of Mr. Johnson of Sacramento, Assembly Bill No. 24—An Act to amend Section 666 of the Penal Code of the State of California, relating to punishment for second offenses—was recalled from the Committee on Public Charities and Corrections, and referred to Committee on Judiciary.

On motion of Mr. Rech, Assembly Bill No. 49—An Act to add a new section to the Code of Civil Procedure of the State of California, to be numbered sixty-seven *a*, relating to the number of Superior Court Judges and providing for the appointment of three additional Superior Court Judges in and for counties of the second class (Los Angeles County), and providing for their compensation—was recalled from the Committee on Judiciary, and referred to Los Angeles Delegation.

On motion of Mr. Wilson, Assembly Bill No. 202—An Act to provide for temporary floors in buildings more than three stories high in the course of construction, and for the protection of the life and limb of workmen employed in such buildings from falling through joists or girders, and from falling sticks, rivets, etc.—was recalled from Committee on Ways and Means, and referred to Committee on Swamp and Overflowed Lands and Levees and River Improvements and Drainage.

RESOLUTION.

The following resolution was offered:

By Mr. Transue:

Resolved, That the plan suggested and carried out by the Chief Clerk at the last session for mailing Assembly printed matter be adopted, and the Chief Clerk is hereby directed, to carry out said plan of sending out printed matter to ten addresses for each member of the Assembly, and the Controller is hereby directed to draw his warrant in favor of Clio Lloyd, on the contingent fund of the Assembly for $400, said amount being for the payment of postage, expressage, and incidental expenses in mailing such printed matter, and the Treasurer is directed to pay the same; and be it further

Resolved, That the Chief Clerk be empowered to assign the necessary number of employees of the Assembly to perform the duties of the mailing department.

Resolution read.

Mr. Transue moved the adoption of the resolution.

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

AYES—Messrs. Barndollar, Baxter, Beardslee, Black, Bohnett, Butler, Cattell, Coghlan, Cogswell, Collier, Costar, Cronin, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gibbons, Greer, Griffiths, Hammon, Hanlon, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Juilliard, Leeds, Lightner, McClellan, McManus, Moore, Nelson, Odom, O'Neill, Perine, Polsley, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr Speaker—56.

NOES—Messrs. Callan, Irwin, Johnson of Placer, Kehoe, Otis, and Stuckenbruck—6.

By Mr. Callan: Assembly Concurrent Resolution No. 3—Relating to the distribution of printed bills.

Assembly concurrent resolution read, and referred to Committee on Judiciary.

SECOND-READING FILE.

Assembly Bill No. 15—An Act to amend Section 302 of the Civil Code.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 61—An Act to provide four (4) additional Judges of the Superior Court of the City and County of San Francisco, State of California, for the manner of their appointment, and for their compensation.

Bill read second time, and referred to San Francisco Delegation.

Assembly Bill No. 78—An Act to regulate the ownership or possession of land by aliens.

Bill read second time, and ordered to engrossment.

SPECIAL ORDER SET.

On motion of Mr. Drew, the consideration of Assembly Bill No. 78 was made a special order for Wednesday, January 20, 1909, at eleven o'clock A. M.

Assembly Bill No. 123—An Act to amend the Penal Code of California by adding a new section thereto, to be numbered 170*c*, relating to the support of indigent parents.

During second reading of bill, the following amendment was submitted by the committee:

Strike out the words "without lawful excuse," in line 3, printed bill, and insert in lieu thereof the words "having the ability so to do."

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 184—An Act to amend an Act entitled "An Act to provide for the establishment and quieting of title to real property in case of the loss or destruction of public records," approved June 16, 1906.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 168—An Act to repeal Sections 2042 and 2043 of the Political Code of California, relating to the National Guard.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 170—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 652½, and relating to offenses by peace officers, jailers, and sanitary officers.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 1, Section 1, line 4, strike out small letter "g" in the word "governor" and insert in lieu thereof, the capital letter "G."

Amendment adopted.

AMENDMENT No. 2.

On page 1, section 1, line 4, strike out the small letter "f" in the word "fational," and insert in lieu thereof the capital letter "N."

Amendment adopted.

AMENDMENT No. 3.

On page 1, Section 1, line 4, strike out the small letter "g" in the word "guard," and insert in lieu thereof the capital letter "G"

Amendment adopted.

AMENDMENT No. 4.

Add a new section to the bill to read as follows:
SEC. 2 The provisions of this Act shall be in force and effect from and after its passage and approval.

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 64—An Act to amend Section 1425 of the Political Code, relating to the control of the University of California by Regents.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 65—An Act to amend Section 1427 of the Political Code, relating to the appointment of ex officio Regents of the University of California.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 66—An Act to amend Section 353 of the Political Code, relating to ex officio Regents of the University of California.

Bill read second time, and ordered to engrossment.

THIRD READING FILE.

Assembly Joint Resolution No. 1—Authorizing and requesting the Governor to appoint a commission to coöperate with the Federal authorities for the drafting of a law and the formation of a legal plan for the

improvement of the Sacramento River, and the reclamation of adjacent overflowed lands, for irrigation, and the conservation of water.

Assembly joint resolution read, and on motion adopted.

ASSEMBLY JOINT RESOLUTION NO. 1.

Authorizing and requesting the Governor to appoint a commission to cooperate with the Federal authorities for the drafting of a law and the formation of a legal plan for the improvement of the Sacramento River; and the reclamation of adjacent overflowed lands; for irrigation; and the conservation of water.

Resolved by the Senate and Assembly of the State of California, jointly, That the Governor of the State be, and he is hereby, requested and authorized to appoint a commission of three or more persons to act in conjunction with any similar commission or committee that may be appointed by the President of the United States, or by Congress, or either branch thereof, or by any Federal official for the purpose of framing a law and devising a plan for the improvement of the navigation of the Sacramento River, the reclamation of swamp and overflowed lands in the Sacramento Valley, the irrigation of arid lands therein, and the conservation of water, with a view of segregating the expense among the Federal Government, the State of California and the landowners, and whereby such work may be concentrated under one management.

Resolved, That upon the passage of this resolution the Clerk of the Assembly be directed to forward a copy thereof to the President of the United States, and to our Senators and Representatives in Congress, asking them to provide for the appointment of a similar commission to act with the committee to be appointed under this resolution by the Governor.

Assembly Joint Resolution No. 1 ordered transmitted to the Senate.

SENATE MESSAGE.

The following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, January 18, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted Assembly Joint Resolution No. 2—Relative to repairs of United States roads in Yosemite Valley.

Also: Concurred in Assembly Concurrent Resolution No. 2—Relative to requesting the admission of the University of California to the list of accepted institutions entitled to the benefit of the Carnegie foundation for the advancement of teaching.

LEWIS A. HILBORN, Secretary.
J. W. KAVANAGH, Assistant Secretary.

Assembly Joint Resolution No. 2 ordered to enrollment.

Assembly Concurrent Resolution No. 2 ordered to enrollment.

MOTION.

Mr. Baxter moved that the Chief Clerk be instructed to telegraph a copy of Assembly Joint Resolution No. 2 to each of the Congressional Representatives from California.

Motion carried.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON LABOR AND CAPITAL.

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1909.

MR. SPEAKER: Your Committee on Labor and Capital, to whom was referred Assembly Bill No 135, an Act to amend an Act entitled, "An Act directing the Commissioner of the Bureau of Labor Statistics to collect certain statistics and present them in biennial reports, and making it the duty of certain officers to furnish such statistics in compliance with the provisions of this Act," approved March 18, 1905—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 140—To amend sections nine and ten of An Act entitled, "An Act to establish and support a Bureau of Labor Statistics," approved March 3, 1883—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it do pass as amended.

NELSON, Chairman.

Assembly Bill No. 135 ordered on file for second reading and referred to Committee on Ways and Means.

Assembly Bill No. 140 ordered on file for second reading.

RESOLUTION (OUT OF ORDER).

The following resolution was offered:

By Mr. Greer:

Resolved, That the privilege of the floor be extended to Hon. E. J. Lynch, ex-member of this House.

Resolution read, and adopted.

CREDENTIAL.

The following credential of newspaper representatives was filed.

SAN FRANCISCO, CALIFORNIA, January 15, 1909.

P. A. STANTON, *Speaker of Assembly, Thirty-eighth Session, Sacramento, Cal.*

DEAR SIR: Mr Joseph G Mansfield is the duly accredited and authorized representative of The Globe, and as such is entitled to any courtesies you may be able to extend Thanking you in advance for such courtesies and assuring you of our personal regard, we are,

Yours very truly,

SAN FRANCISCO GLOBE,
J. M. CREMIN, Business Manager.

ADJOURNMENT.

At two o'clock and fifty minutes P. M., on motion of Mr. Transue, the Assembly was declared adjourned until eleven o'clock A. M. of Tuesday, January 19, 1909.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL.,
TUESDAY, January 19, 1909.

At eleven o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. P. A. Stanton, Speaker of the Assembly, in the chair

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

Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Coghlan, Collier, Collum, Costar, Cronin, Cullen, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Haves, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard Kehoe, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—75.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Seren N. Marsh.

READING OF JOURNAL.

During the reading of the Journal, on motion of Mr. Behan, its further reading was dispensed with.

LEAVES OF ABSENCE.

On motion, leave of absence for the day was granted to Messrs. Wyatt and Wheelan.

PETITIONS.

The following petitions were presented, and ordered printed in the Journal, and referred to Committee on Public Morals.

By Mr. Callan:

SAN FRANCISCO, January 9, 1909.

To the Assembly State of California.

HONORABLE SIRS: We, the undersigned firms and business men of the City and County of San Francisco, do hereby petition you to pass the Walker-Otis Anti-Race-track Gambling Bill.

The gambling feature of racing has grown into a gigantic evil, men and women afflicted by it become uncertain and untrustworthy in the course of business relations with their fellows.

A large percentage of the crimes committed, especially those involving the embezzlement of money, can be laid at the door of this form of gambling.

On its economic side, it is also harmful, hundreds of thousands of dollars goes to the support of parasites that would otherwise find its way into legitimate business channels.

Any institution which destroys the efficiency of thousands of men as useful citizens of the community and makes them substitute hazard and chance for honest efforts, has no right to exist. Racetrack gambling is responsible for this condition, and your honorable body should take the proper means to wipe it out.

(Signed:) IRWIN D. KUH, and others.

By Mr. Young:

A petition on Sunday rest law, signed by citizens of Berkeley.

By Mr. Melrose:

SANTA ANA, CAL., December 14, 1908.

To Honorable RICHARD MELROSE, *Assemblyman,*
Orange County, Anaheim, California

DEAR SIR: At a called meeting of the Orange County Medical Association held at the Carnegie Library in Santa Ana, December 8th, the matter of legislation to regulate the practice of medicine in this State, by the incoming Legislature, was fully discussed by all present.

After careful deliberation it was unanimously decided that the attitude of the society is in favor of non-interference with the existing laws as now in force.

The bill passed by the last Legislature was the result of careful consideration for the rights and privileges of the various medical schools, whose representatives are practicing in California, and was designed to elevate the standard of medical education, and secure competent and well-qualified practitioners of all schools to carry on the great work of the prevention and cure of disease in our State.

The eclectic, the homeopathic, the osteopathic, and the regular schools are all fully acknowledged and protected by this law, each school having its proportionate representation in the State Board of Medical Examiners, no one having a majority. All physicians desiring to engage in practice are required to pass the same examinations and show equal efficiency without regard to school or system.

Besides this, as showing the comprehensive nature of the law, the Act is so worded that no physician, even though not a member of either of the above designated schools, is barred thereby from the privileges of an examination (Sec. 6) or prevented from practicing any system, method, or mode whatever, if found competent.

We, therefore, members of the Orange County Medical Association, most respectfully solicit your cooperation and assistance in your legislative capacity for the main-

tenance of the highest standard of medical education possible, and in preventing any change of our present law.

Furthermore, we, as practitioners of the various other schools in practice in Orange County, endorse the above action of the Orange County Medical Society.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON PUBLIC MORALS.

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1909

MR. SPEAKER: Your Committee on Public Morals, to whom was referred Assembly Bill No 63—An Act to add a new section to the Penal Code to be known as Section three hundred and thirty-seven *a* thereof, and relating to gambling by poolselling, bookmaking, bets and wagers, and providing the punishment for the violation thereof—have had the same under consideration, and respectfully report the same back, and recommended that it do pass

GRIFFITHS, Chairman

MOTION.

Mr. Mott moved that Assembly Bill No. 63 be re-referred to the Committee on Public Morals.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Baxter, Beardslee, Beban, Black, Coghlan, Collum, Cullen Greer, Hopkins, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Macauley, McManus, Moore, Mott, Nelson, Odom, O'Neill, Pugh, Schmitt, Wagner, and Webber—23.

NOES—Messrs. Barndollar, Beatty, Bohnett, Butler, Callan, Cattell, Collier, Costar, Cronin, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Maher, McClellan, Melrose, Mendenhall, Otis, Perine, Polsley, Preston, Pulcifer, Rech, Rutherford, Sackett, Silver, Stuckenbruck, Telfer, Transue, Whitney, Wilson, Wyllie, Young, and Mr Speaker—53.

EXPLANATION OF VOTE OF MR. MOTT.

MR. SPEAKER I voted "Aye" because, as a member of the Committee on Public Morals, I believe that a fair hearing has not been given both sides on the matter in issue. In fact, no hearing of any kind having been given to either side

QUESTION OF PERSONAL PRIVILEGE.

Messrs. Johnson of Sacramento, Griffiths, Mott, Beardslee, Greer, Young, and Nelson arose to questions of personal privilege, and explained their votes on the motion.

NOTICE OF MOTION TO RECONSIDER.

Mr. Gibbons gave notice that on the next legislative day he would move a reconsideration of the vote whereby the above motion was this day lost.

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1909

MR SPEAKER Your Committee on Judiciary, to whom was referred Assembly Bill No. 159—An Act to amend Section 1380, Code of Civil Procedure—report the same back with eleven amendments, and recommend its passage as amended

Also: Assembly Bill No. 160—An Act to amend Section 1761, Code of Civil Procedure—with one amendment, and recommend its passage as amended

Also: Assembly Bill No 219—An Act to amend Section 739 of the Political Code of the State of California, relating to the compensation of certain officers of the Supreme Court of the State of California—with one amendment, and recommend its passage as amended.

Also: Assembly Bill No. 273—An Act to amend Section 692 of the Code of Civil Procedure, relating to the notice of sale of property on execution—with two amendments, and recommend its passage as amended.

Also: Assembly Bill No 19—An Act to add a new section to the Code of Civil Procedure, relating to juries, to be known and numbered as section six hundred and five—and recommend its passage

Also: Assembly Bill No. 42—An Act to amend Section 758 of the Political Code, relating to the employment and compensation of the officers of the District Courts of Appeal—and recommend its passage

Also: Assembly Bill No 155—An Act to validate the organization and incorporation of municipal corporations—and recommend its passage.

Also: Assembly Bill No. 295—An Act to add a new section to the Political Code, to be numbered 4250*a*, relating to and fixing the compensation of grand and trial jurors in the Superior Courts in counties of the twenty-first class—and recommend its passage.

JOHNSON OF SACRAMENTO, Chairman.

ON SWAMP AND OVERFLOWED LANDS AND LEVEES AND RIVER IMPROVEMENTS AND DRAINAGE.

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1909

MR. SPEAKER Your Committee on Swamp and Overflowed Lands and Levees and River Improvements and Drainage, to whom was referred Assembly Bill No. 232—An Act to amend Section 3457 of the Political Code, relating to reclamation districts, the warrants thereof, the payment of assessments with warrants, extension of warrants and the commencement of actions thereon—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No 377—An Act to provide for the accomplishment of the work of the direct improvement of the navigation of the Sacramento, San Joaquin and Feather rivers of the State of California, as recommended in the special report of the California Débris Commission, dated June 30, 1907, and made jointly by Brigadier General A. Mackenzie, Chief of Engineers, C H McKinstry, Major, Corps of Engineers, and Thomas H Jackson, Captain, Corps of Engineers, of the United States Army, and printed with the annual report of the Chief of Engineers of the United States Army for the fiscal year ending June 30, 1907, and making an appropriation for such work—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and that it be referred to the Committee on Ways and Means

HEWITT, Chairman.

FISH AND GAME.

MR SPEAKER: Your Committee on Fish and Game, to whom was referred Assembly Bill No 70—An Act authorizing the Boards of Supervisors of the several counties of this State to declare unnavigable streams highways for the purpose of fishing, and providing for the use of the same—have had the same under consideration, and respectfully report the same back and recommend that it do pass, and that the bill be re-referred to the Judiciary Committee.

COSTAR, Chairman.

The above reported bills ordered on file for second reading
Assembly Bill No. 377 re-referred to Committee on Ways and Means.
Assembly Bill No. 70 re-referred to Committee on Judiciary.

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1909.

MR SPEAKER Your Committee on Ways and Means, to whom was referred Senate Bill No 6—An Act transferring money from the general fund to the state printing fund to defray the expenses of legislative printing for the thirty-eighth session of the Legislature and directing the State Controller and State Treasurer to make such transfer—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

BEARDSLEE, Chairman.

CASE OF URGENCY.

The following resolution was offered:
By Mr Beardslee:

Resolved, That Senate Bill No 6 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the first, second, and third times, and placed upon its passage

Resolution read.

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

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Costar, Cronin, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hinkle, Holmquist, Hopkins, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Telfer, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr Speaker—73.

NOES—None

SECOND READING OF BILL.

Mr. Beardslee moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Senate Bill No. 6 considered.

Mr Beardslee moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 6—An Act transferring money from the general fund to the state printing fund, to defray the expenses of legislative printing for the thirty-eighth session of the Legislature, and directing the State Controller and State Treasurer to make such transfer—and do now report the same back, and recommend that it do pass.

STANTON, Chairman.

Bill read second time.

Bill read third time

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 6 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Dean, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Preston, Pugh, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr Speaker—73

NOES—None.

Title read and approved

Bill ordered transmitted to the Senate.

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1909.

MR SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Assembly Bill No. 64—An Act to amend section fourteen hundred and twenty-five of the Political Code, relating to the control of the University of California by Regents

Also Assembly Bill No 65—An Act to amend section fourteen hundred and twenty-seven of the Political Code, relating to the appointment of ex officio Regents of the University of California

YOUNG, Chairman.

The above reported bills ordered on file for third reading.

INTRODUCTION OF BILLS.

The following bills were introduced and referred as indicated:

By Mr Coghlan: Assembly Bill No. 599—An Act to amend Section 870 of the Penal Code, relating to the keeping and furnishing of deposition on examinations in criminal charges.

Bill read first time, and referred to Committee on Judiciary.

By Mr Beban: Assembly Bill No 600—An Act to amend Section 739 of the Political Code, relating to the salaries of officers connected with the Supreme Court

Bill read first time, and referred to Committee on Judiciary.

By Mr. Coghlan: Assembly Bill No. 601—An Act appropriating a thousand dollars to promote moral education.

Bill read first time, and referred to Committee on Education

By Mr. Hans: Assembly Bill No. 602—An Act to amend an Act entitled "An Act to provide for the formation, government, operation and dissolution of sanitary districts in any part of the State, for the construction of sewers, and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts: the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of the validity, and making provisions for the payment of such bonds and the disposal of their proceeds," approved March 31, 1901.

Bill read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 603—An Act to amend the Penal Code of California by adding thereto a new section to be numbered 181*a*, relating to the falsification of books and accounts.

Bill read first time, and referred to Committee on Judiciary

By Mr. Sackett: Assembly Bill No. 604—An Act to amend Section 1492 of the Political Code of the State of California, relating to the duties of the joint board of State Normal School Trustees

Bill read first time, and referred to Committee on Education.

Also: Assembly Bill No. 605—An Act to make premiums on bonds of public officers payable out of public funds in certain cases.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No 606—An Act to secure the safety of the public at bathing places upon the seacoast and lakes.

Bill read first time, and referred to Committee on Judiciary.

By Mr. McManus: Assembly Bill No. 607—An Act to amend Section 3075 of the Political Code of the State of California, relating to the office of the State Registrar of the Bureau of Vital Statistics, and the State Board of Health, and providing for deputies, clerks and assistants, and their compensation.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also: Assembly Bill No. 608—An Act appropriating money to pay the claim of Leroy A. Wright against the State of California.

Bill read first time, and referred to Committee on Ways and Means

Also: Assembly Bill No 609—An Act to amend Section 636 of the Penal Code of the State of California, relating to the protection and preservation of fish.

Bill read first time, and referred to Committee on Fish and Game.

By Mr. Hawk: Assembly Bill No. 610—An Act authorizing and directing the Board of State Capitol Commissioners to erect a monument in Capitol Park, in the city of Sacramento, to the valor and patriotism of the volunteer Union soldiers and sailors who enlisted from the State of California during the civil war from 1861 to 1865, and making an appropriation therefor.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Nelson: Assembly Bill No. 611—An Act making an appropriation to pay the deficiency in the appropriation for the contingent expenses of the Bureau of Labor Statistics for the sixtieth fiscal year.

Bill read first time, and referred to Committee on Ways and Means

By Mr. Johnson of Sacramento: Assembly Bill No 612—An Act authorizing and directing the directors of the State Agricultural Society to make arrangements by day's work or by contract, for leveling and planting the grounds, and painting and repairing the buildings, of the State Agricultural Society at the State Agricultural Park, near the city of Sacramento, State of California, and making an appropriation therefor.

Bill read first time, and referred to Committee on Ways and Means

Also: Assembly Bill No. 613—An Act making an appropriation for the completion of two buildings on the grounds of the State Agricultural Society, near the city of Sacramento, State of California, known as Agricultural Pavilion and Manufacturers' Pavilion.

Bill read first time, and referred to Committee on Ways and Means

Also: Assembly Bill No. 614—An Act authorizing and directing the directors of the State Agricultural Society to have wells bored on the grounds of the State Agricultural Society, near the city of Sacramento, State of California; to install suitable pumping machinery, and erect tanks for pressure for irrigation and fire protection purposes, and to furnish and equip a complete pumping plant for the use of said State Agricultural Society, and making an appropriation therefor.

Bill read first time, and referred to Committee on Ways and Means

Also: Assembly Bill No. 615—An Act authorizing and directing the directors of the State Agricultural Society to erect a new building at the State Agricultural Park, near the city of Sacramento, State of California, to be known and designated Machinery Hall; fixing the requirements thereof, and making an appropriation therefor.

Bill read first time, and referred to Committee on Ways and Means

By Mr. Hopkins: Assembly Bill No 616—An Act relating to the liabilities of employers in and around underground mines, smelter works, concentrators, coal washers, factories, work shops, and mills.

Bill read first time, and referred to Committee on Mines and Mining Interests.

By Mr. Baxter: Assembly Bill No 617—An Act to amend Section

1207 of the Political Code of the State of California, relating to spoiled or unused ballots.

Bill read first time, and referred to Committee on Election Laws.

By Mr. Rutherford: Assembly Bill No. 618—An Act to amend Sections 3921 and 3923 of the Political Code, relating to and defining the boundaries of Sierra and Nevada counties.

Bill read first time, and referred to Committee on County and County Boundaries.

By Mr. Young: Assembly Constitutional Amendment No. 15—To propose to the people an amendment of section three of Article IX of the Constitution, relating to the selection of superintendents of schools in cities and counties.

Read first time, and referred to Committee on Constitutional Amendments

By Mr. McClellan: Assembly Bill No 619—An Act to amend Section 4240 of the Political Code, relating to the salaries, fees, and mileage of officers and jurors in counties of the eleventh class.

Bill read first time, and referred to Committee on County and Township Government.

Also: Assembly Bill No. 620—An Act to appropriate money to protect the banks of Eel River from erosion by means of jetty work and riprap along the banks thereof.

Bill read first time, and referred to Committee on Ways and Means

By Mr. Leeds: Assembly Bill No. 621—An Act to amend an Act entitled "An Act to establish a school for the discipline, education, employment, reformation, and protection of juvenile delinquents in the State of California to be known as the 'Whittier State School,' " by amending sections eight, eleven, sixteen, seventeen, eighteen, and twenty thereof.

Bill read first time, and referred to Committee on State Prisons and Reformatory Institutions.

By Mr. Collier: Assembly Bill No. 622—An Act to amend section three thousand eight hundred and ninety-seven of the Political Code, relating to the sale and disposition of lands deeded to the State for delinquent taxes.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Preston: Assembly Bill No. 623—An Act to amend Section 626*i* of the Penal Code, relating to number of deer that may be taken or killed during an open season.

Bill read first time, and referred to Committee on Fish and Game.

By Mr. Bohnett: Assembly Bill No. 624—An Act to amend section one thousand four hundred and sixty-nine of the Code of Civil Procedure of the State of California, relating to the support of families of deceased persons, and the distribution of the estates of deceased persons, where the value of the whole estate does not exceed the sum of fifteen hundred dollars.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 625—An Act to amend Section 1199 of the Political Code of the State of California, relating to printing of ballots.

Bill read first time, and referred to Committee on Election Laws.

By Mr. Hewitt: Assembly Bill No. 626—An Act to provide for the improvement of the cereal crops of California, and appropriate money therefor.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Juilliard: Assembly Bill No 627—An Act to amend Section 3366 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, giving power to legislative bodies to fix a license tax, and upon whom it may be imposed.

Bill read first time, and referred to Committee on Municipal Corporations.

RESOLUTION.

The following resolution was offered:

By Mr. Hanlon:

WHEREAS, There is a wide divergence in the form of bills introduced by members, as to matters which have to do with typographical style; and,

WHEREAS, It is desirable that engrossed bills should be uniform in this particular; now, therefore, be it

Resolved, That the Chief Clerk of this Assembly, in all bills and other printed matter ordered by the body, be directed to follow the usual typographical style at present in vogue in the State Printing Office, covering such items as capital letters, abbreviations, italicized words, hyphenating, and the like, and further, be it

Resolved, That the Engrossment and Enrollment Committee of the Assembly be instructed to interpret Rule 31 of the standing rules of the Assembly in such manner as to recognize as a "true copy of the original" bill engrossments which may deviate from the original in these items of typographical style.

Resolution read, and on motion adopted.

HOUR OF RECESS EXTENDED.

On motion of Mr. Transue, the hour of recess was extended thirty minutes.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1909

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 374—An Act to provide for the payment of expenses incurred in making repairs on and in the Capitol building, and for the furnishing of the legislative chambers and the clerks', officers', and committee rooms therein, and all other necessary expenses incurred in so doing, and to make appropriations for the same—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BEARDSLEE, Chairman

The above reported bill ordered on file for second reading

CASE OF URGENCY.

The following resolution was offered:

By Mr. Beardslee:

Resolved, That Assembly Bill No. 374 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the first, second, and third times, and placed upon its passage.

Resolution read.

The question being upon the adoption of the resolution.

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

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Costar, Cronin, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hanlon,

Hans, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Johnson of Sacramento, Johnson of San Diego, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Preston, Pugh, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—70.

NOES—Mr Polsley—1

Mr. Beardslee moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Assembly Bill No. 374 considered.

Mr. Beardslee moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of the Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1909

GENTLEMEN The Committee of the Whole have had under consideration Assembly Bill No. 374—An Act to provide for the payment of expenses incurred in making repairs on and in the Capitol building, and for the furnishing of the legislative chambers, and the clerks', officers', and committee rooms therein, and all other necessary expenses incurred in so doing, and to make appropriation for the same—and do now report the same back, and recommend that it do pass.

STANTON, Chairman.

Bill read second time.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No 374 passed by the following vote:

AYES—Messrs Barndollar, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collum, Costar, Cronin, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Johnson of Sacramento, Johnson of San Diego, Johnson of Contra Costa, Juilliard, Kehoe, Leeds Lightner, Macauley, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Preston, Pugh, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—70.

NOES—Mr. Irwin—1.

Title read and approved.

Bill ordered transmitted to the Senate.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1909.

MR SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed.

Assembly Bill No. 15—An Act to amend Section 302 of the Civil Code.

Assembly Bill No 66—An Act to amend Section 353 of the Political Code, relating to ex officio Regents of the University of California

Assembly Bill No. 168—An Act to repeal Sections 2042 and 2043 of the Political Code of California, relating to the National Guard

YOUNG, Chairman.

The above reported bills ordered on file for third reading.

SPECIAL FILE—SECOND READING.

Assembly Bill No. 140—An Act to amend sections nine and ten of an Act entitled "An Act to establish and support a Bureau of Labor Statistics," approved March 3, 1883.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out of Section 2, line 11, of printed bill, the word "twenty," and inserting in lieu thereof the following, "fifteen."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out of Section 1 of printed bill, all of lines 10, 11, 12, 13, and 14, and inserting in lieu thereof the following "He shall procure rooms necessary for officers, at a rent not to exceed the sum of one hundred and fifty dollars per month"

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

THIRD-READING FILE.

Assembly Bill No. 15—An Act to amend Section 302 of the Civil Code.

SPECIAL ORDER SET.

On motion of Mr. Drew, the consideration of Assembly Bill No. 15 was made a special order for Wednesday, January 20, 1909, at eleven o'clock A. M.

Assembly Bill No. 168—An Act to repeal Sections 2042 and 2043 of the Political Code of California, relating to the National Guard.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No 168 passed by the following vote:

AYES—Messrs Barndollar, Beardslee, Beatty Black, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Collum, Costar, Cronin, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of San Diego, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Transue, Wagner, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—68.

NOES—Messrs Coghlan, Cullen, Johnson of Sacramento, and Macauley—4

Title read and approved.

Bill ordered transmitted to the Senate.

ADJOURNMENT.

At one o'clock and twenty minutes P. M., on motion of Mr. Johnson of Sacramento, the Assembly was declared adjourned.

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, CAL., Wednesday, January 20, 1909.

At nine o'clock and thirty minutes A. M., pursuant to adjournment, the Assembly was called to order.

Hon. P. A. Stanton, Speaker of the Assembly, in the chair.

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

Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Coghlan, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner Macauley, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—72.

Quorum present.

PRAYER.

Prayer was offered by the Chaplain, Rev. Seren N. Marsh.

READING OF JOURNAL.

During the reading of the Journal, on motion of Mr. Mott, its further reading was dispensed with.

LEAVES OF ABSENCE.

On motion, leave of absence for the day was granted to Messrs. Wyatt, McManus, O'Neill, and Johnson of Placer.

QUESTIONS OF PERSONAL PRIVILEGE.

Mr. Wheelan and Mr. Feeley arose to questions of personal privilege, sent to the desks, and had read the following letters:

SACRAMENTO, CALIFORNIA, January 19, 1909

The Honorable ALBERT P. WHEELAN,

Assembly Chamber, Capitol, Sacramento, Cal.

DEAR SIR: The People's Legislative Bureau, organized chiefly for the collection and dissemination of accurate information regarding legislation, and the attitude of the members of the Legislature thereon, notes that you are recorded as having been absent when the roll was called on the motion to re-refer the Otis Anti-Racetrack Gambling Bill.

As our record is intended to be permanent, and will be placed in the hands of all the newspapers and civic organizations throughout the State, we wish to ask if you have any objection to furnishing us the reason for your absence, so that we may enter it upon our record.

Respectfully yours,

GEO. B. ANDERSON, Secretary.

SACRAMENTO, CALIFORNIA, January 19, 1909.

The Honorable JAS. T. FEELEY,

Assembly Chamber, Capitol, Sacramento, Cal.

DEAR SIR: The People's Legislative Bureau, organized chiefly for the collection and dissemination of accurate information regarding legislation, and the attitude of the members of the Legislature thereon, notes that you are recorded as having been absent when the roll was called on the motion to re-refer the Otis Anti-Racetrack Gambling Bill.

As our record is intended to be permanent, and will be placed in the hands of all the newspapers and civic organizations throughout the State, we wish to ask if you have any objection to furnishing us the reason for your absence, so that we may enter it upon our record

Respectfully yours.

GEO. B. ANDERSON, Secretary.

MOTION.

Mr. Beardslee moved that George B Anderson, the author of the above letters, be denied the privilege of the Assembly Chamber pending the investigation of the matter pertaining to the writing of said letters, and that the matter be referred to the Committee on Rules.

Motion carried.

PETITIONS.

The following petitions were presented, and ordered printed in the Journal:

By Mr Cattell:

To the HON. H. E CATTELL,

Representative of Los Angeles County, State of California.

We, the undersigned electors, earnestly appeal to you and through you to the Legislature now in session to pass a free text-book bill, granting free text books to all the public schools in the State of California.

C. T. CHAFFEE (and others).

Petition referred to Committee on Education

By Mr Collier:

Petition favoring the passage of "Anti-Racetrack" bill.

(Signed) J W ELDER (and others)

Petition referred to Committee on Public Morals.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON BUILDING AND LOAN ASSOCIATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1909.

MR SPEAKER: Your Committee on Building and Loan Associations, to whom was referred Assembly Bill No. 141—An Act to amend section thirty-six hundred and seventeen of the Political Code, relating to the definition of terms and words—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and that it be re-referred to Committee on Revenue and Taxation.

OTIS, Chairman.

SAN FRANCISCO DELEGATION.

ASSEMBLY CHAMBER, SACRAMENTO, January 20, 1909

MR SPEAKER: Your Committee on San Francisco Delegation, to whom was referred Assembly Bill No. 420—An Act to amend section 791 of the Political Code, relating to the number of notaries public—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended

Also: Assembly Bill No. 61—An Act to provide four (4) additional judges of the Superior Court of the City and County of San Francisco State of California, for the manner of their appointment, and for their compensation—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BEBAN, Chairman.

STATE HOSPITALS AND ASYLUMS.

ASSEMBLY CHAMBER, SACRAMENTO, January 20, 1909

MR SPEAKER: Your Committee on State Hospitals and Asylums, to whom was referred Assembly Bill No 96—An Act authorizing and directing the Board of Managers of the Napa State Hospital to remodel and furnish and refurnish the general kitchen at the Napa State Hospital, and making an appropriation therefor

Also: Assembly Bill No 216—An Act to provide for the construction and furnishing of a second story upon that structure at the Southern California State Hospital at Patton

called and known as "The Congregate Dining-Room," and to make appropriation for the same.

Also: Assembly Bill No. 128—An Act authorizing and directing the board of managers of the California Home for the Care and Training of Feeble-Minded Children to enlarge and repair the hospital building at the California Home for the Care and Training of Feeble-Minded Children, and making an appropriation therefor.

Also: Assembly Bill No. 131—An Act authorizing and directing the Board of Managers of the California Home for the Care and Training of Feeble-Minded Children to develop the water supply at the California Home for the Care and Training of Feeble-Minded Children, and making an appropriation therefor.

Also: Assembly Bill No. 93—An Act authorizing and directing the Board of Managers of the Napa State Hospital to complete the receiving and treatment building on the grounds of the Napa State Hospital, and to furnish and equip said building, and making an appropriation therefor.

Also: Assembly Bill No. 132—An Act making an appropriation for the completion of repairs to the Manor house at the California Home for the Care and Training of Feeble-Minded Children.

Also: Assembly Bill No 97—An Act authorizing and directing the Board of Managers of the Napa State Hospital to complete and improve the water distributing system at the Napa State Hospital, including the construction of a cement reservoir for distributing purposes and making an appropriation therefor

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

FLAVELLE, Chairman.

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, January 20, 1909.

MR SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 2—An Act to amend Section 10 of the Code of Civil Procedure of the State of California so as to add another legal holiday to said section, to be known as "Discovery Day"—report the same back with one amendment, and recommend its passage as amended.

Also: Assembly Bill No 3—An Act to amend Section 10 of the Political Code of the State of California so as to add another legal holiday to said section to be known as "Discovery Day"—report the same back with one amendment, and recommend its passage as amended

Also: Assembly Bill No. 4—An Act to amend Section 7 of the Civil Code, relating to holidays—report the same back with three amendments, and recommend its passage as amended.

JOHNSON OF SACRAMENTO, Chairman

ON SWAMP AND OVERFLOWED LANDS AND LEVEES AND RIVER IMPROVEMENTS AND DRAINAGE.

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1909

MR. SPEAKER: Your Committee on Swamp and Overflowed Lands and Levees and River Improvements and Drainage, to whom was referred Assembly Bill No. 73—An Act to amend sections one, three, four, five, six, seven, nine, ten, thirteen, fourteen, and twenty of an Act entitled "An Act to promote drainage," approved March 18, 1885—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

HEWITT, Chairman

ON MEDICAL AND DENTAL LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1909

MR SPEAKER: Your Committee on Medical and Dental Laws, to whom was referred Assembly Bill No 318—An Act to amend section three hundred and seventeen of the Penal Code of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

SILVER, Chairman.

ON MUNICIPAL CORPORATIONS

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1909.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 161—An Act to amend an Act entitled, "An Act to provide for work upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by adding thereto a new section to be known as Section 5½, providing for filing written notices of defects in street proceedings and that certain defects not claimed shall be waived—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

FEELEY, Chairman.

ON LABOR AND CAPITAL.

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1909

MR SPEAKER: Your Committee on Labor and Capital, to whom was referred Assembly Bill No 191—An Act to provide for temporary floors in buildings more than three stories high in the course of construction and for the protection of the life and limb of

workmen employed in such buildings from falling through joists or girders and from falling bricks, rivets, etc—have had the same under consideration, and respectfully report the same back, with amendment, and recommend that it do pass as amended.

Also: Assembly Bill No. 193—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section to said Penal Code, to be known and numbered as section four hundred and two and three quarters, relating to and furnishing or erecting of unsafe or improper scaffolding or mechanical contrivances—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

NELSON, Chairman.

ON IRRIGATION.

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1909

MR. SPEAKER: Your Committee on Irrigation, to whom was referred Assembly Bill No 252—An Act to amend an Act entitled "An Act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness, and the distribution of their property," approved February 10th, by adding thereto a new section, to be numbered 10½—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

WAGNER, Chairman.

ON FISH AND GAME.

ASSEMBLY CHAMBER, SACRAMENTO, January 20, 1909

MR SPEAKER. Your Committee on Fish and Game, to whom was referred Assembly Bill No. 229—An Act to amend Section 637a of the Penal Code of the State of California, relating to the protection and preservation of birds—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

COSTAR, Chairman.

ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, January 20, 1909

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 145—An Act to amend Section 1876 of the Political Code of the State of California, referring to contracts by school trustees

Also: Assembly Bill No. 238—An Act to add a new section to the Political Code to be numbered 1840, relating to the levy and collection of special district school funds.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

SACKETT, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 20, 1909.

MR. SPEAKER Your Committee on Education, to whom was referred Assembly Bill No. 52—An Act to amend Section 649 of the Civil Code of the State of California, relating to the number of trustees of colleges and seminaries of learning

Also. Assembly Bill No 77—An Act establishing a State normal school and agricultural institute at Fresno, county of Fresno, State of California, and making an appropriation for the construction of a building, and the maintenance of said school.

Also: Assembly Bill No 124—An Act to provide for the investment of the moneys in the estates of deceased persons fund and also to provide for payment of interest received into the State school fund

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

SACKETT, Chairman.

ON COUNTY AND TOWNSHIP GOVERNMENT.

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1909

MR SPEAKER: Your Committee on County and Township Government, to whom was referred Assembly bill No. 172—An Act to allow unincorporated towns and villages to establish, equip, and maintain public libraries, to provide for the formation, government and operation of library districts, the acquisition of property thereby, the calling and holding of elections in such districts; the assessment, collection, custody and disbursement of taxes therein; and to create boards of library trustees.

Also. Assembly Bill No 17—An Act to amend Section 4234 of the Political Code of the State of California, relating to the compensation of officers of counties of the fifth class, and their assistants and deputies.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

HANS, Chairman

The above reported bills ordered on file for second reading.

Assembly Bill No. 141 referred to Committee on Revenue and Taxation.

Assembly Bills Nos. 124, 77, 96, 216, 128, 131, 93, 132, and 97 referred to Committee on Ways and Means.

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, January 20, 1909

MR SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Assembly Bill No. 50—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto Title XXI of Part IV of Division First of said Act, relating to and providing for the incorporation, organization, management, and cooperation of agricultural and horticultural non-profit cooperative associations.

Assembly Bill No 78—An Act to regulate the ownership or possession of land by aliens.

Assembly Bill No. 184—An Act to amend an Act entitled "An Act to provide for the establishment and quieting of title to real property in case of the loss or destruction of public records," approved June 16, 1906

Assembly Bill No 123—An Act to amend the Penal Code of California, by adding a new section thereto, to be numbered two hundred and seventy "c," relating to the support of indigent parents

Assembly Bill No. 170—An Act to add a new section to the Penal Code of the State of California, to be numbered section six hundred and fifty-two and one half, and relating to offenses by peace officers, jailers, and sanitary officers.

YOUNG, Chairman.

The above reported bills ordered on file for third reading.

CREDENTIAL.

The following letter was filed as a credential of newspaper representative:

FRESNO, CALIFORNIA, January 2, 1909.

MR GEORGE B ANDERSON, *Sacramento, California.*

DEAR MR ANDERSON: Could you represent the Republican in the Legislature during the session? We shall have a man there for special work, later on, and I may be up occasionally myself, but I want some one who can be there regularly to see that we miss nothing.

Yours very truly,

CHESTER H. ROWELL, Editor.

To the Clerk of the Assembly

I have accepted this assignment.

GEO. B. ANDERSON.

INTRODUCTION OF BILLS.

The following bills were introduced, and referred as indicated:

By Mr. Sackett: Assembly Bill No. 628—An Act to appropriate money for promoting the study of agriculture in elementary and secondary schools.

Bill read first time, and referred to Committees on Agriculture and Ways and Means.

Also: Assembly Bill No. 629—An Act entitled 'An Act to amend Section 1880 of Article XXI of the Political Code, by increasing the purposes for which school bonds may be voted."

Bill read first time, and referred to Committee on Education.

Also: Assembly Bill No 630—An Act entitled "An Act to amend Section 1564 of Article IV of the Political Code, by increasing the allowance of money for conducting separate teachers' institutes."

Bill read first time, and referred to Committee on Education.

Also: Assembly Bill No 631—An Act entitled "An Act to amend Section 1533 of Article II of the Political Code, by providing a superintendents' annual convention"

Bill read first time, and referred to Committee on Education.

Also: Assembly Bill No 632—An Act entitled "An Act to amend Sections 1713 and 1714 of Article XIII of the Political Code in regard to the apportionment of school library funds."

Bill read first time, and referred to Committee on Education.

Also: Assembly Bill No. 633—An Act entitled "An Act to amend Section 1560 of Article IV of the Political Code of California by providing for joint institutes or conventions of teachers."

Bill read first time, and referred to Committee on Education.

By Mr. Dean: Assembly Bill No. 634—An Act to add a new section to the Code of Civil Procedure, to be numbered Section 1964, and relating to disputable presumptions.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Hayes: Assembly Bill No. 635—An Act authorizing and directing the board of managers of the Agnew State Hospital to continue the work of replacing and reconstructing and re-equipping for the accommodation and treating of patients' buildings destroyed April 18, 1906, to appropriate the sum of three hundred seventy-five thousand dollars therefor, to direct the manner of expenditure thereof, to remove restriction upon the per capita cost, and authorizing and directing the State Controller to draw his warrant for the said sum, and the State Treasurer to pay the same.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

By Mr. Hewitt: Assembly Bill No. 636—An Act to amend Section 3671 of the Political Code, relating to taxes.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Mr. Whitney: Assembly Bill No. 637—An Act to form agricultural districts, to provide for the organization of agricultural associations therein, and for the management and control of the same by the State, and repealing all Acts or portions of Acts in conflict herewith.

Bill read first time, and referred to Committee on Agriculture.

By Mr. Whitney: Assembly Bill No. 638—An Act to amend Section 261, of the Penal Code of the State of California, defining the crime of rape.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Pugh: Assembly Bill No. 639—An Act governing and regulating plumbing, providing a State Plumbing Board, local boards of examiners and State Inspector of Plumbing, and defining their duties, and providing for the licensing of plumbers.

Bill read first time, and referred to Committee on Labor and Capital.

By Mr. Collier: Assembly Bill No. 640—An Act to provide for a State highway from Mereno to Beaumont, in Riverside County

Bill read first time, and referred to Committee on Roads and Highways.

By Mr. Wagner: Assembly Bill No. 641—An Act to amend Section 1181 of the Penal Code, with reference to the granting of a new trial.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Johnson of Sacramento: Assembly Bill No. 642—An Act to prevent false and incorrect representations and advertisements concerning articles offered for sale and prescribing a punishment for the violation thereof.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Beardslee: Assembly Joint Resolution No. 3—Relative to tariff hearings before the Ways and Means Committee in Congress.

Read, and referred to Committee on Federal Relations.

By Mr. Preston: Assembly Joint Resolution No. 4—Relative to aliens.

Read, and referred to Committee on Federal Relations.

By Mr. Rutherford: Assembly Concurrent Resolution No. 4—Relative to approving the amendments to the charter of the city of Grass Valley, adopted by the electors of said city at a special election held on the 8th day of October, 1908.

Read, and referred to Committee on Municipal Corporations.

SPECIAL ORDER.

The hour of eleven o'clock A. M. having arrived, the special order heretofore set for this hour was taken up for consideration.

Assembly Bill No. 78—An Act to regulate the ownership or possession of land by aliens.

Mr. Drew moved that the further consideration of bill be made a special order for eleven o'clock A. M. of Wednesday, January 27, 1909.

Roll call was demanded by Messrs. Johnson of Sacramento, Johnston, of Contra Costa, and Butler.

The roll was called, and the motion carried by the following vote:

AYES—Messrs. Barndollar, Beardslee, Bohnett, Callan, Cattell, Cogswell, Collier, Costar, Cronin, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Hanlon, Hawk, Hewitt, Hinkle, Holmquist, Leeds, McClellan, Melrose, Mendenhall, Moore, Otis, Perine, Preston, Pulcifer, Rech, Sackett, Silver, Transue, Wagner, Whitney, Wyllie, Young, and Mr. Speaker—43

NOES—Messrs. Baxter, Beatty, Beban, Black, Butler, Collum, Cullen, Greer, Hans, Hayes, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Juilliard, Kehoe, Lightner, Macauley, Maher, McManus Mott, Nelson, Odom, O'Neill, Polsley, Pugh, Rutherford, Schmitt, Stuckenbruck, Telfer, Webber, Wheelan, and Wilson—34.

SPECIAL ORDER SET.

On motion of Mr. Johnson of Sacramento, the consideration of Assembly Bill No. 15 was made a special order for Wednesday, January 27, 1909, at eleven o'clock A. M.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON FEDERAL RELATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, CAL., January 20, 1909.

MR. SPEAKER: Your Committee on Federal Relations, to whom was referred Assembly Joint Resolution No. 3—Relative to the grape growing interests of California—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

MOTT, Chairman.

On motion, the report and resolution were adopted, and Assembly Joint Resolution No. 3 transmitted to the Senate.

ASSEMBLY JOINT RESOLUTION NO. 3.

WHEREAS, By the repeal of paragraph 265 of the Act of Congress of July 24, 1897, grapes imported to the United States from Spain would be placed upon the free list, and thereby come into direct competition with grapes grown in California, and would thereby work an irreparable injury to the grape growers of the State of California; and

WHEREAS, All tariff hearings before the Ways and Means Committee of Congress have closed; and

WHEREAS, The grape growers of the State of California were not given an opportunity for a full hearing before the said Ways and Means Committee in support of the grape interests of the State of California; and

WHEREAS, The grape-growing interests of the State of California are of such magnitude as to warrant a full hearing before the Ways and Means Committee, in relation to the injuries that would be imposed upon the people of the State of California, if the grapes grown in Spain were placed upon the free list; and

WHEREAS, The best interests of the State of California would be conserved by the retention of the present tariff tax upon the grapes imported to the United States from Spain, now, therefore, be it

Resolved by the Senate and Assembly of the State of California, concurring jointly, That we request, urge, and petition the Senators and the Congressmen of the State of California to use every honorable effort to have the Ways and Means Committee of Congress reopen the tariff revision hearing, in so far as it relates to the said Section 265 of the Act of July 24, 1897, and that the said committee be asked to set a day certain for the presentation to it of facts and arguments by representatives of the grape-growing interests of the State of California; and be it further

Resolved, That a copy of this resolution be immediately telegraphed to both Senators from California, and also to Hon J. C. Needham, with the request that he furnish a copy of such telegram to each of the other Congressmen from the State of California.

RESOLUTION.

The following resolution was offered:

By Mr. Drew:

WHEREAS, His Excellency, Theodore Roosevelt, President of the United States, has requested that all legislation restricting the acquisition of our territory by aliens be suppressed; and

WHEREAS, Our people in the fruit and vegetable growing districts of our State are complaining bitterly of the injury and injustice done to them and these industries by the acquisition of lands adjacent to them by aliens, and particularly by the Japanese, with whom our people are wholly unable to compete, and

WHEREAS, our Governor, Hon. James N. Gillett, deems it advisable that at this time all legislation affecting aliens should be withheld; therefore, be it

Resolved, That a committee of three Assemblymen be appointed by the Speaker of this Assembly to investigate the conditions throughout the State, and ascertain the facts in reference to the alleged injustice arising from the competition of these alien Japanese with our own people, and be it further

Resolved, That for the purpose of this investigation the said committee is hereby empowered to demand and receive such information as it shall require to prepare and report to this body the facts in this matter. Said committee shall be entitled to receive, and there is hereby made payable out of the contingent fund of the Assembly, such sum or sums as may be necessary to defray their expenses incidental to such investigations, and such sums as may be required to pay the clerk or stenographer employed by them under and by virtue of this resolution. The total expense of this committee to be limited to two thousand dollars ($2,000).

Resolution read, and referred to Committee on Rules.

RECONSIDERATION.

In compliance with his notice given on a previous day, Mr. Gibbons moved that the vote whereby Assembly Bill No. 63 was refused reference be reconsidered.

The roll was called, and the same was lost by the following vote:

AYES—Messrs. Baxter, Beardslee, Beban, Black, Coghlan, Collum, Cullen, Feeley, Gibbons, Greer, Hawk, Hopkins, Irwin Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Juilliard, Macauley, McClellan, McManus, Moore, Mott, Nelson, Odom, O'Neill, Pugh Schmitt, Wagner, Webber, and Wheelan—30.

NOES—Barndollar, Beatty, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Costar, Cronin, Dean, Drew, Flavelle, Fleisher, Flint Gerdes, Gillis, Griffiths, Hammon, Hanlon, Hans, Hayes, Hewitt, Hinkle, Holmquist, Kehoe, Leeds, Lightner, Maher, Melrose, Mendenhall, Otis, Perine, Polsley Preston, Pulcifer, Rech, Rutherford, Sackett, Silver, Stuckenbruck, Telfer, Transue, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—48

MOTION.

Mr. Preston moved that the rules be suspended, and that Assembly Joint Resolution No 4 be taken up for consideration.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Baxter, Beatty, Bohnett, Cronin, Flavelle, Fleisher, Gillis, Hayes, Juilliard, Kehoe, Lightner, Maher, Mendenhall, Polsley, Preston, Sackett, Wagner, Webber, and Wyllie—19.

NOES—Messrs Barndollar, Beardslee, Beban, Butler, Callan, Cattell, Coghlan, Collum, Cullen, Flint, Gerdes, Gibbons, Greer, Griffiths, Hammon Hanlon, Hans, Hinkle,

Holmquist, Hopkins, Irwin, Johnson of San Diego, Johnston of Contra Costa, Leeds, Macauley, McManus, Melrose, Moore, Nelson, Odom, Otis, O'Neill, Perine, Pulcifer, Rech, Rutherford, Schmitt, Silver, Stuckenbruck, Transue, Wheelan, Whitney, and Mr. Speaker—43.

THIRD READING FILE.

Assembly Bill No. 50—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto Title XXI, of Part IV, of Division First of said Act, relating to and providing for the incorporation, organization, management, and coöperation of agricultural and horticultural non-profit cooperation associations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 50 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Collum, Cronin, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Rutherford, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—71.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

HOUR OF ADJOURNMENT EXTENDED.

At twelve o'clock and thirty minutes P. M., on motion of Mr. Transue, the hour of adjournment was extended to one o'clock P. M.

Assembly Bill No. 123—An Act to amend the Penal Code of California by adding a new section thereto, to be numbered 170*c*, relating to the support of indigent parents.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 123 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Rutherford, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—73.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 170—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 652½, and relating to offenses by peace officers, jailers, and sanitary officers.

Bill read third time, and on motion referred to Committee on Judiciary.

Assembly Bill No. 64—An Act to amend Section 1425 of the Political Code, relating to the control of the University of California by Regents.

Assembly Bill No. 65—An Act to amend Section 1427 of the Political Code, relating to the appointment of ex officio Regents of the University of California.

Assembly Bill No. 66—An Act to amend Section 353 of the Political Code, relating to ex officio Regents of the University of California.

Assembly Bills Nos. 64, 65, and 66 referred to Committee on Judiciary.

SECOND-READING FILE.

Assembly Bill No. 63—An Act to add a new section to the Penal Code, to be known as Section 337*a* thereof, relating to gambling by poolselling, bookmaking, bets and wagers, and providing the punishment for the violation thereof.

HOUR OF ADJOURNMENT EXTENDED.

At one o'clock P. M. the hour of adjournment was extended to one o'clock and forty-five minutes P. M.

During second reading of bill, the following amendments were submitted:

By Mr. Butler:

Amend Assembly Bill No. 63, by striking out all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. No person or persons shall keep, or in any capacity assist in keeping, any room, shed, tenement, booth, building or place of any kind, or any part thereof, with or without any book, instrument or device whatsoever for the purpose of receiving, recording, or registering bets or wagers, or selling pools upon the result of any trial or contest of skill, speed or power of endurance held, or purporting to be held in this State or elsewhere, of, by, or between men, animals, or machines, or upon any chance, casualty, uncertain or contingent event happening, or purporting to happen in this State or elsewhere, or shall either as owner, agent or employee, receive, record, register, wager or sell any pool, or carry on any bookmaking upon the result of any such trial, contest, or event, or shall receive or contract to receive any money or representative of money or other property, either as agent, carrier, commission broker, servant, or employee, or in any other capacity whatsoever, for the purpose of making, placing, receiving, recording, or registering any bet, wager, pool, or book, upon the result of any such trial, contest, or event, or, being the owner, lessee, or custodian of any room, tenement, tent, booth, building or other place, or any part thereof, shall knowingly permit the same to be used or occupied for any purpose prohibited by this act.

SEC. 2 No person or persons shall make or place any bet or wager upon the result of any such trial, contest, chance, casualty or event, at any room, shed, tenement, booth, building or place of any kind, or any part thereof where bets or wagers are received, recorded or registered, or pools are sold upon the result of any trial or contest of skill, speed, or power of endurance held, or purporting to be held in this State or elsewhere, by, or between men, animals, or machines, or upon any chance, casualty, uncertain, or contingent event, happening or purporting to happen in this State or elsewhere

SEC 3 Any person violating the provisions of this Act shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than two hundred (200) dollars, nor more than one thousand (1,000) dollars, or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment.

SEC. 4 Any person who, upon conviction as aforesaid, shall fail, neglect, or refuse to pay any fine, or part thereof, imposed upon him in accordance with the provisions of this Act, shall be imprisoned in the county jail for a number of days equal to the number of dollars of said fine, or such part thereof which said convicted person fails, neglects, or refuses to pay, *provided, however,* that such imprisonment shall not exceed one year

SEC. 5. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC 6. This Act shall take effect and be in force from and after the date of its passage.

The question being upon the amendment.

Roll call was demanded by Messrs. Johnson of Sacramento, Butler, and Johnston of Contra Costa.

The roll was called, and the amendment lost by the following vote:

AYES—Messrs. Baxter, Beardslee, Beban, Black, Butler, Coghlan, Collum, Feeley, Greer, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Juilliard, Macauley, McManus, Nelson, O'Neill, Pugh, Schmitt, Webber, and Wheelan—23.

NOES—Messrs. Barndollar, Beatty, Bohnett, Callan, Cattell, Cogswell, Collier, Costar, Cronin, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Gillis, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Kehoe, Leeds, Lightner, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Odom, Otis, Perine, Polsley, Preston, Pulcifer, Rech, Rutherford, Silver, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—52.

By Mr. Johnson of Sacramento:

Amend by adding after the word "beasts," in line 13 of the printed bill, the words "or automobiles."

The roll was called, and the amendment lost by the following vote:

AYES—Messrs. Baxter, Beardslee, Beban, Black, Coghlan, Collum, Cullen, Feeley, Greer, Hammon, Hans, Hawk, Hopkins, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Juilliard, Macauley, McClellan, McManus, Moore, Mott, Nelson, Odom, O'Neill, Pugh, Schmitt, Webber, and Wheelan—29.

NOES—Messrs. Barndollar, Beatty, Bohnett Butler, Callan, Cattell, Cogswell, Collier, Costar, Cronin, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hanlon, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Kehoe, Leeds, Lightner, Maher, Melrose Mendenhall, Otis, Perine, Polsley, Preston, Pulcifer, Rech, Rutherford, Silver, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—48.

Bill read second time, and ordered to engrossment.

SPECIAL ORDER SET.

Mr. Otis moved that the consideration of Assembly Bill No. 63 be made a special order for Thursday, January 21, 1909, at eleven o'clock A. M.

Roll call was regularly demanded.

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

AYES—Messrs. Bohnett, Callan, Cattell, Cogswell, Collier, Costar, Cronin, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewett, Hinkle, Holmquist, Kehoe, Leeds, Melrose, Mendenhall, Otis, Polsley, Preston, Pulcifer, Rech, Rutherford, Silver, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—44.

NOES—Messrs Barndollar, Baxter, Beardslee, Beban, Black, Butler Coghlan, Collum, Cullen, Feeley, Greer, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Juilliard, Lightner, Macauley, Maher, McClellan, McManus, Moore, Mott, Nelson, Odom, O'Neill, Perine, Pugh, Schmitt, Webber, and Wheelan—32.

POINT OF ORDER.

Mr. Johnson of Sacramento rose to the following point of order:

That under the rules of the Assembly it required a two-thirds vote to make a bill a special order.

POINT NOT WELL TAKEN.

The Speaker declared the point of order not well taken.

APPEAL FROM DECISION OF THE CHAIR.

Mr. Johnson of Sacramento appealed from the decision of the chair.

CHAIR SUSTAINED.

The question being put: "Shall the decision of the chair be sustained?"

The roll was called, and the decision of the chair sustained by the following vote:

AYES—Messrs Barndollar, Beatty, Beban, Bohnett, Callan, Cattell, Cogswell, Collier, Costar, Cronin, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Kehoe Leeds, Lightner Maher, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Rutherford, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, and Young—55.

NOES—Messrs. Baxter, Beardslee, Black, Butler, Coghlan, Collum, Cullen, Feeley Hammon, Hans, Hopkins, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Macauley, McManus, Mott, and Schmitt—18.

Assembly Bill No. 159—An Act to amend Section 1380, Code of Civil Procedure.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Insert the word "or" between the words "devisee" and "legatee," in line 6 of the printed bill.

Amendment adopted.

AMENDMENT No. 2.

Strike out all of line 7, and the word "allowed," in line 8 of the printed bill.

Amendment adopted.

AMENDMENT No. 3.

Insert the word "or" between the words "devisee" and "legatee," in line 8 of the printed bill.

Amendment adopted.

AMENDMENT No. 4.

Strike out the words "or creditor," in lines 8 and 9 of the printed bill.

Amendment adopted.

AMENDMENT No. 5.

Insert the word "or" between the words "devisee" and "legatee," in line 22 of the printed bill.

Amendment adopted.

AMENDMENT No. 6.

Strike out the words "or creditor" in line 22 of the printed bill.

Amendment adopted.

AMENDMENT No. 7.

Insert the word "or" between the words "devisee" and "legatee," in line 26 of the printed bill.

Amendment adopted.

AMENDMENT No. 8.

Strike out the words "or creditor" in line 26 of the printed bill.

Amendment adopted.

AMENDMENT No. 9.

Insert the word "or" between the words "devisee" and "legatee," in line 31 of the printed bill.

Amendment adopted.

AMENDMENT No. 10.

Strike out the words "or creditor," in line 31 of the printed bill.

Amendment adopted.

AMENDMENT No. 11.

After the word "account," in line 35 of the printed bill, insert "If upon the hearing it shall appear to the satisfaction of the court that the said notice has been regularly given, the court shall so find in its order or judgment, and such judgment shall be final and conclusive upon all persons."

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 160—An Act to amend Section 1761, Code of Civil Procedure.

During second reading of bill, the following amendment was submitted by the committee:

After the word "matter," in line 36 of the printed bill, add "If, upon the hearing it shall appear to the satisfaction of the court that the said notice has been regularly given, the court shall so find in its order or judgment, and such judgment shall be final and conclusive upon all persons."

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 219—An Act to amend Section 739 of the Political Code of the State of California, relating to the compensation of certain officers of the Supreme Court of the State of California.

Amend by inserting after the word "reporters," in line 6 of the printed bill, the words "of the decisions"

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 273—An Act to amend Section 692 of the Code of Civil Procedure, relating to the notice of sale of property on execution.

Bill re-referred to Committee on Judiciary.

Assembly Bill No. 19—An Act to add a new section to the Code of Civil Procedure, relating to juries, to be known and numbered as section six hundred and five.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 42—An Act to amend Section 758 of the Political Code, relating to the employment and compensation of the officers of the District Courts of Appeal.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 155—An Act to validate the organization and incorporation of municipal corporations.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 295—An Act to add a new section to the Political Code, to be numbered 4250*a*, relating to and fixing the compensation of grand and trial jurors in the Superior Courts in counties of the twenty-first class.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 232—An Act to amend Section 3457 of the Political Code, relating to reclamation districts, the warrants thereof, the payment of assessments with warrants, extension of warrants, and the commencement of actions thereon.

Bill read second time, and ordered to engrossment.

ADJOURNMENT.

At one o'clock and forty-five minutes P. M., on motion of Mr. Transue, the Assembly was declared adjourned until ten o'clock A. M., of Thursday, January 21, 1909.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL.
Thursday, January 21, 1909.

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon P. A. Stanton, Speaker of the Assembly, in the chair.

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

Messrs. Barndollar, Baxter, Beardslee, Beatty, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacrament, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Preston, Pugh, Pulcifer Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr Speaker—74

Quorum present.

PRAYER.

Prayer was offered by the Chaplain, Rev. Seren N. Marsh.

READING OF JOURNAL.

During the reading of the Journal, on motion of Mr. Mott, its further reading was dispensed with.

LEAVE OF ABSENCE.

On motion, leave of absence for the day was granted to Mr. Wyatt.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ROADS AND HIGHWAYS.

ASSEMBLY CHAMBER, SACRAMENTO, January 21, 1909.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 144—An Act to provide for a state highway from Saratoga Gap into the California Redwood Park, and to make an appropriation therefor—have had the same under consideration, and respectfully report the same back, with recommendation that it do pass, and also that same be re-referred to Committee on Ways and Means.

GREER, Chairman.

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, January 21, 1909

MR SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 31—An Act to amend Section 2957 of the Civil Code, relating to chattel mortgages, and the circumstances under which the same are void as to creditors and subsequent purchasers and incumbrancers.

Also: Assembly Bill No 33—An Act to amend Section 2965 of the Civil Code, relating to the effect of mortgages upon personal property removed from the county where situated when mortgaged

Also: Assembly Bill No 34—An Act to amend Section 2955 of the Civil Code, relating to what kinds of personal property may be mortgaged.

Also: Assembly Bill No. 186—An Act to provide two additional Judges of the Superior Court of the county of Alameda

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also, Assembly Bill No 146—An Act to amend Section 18 of an Act entitled "An Act to provide for the establishment and quieting of title to real property in

case of the loss or destruction of public records," approved June 16, 1906, by extending the time to commence actions thereunder until July 1, 1912—report the same back with two amendments, and recommend that it do pass as amended.

Also; Assembly Bill No 152—An Act to amend an Act entitled "An Act authorizing the Judges of the Superior Court in all counties and cities and counties having a population of two hundred thousand inhabitants and over, to appoint a secretary," approved March 26, 1895—report the same back with one amendment, and recommend its passage as amended.

Also: Assembly Bill No. 111—An Act to amend an Act entitled "An Act to amend an Act entitled an Act to establish a Code of Civil Procedure, approved March 11, 1872, by adding a new section thereto to be numbered 274*a*, providing for the taking down and transcribing of instructions to jurors by Judges of the Superior Court and for opinions rendered in the Superior Court," and to provide for the taking down and transcribing of findings and judgments and official correspondence—report the same back with one amendment, and recommend its passage as amended

Also Assembly Bill No. 293—An Act to amend Section 737 of the Political Code, relating to the salaries of Judges of the Superior Court—report the same back with two amendments, and recommend its passage as amended

JOHNSON OF SACRAMENTO, Chairman.

ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, January 21, 1909.

MR SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 32—An Act to confer power upon municipalities to protect the health, morals and peace of their inhabitants by restricting undesirable, improper and unhealthy persons and persons whose practices are dangerous to public morals and health and peace to certain prescribed limits, and prescribing a punishment for a violation of this Act—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

FEELEY, Chairman.

ON AGRICULTURE

ASSEMBLY CHAMBER, SACRAMENTO, January 21, 1909.

MR SPEAKER: Your Committee on Agriculture, to whom was referred Assembly Bill No 51—An Act authorizing the regents of the University of California to hold farmers' institutes, and making appropriation therefor.

Also: Assembly Bill No. 299—An Act to provide for the investigation of agricultural problems and conditions in Imperial County, and making an appropriation therefor

Also: Assembly Bill No. 373—An Act to add two new sections to the Political Code, relating to the protection of farm names

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass, and that Assembly Bill No. 51 and Assembly Bill No. 299 be referred to Committee on Ways and Means.

COGSWELL, Chairman.

ON MINES AND MINING.

ASSEMBLY CHAMBER, SACRAMENTO, January 21, 1909.

MR SPEAKER: Your Committee on Mines and Mining Interests, to whom was referred Assembly Bill No. 445—An Act to regulate the hours of labor in mines—have had the same under consideration, and respectfully report the same back with one amendment, and recommend that it do pass as amended.

RUTHERFORD, Chairman.

The above reported bills ordered on file for second reading

Assembly Bills Nos. 144, 51, and 299 re-referred to Committee on Ways and Means.

ON CONSTITUTIONAL AMENDMENTS.

MR. SPEAKER: Your Committee on Constitutional Amendments, to whom was referred Assembly Constitutional Amendment No 1—A resolution to propose to the people of the State of California an amendment to Section 1, Article 2, of the Constitution in relation to the right of suffrage—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

COGHLAN, Chairman

Assembly Constitutional Amendment No 1 ordered on file for adoption.

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, January 21, 1909.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed

Assembly Bill No. 63—An Act to add a new section to the Penal Code, to be known as section three hundred and thirty-seven *a* thereof, and relating to gambling by poolselling, bookmaking, bets and wagers, and providing the punishment for the violation thereof.

Assembly Bill No 19—An Act to add a new section to the Code of Civil Procedure, relating to juries, to be known and numbered as section six hundred and five.

Assembly Bill No 42—An Act to amend Section 758 of the Political Code, relating to the employment and compensation of the officers of the District Courts of Appeal.

Assembly Bill No 155—An Act to validate the organization and incorporation of municipal corporations.

Assembly Bill No 295—An Act to add a new section to the Political Code, to be numbered forty-two hundred and fifty *a*, relating to and fixing the compensation of grand and trial jurors in the Superior Courts in counties of the twenty-first class

Assembly Bill No. 232—An Act to amend Section 3457 of the Political Code, relating to reclamation districts, the warrants thereof, the payments of assessments with warrants, extension of warrants, and the commencement of actions thereon.

Assembly Bill No 61—An Act to provide four (4) additional Judges of the Superior Court of the City and County of San Francisco, State of California, for the manner of their appointment, and for their compensation.

YOUNG, Chairman.

The above reported bills ordered on file for third reading.

INTRODUCTION OF BILLS.

The following bills were introduced and referred as indicated:

By Mr. Polsley: Assembly Bill No. 643—An Act to amend Chapter 433 of the Statutes of California in regard to game preserves.

Bill read first time, and referred to Committee on Fish and Game.

Also: Assembly Bill No. 644—An Act to amend Section 631*b* of the Penal Code, relating to the disposition of moneys from fines.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Whitney: Assembly Bill No. 645—An Act appropriating money to be expended by and under the direction of the Department of Engineering, for the purpose of rectifying the channel of Petaluma River, and to dredge the bar formed by said river where it empties into the bay of San Francisco.

Bill read first time, and referred to Committee on Commerce and Navigation.

By Mr. Pulcifer: Assembly Bill No. 646—An Act to amend Section 607*c* of title XII*a*, Part 4 of Division First of the Civil Code, relating to societies for the prevention of cruelty to children and animals.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

By Mr. Dean: Assembly Bill No. 647—An Act to amend Section 4280 of the Political Code, relating to counties of the fifty-first class.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Mott: Assembly Bill No. 648—An Act establishing a legal rate of interest, prohibiting the taking of greater interest and providing that persons paying greater interest may recover same within one year; providing when district attorney may recover excess; declaring contracts for greater sums void; compelling offenders to answer bills of discovery; exonerating from further penalty after discovery and return of excess; exempting parties filing bill in chancery after discovery from depositing the principal sum or interest; providing how months and days are to be considered in casting interest, and providing that interest shall be calculated by the year when no time for that purpose is stated.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 649—An Act to prevent usury.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Collier: Assembly Bill No. 650—An Act to amend Section 637*a* of the Penal Code of California, and to add thereto three new sections to be numbered 637*b*, 637*c*, and 637*d*, all relating to protection of wild birds other than game birds and their nests and eggs.

Bill read first time, and referred to Committee on Fish and Game.

By Mr. Leeds: Assembly Bill No 651—An Act to make uniform the law of warehouse receipts.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Drew: Assembly Bill No. 652—An Act to amend sections six and seven of an Act entitled "An Act to provide for the levy and collection of taxes by and for the use of municipal corporations and cities incorporated under the laws of the State of California, except municipal corporations of the first class, and to provide for the consolidation and abolition of certain municipal offices, and to provide that their duties may be performed by certain officers of the county, and fixing the compensation to be allowed for such county officers for the service so rendered to such municipal corporations."

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Assembly Bill No. 653—An Act to amend section four thousand two hundred and ninety of the Political Code, relating to the salaries and fees of county officers.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Wheelan: Assembly Bill No. 654—An Act to amend section eight hundred and seventy of the Penal Code, relating to the keeping and furnishing of depositions on examinations in criminal charges.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Beatty: Assembly Bill No. 655—An Act to amend Section 2524 of the Political Code, relating to the jurisdiction, powers, and duties of the Board of State Harbor Commissioners.

Bill read first time, and referred to Committee on Commerce and Navigation.

Also: Assembly Bill No. 656—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to amend an Act entitled 'An Act to amend section six of an Act entitled 'An Act concerning the water front of the city and county of San Francisco,' approved March 15, 1878, and to confer further powers upon the Board of State Harbor Commissioners,' approved March 17, 1880,' approved March 19, 1889, conferring further powers upon said board,' approved March 26, 1895,' approved March 23, 1901,' approved March 18, 1905."

Bill read first time, and referred to Committee on Commerce and Navigation.

Also: Assembly Bill No. 657—An Act to provide for the transfer from the general fund of the State treasury to the San Francisco Harbor Improvement Fund of the sum of twenty-two thousand nine hundred and thirty-seven dollars and forty-five cents, to reimburse said San Francisco Harbor Improvement Fund for the costs of publishing the "Second San Francisco Seawall Act," and the "India Basin Act," and directing the State Controller and State Treasurer to make such transfer.

Bill read first time, and referred to Committee on Commerce and Navigation.

By Mr. Mendenhall: Assembly Bill No. 658—An Act to amend an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction or completion thereof," approved February 25, 1901.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Assembly Bill No. 659—An Act to amend section eight hundred and sixty-two of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations" approved March 13, 1883.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Assembly Bill No. 660—An Act to validate proceedings for the reorganization of municipal corporations taken since the passage of the Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and also since the passage of the Act entitled "An Act to provide for the classification of municipal corporations," approved March 3, 1883.

Bill read first time, and referred to Committee on Municipal Corporations.

By Mr. Bohnett: Assembly Bill No. 661—An Act to amend Section 717 of the Civil Code of the State of California, relating to the time that agricultural lands may be leased for agricultural or horticultural purposes.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

By Mr. Butler: Assembly Bill No. 662—An Act to amend Section 666 of the Penal Code of the State of California, relating to punishment for second offenses.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 663—An Act to add a new section to the Penal Code of the State of California to be numbered 1192*a*, relating to the ascertainment of facts relating to the records of persons convicted of offenses punishable by imprisonment in the State Prison.

Bill read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Also: Assembly Bill No. 664—An Act to add a new section to the Penal Code of the State of California, to be numbered 667, relating to punishment for second offenses.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 665—An Act to amend Section 22½ of an Act entitled "An Act to provide for the formation, government, operation and dissolution of sanitary districts in any part of the State, for the constructing of sewers and other sanitary purposes, the acquisition of the property thereof; the calling of election in such district; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1891.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Assembly Bill No 666—An Act to add a new section to the Penal Code to be numbered 556, to prevent fraud in the sale of commodities, baled, boxed, crated or otherwise packed for sale and delivery, and providing a punishment therefor.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Wilson: Assembly Bill No. 667—An Act fixing, establishing and defining the exterior boundaries of Reclamation District No. 730, in the county of Yolo, State of California.

Bill read first time, and referred to Committee on Swamp and Overflowed Lands and Levees and River Improvements and Drainage.

Also: Assembly Bill No. 668—An Act legalizing the formation and organization of Reclamation District 730, in the county of Yolo, State of California.

Bill read first time, and referred to Committee on Swamp and Overflowed Lands and Levees and River Improvements and Drainage.

By Mr. Juilliard: Assembly Bill No. 669—An Act to provide for the reappropriation of the unexpended balance of money appropriated by an Act entitled "An Act making an appropriation to pay certain claims against the California Home for the Care and Training of Feeble-Minded Children," approved March 7, 1905.

Bill read first time, and referred to Committee on State Hospitals.

By Mr. Sackett (by request): Assembly Bill No. 670—An Act to amend Section 1617 of Article VII of the Political Code, relating to and defining the powers and duties of trustees of school districts and of boards of education in cities by changing the provisions of certain sections, by adding new sections and by renumbering certain sections.

Bill read first time, and referred to Committee on Education.

Also (by request): Assembly Bill No. 671—An Act to prevent the formation and prohibit the existence of secret oath-bound fraternities in the public schools

Bill read first time, and referred to Committee on Education.

Also (by request): Assembly Bill No. 672—An Act to amend Section 1543 of Article III of the Political Code, by specifying more particularly the powers and duties of county, and city and county superintendents of schools, by giving county superintendents a veto on the employment of teachers, and by giving county superintendents power to appoint census marshals, and by specifying more particularly the duties of county auditors and county treasurers with respect to school warrants and school accounts.

Bill read first time, and referred to Committee on Education

Also: Assembly Bill No. 673—An Act to amend Article XVI of the Political Code, in regard to County Boards of Education.

Bill read first time, and referred to Committee on Education.

RESOLUTIONS

The following resolutions were offered:

By Mr. Pugh:

WHEREAS, A number of bills have been and will be referred to the Committee on Public Buildings and Grounds, calling for appropriation of money and the improvement of the State buildings;

Resolved, That the Committee on Public Buildings and Grounds, consisting of the following members, viz: Messrs. William C. Pugh, Harry Barndollar, Nat C. Coghlan, Samuel Fleisher, E. C. Hinkle, Walter Macauley, Charles A. Nelson, Robert

L. Telfer, W. J. Costar, E. N. Baxter, and Oscar Gibbons, be, and they are hereby, authorized to visit the State Normal School at Chico, the State Normal School at San Diego, State Polytechnic School at San Luis Obispo, Custom House at Monterey, and other State buildings, for the purpose of enabling the committee to act intelligently upon bills that now are or may come before it, and that the members above named are hereby granted leave of absence for said purpose.

Resolution read, and referred to Committee on Rules and Regulations.

By Mr. Preston:

WHEREAS, Each member of this body appears to be a law unto himself; and,

WHEREAS, In order to successfully fight it is necessary to be armed with the sword of the spirit; and

WHEREAS, Roberts' Rules of Order is the law governing this body on a great many questions;

Resolved, That the Chief Clerk of this body be, and he is hereby, authorized to purchase for the use of this body 85 copies of Roberts' Rules of Order for the use of this body, the same to be paid for in the usual manner, and upon the usual proceedings, out of the contingent fund of the Assembly appropriated for such purposes.

Resolution read, and referred to Committee on Contingent Expenses and Accounts.

MOTION.

Mr. Hewitt moved that the Committee on Swamp and Overflowed Lands and Levees and River Improvements and Drainage be allowed an extension of two weeks in which to report back Assembly Bill No. 5, and ten days on Assembly Bill No. 202.

Motion carried.

THIRD-READING FILE.

Assembly Bill No. 184—An Act to amend an Act entitled "An Act to provide for the establishment and quieting of title to real property in case of the loss or destruction of public records," approved June 16, 1906.

During the third reading of the bill Mr. Beatty moved that the Speaker appoint a select committee of one to amend the bill as follows:

Strike out the figures "1911" in line 6 of the printed bill, and insert in lieu thereof the figures "1913."

Motion carried.

The Speaker appointed Mr. Beatty as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No 184, with instructions, do now report that the instructions of the Assembly have been carried out.

BEATTY, Select Committee

Report of select committee and amendment adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

SPECIAL ORDER.

The hour of eleven o'clock A. M. having arrived, the special order heretofore set for this hour was taken up for consideration.

Assembly Bill No. 63—An Act to add a section to the Penal Code, to be known as Section 337*a* thereof, relating to gambling by poolselling,

bookmaking, bets and wagers, and providing the punishment for the violation thereof.

Bill read third time.

PREVIOUS QUESTION.

The previous question was moved by Mr. Beardslee.

Seconded by Messrs. Johnson of San Diego, Johnston, Feeley, and McManus.

Motion carried.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 63 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Costar, Cronin, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Polsley, Preston, Pulcifer, Rech, Rutherford, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr Speaker—67.

NOES—Messrs Beban, Black, Coghlan, Collum, Cullen, Hopkins, Macauley, McManus, O'Neill, and Pugh—10.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Mr. Johnson of Sacramento gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 63 was this day passed.

Assembly Bill No. 19—An Act to add a new section to the Code of Civil Procedure, relating to juries, to be known and numbered as section six hundred and five.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 19 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Beban, Black, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Dean, Feeley, Fleisher, Flint, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Juilliard, Leeds, Lightner, Macauley, Maher, McManus, Melrose, Moore, Mott, Nelson, Odom, O'Neill, Perine, Polsley, Pugh, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Young, and Mr. Speaker—66.

NOES—Messrs Bohnett Drew, Flavelle, Gerdes, Johnson of Placer, Kehoe, Mendenhall, Otis, Preston, Pulcifer, and Wyllie—11

Title read and approved.

Bill ordered transmitted to the Senate.

MINORITY REPORT—(OUT OF ORDER).

The following report of members of the Committee on Constitutional Amendments was received and filed:

ASSEMBLY CHAMBER, SACRAMENTO, January 20, 1909

MR. SPEAKER: The undersigned members, less a majority of your Committee on Constitutional Amendments, to whom was referred Assembly Constitutional Amendment No. 1—Relating to the right of suffrage—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

J. W. PRESTON
E. B. COLLIER.
J. W. McCLELLAN.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

LOS ANGELES DELEGATION

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1909.

MR SPEAKER: Your committee, the Los Angeles Delegation, to whom was referred Assembly Bill No 49—An Act to add a new section to the Code of Civil Procedure of the State of California, to be numbered section sixty-seven *a*, relating to the number of Superior Court Judges and providing for the appointment of three additional Superior Court Judges in and for counties of the second class (Los Angeles County), and providing for their compensation—have had the same under consideration, and respectfully report the same back, with the recommendation that the same do pass.

LEEDS, Chairman.

Assembly Bill No. 49 ordered on file for second reading.

THIRD-READING FILE—(RESUMED).

Assembly Bill No. 42—An Act to amend Section 758 of the Political Code, relating to the employment and compensation of the officers of the district court of appeal.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No 42 was passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beatty, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Costar, Cronin, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Transue, Wagner, Wheelan, Whitney, Wilson, and Young—67.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

At eleven o'clock and ten minutes A. M., Speaker pro tem. Geo. M. Perine in the chair.

Assembly Bill No. 155—An Act to validate the organization and incorporation of municipal corporations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 155 was passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Bohnett, Callan, Cattell, Cogswell, Collier, Collum, Costar, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gillis, Griffiths, Hammon, Hanlon, Hans, Hawk, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Odom, Otis, O'Neill, Perine, Polsley, Preston, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, and Young—59.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 295—An Act to add a new section to the Political Code, to be numbered 4250*a*, relating to and fixing the compensation of grand and trial jurors in the Superior Courts in counties of the twenty-first class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 295 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Collum, Costar, Cronin, Dean, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hewitt, Hinkle, Holmquist, Hopkins, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Preston, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, and Young—63.
NOES—None.

Title read and approved.
Bill ordered transmitted to the Senate.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON CONTINGENT EXPENSES AND ACCOUNTS.

ASSEMBLY CHAMBER, SACRAMENTO, January 21, 1909

MR SPEAKER Your Committee on Contingent Expenses and Accounts, to whom was referred the resolution introduced by Mr. Preston for the purchase of eighty-five copies of Roberts' Rules of Order, have had the same under consideration, and respectfully report the same back, as follows:

That the Clerk of the House be, and is hereby, authorized to purchase for the use of members of the Assembly eighty-five copies of Roberts' Rules of Order

TELFER, Chairman.

On motion of Mr. Telfer, the report and resolution were adopted.

Assembly Bill No. 232—An Act to amend Section 3457 of the Political Code, relating to reclamation districts, the warrants thereof, the payment of assessments with warrants, extension of warrants and the commencement of actions thereon.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 232 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Dean, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, Perine, Polsley, Preston, Pugh; Pulcifer, Rech, Rutherford, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Webber, Whitney, Wilson, Wyllie, and Young—67.
NOES—None.

Title read and approved.
Bill ordered transmitted to the Senate.

Assembly Bill No. 61—An Act to provide four (4) additional Judges of the Superior Court of the City and County of San Francisco, State of California, for the manner of their appointment, and for their compensation.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 61 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Cattell, Coghlan, Collier, Collum, Costar, Cronin, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon,

Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Juilliard, Leeds, Lightner, Macauley, McClellan, McManus, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Sackett, Schmitt, Silver, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, and Young—65.

NOES—Messrs. Callan, Cogswell, Kehoe, Maher, Mendenhall, and Stuckenbruck—6.

Title read, and approved.

Bill ordered transmitted to the Senate

SECOND-READING FILE.

Assembly Bill No. 49—An Act to add a new section to the Code of Civil Procedure of the State of California, to be numbered section sixty-seven *a*, relating to the number of Superior Court Judges and providing for the appointment of three additional Superior Court Judges in and for counties of the second class (Los Angeles County), and providing for their compensation.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 420—An Act to amend Section 791 of the Political Code, relating to the number of notaries public.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out of Section 1, line 7 of printed bill, the word "eighty-five," and inserting in lieu thereof the following: "one hundred."

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 172—An Act to allow unincorporated towns and villages to establish, equip and maintain public libraries; to provide for the formation, government and operation of library districts; the acquisition of property thereby; the calling and holding of elections in such districts; the assessment, collection, custody, and disbursement of taxes therein; and to create boards of library trustees.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 17—An Act to amend Section 4234 of the Political Code of the State of California, relating to the compensation of officers of counties of the fifth class and their assistants and deputies.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 2—An Act to amend Section 10 of the Code of Civil Procedure of the State of California, so as to add another legal holiday to said section, to be known as "Discovery Day."

During second reading of bill, the following amendment was submitted by the committee:

In line 14, first page of printed bill, after the word "holiday," insert the following: "Every Saturday from twelve o'clock noon until twelve o'clock midnight is a holiday as regards the transaction of business in the public offices in this State, and also in political divisions thereof where laws, ordinances, or charters provide that public offices may be closed on holidays; *provided*, this shall not be construed to prevent or invalidate the issuance, filing, service, execution or recording of any legal process or written instrument whatever on such Saturday afternoons."

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 3—An Act to amend Section 10 of the Political Code of the State of California so as to add another legal holiday to said section to be known as "Discovery Day."

During second reading of bill, the following amendment was submitted by the committee:

In line 14, first page of printed bill after the word "holiday," insert the following: "Every Saturday from twelve o'clock noon until twelve o'clock midnight is a holiday as regards the transaction of business in the public offices in this State, and also in political divisions thereof where laws, ordinances, or charters provide that public offices may be closed on holidays; *provided*, this shall not be construed to prevent or invalidate the issuance, filing, service, execution or recording of any legal process or written instrument whatever on such Saturday afternoons."

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 4—An Act to amend Section 7 of the Civil Code, relating to holidays.

AMENDMENT NO. 1.

In line 5, first page of printed bill, after the word "October," strike out the comma, and insert the following: "to be known as 'Discovery Day,'"

Amendment adopted.

AMENDMENT NO 2.

In line 13, first page of printed bill, after the word "holiday," insert the following: "Every Saturday from twelve o'clock noon until twelve o'clock midnight is a holiday as regards the transaction of business in the public offices in this State, and also in political divisions thereof where laws, ordinances, or charters provide that public offices may be closed on holidays; *provided*, this shall not be construed to prevent or invalidate the issuance, filing, service, execution or recording of any legal process or written instrument whatever on such Saturday afternoons"

This act shall be in force from and after its passage.

Amendment adopted.

AMENDMENT NO. 3.

Strike out the words "the first Monday in September," in line 11 of the printed bill.

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 73—An Act to amend sections one, three, four, five, six, seven, nine, ten, thirteen, fourteen, and twenty of an Act entitled "An Act to promote drainage," approved March 18, 1885.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 318—An Act to amend Section 317 of the Penal Code of California.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 161—An Act to amend an Act to provide for work on streets, lanes and alleys.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 191—An Act to provide for temporary floors in buildings more than three stories high in the course of construction, and for the protection of the life and limb of workmen employed in such buildings from falling through joists or girders, and from falling sticks, rivets, etc.

During second reading of bill, the following amendments were submitted by the committee:

On line 2 of title of printed bill strike out of the word "froors" the first letter "r," and insert in lieu thereof the letter "l."

Amendment adopted.

AMENDMENT NO. 2.

Amend by striking out of Section 1, line 4 of printed bill, the word "scaffolding," and inserting in lieu thereof the following: "flooring."

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 193—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section to said Penal Code, to be known and numbered as Section 403¾, relating to the furnishing or erecting of unsafe or improper scaffolding or mechanical contrivances.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 252—An Act to amend an Act entitled "An Act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness, and the distribution of their property," approved February 10, 1903, by adding thereto a new section, to be numbered 10½.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 229—An Act to amend Section 637*a* of the Penal Code of the State of California, relating to the protection and preservation of birds.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 145—An Act to amend Section 1876 of the Political Code of the State of California, referring to contracts by school trustees

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out of Section 1876, line 7 of printed bill, the words "a population of less," after the word "having," and inserting in lieu thereof the word "fewer"

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out of Section 1876, line 12 of printed bill, the word "and," after the word "wood," and inserting in lieu thereof the word "or."

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out of Section 1876, line 12 of printed bill, the words "to be used therein," and inserting in lieu thereof the following a period after the word "supplies"

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 238—An Act to add a new section to the Political Code, to be numbered 1840, relating to the levy and collection of special district school funds.

During second reading of bill, the following amendment was submitted by the committee:

Amend by inserting on line 27 of printed bill, a semicolon after the word "paid," and the following "*provided*, this shall not be construed to repeal Sections 1830 to 1839, inclusive."

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 52—An Act to amend Section 649 of the Civil Code of the State of California, relating to the number of trustees of colleges and seminaries of learning.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 124—An Act to provide for the investment of the moneys in the estate of deceased persons fund, and also to provide for payment of interest received into the state school fund.

Bill read second time, and ordered to engrossment.

SENATE MESSAGE.

The following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, January 21, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted Assembly Joint Resolution No. 3—Relative to the grape growing interests of California.

LEWIS A. HILBORN, Secretary.
By J. W. KAVANAGH, Assistant.

Assembly Joint Resolution No. 3 ordered to enrollment.

INTRODUCTION OF BILLS.

The following bills were introduced and referred as indicated:

By Mr. Otis: Assembly Bill No. 674—An Act making an appropriation of six thousand five hundred and twenty-seven and 12-100 dollars ($6527.12) to repay the Regents of the University of California for moneys appropriated by them to make good losses by fire and disaster, and prescribing the duties of the Controller and Treasurer of State in relation thereto.

Bill read first time, and referred to Committee on Universities.

Also: Assembly Bill No. 675—An Act providing for investigations of plant diseases and pests, and making an appropriation therefor.

Bill read first time, and referred to Committee on Universities.

Also: Assembly Bill No. 676—An Act to provide for the improvement of the cereal crops of California and appropriating money therefor.

Bill read first time, and referred to Committee on Universities.

Also: Assembly Bill No. 677—An Act making an appropriation of eight hundred and six and 23-100 dollars ($806.23) to repay the Regents of the University of California for moneys appropriated by them to complete the light and power plant at the Lick Observatory.

Bill read first time, and referred to Committee on Universities.

Also: Assembly Bill No. 678—An Act making an appropriation of fifteen thousand dollars for viticultural investigation.

Bill read first time, and referred to Committee on Universities.

Also: Assembly Bill No. 679—An Act making an appropriation for the purchase and acquisition of lands for the University of California.

Bill read first time, and referred to Committee on Universities.

Also: Assembly Bill No. 680—An Act to appropriate the sum of one hundred and one thousand three hundred and fourteen dollars ($101,314.00) for the use and benefit of the University of California, and specifying the duties of the Controller and Treasurer of State in relation thereto

Bill read first time, and referred to Committee on Universities.

Also: Assembly Bill No. 681—An Act to appropriate the sum of two hundred thousand dollars ($200,000.00) towards the erection of an agricultural building for the University of California.

Bill read first time, and referred to Committee on Universities.

Also: Assembly Bill No. 682—An Act making an appropriation of nineteen thousand dollars ($19,000.00) for the enlargement of the photographic laboratory and fireproof vault for astronomical photographs and plates at the Lick Observatory, in Santa Clara County, and for the provision of additional equipment for the Lick Observatory and for astronomical photographs.

Bill read first time, and referred to Committee on Universities.

Also: Assembly Bill No. 683—An Act to provide for the permanent support and improvement of the University of California by the levy of a rate of taxation and the creation of a fund therefor.

Bill read first time, and referred to Committee on Universities.

ADJOURNMENT.

At twelve o'clock and twenty-five minutes P. M., on motion of Mr. Transue, the Assembly was declared adjourned until ten o'clock A. M., of Friday, January 22, 1909.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL., Friday, January 22, 1909.

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. P. A. Stanton, Speaker of the Assembly, in the chair.

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

Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Costar, Cronin, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hamnion, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—77.

Quorum present.

PRAYER.

Prayer was offered by the Chaplain, Rev. Seren N. Marsh.

READING OF JOURNAL.

During the reading of the Journal, on motion of Mr. Mott, its further reading was dispensed with.

LEAVES OF ABSENCE.

On motion, leave of absence for the day was granted to Messrs. Wyatt, Wheelan, Collum, and Moore.

PETITIONS.

The following petitions were presented, and ordered printed in the Journal:

By Mr. Leeds:

Petition against any proposed Sunday law or any other form of religious legislation for the State of California. (Names follow.)

By Mr. Barndollar, Mr. Transue, Mr. Callan, Mr. Johnston, and Mr. Odom:

Petition in favor of Sunday rest law.

(Signed:) WILLIAM Y. YOUNG (and others).

By Mr. Whitney:

WHEREAS, The giant redwoods are fast disappearing from the valleys and hillsides of our Golden State; and

WHEREAS, The Armstrong woods of Sonoma County is the only virgin forest remaining of the former vast forests of said county and the Russian River Valley, and believing that said woods should be preserved to the public and for posterity, and

WHEREAS, A bill will be presented at the present session of the Legislature for the purpose of said preservation, be it

Resolved, That we earnestly request His Excellency, James N. Gillett, Governor of California, and the Senate and Assembly now in session, to aid and assist in the passage of such bill, thereby earning the thanks and gratitude of the people for ages to come

Resolved, That a copy of these resolutions be mailed to His Excellency, James N Gillett, Governor of California, and to our Representatives in the Legislature

Passed by the Petaluma Woman's Club at a regular meeting held January 12, 1909.

MRS. FRANK H. ATWATER, Vice-President.
MARY B. FURY, Secretary.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON MUNICIPAL CORPORATIONS

ASSEMBLY CHAMBER, SACRAMENTO, January 21, 1909.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 422—An Act granting to municipal corporations of the State of California, rights of way over public lands of the State for the location, construction and maintenance of water works and power plants; and the right to take material from such lands for the construction of such works, and to take any waters belonging to the State for the purpose of supplying any such municipality and its inhabitants with water

Also: Assembly Bill No 423—An Act to prohibit the sale of intoxicating liquors within a certain distance of any camp or assembly of men, numbering twenty-five or more, engaged upon the construction, repair or operation of any public work, improvement, or utility.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

FEELEY, Chairman

ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1909.

MR SPEAKER: Your Committee on Education to whom was referred Assembly Bill No. 139—An Act to aid the enforcement of an Act entitled "An Act to enforce the educational rights of children," approved March 24, 1903.

Also: Assembly Bill No. 246—An Act to amend Section 1565 of the Political Code, referring to teachers' institute and library funds

Also: Assembly Bill No. 513—An Act to establish a State training high school near or on the grounds of the University of California at Berkeley, in the county of Alameda, and making an appropriation therefor.

Also: Assembly Bill No. 228—An Act to amend Section 1543 of the Political Code, so as to provide for suspended school districts

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended, and that Assembly Bill No. 513 be referred to Committee on Ways and Means.

Also: Assembly Bill No. 196—An Act to provide a county library system

Also: Assembly Bill No. 198—An Act to amend Sections 1715 and 1716 of the Political Code, relating to school libraries.

Also: Assembly Bill No. 316—An Act to repeal an Act entitled "An Act concerning common schools in the city of Placerville," approved April 1, 1864.

Also: Assembly Bill No. 314—An Act to repeal an Act entitled "An Act supplementary to and amendatory of an Act entitled 'An Act concerning common schools in the city of Placerville,' approved April 1, 1864, to provide ways and means for building, furnishing, and repairing schoolhouses in said city, and for other purposes, approved March 16, 1874."

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

SACKETT, Chairman.

ON PUBLIC HEALTH AND QUARANTINE.

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1909.

MR. SPEAKER: Your Committee on Public Health and Quarantine, to whom was referred Assembly Bill No. 607—An Act to amend Section 3075 of the Political Code of the State of California, relating to the office of the State Registrar of the Bureau of Vital Statistics, and the State Board of Health, and providing for deputies, clerks and assistants, and their compensation—have had the same under consideration, and respectfully report the same back, with two amendments, and recommend that it do pass as amended.

Also: Assembly Bill No. 83—An Act to establish and maintain a State hygienic laboratory for bacteriological and chemical analysis, for the use of the State Board of Health; providing for the appointment of a director thereof, and assistants, making an appropriation therefor and prescribing the duties of the State Controller and the State Treasurer in relation thereto, and repealing an Act entitled "An Act to establish and maintain a State hygienic laboratory for bacteriological and chemical analysis for the use of the State Board of Health; providing for the appointment of a director thereof, and assistants; making an appropriation therefor, and prescribing the duties of the State Controller and State Treasurer in relation thereto," approved March 18, 1905—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and be referred to Committee on Ways and Means.

Also: Assembly Bill No 275—An Act to prevent the introduction, and provide for the investigation and suppression of contagious or infectious diseases, and appropriating money to be used for such purpose—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and be referred to Committee on Ways and Means.

Also: Assembly Bill No 82—An Act authorizing and directing the State Board of Health to construct, furnish and equip, on lands of the University of California, at Berkeley, a building to be occupied and used by the State laboratory for the analysis and examination of foods and drugs; appropriating the sum of $10,000 therefor; and authorizing and directing the State Controller to draw his warrant for the said sum, and the State Treasurer to pay the same—have had the same under consideration, and respectfully report the same back, with one amendment, and recommend that it do pass as amended, and be referred to Committee on Ways and Means

BARNDOLLAR, Chairman.

ON PUBLIC PRINTING.

ASSEMBLY CHAMBER, SACRAMENTO, January 21, 1909.

MR. SPEAKER: Your Committee on Public Printing, to whom was referred Assembly Bill No 298—An Act to amend Section 531 of Article XII of the Political Code—have had the same under consideration, and respectfully report the same back with ten amendments, and recommend that it do pass as amended.

HAWK, Chairman.

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1909.

MR SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 8—An Act to amend sections two hundred seventy, two hundred seventy-one and two hundred seventy-one *a* of the Penal Code of the State of California, all relating to crimes against children—report the same back with nine amendments, and recommend that it do pass as amended.

Also: Assembly Bill No. 200—An Act to amend Section 591 of the Penal Code of the State of California—report the same back with one amendment, and recommend that it do pass as amended.

Also: Assembly Bill No 67—An Act authorizing suits against the State concerning real property and regulating the procedure therein—and recommend its passage

Also: Assembly Bill No 11—An Act providing for the registration of the purchasers of guns, pistols and other firearms, and providing for the punishment of dealers neglecting to register such purchasers—and recommend its passage.

Also: Assembly Bill No 383—An Act to amend the Civil Code, by adding thereto a new section to be numbered 2004, relating to assignment of wages of employee and protection of family of employee and his employer from effect of such assignment—and recommend its passage.

JOHNSON OF SACRAMENTO, Chairman.

ON COUNTY AND COUNTY BOUNDARIES.

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1909.

MR. SPEAKER: Your Committee on County and County Boundaries, to whom was referred Assembly Bill No. 247—An Act relating to the adjustment of county boundary lines—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

JOHNSON OF SAN DIEGO, Chairman.

ON STATE HOSPITALS AND ASYLUMS.

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1909.

MR. SPEAKER: Your Committee on State Hospitals and Asylums, to whom was referred Assembly Bill No. 143—An Act authorizing and directing the Board of Managers of the Agnews State Hospital to continue the reconstruction of work at said hospital and making an appropriation therefor—have had same under consideration, and respectfully report the same back, with one amendment, and recommend that same do pass as amended, and request that it be re-referred to the Committee on Ways and Means.

FLAVELLE, Chairman.

ON RULES AND REGULATIONS.

MR. SPEAKER: Your Committee on Rules and Regulations, to whom was referred the resolution introduced by Assemblyman Pugh, chairman of the Committee on Public Buildings and Grounds, relating to leave of absence to said committee to visit public buildings, ask for further time for the consideration of same; and ask that the other committees of the Assembly who desire to inspect the State institutions will hand in their resolutions so that the Committee on Rules and Regulations can act on all the requests at once.

JOHNSTON OF CONTRA COSTA, Chairman.

Mr. Johnson of Sacramento moved that the request be granted.

Motion carried.

Also:

MR. SPEAKER: Your Committee on Rules, having had under consideration the matter submitted to them by the Assembly on Wednesday, January 20, 1909, as follows:

SACRAMENTO, CALIFORNIA, January 19, 1909.

The Honorable ALBERT P. WHEELAN,

Assembly Chamber, Capitol, Sacramento, Cal.

DEAR SIR: The People's Legislative Bureau, organized chiefly for the collection and dissemination of accurate information regarding legislation, and the attitude of the members of the Legislature thereon, notes that you are recorded as having been absent when the roll was called on the motion to re-refer the Otis Anti-Racetrack Gambling Bill.

As our record is intended to be permanent, and will be placed in the hands of all the newspapers and civic organizations throughout the State, we wish to ask if you have any objection to furnishing us the reason for your absence, so that we may enter it upon our record.

Respectfully yours,

GEO. B. ANDERSON, Secretary.

SACRAMENTO, CALIFORNIA, January 19, 1909.

The Honorable JAS. T. FEELEY,

Assembly Chamber, Capitol, Sacramento, Cal.

DEAR SIR: The People's Legislative Bureau, organized chiefly for the collection and dissemination of accurate information regarding legislation, and the attitude of the members of the Legislature thereon, notes that you are recorded as having been absent when the roll was called on the motion to re-refer the Otis Anti-Racetrack Gambling Bill.

As our record is intended to be permanent, and will be placed in the hands of all the newspapers and civic organizations throughout the State, we wish to ask if you have any objection to furnishing us the reason for your absence, so that we may enter it upon our record.

Respectfully yours,

GEO. B. ANDERSON, Secretary

MOTION.

Mr. Beardslee moved that George B Anderson, the author of the above letters, be denied the privilege of the Assembly Chamber pending the investigation of the matter pertaining to the writing of said letters, and that the matter be referred to the Committee on Rules.

Motion carried.

Beg leave to report that the committee met and organized with the selection of Mr. R. A. Sollars as clerk and stenographer, and summoned Mr. Anderson before the committee Mr. Anderson made statements to the committee in certain form and answered certain questions of the committee, but finally, when called upon to answer as to the purposes, objects, and methods of procedure of the People's Legislative Bureau, of which he was really the only member, he declined to answer, and under the advice of his counsel, Hon C E. McLaughlin, declined to answer, and denied the jurisdiction of the Assembly or the committee to investigate the matter

Wherefore, your committee reports the matter back to the Assembly, with the testimony already taken, and asks the further directions of the Assembly.

JOHNSTON OF CONTRA COSTA, Chairman.

RESOLUTION.

The following resolution was received and read:

Resolved, That the report of the Committee on Rules regarding the investigation of the sending of letters by George B. Anderson to Hon. Albert P. Wheelan and Hon James T. Feeley, members of this Assembly, and the action of the People's Legislative Bureau in establishing itself at Sacramento, in and about the business mentioned by said Anderson in his said letters and in his statements to the said Committee on Rules, be and the same are hereby referred to the Judiciary Committee to examine fully and carefully into the facts and the law involved in said matter, with full power to said Judiciary Committee to pursue an investigation of the matter, either by itself or by a sub-committee, and with power to said Judiciary Committee and to said sub-committee, if appointed, to send for persons and papers, subpœna witnesses and compel their attendance, and to prosecute said investigation in the manner deemed best by said Judiciary Committee or said sub-committee, to the end that the fullest explanation may be had of said transactions; and to employ a phonographic reporter in performing the duties made incumbent upon them by this resolution.

JOHNSTON OF CONTRA COSTA, Chairman.

Resolution read.

Mr. Johnston of Contra Costa moved the adoption of the resolution.

TO LAY ON TABLE.

Mr. Polsley moved that the resolution be laid upon the table.

Motion seconded.

Roll call was demanded by Messrs. Drew, Polsley, Callan, and Cronin.

The question being to lay upon the table.

The roll was called, and motion lost by the following vote:

AYES—Messrs. Barndollar, Baxter, Bohnett, Callan, Cattell, Cogswell, Costar, Cronin, Drew, Fleisher Flint, Gerdes, Gillis, Griffiths, Hanlon, Hayes, Kehoe, Mendenhall, Otis, Polsley, Preston, Rech, Sackett, Stuckenbruck, Telfer, Whitney, Wilson, Wylie, and Young—29.

NOES—Messrs Beatty, Beban, Black, Butler, Coghlan, Collier, Cullen, Dean, Feeley, Flavelle, Gibbons, Greer, Hammon, Hars, Hawk, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Mott, Nelson, Odom, O'Neill, Perine, Pugh, Pulcifer, Rutherford, Schmitt, Silver, Transue, Wagner, Webber, and Mr. Speaker—46.

The question being upon the adoption of the resolution.

A viva voce vote was taken, and the resolution adopted.

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, January 21, 1909.

MR SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No 377—An Act to provide for the accomplishment of the work of the direct improvement of the navigation of the Sacramento, San Joaquin, and Feather rivers of the State of California, as recommended in the special report of the California Débris Commission, dated June 30, 1907, and made jointly by Brigadier General, A. Mackenzie, Chief of Engineers, C H. McKinstry, Major, Corps of Engineers, and Thomas H. Jackson, Captain, Corps of Engineers, of the United States Army, and printed with the annual report of the Chief of Engineers of the United States Army, for the fiscal year ending June 30, 1907, and making an appropriation for such work—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BEARDSLEE, Chairman.

ON FISH AND GAME.

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1909.

MR. SPEAKER: Your Committee on Fish and Game, to whom was referred Assembly Bill No 156—An Act to provide for the establishment and maintenance of a fish hatchery at or near Shaver Lake, in the Sierra Nevada Mountains, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and that the same be re-referred to the Committee on Ways and Means.

COSTAR, Chairman.

At eleven o'clock and fifteen minutes A. M., Hon. J. P. Transue in the chair.

ON REVISION AND REFORM OF LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, January 21, 1909.

MR. SPEAKER: Your Committee on Revision and Reform of Laws, to whom was referred Assembly Bill No. 74—An Act to amend section one hundred and thirty-seven of the Civil Code of the State of California, relating to expenses of action for divorce, alimony, and maintenance.

Also: Assembly Bill No. 321—An Act to repeal an Act entitled "An Act making a conspiracy to commit any crime against the person of, or an attempt to kill or commit any assault upon, the President or Vice-President of the United States, or Governor of any State or Territory, any United States Justice or Judge, or the secretary of any executive department of the United States, a felony, and providing a penalty therefor," approved February 28, 1903.

Also Assembly Bill No 322—An Act to amend Section 183 of the Penal Code of the State of California, relating to a conspiracy to commit any crime against the person of the President or Vice-President of the United States, or Governor of any State or Territory, or any United States Justice or Judge, or the secretary of any executive department of the United States, and providing a penalty therefor.

Also: Assembly Bill No. 323—An Act to add a new section to the Penal Code of the State of California, to be known as Section 186, making an attempt to kill or commit any assault upon the President or Vice-President of the United States, the Governor of any State or Territory, or any United States Justice or Judge, or the secretary of any executive department of the United States, a felony, and providing a penalty therefor.

Also: Assembly Bill No 324—An Act to repeal an Act entitled "An Act making the cost of certain bonds of receivers, assignees, trustees, guardians, administrators and executors chargeable to a certain extent against the trust estate," approved March 20, 1905

Also: Assembly Bill No 325—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as Section 1060, relating to bonds of receivers, assignees, trustees, guardians, administrators, and executors, against trust estates

Also: Assembly Bill No 327—An Act to add a new section to the Political Code of the State of California, to be known as Section 2329, relating to forbidding the employment of the inmates of State institutions in the manufacture, or production of articles, for the use of State officers, or the officers and employees of State institutions.

Also: Assembly Bill No. 328—An Act to repeal an Act entitled "An Act to provide for the payment by the State or counties, or cities, or cities and counties, of the premium or charge on official bonds when given by surety companies," approved March 25, 1903.

Also: Assembly Bill No 329—An Act to add a new section to the Political Code of the State of California, to be known as Section 988, relating to the payment of premiums on official bonds.

Also: Assembly Bill No. 330—An Act to add a new section to the Penal Code of the State of California, to be known as Section 79, relating to school officers and teachers acting as agents

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

RECH, Chairman

ON CONSTITUTIONAL AMENDMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1909.

MR SPEAKER: Your Committee on Constitutional Amendments, to whom was referred Assembly Constitutional Amendment No. 2—A resolution proposing an amendment to Article XX of the Constitution, by adding a new section thereto, to be known as Section 21, relating to a day of rest—have had the same under consideration, and respectfully report the same back, and recommend that it be not adopted.

COGHLAN, Chairman.

MINORITY REPORT.

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1909.

MR. SPEAKER: The minority of your Committee on Constitutional Amendments to whom was referred Constitutional Amendment No 2—Amending Article XX of the Constitution by adding a new section thereto, to be known as Section 21, relating to a day of rest—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

JOHNSON OF SACRAMENTO

ON MINES AND MINING

ASSEMBLY CHAMBER, SACRAMENTO, January 21, 1909.

MR. SPEAKER: Your Committee on Mines and Mining Interests, to whom was referred Assembly Bill No 294—An Act for the better protection of persons employed in mines, providing for the appointment of an inspector of mines, and defining his duties and fixing his compensation, (and providing for the payment thereof)—have had the same under consideration, and respectfully report the same back with ten amendments, and recommend that it do pass.

RUTHERFORD, Chairman.

The above reported bills ordered on file for second reading.

Assembly Bills Nos. 513, 143, 83, 275, 82, and 156, referred to Committee on Ways and Means.

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1909

MR SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Assembly Bill No 52—An Act to amend Section 649 of the Civil Code of the State of California, relating to the number of trustees of colleges and seminaries of learning.

Assembly Bill No. 124—An Act to provide for the investment of the moneys in the estates of deceased persons fund and also to provide for payment of interest received into the state school fund.

Assembly Bill No 49—An Act to add a new section to the Code of Civil Procedure of the State of California, to be numbered section sixty-seven *a*, relating to the number of Superior Court Judges and providing for the appointment of three additional Superior Court Judges in and for counties of the second class (Los Angeles County), and providing for their compensation.

Assembly Bill No. 229—An Act to amend Section 637*a* of the Penal Code of the State of California, relating to the protection and preservation of birds.

Assembly Bill No 161—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by adding thereto a new section, to be known as Section 5½, providing for filing written notices of defects in street proceedings and that certain defects not claimed shall be waived.

Assembly Bill No. 318—An Act to amend Section 317 of the Penal Code of California.

YOUNG, Chairman.

The above reported bills ordered on file for third reading.

SPEAKER STANTON IN THE CHAIR.

At eleven o'clock and twenty minutes, Speaker P. A. Stanton in the chair.

NOTICE OF INTENTION TO AMEND.

Mr. Transue gave notice that on the next legislative day he would move to amend the standing rules of the Assembly.

SENATE MESSAGES.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, January 21, 1909

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 46—An Act to amend section three hundred and sixty-four of the Political Code, relating to the Board of Examiners.

Also: Senate Bill No. 316—An Act to amend Sections 10 and 11 of the Code of Civil Procedure of the State of California, relating to holidays.

Also: Senate Bill No 317—An Act to amend Sections 10 and 11 of the Political Code of the State of California, relating to holidays.

Also: Senate Bill No. 318—An Act to amend Section 7 of the Civil Code of the State of California, relating to holidays

Also: Senate Bill No 111—An Act to add a new section to the Code of Civil Procedure, to be numbered 1724, relating to establishing who are the heirs at law or devisees of persons to whom patent for lands has been issued in cases where the person entering such lands dies before the issuance of such patent.

Also: Senate Bill No. 50—An Act to amend section one hundred and three of the Code of Civil Procedure relating to Justice's Courts and Justices of the Peace.

Also: Senate Bill No. 302—An Act making an appropriation to pay the deficiency in the appropriation for salaries of officers and employees of the Preston School of Industry for the sixtieth fiscal year.

Also: Senate Bill No. 303—An Act making an appropriation to pay the deficiency in the appropriation for support of the Preston School of Industry for the sixtieth fiscal year.

Also: Senate Bill No. 304—An Act making an appropriation to pay the deficiency in the appropriation for arresting criminals without the State for the fifty-eighth, fifty-ninth, and sixtieth fiscal years.

Also: Senate Bill No 305—An Act making an appropriation to pay the deficiency in the appropriation for transportation of prisoners and insane and delinquent and feeble-minded children for the fifty-ninth and sixtieth fiscal years.

Also: Senate Bill No. 306—An Act making an appropriation to pay the deficiency in the appropriation for support and expenses of the State Board of Horticulture for the fifty-ninth fiscal year.

Also: Senate Bill No. 307—An Act making an appropriation to pay the deficiency in the appropriation made by Chapter 212, Statutes of 1905, relative to improvements at the State Printing Office

Also: Senate Bill No. 308—An Act making an appropriation to pay the deficiency in the appropriation made by Chapter 8, Statutes of 1905, relative to payment of rental, cost of moving and other necessary expenses incurred by different State officers.

Also. Senate Bill No. 310—An Act making an appropriation to pay the deficiency in the appropriation for the support of the Veterans' Home of California, for the fifty-ninth and sixtieth fiscal years.

Also: Senate Bill No. 311—An Act making an appropriation to pay the deficiency in the appropriation for contingent and traveling expenses of the State Veterinarian and assistant for the fifty-ninth fiscal year.

Also: Senate Bill No. 312—An Act making an appropriation to pay the deficiency in the appropriation for aid to the State Agricultural Society for the fifty-ninth fiscal year.

Also: Senate Bill No. 313—An Act making an appropriation to pay the deficiency in the appropriation for contingent and traveling expenses of the Department of Engineering for the fifty-ninth and sixtieth fiscal years.

Also. Senate Bill No 51—An Act to amend Section 6 of an Act entitled "An Act for preventing the manufacture, sale, and transportation of adulterated, mislabeled or misbranded foods and liquors, and regulating the traffic therein, providing penalties, establishing a State laboratory for foods, liquors, and drugs, and making an appropriation therefor," approved March 11, 1907.

LEWIS A. HILBORN, Secretary.
By J. W. KAVANAGH, Assistant

Also:

SENATE CHAMBER, SACRAMENTO, January 22, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted Senate Joint Resolution No. 8—Relative to a joint resolution to the United States Board of Engineers for rivers and harbors petitioning said board to reconsider its action on the report of Captain Amos A. Fries, dated December 17th, 1907, relative to the dredging of the channel in San Pedro harbor, California

LEWIS A. HILBORN, Secretary.
By J. W. KAVANAGH, Assistant.

Senate Bill No. 46 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 316 read first time, and referred to Committee on Judiciary.

Senate Bill No. 317 read first time, and referred to Committee on Judiciary.

Senate Bill No. 318 read first time, and referred to Committee on Judiciary.

Senate Bill No. 111 read first time, and referred to Committee on Judiciary.

Senate Bill No. 50 read first time, and referred to Committee on Judiciary.

Senate Bill No. 302 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 303 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 304 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 305 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 306 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 307 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 308 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 310 read first time, and referred to Committee on Ways and Means

Senate Bill No. 311 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 312 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 313 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 51 read first time, and referred to Committee on Public Health and Quarantine.

Senate Joint Resolution No. 8 read, and referred to Committee on Federal Relations.

INTRODUCTION OF BILLS.

The following bills were introduced and referred, as indicated:

By Mr. Polsley (by request): Assembly Bill No. 684—An Act to add a new section to the Penal Code of the State of California, to be known as Section 308*a*, relative to the use of tobacco by minors.

Bill read first time, and referred to Committee on Public Morals.

By Mr. Sackett: Assembly Bill No. 685: An Act to amend Section 4041 of the Political Code of the State of California, regarding the general powers of Boards of Supervisors.

Bill read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 686—An Act to amend Section 1663 of the Political Code, by classifying the day and evening elementary and secondary schools of California, determining who may be employed to teach in said schools, and by defining the powers of county, and city and county boards of education with respect to courses of study and the examination and graduation of pupils.

Bill read first time, and referred to Committee on Education.

Also: Assembly Bill No 687—An Act to amend Section 1532 of Article II of the Political Code, by defining the duties of the Superintendent of Public Instruction.

Bill read first time, and referred to Committee on Education.

Also (by request): Assembly Bill No 688—An Act to amend Section 1662 of the Political Code, by determining the number of years of instruction in the day and evening elementary schools; determining the age of admission to the day and evening elementary schools, and providing for separate schools for Indian, Mongolian and Chinese children, and authorizing the exclusion of children of filthy or vicious habits.

Bill read first time, and referred to Committee on Education

By Committee on Education: Assembly Bill No. 689—An Act to amend an Act entitled "An Act creating a fund for the benefit and support of high schools, and providing for its distribution by changing the term high school to secondary school and apportioning six hundred dollars to each school in place of one third of the total amount," approved March 6, 1903.

Bill read first time, and referred to Committee on Education.

By Mr. Sackett: Assembly Bill No 690—An Act to amend section five hundred fifteen of the Political Code and to provide for the appointment of a statistician, a bookkeeper, and a clerk and stenographer for the Superintendent of Public Instruction, and to fix their compensation.

Bill read first time, and referred to Committee on Education.

Also (by request): Assembly Constitutional Amendment No. 16—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Article IX of said Constitution, by adding new sections, to be numbered 14*m*, 15, and 16, respectively, relating to the schools, their government and their taxation.

Constitutional amendment read, and referred to Committee on Constitutional Amendments.

Also (by request): Assembly Constitutional Amendment No. 17—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Section 3 of Article IX of said Constitution, relating to the election of Superintendent of Schools.

Constitutional amendment read, and referred to Committee on Constitutional Amendments.

By Mr. Hammon: Assembly Bill No. 691—An Act to amend section fourteen hundred and thirty of the Penal Code of California, relating to trial by jury before a Justice's Court.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Hanlon: Assembly Bill No. 692—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relative to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, approved March 12, 1885,'" approved March 23, 1901, by amending Sections 12 and 13.

Bill read first time, and referred to Committee on Medical and Dental Laws.

By Mr. Bohnett: Assembly Bill No. 693—An Act to amend Section 4300*a* of the Political Code of the State of California, relating to fees to be charged by county clerks.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Hewitt: Assembly Bill No. 694—An Act to add a new section to the Political Code, to be known as Section 1197*c* thereof, providing for rotation of the names of the candidates in certain groups on the ballot.

Bill read first time, and referred to Committee on Election Laws.

By Mr. McClellan: Assembly Bill No. 695—An Act to amend "An Act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force relating to estrays," approved March 23, 1901, by adding a new section thereto, to be known as section nine *a*, relating to appointment of pound-keepers outside of incorporated cities

Bill read first time, and referred to Committee on Live Stock, Dairies and Dairy Products

Also: Assembly Bill No. 696—An Act appropriating money to be expended by and under the direction of the Department of Engineering for the purpose of dredging out sand deposits in Humboldt Bay, for the purpose of improving the navigability thereof.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Irwin: Assembly Bill No. 697—An Act to amend Section 4255 of the Political Code of the State of California, relating to the salaries of officers in counties of the twenty-sixth class, and creating the office of deputy district attorney therein.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Transue: Assembly Bill No. 698—An Act to amend Section 472, and Section 475 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the duties of the Attorney General, providing for an assistant, a chief deputy, deputies, clerks, phonographic reporter and stenographers in the Attorney-General's office, and fixing their salaries.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 699—An Act to amend Section 384 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, and to add a new section thereto to be numbered 387, relating to the powers of the Governor, his salary and the salaries of certain appointees.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 700—An Act to amend Sections 654, 684, and 685 of the Political Code, relating to the Board of Examiners.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 701—An Act to amend Sections 484, 485, 486, and 500 of the Political Code, relating to the salary of the Surveyor General and to the salaries of appointees in the office of the Surveyor General and Register of the State Land Office, and to repeal all laws in conflict therewith.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 702—An Act to amend Section 2319 of the Political Code of the State of California, relating to the office of the State Commissioner of Horticulture, the powers and duties of said Commissioner and the salaries, duties and qualifications of his appointees.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 703—An Act to amend Sections 3 and 8 of an Act entitled "An Act to insure the better education of practitioners of veterinary medicine in the State of California, to provide for the creation of a board of five members who shall act under and in accordance with the provisions of this Act; to provide for their appointment, and define their powers, duties, and compensation; to define offenses committed by acts done contrary to the provisions of this Act, and providing penalties for the violation thereof; providing for the revocation or suspension, in certain cases, of licenses, issued hereinunder, and to repeal an Act entitled 'An Act to regulate the practice of veterinary medicine and surgery in the State of California,' approved March 30, 1903, and all other laws in conflict herewith," approved March 23, 1907.

Bill read first time, and referred to Committee on Live Stock, Dairies and Dairy Products.

By Mr. Johnston of Contra Costa: Assembly Bill No. 704—An Act to amend Section 281 of the Code of Civil Procedure of the State of California, relating to penalty for practicing without a license.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Young: Assembly Bill No. 705—An Act to amend Section 597 of the Penal Code, relating to cruelty to animals.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Butler: Assembly Bill No. 706—An Act to add a new section to the Penal Code, to be numbered 626*n*, to prohibit the hunting of ducks in motor boats.

Bill read first time, and referred to Committee on Fish and Game.

By Mr. Wagner: Assembly Bill No. 707—An Act to amend Section 4013 of the Political Code of the State of California, relating to county officers.

Bill read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 708—An Act to amend Section 4267 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the thirty-eighth class, by adding a new subdivision thereto, relating to the duties and compensation of official reporters, to be known as Subdivision 17 of said section.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Johnson of Sacramento: Assembly Bill No. 709—An Act to amend Section 4234 of the Political Code of the State of California, relating to the compensation of officers of counties of the fifth class and their assistants and deputies.

Bill read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 710—An Act authorizing the payment of assessments levied in Reclamation District No. 791 to be paid to the county treasurer of the county of Sacramento.

Bill read first time, and referred to Committee on Swamp and Overflowed Lands and Levees and River Improvements and Drainage.

Also: Assembly Bill No. 711—An Act authorizing and empowering Reclamation District No. 791 to contract for the disposition of drainage and flood waters, and for the sale thereof, to any person, firm or corporation, for the purpose of irrigation, or for any other lawful use.

Bill read first time, and referred to Committee on Swamp and Overflowed Lands and Levees and River Improvements and Drainage.

Also: Assembly Bill No. 712—An Act authorizing and empowering Reclamation District No. 791 to construct and maintain jointly or in connection with any person, firm, corporation, reclamation district, levee district, drainage district, public agency, or municipal corporation for the construction and maintenance of joint levees or other joint works of reclamation.

Bill read first time, and referred to Committee on Swamp and Overflowed Lands and Levees and River Improvements and Drainage.

By Mr. Wilson: Assembly Bill No. 713—An Act to reimburse the University of California for money advanced for the use of the University farm and agricultural school.

Bill read first time, and referred to Committee on Universities.

By Mr. Maher: Assembly Bill No. 714—An Act to repeal an Act of the Legislature of the State of California entitled "An Act to enable school districts in cities of the fifth class, and school districts which embrace territory a portion of which is within and a portion of which is without such cities of the fifth class, to issue bonds for the purpose of raising money to purchase school lots, and for building or purchasing one or more schoolhouses, and supplying the same with furniture, necessary apparatus, and improving the grounds, and for liquidating any indebtedness already incurred for such purposes, and to repeal an

Act approved March 31, 1891, entitled 'An Act to enable cities of the fifth class to issue bonds for the purpose of raising money to purchase school lots and for building or purchasing one or more schoolhouses, and supplying the same with furniture, necessary apparatus, and improving the grounds, and for liquidating any indebtedness already incurred for such purposes,'" approved March 23, 1893, and the Act amendatory thereof, approved March 11, 1897.

Bill read first time, and referred to Committee on Education.

By Mr. Flavelle: Assembly Bill No. 715—An Act to provide for the amount and manner of payment of the salaries of justices of the peace and constables in counties of the tenth class for services rendered by them in criminal cases, and providing a method of ascertaining the population of the townships for the purpose of this Act.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Beatty: Assembly Bill No. 716—An Act to regulate the building and occupancy of tenement houses in incorporated cities, and to provide penalties for the violation thereof.

Bill read first time, and referred to Committee on Municipal Corporations.

By Mr. Johnson of Placer (by request): Assembly Bill No. 717—An Act to provide a state highway from Meyer's Station to Tahoe City, and making an appropriation therefor.

Bill read first time, and referred to Committee on Roads and Highways.

By Mr. Beardslee: Assembly Bill No. 718—An Act to amend Section 534 of the Political Code.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Drew: Assembly Bill No. 719—An Act to amend Section 4290 of the Political Code of the State of California, relating to the salaries and fees of county officers.

Bill read first time, and referred to Committee on County and Township Governments.

Also (by request): Assembly Bill No. 720—An Act to repeal Section 2969 of the Civil Code, and to amend Section 2970 thereof, both relating to proceedings on levy under attachment or execution upon personal property mortgaged, and to the distribution of the proceeds of the sale of such property under process.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Assembly Bill No. 721—An Act to amend Sections 204 and 205 of the Code of Civil Procedure of the State of California, relating to the selection of trial jurors.

Bill read first time, and referred to Committee on Judiciary.

MOTION.

Mr. McManus moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the question of arranging a schedule of time for committee meetings.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Question considered.

At eleven o'clock and forty minutes, Hon. J. P. Transue in the chair.

Mr. Young moved that a sub-committee be appointed to confer with the chairmen of the various committees, to the end that a schedule of time of committee meetings may be arranged in which there will be a lack of conflict.

Motion duly seconded and carried.

Mr. Drew moved that the committee do now rise and report its action.

Motion carried.

At eleven o'clock and forty-five minutes A. M.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1909.

MR SPEAKER: The Committee of the Whole have had under consideration the business of the Assembly, and do now report its action, and recommend that a sub-committee of three members of the Assembly be appointed to confer with the chairmen of the various committees of the Assembly, to the end that a schedule of time for the meetings of the committees of the Assembly may be arranged.

STANTON, Chairman.

Mr. Transue moved that the report be adopted.

Motion carried.

RESOLUTION.

The following resolution was offered:

By Mr. Flavelle:

WHEREAS, There have been referred to the Committee on State Hospitals and Asylums certain bills calling for appropriations for the State Hospitals at Highland, Agnew, Stockton, Napa, Mendocino, and for the Feeble-Minded at Eldridge, and the Industrial Home for the Blind at Oakland, and

WHEREAS, Bills have been referred to the said committee affecting the above State hospitals and State institutions, and all State hospitals, including the Mendocino State Hospital, at Ukiah, California; and

WHEREAS, It is necessary, in order to enable the said committee to intelligently act on said bills, that they visit the said institutions; and

WHEREAS, It is advisable that all the members of said committee visit said institutions, and desire leave of absence for said purpose; therefore, be it

Resolved, That all members of this body that are members of said committee be, and they are hereby, granted leave of absence to visit said institutions above-named, and that said leave of absence extend from and include January —, 1909, to and including —, 1909

FLAVELLE, Chairman.

Resolution read, and referred to Committee on Rules and Regulations.

RECONSIDERATION.

In compliance with his notice given on a previous day, Mr. Johnson of Sacramento moved that the vote whereby Assembly Bill No. 63 was passed be reconsidered.

HOUR OF ADJOURNMENT EXTENDED.

During the consideration of the motion, at twelve o'clock and thirty minutes P. M., on motion of Mr. Transue, the hour of adjournment was extended until final action be taken upon the above motion.

The roll was called, and the same was refused reconsideration by the following vote:

AYES—Messrs. Baxter, Beardslee, Beban, Black, Coghlan, Cullen, Feeley, Greer, Hopkins, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa Macauley, McManus, Mott, O'Neill, Pugh, Schmitt, and Wagner—19

NOES—Messrs. Barndollar, Beatty, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Costar, Cronin, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Maher, McClellan, Melrose, Mendenhall, Nelson, Odom, Otis, Perine, Polsley, Preston, Pulcifer, Rech, Rutherford, Sackett, Silver, Stuckenbruck, Telfer, Transue, Webber, Whitney, Wilson, Wylie, Young, and Mr. Speaker—57.

Bill ordered transmitted to the Senate.

ADJOURNMENT.

At two o'clock and fifteen minutes P. M., the Assembly was declared adjourned.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL., Saturday, January 23, 1909.

At nine o'clock and thirty minutes A. M., pursuant to adjournment, the Assembly was called to order.

Hon. P. A. Stanton, Speaker of the Assembly, in the chair.

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

Messrs. Barndollar, Bohnett, Butler, Callan, Cattell, Cogswell, Costar, Cronin, Cullen, Dean, Feeley, Flavelle, Fleisher, Flint, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Young, and Mr. Speaker—55.

Quorum present.

PRAYER.

Prayer was offered by the Chaplain, Rev. Seren N. Marsh.

READING OF JOURNAL.

During the reading of the Journal, on motion of Mr. Mott, its further reading was dispensed with.

CORRECTION OF JOURNAL.

On motion of Mr. Mott, the Journal was corrected to read "adjournment," where reference was made to hour of recess.

APPROVAL OF JOURNALS.

On motion of Mr. Transue, the Journals of Monday, January 18, Tuesday, January 19, Wednesday, January 20, Thursday, January 21, and Friday, January 22, 1909, were approved as corrected by the Minute Clerk.

LEAVE OF ABSENCE.

On motion, leave of absence for the day was granted to Messrs. Wyatt, Wheelan, Collum, Drew, Pulcifer, Macauley, Beban, Rutherford, and Black.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON STATE LIBRARIES.

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1909.

MR. SPEAKER: Your Committee on State Library, to whom was referred Assembly Bill No. 233—Proposed amendments to municipal library law—have had the same under consideration, and respectfully report the same back, with committee substitute for same, and recommend that the substitute do pass.

Also: Assembly Bill No. 234—An Act to provide for a school of library training.

Also: Assembly Bill No. 235—An Act amending Section 2300 of the Political Code, relating to the state library fund.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass, and be referred to Committee on Ways and Means.

MOORE, Chairman.

ON REVISION AND REFORM OF LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, January 21, 1909.

MR. SPEAKER: Your Committee on Revision and Reform of Laws, to whom was referred Assembly Bill No 326—An Act to repeal an Act entitled "An Act forbidding the employment of the inmates of State institutions in the manufacture or production of articles, for the use of State officers, or the officers and employers (employees) of State institutions. approved March 19, 1903."

Also: Assembly Bill No. 343—To add two new sections to the Political Code of the State of California, to be known as Sections 1893 and 1894, providing for the registration of bonds issued by common school, high school. or union high school districts.

Also: Assembly Bill No 345—An Act to add a new section to the Civil Code of the State of California, to be known as Section 3434, relating to the collection of accounts for liquors sold at retail

Also. Assembly Bill No 340—An Act to add a new section to the Penal Code of the State of California, to be known as section one hundred and thirty-nine, relating to keeping the hides of animals killed or slaughtered, and providing a penalty for the violation thereof

Also: Assembly Bill No. 333—An Act to repeal Sections 1868, 1869, and 1870 of the Political Code of the State of California.

Also: Assembly Bill No. 332—An Act to add a new section to the Penal Code of the State of California, to be known as Section 422, relating to disturbing schools or school meetings

Also: Assembly Bill No. 331—An Act to add a new section to the Penal Code of the State of California, to be known as section seventy-eight, relating to the prevention of irregular issuance of teachers' certificates.

Also: Assembly Bill No 347—An Act to add a new section to the Political Code of the State of California, to be known as Section 3236, relating to insurance on public buildings.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that they do pass as amended.

Also: Assembly Bill No 344—An Act to repeal an Act entitled "An Act to prohibit the collection of accounts for liquors sold at retail," approved March 20, 1874.

Also Assembly Bill No 346—An Act to repeal an Act entitled "An Act relative to the non-insurance of property belonging to the State against risk of damage or destruction by fire," approved March 10, 1891.

Also: Assembly Bill No. 348—An Act to repeal an Act entitled "An Act to declare valid writs, process, and certificates issued by the Superior Courts of this State, or the clerks thereof, before such courts shall have been legally provided with seals," approved March 31, 1880.

Also: Assembly Bill No. 349—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as section eighty, relating to the validity of writs, process and certificates issued by the Superior Courts or the clerks thereof, before such courts shall have been legally provided with seals.

Also: Assembly Bill No 334—An Act to repeal an Act entitled "An Act to prevent the destruction of forests by fire on public lands," approved February 13, 1872.

Also: Assembly Bill No. 336—An Act to repeal an Act entitled "An Act authorizing the allowance, settlement, and payment of claims of counties against the State," approved March 9, 1893

Also: Assembly Bill No. 337—An Act to add a new section to the Political Code of the State of California, to be known as Section 3881, relating to claims of counties against the State.

Also: Assembly Bill No. 341—An Act to repeal an Act entitled, "An Act to regulate the disposition of the hides of cattle killed or slaughtered in the State of California," approved March 23, 1893.

Also: Assembly Bill No. 342—An Act to repeal an Act entitled "An Act to provide for the registration of bonds issued by common school, high school, or union high school districts," approved March 18, 1905.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

RECH, Chairman

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1909.

MR SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 302—An Act making an appropriation to pay the deficiency in the appropriation for salaries of officers and employees of the Preston School of Industry for the sixtieth fiscal year.

Also: Senate Bill No 303—An Act making an appropriation to pay the deficiency in the appropriation for support of the Preston School of Industry for the sixtieth fiscal year.

Also: Senate Bill No. 304—An Act making an appropriation to pay the deficiency in the appropriation for arresting criminals without the State for the fifty-eighth, fifty-ninth, and sixtieth fiscal years.

Also: Senate Bill No. 305—An Act making an appropriation to pay the deficiency in the appropriation for transportation of prisoners and insane and delinquent and feeble-minded children for the fifty-ninth and sixtieth fiscal years.

Also: Senate Bill No 306—An Act making an appropriation to pay the deficiency in the appropriation for support and expenses of the State Board of Horticulture for the fifty-ninth fiscal year

Also: Senate Bill No. 307—An Act making an appropriation to pay the deficiency in the appropriation made by Chapter 212, Statutes of 1905, relative to improvements at the State Printing Office.

Also: Senate Bill No. 308—An Act making an appropriation to pay the deficiency in the appropriation made by Chapter 8, Statutes of 1905, relative to payment of rental, cost of moving and other necessary expenses incurred by different State officers.

Also: Senate Bill No 310—An Act making an appropriation to pay the deficiency in the appropriation for the support of the Veterans' Home of California for the fifty-ninth and sixtieth fiscal years.

Also: Senate Bill No. 311—An Act making an appropriation to pay the deficiency in the appropriation for contingent and traveling expenses of the State Veterinarian and assistant for the fifty-ninth fiscal year.

Also: Senate Bill No. 312—An Act making an appropriation to pay the deficiency in the appropriation for aid to the State Agricultural Society for the fifty-ninth fiscal year.

Also: Senate Bill No 313—An Act making an appropriation to pay the deficiency in the appropriation for contingent and traveling expenses of the Department of Engineering for the fifty-ninth and sixtieth fiscal years.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass

BEARDSLEE, Chairman.

The above reported bills ordered on file for second reading.

Assembly Bill No. 235 referred to Committee on Ways and Means:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, January 23, 1909.

MR SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed

Assembly Bill No. 4—An Act to amend section seven of the Civil Code, relating to holidays.

Assembly Bill No. 238—An Act to add a new section to the Political Code, to be numbered 1840, relating to the levy and collection of special district school funds.

Assembly Bill No. 420—An Act to amend Section 791 of the Political Code, relating to the number of notaries public, approved March 18, 1905.

Assembly Bill No. 3—An Act to amend section ten of the Political Code of the State of California so as to add another legal holiday to said section, to be known as "Discovery Day."

Assembly Bill No. 145—An Act to amend Section 1876 of the Political Code of the State of California, referring to contracts by school trustees

Assembly Bill No 2—An Act to amend section ten of the Code of Civil Procedure of the State of California so as to add another legal holiday to said section, to be known as "Discovery Day."

Assembly Bill No. 159—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding thereto a new section, to be numbered 1380, relating to giving special notices to heirs, devisees, legatees and creditors during the administration of estates of decedents

Assembly Bill No. 252—An Act to amend an Act entitled "An Act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness,

and the distribution of their property," approved February 10, 1903, by adding thereto a new section, to be numbered 10½.

Assembly Bill No 193—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section to said Penal Code, to be known and numbered as section four hundred and two and three quarters, relating to and furnishing or erecting of unsafe or improper scaffolding or mechanical contrivances.

Assembly Bill No. 140—An Act to amend sections nine and ten of an Act entitled "An Act to establish and support a Bureau of Labor Statistics," approved March 3, 1883

Assembly Bill No 73—An Act to amend sections one, three, four, five, six, seven, nine, ten, thirteen, fourteen and twenty of an Act entitled "An Act to promote drainage," approved March 18, 1885

Assembly Bill No. 160—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding thereto a new section, to be numbered 1761, relating to giving special notices to relatives of persons under guardianship during the administration of estates of wards

Also: Assembly Bill No 184—An Act to amend an Act entitled "An Act to provide for the establishment and quieting of title to real property in case of the loss or destruction of public records," approved June 16, 1906.

YOUNG, Chairman.

The above reported bills ordered on file for third reading.

INTRODUCTION OF BILLS.

The following bills were introduced, and referred, as indicated:

By Mr. Baxter: Assembly Bill No. 722—An Act to amend an Act entitled "An Act to regulate the practice of optometry, and for the appointment of a board of examiners in the matter of said regulation," approved March 20, 1903, by amending sections one, two, five, eight, eleven, twelve, thirteen, fifteen, and sixteen thereof.

Bill read first time, and referred to Committee on Medical and Dental Laws.

By Mr. Irwin: Assembly Bill No. 723—An Act to amend Section 3546 of the Political Code of the State of California, relating to what must be contained in the statement by the Register of State Lands to the district attorney.

Bill read first time, and referred to Committee on Public Lands and Forestry.

By Mr. Cattell: Assembly Bill No. 724—An Act to amend Section 1874 of the Political Code, adding certain new sections, and changing the number of Section 1874*a*, all relating to text-books.

Bill read first time, and referred to Committee on Education.

By Mr. Polsley: Assembly Bill No. 725—An Act to amend Section 642 of the Political Code of the State of California, relative to the duties of the Fish Commissioners.

Bill read first time, and referred to Committee on Fish and Game.

By Mr. Irwin: Assembly Bill No. 726—An Act to add a new section to the Penal Code to be known as Section 537*c*, and relating to the unlawful use of horses and vehicles by the owner, manager and proprietors of livery and feed stables and persons pasturing stock, and providing the punishment for the violation thereof.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Johnson of Sacramento: Assembly Joint Resolution No. 5—Relative to Asiatic immigration.

Assembly joint resolution read, and referred to Committee on Federal Relations.

By Mr. Wilson: Assembly Joint Resolution No 6—Relative to irrigation.

Assembly joint resolution read, and referred to Committee on Federal Relations.

By Mr. Sackett: Assembly Bill No. 727—An Act to amend Section 1636 of the Political Code of the State of California, relating to taking the school census by providing for signature of parent or guardian to census, and by providing a fine for those refusing to give in the school census.

Bill read first time, and referred to Committee on Education.

By Mr. Leeds (by request): Assembly Bill No. 728—An Act to amend Section 4245 of the Political Code of the State of California, relating to county and township government, and the compensation of county and township officers of counties of the sixteenth class.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Johnson of Sacramento: Assembly Bill No. 729—An Act to add a new section to the Code of Civil Procedure, to be known as Section "fifty-three *a*" (53*a*); relating to hearings in the Supreme and Appellate Courts.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Dean: Assembly Bill No. 730—An Act of the board of supervisors of the county of Shasta to audit and pay the claim of George W. Bush for services as Judge of the Superior Court of Shasta County.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Beardslee: Assembly Bill No. 731—An Act making an appropriation for the maintenance of the Governor's residence from January 1, 1909, to June 30, 1909.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 132—An Act to amend Section 1207 of the Code of Civil Procedure, validating certain instruments.

Bill read first time, and referred to Committee on Judiciary.

RESOLUTIONS.

The following resolutions were offered:

By Mr. Transue:

Resolved, That the standing rules of the Assembly be amended as follows:

Assembly Rule 81 is hereby amended to read as follows:

81. *Lobbying.*

No person engaged in presenting to the Assembly or its committees any business, or claim, or legislation, shall be permitted to engage in such business during the sessions of the Assembly, or be permitted on the floor of the Assembly at any time, and any person transgressing this rule shall be removed from the floor of the Assembly and be debarred from the privilege of the floor during the remainder of the entire session. The Speaker is charged with the enforcement of this rule

This rule can not be suspended except by a two-thirds vote of the entire Assembly.

Resolution read

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Transue moved a call of the House.

Motion carried.

Time eleven o'clock A. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll.

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

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Costar, Cronin, Cullen, Dean, Feeley, Flavelle, Fleisher, Flint,

Gerdes, Gibbons, Gillis, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine Polsley, Preston, Rech, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—66.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At eleven o'clock and two minutes A. M., further proceedings under the call of the House was dispensed with, on motion of Mr. Transue.

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

AYES—Messrs Barndollar, Beardslee, Beatty, Butler, Callan, Coghlan Cogswell, Collier, Costar, Cullen, Dean, Feeley, Flavelle, Fleisher, Flint, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Leeds, Lightner, Maher, McClellan, Melrose, Moore, Mott, Nelson Odom, O'Neill, Perine, Preston, Rech, Sackett, Silver, Transue, Wagner, Wilson, and Mr. Speaker—47.

NOES—Messrs Baxter, Bohnett, Cattell, Cronin, Gibbons, Gillis, Hayes, Irwin, Juilliard, Kehoe, Mendenhall, Otis, Polsley, Stuckenbruck, Telfer, Webber, Whitney, Wyllie, and Young—19

By Mr. Hans

WHEREAS, There have been, and may hereafter be, referred to the Committee on Universities certain bills relating to the University of California and to certain appropriations therefor, and

WHEREAS, To intelligently act thereon, and to fully investigate the needs and requirements of said University, and to further investigate its conduct, maintenance and operation, it will be necessary and expedient to visit said University of California; therefore, be it

Resolved, That the Committee on Universities, consisting of Assemblymen Bohnett, Young Otis, Hanlon, Hans, Wilson and Schmitt be and they are hereby granted leave of absence, from Thursday, January 28, to Saturday, January 30, both inclusive, for the purpose of visiting the University of California, at Berkeley, California, in order to thoroughly investigate and be fully competent to pass upon the bills that may come before said committee and upon all matters relative to said University.

Resolution read, and referred to Committee on Rules and Regulations.

THIRD-READING FILE.

Assembly Constitutional Amendment No. 1—A resolution to propose to the people of the State of California an amendment to Section 1, Article II of the Constitution, in relation to the right of suffrage.

Assembly Constitutional Amendment No. 2—Amending Article XX of the Constitution by adding a new section thereto, to be known as Section 21, relating to a day of rest.

SPECIAL ORDERS SET.

On motion of Mr. Johnson of Sacramento, the rules were suspended and the consideration of Assembly Constitutional Amendments Nos. 1 and 2 were made special orders for Thursday, January 28, 1909, at eleven o'clock A. M., by the following vote:

AYES—Messrs Barndollar, Baxter, Beatty, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier Cronin, Cullen, Dean, Feeley, Flavelle, Fleisher, Flint, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Maher, McClellan, Melrose, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Sackett, Silver Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—61.

NOES—None

Assembly Bill No. 159—An Act to amend Section 1380, Code of Civil Procedure.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 159 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Cronin, Cullen, Dean, Feeley, Flavelle, Fleisher, Flint, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Maher, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Sackett, Silver, Telfer, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr Speaker—62.
NOES—None.

TITLE AMENDED.

Mr. Leeds offered the following amendment to the title:

Strike out of line 5 of title, the words "and creditors"

Amendment adopted.

Title as amended read and approved.

Bill ordered to reprint, and transmitted to the Senate.

Assembly Bill No. 184—An Act to amend an Act entitled "An Act to provide for the establishment and quieting of title to real property in case of the loss or destruction of public records," approved June 16, 1906.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 184 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Cronin, Dean, Feeley, Flavelle, Fleisher, Flint, Gibbons, Gillis, Greer, Griffiths, Hammon, Hans, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Maher, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Rech, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr Speaker—59.
NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 160—An Act to amend Section 1761, Code of Civil Procedure.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 160 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Cronin, Dean, Feeley, Fleisher, Flint, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans Hawk, Hewitt, Hinkle Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson Odom, Otis, O'Neill, Perine, Polsley, Preston, Rech, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Wilson, Young, and Mr Speaker—61.
NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 49—An Act to add a new section to the Code of Civil Procedure of the State of California, to be numbered section sixty-seven *a*, relating to the number of Superior Court Judges, and providing for the appointment of three additional Superior Court Judges in and for counties of the second class (Los Angeles County), and providing for their compensation.

During the third reading of the bill, Mr. Rech moved that the Speaker appoint a select committee of one to amend the bill, as follows:

In line 4, Section 1, page 2 of printed bill, strike out the following: "(Los Angeles County)," and in line 20, section 1, page 2 of printed bill, strike out the following: "(Los Angeles County)," and in line 27, Section 1, page 2 of printed bill, strike out the following: "(Los Angeles County)"

Motion carried.

The Speaker appointed Mr. Rech as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 159, with instructions, do now report that the instructions of the Assembly have been carried out.

RECH, Select Committee.

Report of select committee and amendments adopted.

Bill ordered to reprint, reengrossment, and on file for passage.

Assembly Bill No. 2—An Act to amend Section 10 of the Code of Civil Procedure of the State of California so as to add another legal holiday to said section, to be known as "Discovery Day."

During the third reading of the bill, Mr. Polsley moved that the Speaker appoint a select committee of one to amend the bill, as follows:

Strike out lines 17, 18, 19, 20, 21, 22, 23, and 24.

Motion lost.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Butler, Callan, Cattell, Coghlan, Collier, Cronin, Cullen, Feeley, Flavelle, Fleisher, Flint, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Kehoe, Leeds, Lightner, McClellan, Melrose, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Rech, Sackett, Silver, Transue, Wagner, Whitney, Wilson, Wythe, and Mr. Speaker—52.

NOES—Messrs. Bohnett, Cogswell, Dean, Juilliard, Maher, Mendenhall, Polsley, Preston, Telfer, Webber, and Young—11

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 3—An Act to amend Section 10 of the Political Code of the State of California so as to add another legal holiday to said section, to be known as "Discovery Day"

During the third reading of the bill, Mr. Polsley moved that the Speaker appoint a select committee of one to amend the bill, as follows:

By striking out of Section 1, lines 15, 16, 17, 18, 19, 20, 21, and 22.

Motion lost.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 3 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Bohnett, Butler, Callan, Cattell, Collier, Cronin, Cullen, Feeley, Flavelle, Fleisher, Flint, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Kehoe, Leeds, Lightner, Maher, McClellan, Moore, Mott, Nelson, Odom, Otis, O'Neill,

Perine, Rech, Sackett, Silver, Telfer, Transue, Wagner, Whitney, Wilson, Young, and Mr. Speaker—53.

NOES—Messrs. Cogswell, Dean, Juilliard, Mendenhall, Polsley, Preston, Stuckenbruck, and Webber—8

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 4—An Act to amend Section 7 of the Civil Code, relating to holidays.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 4 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Bohnett, Callan, Cattell, Coghlan, Cogswell, Collier, Cronin, Cullen, Dean, Feeley, Flavelle, Fleisher, Flint, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Kehoe, Leeds, Lightner, Maher, Melrose, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Rech, Sackett, Silver, Telfer, Transue, Wagner, Wilson, Young, and Mr. Speaker—53.

NOES—Messrs. Juilliard, Mendenhall, Preston, Stuckenbruck, and Webber—5.

Title read and approved.

Bill ordered transmitted to the Senate.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, January 23, 1909.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Assembly Bill No 219—An Act to amend section seven hundred thirty-nine of the Political Code of the State of California.

Assembly Bill No. 191—An Act to provide for temporary floors in buildings more than three stories high in the course of construction and for the protection of the life and limb of workmen employed in such buildings from falling through joists or girders and from falling bricks, rivets, etc

YOUNG, Chairman.

The above reported bills ordered on file for third reading.

ADJOURNMENT.

At twelve o'clock and thirty minutes P. M., on motion of Mr. Johnson of Sacramento, the Assembly was declared adjourned until eleven o'clock A. M. of Monday, January 25, 1909.

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, CAL., Monday, January 25, 1909.

At eleven o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. P. A. Stanton, Speaker of the Assembly, in the chair.

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

Messrs Barndollar, Baxter, Beardslee, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Costar, Cronin, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans,

Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Rutherford, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—73

Quorum present.

PRAYER.

Prayer was offered by the Chaplain, Rev. Seren N. Marsh.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Mott, its further reading was dispensed with.

LEAVE OF ABSENCE.

On motion, leave of absence for the day was granted to Messrs. Wyatt, Pulcifer, Silver, Feeley, and Cullen.

The following petitions were presented and ordered printed in the Journal:

By Mr. Gillis:

Petition in favor of the passage of anti-racetrack bill.

D L. NEWTON (and others).

By Speaker Stanton:

SAN FRANCISCO, CAL., January 21, 1909.

To the Honorable Speaker and Members of the Assembly of the Legislature of the State of California:

We, of the Commercial Commission of the Chambers of Commerce who recently visited Japan, beg leave to protest against the passage of certain anti-Japanese legislation now pending before your honorable body, and as forcibly as possible to direct your attention to President Roosevelt's letter of January 16, 1909, to Governor Gillett, regarding said proposed legislation.

During our visit to Japan we paid particular attention to the question of Japanese emigration, and from what we ascertained we are strongly of the opinion that the Emperor and the government officials in Japan are acting in absolute good faith regarding the restriction of Japanese immigration to the United States.

We firmly believe that any action by the Legislature which is directed at the Japanese residents of this State will be taken as an affront by the entire Japanese nation.

The Oriental trade passing through the ports of this State has assumed large proportions, and is likely to be seriously crippled by such proposed action.

We therefore respectfully request that action on any of these bills which affect the Japanese people be deferred indefinitely, as being unwise and injudicious. Most respectfully submitted.

Wallace M. Alexander, F. W. Dohrmann, M. Greenbaum, P. B. Hall, E. L. Hunter, Henry Michaels, Max Schmidt, James B. Stetson

CREDENTIALS.

The following credentials of newspaper representatives were filed:

SAN FRANCISCO, CAL., January 12, 1909.

To the Senate and Assembly of the State of California:

This is to certify that Harvey Wickham has been selected to report the proceedings of the legislative session for the San Francisco Chronicle.

JOHN P. YOUNG, Managing Editor.

STOCKTON, CAL., January 23, 1909.

HON. P. A. STANTON *Speaker, Sacramento, Cal.:*

DEAR SIR.—J. E. Carrere is our authorized correspondent during the session of the Legislature.

Very truly yours,

RECORD PUBLISHING CO.
IRVING MARTIN, PRESIDENT.

SAN FRANCISCO, CAL., January 23, 1909.

HON. P. A. STANTON, *Speaker of Assembly, Sacramento, Cal.*:

DEAR SIR: The bearer, Kenneth C. Adams, is the accredited representative in the Legislature for the United Press Association and News Enterprise Association. Any courtesies extended to him will be appreciated.

W. W. HAWKINS, Manager

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON MILITARY AFFAIRS.

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1909.

MR. SPEAKER: Your Committee on Military Affairs, to whom was referred Assembly Bill No. 20—An Act providing for the purchasing of a site for an armory and State arsenal for the National Guard, at the city of Sacramento, California; providing for the appointment of a commission to select and purchase said site, and providing for the erection of an armory and arsenal on said site, and appropriating money therefor—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it do pass as amended, and that it be referred to the Committee on Ways and Means.

Also: Assembly Bill No. 178—An Act to provide for the building, equipping and furnishing of an armory to be used for the National Guard and National Guard purposes, in the city of Los Angeles, and to make an appropriation for the same—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and that it be referred to the Committee on Ways and Means.

Also: Assembly Bill No. 171—An Act to repeal an Act entitled "An Act to furnish arms for the use of military academies in the State," approved February 20, 1872—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

PERINE, Chairman.

ON LIVE STOCK, DAIRY AND DAIRY PRODUCTS.

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1909.

MR. SPEAKER: Your Committee on Live Stock, Dairy and Dairy Products, to whom was referred Assembly Bill No. 381—An Act to amend section five of an Act entitled "An Act to amend sections four, five, six, ten, thirteen, and fourteen of an Act entitled 'An Act for the more effectual prevention of cruelty to animals,' approved March 20, 1874, and to add three new sections to said Act to be known as sections twenty, twenty-one, and twenty-two, in relation to cruelty to animals, and the arrest, trial, and punishment of offenders against the provisions of said Act, and liens on property in certain cases arising under this act," approved March 14, 1901.

Also: Assembly Bill No. 236—An Act to appropriate money to enforce the provisions of an Act approved March 20, 1905, entitled "An Act to prevent the sale of dairy products from unhealthy animals and produced under unsanitary conditions; to provide for the inspection of dairy stock, dairies, factories for the production of dairy products and places where dairy products are handled and sold; to improve the quality of dairy products of the State, to prevent deception in the sale of dairy products, and to appropriate money for enforcing its provisions."

Also: Assembly Bill No. 174—An Act providing for the eradication of the disease known as scabies in sheep, providing for the duties of the State Veterinarian in relation thereto, making certain acts in relation to sheep infected with such disease a misdemeanor, providing for a lien against such sheep for expenses and cost in the extermination of such disease, making certain persons liable for a violation of this Act, and providing for the enforcement of said lien.

Also: Assembly Bill No. 175—An Act to amend an Act entitled "An Act providing for the extermination of the boophilus annulatus tick, defining certain crimes and providing for certain civil and criminal actions," approved March 21, 1907, by amending sections one, two, three, and four thereof, and by adding a new section thereto, to be known and numbered as section one and one half.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 274—An Act to amend an Act entitled "An Act to protect domestic live stock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this Act, and to provide an appropriation therefor," which became a law March 18, 1899, and as amended March 20, 1905, and as further amended March 23, 1907, by amending Section 1 thereof as amended March 23, 1907, Section 2 thereof as amended March 23, 1907, Section 4 thereof, Section 5 thereof, Section 6 thereof, Section 7 thereof, and Section 8 thereof, and by adding a new section thereto, to

be known and numbered as Section 7½, providing for additional officers and employees and fixing their salaries—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and be referred to the Committee on Ways and Means

McCLELLAN, Chairman.

The above reported bills ordered on file for second reading.

Assembly Bills Nos. 20, 178, and 274 referred to Committee on Ways and Means.

INTRODUCTION OF BILLS.

The following bills were introduced and referred, as indicated:

By Mr. Johnson of San Diego: Assembly Bill No. 733—An Act to amend an Act entitled "An Act to provide for the planting, maintenance and care of shade trees, lanes, alleys, courts and places within municipalities, and of hedges upon the lines thereof; also for the eradication of certain weeds within the city limits," approved March 11, 1893.

Bill read first time, and referred to Committee on Corporations

By Mr. Hinkle: Assembly Bill No. 734—An Act to amend Section 1668 of the Political Code of the State of California, relating to physical culture and exercise.

Bill read first time, and referred to Committee on Education.

By Mr. Hans: Assembly Bill No. 735—An Act to amend Section 1576*a* of the Political Code of the State of California, relating to clerks of school districts.

Bill read first time, and referred to Committee on Education

By Mr. Nelson: Assembly Bill No. 736—An Act to amend an Act entitled "An Act defining the duties and liabilities of employment agents, making the violation thereof a misdemeanor, and fixing the penalties therefor," approved February 12, 1903.

Bill read first time, and referred to Committee on Labor and Capital.

Also: Assembly Bill No 737—An Act to amend an Act entitled "An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

Bill read first time, and referred to Committee on Labor and Capital.

By Mr. Perine: Assembly Bill No. 738—An Act to add a new section, to be numbered 734, to the Civil Code of the State of California, relating to the rights of owners, especially the rights of owners of property to be protected from trespassing by and from damage done by domestic animals.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 739—An Act to amend Section 602 of the Penal Code of the State of California, relating to willful trespass

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 740—An Act to amend an Act entitled "An Act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force relating to estrays," approved March 23, 1901, and amended

March 6, 1907, by so defining "estrays" as to include all trespassing domestic animals, charging the costs of keeping chargeable by a taker-up, and shortening time of keeping necessary.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Wagner: Assembly Bill No. 741—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 35 thereof.

Bill read first time, and referred to Committee on Irrigation.

Also: Assembly Bill No. 742—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 47 thereof.

Bill read first time, and referred to Committee on Irrigation.

Also: Assembly Bill No. 743—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 59 thereof

Bill read first time, and referred to Committee on Irrigation.

Also: Assembly Bill No. 744—An Act to permit boards of directors of irrigation districts organized or existing under and by virtue of an Act of the Legislature, entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897; to provide for the payment in two installments of the assessments levied under and in accordance with the provisions of said Act

Bill read first time, and referred to Committee on Irrigation.

Also: Assembly Bill No. 745—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 14 thereof.

Bill read first time, and referred to Committee on Irrigation.

By Mr. Wilson: Assembly Bill No. 746—An Act to provide for the purchase of farm machinery, tools, wagons, and harness for the University Farm and Agricultural School at Davis, and appropriating money therefor.

Bill read first time, and referred to Committee on Agriculture

Also: Assembly Bill No. 747—An Act to provide for the construction of buildings and structures, and repairs to the same, on the University Farm at Davis, and appropriating money therefor.

Bill read first time, and referred to Committee on Agriculture.

By Mr. Johnson of Sacramento: Assembly Bill No. 748—An Act to appropriate the sum of $100,000.00 to pay the unpaid scrip of delegates to the convention framing the Constitution of the State of California.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Flavelle: Assembly Bill No. 749—An Act to provide for the construction and furnishing of a cottage for female patients at the Southern California Hospital at Patton, and to make appropriation for the same.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

By Mr. Collier: Assembly Bill No. 750—An Act to amend section seventeen hundred and seventy-one of the Political Code of California, relative to the powers of the county board of education.

Bill read first time, and referred to Committee on Education.

By Mr. Kehoe: Assembly Bill No. 751—An Act to amend Section 2572 of the Political Code of the State of California, relating to the Board of Harbor Commissioners of the port of Eureka, and to add a new section to the Political Code, to be known as Section 2568½, also relating to the Board of Harbor Commissioners of the port of Eureka.

Bill read first time, and referred to Committee on Commerce and Navigation.

By Mr. Butler: Assembly Bill No. 752—An Act making an appropriation to reimburse the county of Marin for the support of orphans, half orphans and abandoned children in 1904.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 753—An Act authorizing the State Board of Prison Directors to fix the price, terms and conditions of sale at which jute bags should be sold for the State, providing for the prosecution and punishment for offenses under the same, and repealing certain Acts.

Bill read first time, and referred to Committee on State Prisons and Reformatory Institutions, and ordered to print with a rush order.

SPECIAL FILE—SECOND READING.

Assembly Bill No. 607—An Act to amend Section 3075 of the Political Code of the State of California, relating to the office of the State Registrar of the Bureau of Vital Statistics, and the State Board of Health, and providing for deputies, clerks, and assistants, and their compensation.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 1, Section 1, lines 9 and 10, strike out the words "two thousand," and insert in lieu thereof the following: "sixteen hundred."

Amendment adopted.

AMENDMENT No. 2.

On page 1, Section 1, line 10, strike out the word "eighteen," and insert in lieu thereof the following: "sixteen."

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

THIRD-READING FILE.

Assembly Bill No. 219—An Act to amend Section 739 of the Political Code of the State of California, relating to the compensation of certain officers of the Supreme Court of the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 219 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Costar, Cronin, Dean, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Rech, Sackett, Schmitt, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—68.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 420—An Act to amend Section 791 of the Political Code, relating to the number of notaries public.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 420 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Costar, Cronin, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McManus, Melrose, Mendenhall, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Rech, Rutherford, Sackett, Schmitt, Stuckenbuck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—70

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 73—An Act to amend sections one, three, four, five, six, seven, nine, ten, thirteen, fourteen and twenty of an Act entitled "An Act to promote drainage," approved March 18, 1885.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 73 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Costar, Cronin, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Polsley, Preston, Pugh, Rech, Rutherford, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, and Mr. Speaker—69.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 161—An Act to amend an Act to provide for work on streets, lanes and alleys.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 161 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Costar, Cronin, Cullen, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, O'Neill, Perine, Polsley, Preston, Pugh, Rutherford, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—70.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 191—An Act to provide for temporary floors in buildings more than three stories high in the course of construction, and for the protection of the life and limb of workmen employed in such buildings from falling through joists or girders, and from falling bricks, rivets, etc.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 191 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Juilliard, Kehoe, Lightner, Macauley, Maher, McClellan, McManus, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Rech, Rutherford, Sackett, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—68.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 229—An Act to amend Section 637*a* of the Penal Code of the State of California, relating to the protection and preservation of birds.

Bill read third time, and on motion of Mr. Cronin, re-referred to Committee on Fish and Game.

Assembly Bill No. 145—An Act to amend Section 1876 of the Political Code of the State of California, referring to contracts by school trustees.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 145 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Costar, Cronin, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hans, Hawk, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Polsley, Preston, Pugh, Rech, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—68.

NOES—Messrs. Johnston of Contra Costa and Rutherford—2.

Title read and approved.

Bill ordered transmitted to the Senate.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1909.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Assembly Bill No. 17—An Act to amend Section 4234 of the Political Code of the State of California, relating to the compensation of officers of counties of the fifth class, and their assistants and deputies.

Assembly Bill No. 172—An Act to allow unincorporated towns and villages to establish, equip and maintain public libraries; to provide for the formation, government and operation of library districts; the acquisition of property thereby; the calling and holding of elections in such districts; the assessment, collection, custody and disbursement of taxes therein, and to create boards of library trustees.

YOUNG, Chairman.

JOINT RESOLUTION—(OUT OF ORDER).

The following Assembly joint resolution was offered and referred, as indicated:

By Mr. Coghlan: Assembly Joint Resolution No. 7—Relative to the defense of the Pacific seaboard.

Assembly joint resolution read, and referred to Committee on Federal Relations

RECESS.

At twelve o'clock and thirty minutes P. M., on motion of Mr. Transue the Assembly was declared at recess until two o'clock P. M., of this day.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.

Speaker P. A. Stanton in the chair.

THIRD-READING FILE—CONTINUED.

Assembly Bill No. 238—An Act to add a new section to the Political Code, to be numbered 1840, relating to the levy and collection of special district school funds.

During the third reading of the bill, Mr. Butler moved that the Speaker appoint a select committee of one to amend the bill, as follows:

Amend by striking out of Section 1, line 18, of printed bill, the word "shall," and inserting in lieu thereof the following: "may."

Motion carried.

The Speaker appointed Mr. Butler as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 238, with instructions, does now report that the instructions of the Assembly have been carried out.

BUTLER, Select Committee.

Report of select committee and amendments adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No. 52—An Act to amend Section 649 of the Civil Code of the State of California, relating to the number of trustees of colleges and seminaries of learning.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 52 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Costar, Cronin, Cullen, Dean, Drew, Flavelle, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Rech, Rutherford, Sackett, Schmitt, Stuckenbruck, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—66.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 124—An Act to provide for the investment of the moneys in the estates of deceased persons fund, and also to provide for payment of interest received into the state school fund.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 124 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Black Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Collum, Costar, Cronin, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Mott, Nelson, Odom, O'Neill, Perine, Polsley, Preston, Pugh, Rech, Rutherford, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—69.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 17—An Act to amend Section 4234 of the Political Code of the State of California, relating to the compensation of officers of counties of the fifth class and their assistants and deputies.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 17 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Costar, Cullen, Drew, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, Maher, McClellan, McManus., Melrose, Mendenhall, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Rech, Rutherford, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—67.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1909.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed

Assembly Bill No. 159—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding thereto a new section, to be numbered 1380, relating to giving special notices to heirs, devisees, legatees during the administration of estates of decedents.

Assembly Bill No. 49—An Act to add a new section to the Code of Civil Procedure of the State of California, to be numbered section sixty-seven *a*, relating to the number of Superior Court Judges, and providing for the appointment of three additional Superior Court Judges in and for counties of the second class (Los Angeles County), and providing for their compensation.

YOUNG, Chairman.

The above reported engrossed bills were ordered on file for third reading.

SENATE MESSAGE.

The following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, January 25, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 78—An Act to add a new section to the Code of Civil Procedure of the State of California, to be numbered section sixty-seven *a*, relating to the number of Superior Court Judges, and providing for the appointment of three additional Superior Court Judges in and for counties of the second class (Los Angeles County), and providing for their compensation.

Also: Senate Bill No. 253—An Act to amend Section 1474 of the Code of Civil Procedure.

Also: Senate Bill No. 206—An Act authorizing municipal corporations, other than freeholder charter cities, to change their names, and providing the procedure therefor.

Also: Senate Bill No. 186—An Act to amend Section 3494 of the Political Code of the State of California, relating to the price, and terms of sale of school lands.

Also: Senate Bill No. 301—An Act making an appropriation to pay the claim of J. E. Clause against the State of California.

Also: Senate Bill No. 300—An Act making an appropriation to pay the claim of the Southern Construction Company against the State of California.

LEWIS A. HILBORN, Secretary
By J. W. KAVANAUGH, Assistant Secretary.

Senate Bill No. 78 read first time, and referred to Comimttee on Judiciary.

Senate Bill No. 253 read first time, and referred to Committee on Judiciary.

Senate Bill No. 206 read first time, and referred to Committee on Municipal Corporations.

Senate Bill No. 186 read first time, and referred to Committee on Public Lands and Forestry.

Senate Bill No. 301 read first time, and referred to Committee on Claims.

Senate Bill No. 300 read first time, and referred to Committee on Claims.

HON. WALTER R. LEEDS IN THE CHAIR.

At two o'clock and forty-five minutes P. M., Hon Walter R Leeds in the chair.

SECOND-READING FILE.

Assembly Bill No. 377—An Act to provide for the accomplishment of the work of the direct improvement of the navigation of the Sacramento,

San Joaquin, and Feather rivers, of the State of California, as recommended in the special report of the California Débris Commission, dated June 30, 1907, and made jointly by Brigadier General A. Mackenzie, Chief of Engineers; C. H. McKinstry, Major, Corps of Engineers, and Thomas H. Jackson, Captain, Corps of Engineers, of the United States Army, and printed with the annual report of the Chief of Engineers of the United States Army, for the fiscal year ending June 30, 1907, and making an appropriation for such work.

Mr Hewitt moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Hon. Walter R. Leeds in the chair.

Assembly Bill No. 377 considered.

Mr. Hewitt moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Hon. Walter R. Leeds in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1909.

MR. SPEAKER: The Committee of the Whole have had under consideration Assembly Bill No. 377—An Act to provide for the accomplishment of the work of the direct improvement of the navigation of the Sacramento, San Joaquin, and Feather rivers, of the State of California as recommended in the special report of the California Débris Commission, dated June 30, 1907, and made jointly by Brigadier-General A. Mackenzie: Chief of Engineers, C. H. McKinstry, Major, Corps of Engineers, and Thomas H. Jackson, Captain, Corps of Engineers, of the United States Army, and printed with the annual report of the Chief of Engineers of the United States Army, for the fiscal year ending June 30, 1907, and making an appropriation for such work —and do now report the same back, and recommend that it do pass.

LEEDS, Chairman.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 31—An Act to amend Section 2957 of the Civil Code, relating to chattel mortgages, and the circumstances under which the same are void as to creditors and subsequent purchasers and incumbrancers.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 33—An Act to amend Section 2965 of the Civil Code, relating to the effect of mortgages upon personal property removed from the county where situated when mortgaged.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 34—An Act to amend Section 2955 of the Civil Code, relating to what kinds of personal property may be mortgaged.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 186—An Act to provide two additional judges of the Superior Court of the county of Alameda.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 146—An Act to amend Section 18 of an Act entitled "An Act to provide for the establishment and quieting of title

to real property in case of the loss or destruction of public records," approved June 16, 1906, by extending the time to commence actions thereunder until July 1, 1912.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Strike out the figure "2," in line 5 of the title of the printed bill, and insert in lieu thereof the figure "3."

Amendment adopted.

AMENDMENT No. 2.

Strike out the figure "2," in line 7 of the printed bill, and insert in lieu thereof the figure "3."

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 152—An Act to amend an Act entitled "An Act authorizing the judges of the Superior Court in all counties and cities and counties having a population of two hundred thousand inhabitants and over, to appoint a secretary," approved March 26, 1895.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out all words and figures after the words "An Act," in the printed bill, and inserting in lieu thereof the following:

"To amend the Political Code by adding thereto a new section to be numbered 740, relating to the appointment of a secretary for the Superior Court of counties of the second class, and fixing the salary of such secretary and providing the manner of the payment thereof.

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby added to the Political Code a new section to be numbered 740 and to read as follows:

Section 740. In all counties of the second class, the judges of the Superior Court shall appoint a secretary who shall receive a salary of two hundred dollars per month, and hold office at their pleasure, and shall perform such duties as may be required of him by the court or the judges thereof; said salary shall be audited, allowed and paid out of the general fund of said counties.

SEC. 2. This act shall take effect from and after its passage."

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 111—An Act to amend an Act entitled "An Act to amend an Act entitled an Act to establish a Code of Civil Procedure, approved March 11, 1872, by adding a new section thereto, to be numbered 274*a*, providing for the taking down and transcribing of instructions to jurors by Judges of the Superior Court and for opinions rendered in the Superior Court," and to provide for the taking down and transcribing of findings and judgments and official correspondence.

During second reading of bill, the following amendment was submitted by the committee:

After the word "court," in line 10 of the printed bill, insert the words "in counties of the second class."

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 293—An Act to amend Section 737 of the Political Code, relating to the salaries of Judges of the Superior Court.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by inserting after the word "Marin," in line 6 of the printed bill, the word "Fresno."

Amendment adopted.

AMENDMENT No. 2.

Strike out the word "Fresno." where it appears in line 11 of the printed bill

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 32—An Act to confer power upon municipalities to protect the health, morals, and peace of their inhabitants by restricting undesirable, improper, and unhealthy persons, and persons whose practices are dangerous to public morals and health and peace to certain prescribed limits, and prescribing a punishment for a violation of this Act.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 373—An Act to add two new sections to the Political Code, relating to the protection of farm names.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 445—An Act to regulate the hours of labor in mines.

During second reading of bill, the following amendments were submitted by the committee:

Amend by striking out of Section 1, line 12 of printed bill, the word "and," and inserting in lieu thereof the word "or."

Amendment adopted.

By Mr. Rutherford:

Amend by inserting in section 1, line 7 of printed bill, after the word "design," the following: "Or who are employed in smelters and other institutions for the reduction or refining of ores or metals."

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 422—An Act granting to municipal corporations of the State of California rights of way over public lands of the State for the location, construction and maintenance of water works and water plants; and the right to take material from such lands for the construction of such works, and to take any waters belonging to the State for the purpose of supplying any such municipality and its inhabitants with water.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 423—An Act to prohibit the sale of intoxicating liquors within a certain distance of any camp or assembly of men, numbering twenty-five or more, engaged upon the construction, repair, or operation of any public work, improvement or utility.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 196—An Act to provide county library systems.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 198—An Act to amend Sections 1715 and 1716 of the Political Code, relating to school libraries.

During second reading of bill, the following amendments were submitted by Mr. Sackett:

Amend by striking out of Section 1715, line 17 of printed bill, the word "are." Also amend by striking out of Section 1716, line 11 of printed bill, the word "subsection," and inserting in lieu thereof the word "subdivision."

Amendments adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 316—An Act to repeal an Act entitled "An Act concerning common schools in the city of Placerville," approved April 1, 1864.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 314—An Act to repeal an Act entitled "An Act supplementary to and amendatory of an Act entitled 'An Act concerning common schools in the city of Placerville, approved April first, eighteen hundred and sixty-four,'" to provide ways and means for building, furnishing, and repairing schoolhouses in said city and for other purposes, approved March 16, 1874.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 139—An Act to aid the enforcement of an Act entitled "An Act to enforce the educational rights of children," approved March 24, 1903.

During second reading of bill, the following amendment was submitted by the committee:

Insert on line 13 of printed bill the word "district," after the word "school"; and on same line of printed bill insert the word "city," after the word "county."

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 246—An Act to amend Section 1565 of the Political Code, referring to teachers' institutes and library funds.

During second reading of bill, the following amendment was submitted by the committee:

Strike out of Section 1565, lines 3, 4, and 5 of printed bill, the words "and except as provided in subdivision second of section one thousand five hundred and three of the Political Code," after the word "certificate," on line 3.

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 228—An Act to amend Section 1543 of the Political Code, so as to provide for suspended districts.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out of line 30, printed bill, the word "your," after the word "in," and insert in lieu thereof the word "its."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out all of subdivision 3, lines 38, 39, 40, 41, 42, and 43, of printed bill, and inserting in lieu thereof the following:

3. At the meeting of the board of supervisors in the months of July, August, or September, the board of supervisors may reëstablish a suspended school district upon proper showing of the people or board of school trustees of the district that there are eight or more pupils of the district ready to attend school.

Amendment adopted.

AMENDMENT No. 3

Amend by striking out of line 56 of printed bill the words, in the third paragraph, after the word "in," and insert in lieu thereof the following: "subdivision three," on same line of printed bill, strike out the word, "subsection," after the word, "this," and insert in lieu thereof the following: "section."

Amendment adopted.

AMENDMENT No. 4.

Amend by striking out of lines 60 and 61 of the printed bill the words, the "second paragraph subsection," and insert in lieu thereof the following: "Subdivision two of this section."

Amendment adopted.

AMENDMENT No. 5.

Amend by striking out of lines 64, 65, 66, and 67 of the printed bill he following words: "If they declare the district lapsed, any money remaining in the fund of the district shall be turned into the general school fund. But the property shall be treated as a lapsed district."

Amendment adopted.

AMENDMENT No. 6.

Amend by inserting at the beginning of line 70 of printed bill, just before the word "of," the words "of heads"; also insert on line 70 of printed bill, after the word "families," the following: "as shown by the last preceding school census."

Amendment adopted.

AMENDMENT No. 7.

Amend by striking out of line 97 of printed bill the parenthesis and all the talicized words contained therein; same for lines 115, 136, 142, 146, 154, 165, 168, 170, 175, 181, 197, 203 of printed bill.

Amendment adopted.

AMENDMENT No. 8.

Amend by inserting on line 160 of printed bill, after the word "California," the following. "other than secondary (high) schools."

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 298—An Act to amend Section 531 of Article XII of the Political Code.

During second reading of bill, the following amendments were submitted by the committee.

AMENDMENT No. 1.

In line six, of section one, of the printed bill, insert after the word "printing," the following: "and binding."

Amendment adopted.

AMENDMENT No. 2.

In line seven, of section one, of the printed bill, add the letter "s" to the word "manuscript."

Amendment adopted.

AMENDMENT No. 3.

In line eight, section one, of the printed bill, after the word "printed," insert the word "bound."

Amendment adopted.

AMENDMENT No. 4.

In line seventeen, section one, of the printed bill, strike out the letter "s" in the word "receipts," so as to make it read "receipt."

Amendment adopted.

AMENDMENT No. 5.

In line seventeen of section one, of the printed bill, strike out the letter "e n the word "therefore," so as to make it read "therefor"

Amendment adopted.

AMENDMENT No. 6.

In line nineteen, section one, of the printed bill, after the word "printing," insert the words "or binding."

Amendment adopted.

AMENDMENT No. 7.

In line twenty of section one of the printed bill strike out the period following the word "officers" : insert a semicolon in lieu thereof, and also insert the following: "*Provided* that the said Superintendent of the State Printing shall have discretionary authority to revise, reduce, or decline to execute any order, or part of any order, which in his judgment is unnecessary, or unwarranted by law, and which will tend to unnecessarily consume the appropriation for support of the State Printing Office; *and provided further*, that in the event that any State officer, board, commission or State institution shall consider the decision of the said Superintendent of State Printing unfair, he may refer the matter to the State Board of Examiners, which board shall determine the matter."

Amendment adopted.

AMENDMENT No. 8.

In lines twenty-three and twenty-four of section one of the printed bill, strike out the words "the State pay to all operatives," and insert in lieu thereof the following: "All employees in the State Printing Office shall be paid."

Amendment adopted.

AMENDMENT No. 9.

In line twenty-nine, section one of the printed bill, strike out the word "first," and insert in lieu thereof "fifteen."

Amendment adopted.

AMENDMENT No. 10.

In line thirty-eight of section one of the printed bill, after the word "printed," insert the word "biennially."

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 8—An Act to amend sections two hundred and seventy, two hundred and seventy-one and two hundred and seventy-one *a* of the Penal Code of the State of California, all relating to crimes against children.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Strike out the words "without lawful excuse," in line 3, of Section 1 of the printed bill, and insert in lieu thereof the words "having the ability so to do."

Amendment adopted.

AMENDMENT No. 2.

Strike out the comma before and the words "or maintenance," in line 5 of Section 1 of the printed bill.

Amendment adopted.

AMENDMENT No. 3.

Strike out the words "five years," in line 7, of Section 1 of the printed bill, and insert in lieu thereof the words "one year."

Amendment adopted.

AMENDMENT No. 4.

Strike out the word "twelve," where it appears in line 3, of Section 2 of the printed bill, and insert in lieu thereof the word "fourteen."

Amendment adopted.

AMENDMENT No. 5.

Strike out the words "not exceeding seven years," in lines 7 and 8, of Section 2 of the printed bill.

Amendment adopted.

AMENDMENT No. 6.

Strike out the words "two years," in line 8, of Section 2 of the printed bill, and insert in lieu thereof the words "one year."

Amendment adopted.

AMENDMENT No. 7.

Add to the end of line 8, of Section 2 of the printed bill, the words "or by fine not exceeding five hundred dollars, or by both."

Amendment adopted.

AMENDMENT No. 8.

Strike out the words "not exceeding five years," in lines 10 and 11, of Section 3 of the printed bill.

Amendment adopted.

AMENDMENT No. 9.

Strike out the words "two years," in lines 11 and 12 of Section 3 of the printed bill, and insert in lieu thereof the words "one year."

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 200—An Act to amend Section 591 of the Penal Code of the State of California.

During second reading of bill, the following amendment was submitted by the committee:

Insert after the word "obstructs," in line 5 of the printed bill, the words "or makes any unauthorized connection with."

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 67—An Act authorizing suits against the State concerning real property and regulating the procedure therein.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 11—An Act providing for the registration of the purchasers of guns, pistols and other firearms, and providing for the punishment of dealers neglecting to register such purchasers.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 383—An Act to amend the Civil Code, by adding thereto a new section, to be numbered 2004, relating to assignment of wages of employee and protection of family of employee and his employer from effect of such assignment.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 247—An Act relating to the adjustment of county boundary lines.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 74—An Act to amend section one hundred and thirty-seven of the Civil Code of the State of California, relating to expenses of action for divorce, alimony, and maintenance.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 321—An Act to repeal an Act entitled "An Act making a conspiracy to commit any crime against the person of, or an attempt to kill or commit any assault upon, the President or Vice-President of the United States, or Governor of any State or Territory, any United States Justice or Judge, or the Secretary of any executive of the United States, a felony; and providing a penalty therefor," approved February 28, 1903.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 322—An Act to amend Section 183 of the Penal

Code of the State of California, relating to a conspiracy to commit any crime against the person of the President or Vice-President of the United States, or Governor of any State or Territory, or any United States Justice or Judge, or the Secretary of any executive department of the United States, and providing a penalty therefor.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 323—An Act to add a new section to the Penal Code of the State of California, to be known as Section 186, making an attempt to kill or commit any assault upon the President or Vice-President of the United States, the Governor of any State or Territory, or any United States Justice or Judge, or the Secretary of any executive department of the United States, a felony, and providing a penalty therefor.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 324—An Act to repeal an Act entitled "An Act making the cost of certain bonds of receivers, assignees, trustees, guardians, administrators, and executors, chargeable to a certain extent against the trust estate," approved March 20, 1905.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 325—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as Section 1060, relating to bonds of receivers, assignees, trustees, guardians, administrators and executors, against trust estates.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 327—An Act to add a new section to the Political Code of the State of California, to be known as Section 2329, relating to forbidding the employment of the inmates of State institutions in the manufacture or production of articles for the use of State officers, or the officers and employees of State institutions.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 328—An Act to repeal an Act entitled "An Act to provide for the payment by the State or counties, or cities, or cities and counties, of the premium or charge on official bonds when given by surety companies," approved March 25, 1903.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 329—An Act to add a new section to the Political Code of the State of California, to be known as Section 988, relating to the payment of premiums on official bonds.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 330—An Act to add a new section to the Penal Code of the State of California, to be known as Section 79, relating to school officers and teachers acting as agents.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 294—An Act for the better protection of persons employed in mines; providing for the appointment of an inspector of mines, and defining his duties and fixing his compensation, and providing for the payment thereof.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT NO. 1.

Amend Section 1, line 7, printed bill, by inserting after the word "operation" the following: "nor who shall not have had five years of practical experience as an underground miner in the State of California."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out of Section 2, line 3, of printed bill, the parenthesis around the word "two."

Amendment adopted.

AMENDMENT No 3.

Amend Section 2, line 4, of printed bill, by inserting after the word "such," "deputy or."

Amendment adopted.

AMENDMENT No. 4.

Amend Section 2, line 5, of printed bill, by inserting after "he" "or they."

Amendment adopted.

AMENDMENT No. 5.

Amend by striking out of Section 3, line 16, the word "lessees."

Amendment adopted.

AMENDMENT No. 6.

Amend Section 4, line 2, of printed bill, by inserting after the word "three," "or."

Amendment adopted.

AMENDMENT No. 7.

Amend by striking out of Section 5, line 29, of printed bill, the word "in," and inserting in lieu thereof the following: "is."

Amendment adopted.

AMENDMENT No. 8.

Amend by striking out of Section 6, line 10, of printed bill, the word "and," and inserting in lieu thereof the following: "or."

Amendment adopted.

AMENDMENT No. 9.

Amend by striking out of Section 13, all the words after "13," and inserting in lieu thereof the following: "Every person who shall in any manner interfere with or obstruct said mining inspector or his deputy in the performance of his duty of visiting, entering or examining any mine or mines as in this act provided, or prevent him from doing or performing the same, shall be guilty of a misdemeanor.

Amendment adopted.

AMENDMENT No. 10.

Amend by adding a new section to be numbered 14, and to read as follows: Sec. 14. This act shall take effect and be enforced thirty (30) days from and after its passage.

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Committee Substitute for Assembly Bill No. 233—Amending an Ac approved March 23, 1901 "An Act to provide for the establishment and maintenance of public libraries within municipalities."

Committee substitute read second time, and ordered to engrossment.

Assembly Bill No. 326—An Act to repeal an Act entitled "An Act forbidding the employment of the inmates of State institutions in the manufacture, or production of articles for the use of State officers, or the officers and employees of State institutions," approved March 19, 1903.

During second reading of bill, the following amendment was submitted by the committee:

On page 1, Section 1, line 4 of the printed bill, strike out the following: "(employees)."

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 334—An Act to repeal an Act entitled "An Act to prevent the destruction of forests by fire on public lands," approved February 13, 1872.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 336—An Act to repeal an Act entitled "An Act authorizing the allowance, settlement and payment of claims of counties against the State," approved March 9, 1893.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 337—An Act to add a new section to the Political Code of the State of California, to be known as Section 3881, relating to claims of counties against the State.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 341—An Act to repeal an Act entitled "An Act to regulate the disposition of the hides of cattle killed or slaughtered in the State of California," approved March 23, 1893.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 342—An Act to repeal an Act entitled "An Act to provide for the registration of bonds issued by common school, high school, or union high school districts," approved March 18, 1905.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 344—An Act to repeal an Act entitled "An Act to prohibit the collection of accounts for liquors sold at retail," approved March 20, 1874.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 348—An Act to repeal an Act entitled "An Act to declare valid writs, process, and certificates issued by the Superior Court of this State, or the clerks thereof, before such courts shall have been legally provided with seals," approved March 31, 1880.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 349—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as Section 80, relating to the validity of writs, process, and certificates issued by the Superior Courts or the clerks thereof, before such courts shall have been legally provided with seals.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 343—An Act to add two new sections to the Political Code of the State of California, to be known as Sections 1893 and 1894, providing for the registration of bonds issued by common school, high school, or union high school districts.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 1, line 6 of the printed bill, insert after the word "school," the following: "or joint union high school."

Amendment adopted.

AMENDMENT No. 2.

On page 2 of the printed bill and between lines 38 and 39 insert the following: "The provisions of this section shall apply to coupon bonds, so issued, as well as to other coupon bonds, or other bonds payable to bearer."

Amendment adopted.

AMENDMENT No. 3.

On page 3 of the printed bill, strike out all of lines 54, 55, and 56.

Amendment adopted.

AMENDMENT No. 4.

On page 3 of Section 3 of the printed bill strike out the word "Sec" and insert the word "Section"

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No 345—An Act to add a new section to the Civil Code of the State of California, to be known as section thirty-four hundred and thirty-four, relating to the collection of accounts for liquors sold at retail.

During second reading of bill, the following amendment was submitted by the committee:

On page 1 of the printed bill, in line 5 thereof, strike out, after the words "or order," the word "by," and insert in lieu thereof the word "at"

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 340—An Act to add a new section to the Penal Code of the State of California, to be known as section one hundred and thirty-nine, relating to keeping the hides of animals killed or slaughtered, and providing a penalty for the violation thereof.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 1, of the printed bill, lines 3 and 4 thereof, strike out the following words, "any person who shall at any time kill or slaughter," and insert in lieu thereof the following "any person who kills or slaughters or causes to be killed or slaughtered."

Amendment adopted

AMENDMENT No. 2.

On page 1, line 5 of the printed bill, strike out the word "animals," and insert in lieu thereof the word "animal."

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 333—An Act to repeal Sections 1868, 1869, and 1870 of the Political Code of the State of California

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1

On page 1, after the word "Sections," of line 1 of the title of printed bill No 333, insert the following "Eighteen hundred and sixty-seven"

Amendment adopted.

AMENDMENT No 2

In line 1 of printed bill No 333, and after the word "Sections," insert the following "1867"

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 331—An Act to add a new section to the Penal Code of the State of California, to be known as Section 78, relating to the prevention of irregular issuance of teachers' certificates.

During second reading of bill, the following amendment was submitted by the committee:

On page 1, Section 1, lines 3 and 4 of printed bill No. 331, strike out the following "superintended," and insert in lieu thereof the following "superintendent"

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

SENATE BILLS—SECOND-READING FILE.

Senate Bill No. 302—An Act making an appropriation to pay the deficiency in the appropriation for salaries of officers and employees of the Preston School of Industry for the sixtieth fiscal year.

Senate Bill No. 303—An Act making an appropriation to pay the deficiency in the appropriation for the support of the Preston School of Industry for the sixtieth fiscal year.

Senate Bill 304—An Act making an appropriation to pay the deficiency in the appropriation for arresting criminals without the State for fifty-eighth, fifty-ninth, and sixtieth fiscal years.

Senate Bill No. 305—An Act making an appropriation to pay the deficiency in the appropriation for transportation of prisoners and insane and delinquent and feeble-minded children for the fifty-ninth and sixtieth fiscal years.

Senate Bill No. 306—An Act making an appropriation to pay the deficiency in the appropriation for support and expenses of the State Board of Horticulture for the fifty-ninth fiscal year.

Senate Bill No. 307—An Act making an appropriation to pay the deficiency in the appropriation made by Chapter 212, Statutes of 1905, relative to improvements at the State Printing Office.

Senate Bill No. 308—An Act making an appropriation to pay the deficiency in the appropriation made by Chapter 8, Statutes of 1905, relative to payment of rental, cost of moving and other necessary expenses incurred by different State officers.

Senate Bill No. 310—An Act making an appropriation to pay the deficiency in the appropriation for the support of the Veterans' Home of California for the fifty-ninth and sixtieth fiscal years.

Senate Bill No. 311—An Act making an appropriation to pay the deficiency in the appropriation for contingent and traveling expenses of the State Veterinarian and assistant for the fifty-ninth fiscal year.

Senate Bill No. 312—An Act making an appropriation to pay the deficiency in the appropriation for aid to the State Agricultural Society for the fifty-ninth fiscal year

Senate Bill No. 313—An Act making an appropriation to pay the deficiency in the appropriation for contingent and traveling expenses of the Department of Engineering for the fifty-ninth and sixtieth fiscal years.

Mr. Beardslee moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bills.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Mr. Leeds in the chair.

Senate Bills Nos. 302, 303, 304, 305, 306, 307, 308, 310, 311 312 and 313 considered.

Mr. Beardslee moved that the committee do now rise and report in favor of the passage of the bills.

Motion carried.

IN ASSEMBLY.

Mr. Leeds in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1909

MR SPEAKER The Committee of the Whole have had under consideration Senate Bills Nos. 302, 303, 304, 305, 306, 307, 308, 310, 311, 312 and 313—and do now report the same back, and recommend that they do pass.

LEEDS, Chairman.

Bills read second time, and ordered to engrossment.

SPEAKER IN THE CHAIR.

At three o'clock and thirty-five minutes P. M., Speaker P. A. Stanton in the chair.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Mr. Transue:

WHEREAS, There are now before the Committee on Ways and Means of the Assembly many appropriation bills relating to State institutions calling for the expenditure of several millions of dollars; and

WHEREAS, In the consideration of said bills said committee requires information relative to said institutions, which can only be secured by a personal inspection of said institutions by members of the Committee on Ways and Means; therefore, be it

Resolved, That the sum of five hundred dollars, or such portion thereof as may be needed, be and the same is hereby set aside from and out of the Contingent Expense Fund of the Assembly to the use of said Committee on Ways and Means, in defraying the actual expense to be incurred by the members of the Committee on Ways and Means and for postage, under the direction of the chairman of said committee; and the Controller is hereby directed to draw his warrant in payment of such expense of the members of said committee, the total of said warrants not to exceed the sum of five hundred dollars, from time to time in favor of R. L Beardslee, chairman of said Committee on Ways and Means, and the State Treasurer is directed to pay the same.

Resolution read.

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

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Callan, Cattell, Coghlan, Cogswell, Collier, Costar, Cronin, Cullen, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Leeds, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Mott, Nelson, Otis, Perine, Preston, Pugh, Rech, Rutherford, Sackett, Schmitt, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—61.

NOES—None.

RE-REFERENCE OF BILLS.

On motion of Mr. Beardslee, Senate Bills Nos 300 and 301 were recalled from the Committee on Claims, and referred to Committee on Ways and Means.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, January 20, 1909.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following have been correctly enrolled:

Assembly Joint Resolution No. 2—Relative to repairs of United States roads in Yosemite Valley.

Also: Assembly Concurrent Resolution No. 2—Relative to requesting the admission of the University of California to the list of accepted institutions entitled to the benefits of the Carnegie foundation for the advancement of teaching.

And were presented to the Governor January 20, 1909, at three o'clock and thirty minutes P. M.

YOUNG, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1909

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following has been correctly enrolled:

Assembly Joint Resolution No. 3—Relative to the grape growing interests of California—and was presented to the Governor January 25, at eleven o'clock A. M.

YOUNG, Chairman

MOTION.

Mr. Johnson of Sacramento moved that the Speaker be authorized to make arrangements for the establishment and maintenance of a lunch parlor, for the accommodation of the members and employees of the Legislature.

Motion seconded by Mr. Preston.

Motion carried.

INTRODUCTION OF BILL—(OUT OF ORDER).

The following bill was introduced and referred as indicated:

By Mr. Coghlan (by request): Assembly Bill No. 754—An Act to create a State Board of Accountancy, and prescribe its duties and powers; to provide for the examination of and issuance of certificates to qualified applicants, with the designation of certified public accountant, and to provide the grade of penalty for violations of the provisions thereof.

Bill read first time, and referred to Committee on Judiciary.

ADJOURNMENT.

At three o'clock and fifty minutes P. M., on motion of Mr. Johnson of Sacramento, the Assembly was declared adjourned.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL., Tuesday, January 26, 1909.

At nine o'clock and thirty minutes A. M., pursuant to adjournment, the Assembly was called to order.

Hon. P. A. Stanton, Speaker of the Assembly, in the chair.

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

Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—78

Quorum present.

PRAYER.

Prayer was offered by the Chaplain, Rev. Seren N. Marsh.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Hans, its further reading was dispensed with.

LEAVE OF ABSENCE.

On motion, leave of absence for the day was granted to Messrs. Wyatt and Feeley.

THE FOLLOWING PETITIONS WERE PRESENTED.

By Mr. Costar:

Petition requesting that the Sacramento Drainage District Act be amended.
(Signed:) R. H. YOUNG (and others).

Above petition read and referred to Committee on Swamp and Overflowed Lands and Levees and River Improvements and Drainage.

By Mr. Drew:

Petition in favor of the passage of Assembly Bill No. 78, relating to aliens.
(Signed:) A. IVERSON (and others).

Above petition read and referred to Committee on Judiciary.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1909.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 47—An Act making an appropriation to assist the State Board of Equalization in gathering data in the several counties for equalization purposes, and for the employment of expert accountants to verify reports of railroad companies made to said board

Also: Assembly Bill No. 125—An Act transferring the sum of $80,000 from the general fund to the estates of deceased persons fund.

Also: Assembly Bill No. 176—An Act providing for a biennial appropriation in the general appropriation bill for the benefit of the Governor's residence and grounds.

Also: Assembly Bill No. 731—An Act making an appropriation for the maintenance of the Governor's residence from January 1, 1909, to June 30, 1909.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

BEARDSLEE, Chairman.

ON COMMERCE AND NAVIGATION.

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1909.

MR. SPEAKER: Your Committee on Commerce and Navigation, to whom was referred Assembly Bill No. 428—An Act to amend "An Act entitled an Act to provide for the appointment of pilots, and defining their duties and compensation at the ports of Wilmington and bay of San Pedro," approved March 19, 1889—and recommend that it do pass

Also: Assembly Bill No. 645—An Act appropriating money to be expended by and under the direction of the Department of Engineering, for the purpose of rectifying the channel of Petaluma River, and to dredge the bar formed by said river where it empties into the bay of San Francisco—and recommend that it do pass, and be referred to the Committee on Ways and Means.

McMANUS, Chairman.

ON SWAMP AND OVERFLOWED LANDS AND LEVEES AND RIVER IMPROVEMENTS AND DRAINAGE.

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1909.

MR SPEAKER: Your Committee on Swamp and Overflowed Lands and Levees and River Improvements and Drainage, to whom was referred Assembly Bill No. 202—An Act to provide for acquiring a right of way for deepening and widening, and for deepening and widening the channel or outlet of Clear Lake in Lake County, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass, and that it be referred to the Committee on Ways and Means.

HEWITT, Chairman.

SAN FRANCISCO DELEGATION.

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1909.

MR. SPEAKER: Your Committee, the San Francisco Delegation, to whom was referred Assembly Bill No. 226—An Act to amend an Act entitled "An Act authorizing the judges of the Superior Court in all counties, and cities and counties, having a population of two hundred thousand inhabitants and over, to appoint a secretary," approved March 26, 1895—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

BEBAN, Chairman.

The above reported bills ordered on file for second reading.

Assembly Bills Nos. 428 and 202 referred to Committee on Ways and Means.

INTRODUCTION OF BILLS.

The following bills were introduced and referred, as indicated:

By Mr. Preston: Assembly Bill No. 755—An Act to add a new section to the Political Code of the State of California, to be number four thousand two hundred and forty-three *a*, relating to the compensation of jurors in counties of the fourteenth class.

Bill read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 756—An Act to amend Section 755 of the Political Code, relating to the salary of the Clerk of the Supreme Court.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 757—An Act to amend section seven hundred and fifty-six of the Political Code, relating to salaries of deputies of the Clerk of the Supreme Court.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 758—An Act appropriating money for metal shelving, record cases, fixtures and other accessories for the use of the Clerk of the Supreme Court.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 759—An Act to amend section seven hundred and fifty-one of the Political Code, relating to deputies of the Clerk of the Supreme Court.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Collier: Assembly Bill No. 760—An Act to amend Sections 2322, 2322*a*, 2322*b*, 2322*c*, 2322*d*, and 2322*e* of the Political Code, relating to county boards of horticulture.

Bill read first time, and referred to Committee on Agriculture.

Also: Assembly Bill No. 761—An Act to amend section thirty-seven hundred and sixty-six of the Political Code of the State of California, relating to publication of delinquent tax list.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 762—An Act to provide for the reforestation, the cutting of fire lanes and fire trails on the San Bernardino Forest Reserve, and to make an appropriation therefor.

Bill read first time, and referred to Committee on Public Lands.

By Mr. Hans: Assembly Bill No. 763—An Act to allow unincorporated towns and villages to establish, equip and maintain systems of street lights on public highways, to provide for the formation, government and operation of highway lighting districts; the calling and holding of elections in such districts; the assessment, collection, custody and disburse-

ment of taxes therein; and the creation of ex officio boards of highway lighting commissioners.

Bill read first time, and referred to Committee on Municipal Corporations.

By Mr. Pulcifer: Assembly Bill No. 764—An Act to add a new section to the Political Code, to be known as Section 4225, relating to the payment of salaries of all regular city employees of counties, cities and counties, cities and towns.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Hewitt: Assembly Bill No. 765—An Act to amend sections three thousand six hundred twenty-seven, three thousand six hundred eighty, three thousand six hundred ninety-two, three thousand eight hundred thirty-nine, three thousand eight hundred forty-three, three thousand eight hundred forty-five, and three thousand eight hundred fifty-four of the Political Code, relating to the assessment, equalization and collection of taxes of the State and counties.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Mr. Dean: Assembly Bill No. 766—An Act to establish the Northern California Polytechnic School in the county of Shasta, and making an appropriation therefor.

Bill read first time, and referred to Committee on Education.

By Mr. Rutherford: Assembly Bill No. 767—An Act to amend Section 425 of the Political Code of the State of California.

Bill read first time, and referred to Committee on Public Works, State Capitol, and Parks.

By Mr. Drew: Assembly Bill No. 768—An Act to amend Section 452 of the Political Code, relating to the duties of State Treasurer.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 769—An Act to amend Section 3866 of the Political Code, relating to settlements with the Controller and payments into the State treasury.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 770—An Act to amend Section 435 of the Political Code, relating to the duties of the State Controller.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 771—An Act to amend Section 675 of the Political Code of the State of California, relating to the counting of the money in the State treasury and the duties of the Treasurer, Controller and Board of Examiners in connection therewith.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 772—An Act to amend an Act approved February 28, 1907, entitled "An Act to authorize the deposit of State moneys in banks of this State, and to repeal all Acts and parts of Acts in conflict with this Act."

Bill read first time, and referred to Committee on Judiciary.

By Mr. Webber: Assembly Bill No. 773—An Act to change, establish and permanently locate the boundary lines of the county of Kings, and a portion of the south and east boundary lines of the county of Fresno.

Bill read first time, and referred to Committee on Counties and County Boundaries.

By Mr. Johnson of Sacramento: Assembly Bill No. 774—An Act to amend Section 172 of the Penal Code, relating to keeping intoxicating liquors within or contiguous to certain buildings and grounds, and United States Army posts.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Irwin: Assembly Bill No. 775—An Act to amend Section 922 of the Code of Civil Procedure of the State of California, relating to Justices' Courts.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Transue: Assembly Bill No. 776—An Act to amend Section 3700 of the Political Code, relating to salaries of the members of the State Board of Equalization.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Johnson of Placer: Assembly Bill No. 777—An Act to regulate the operation and supervision of stationary steam apparatus.

Bill read first time, and referred to Committee on Labor and Capital.

By Mr. Wilson: Assembly Bill No. 778—An Act to provide for the purchase of live stock for and for the use of the University Farm and Agricultural School at Davis, and appropriating money therefor.

Bill read first time, and referred to Committee on Agriculture.

Also: Assembly Bill No. 779—An Act to provide for the purchase of supplies, apparatus, equipment and furnishings of buildings, class rooms and laboratories on the University Farm at Davis, and appropriating money therefor.

Bill read first time, and referred to Committee on Agriculture.

Also: Assembly Bill No. 780—An Act to provide for the extension of the lighting, power, water and sewer systems at the University Farm and Agricultural School at Davis, and appropriating money therefor.

Bill read first time, and referred to Committee on Agriculture.

By Mr. Griffiths: Assembly Bill No. 781—An Act to authorize the local boards of managers of the several State hospitals for the insane and homes for the feeble-minded of the State of California to employ regularly ordained ministers and priests to visit and perform spiritual duties and ministrations to the inmates of said State hospitals and homes for the feeble-minded, and to provide for their compensation.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

By Mr Preston: Assembly Bill No. 782—An Act to amend Section 4243 of the Political Code of the State of California, relating to the compensation and expenses of officers in counties of the fourteenth class.

Bill read first time, and referred to Committee on County and Township Governments.

RESOLUTIONS.

The following resolutions were offered:

By Mr. Melrose:

WHEREAS, In resolutions adopted by the Newport Beach Chamber of Commerce, which resolutions are presented herewith, it is charged, among other things, that a portion of Newport Bay, a navigable body of water in Orange County, has by the State Board of Fish Commissioners been leased as a State game preserve, and which portion so leased immediately adjoins the grounds of a gun club organized for the purpose of shooting wild game; and

WHEREAS, The object and purpose of the Act of the Legislature, approved March 21, 1907, authorizing the establishment of State game preserves were to preserve and protect wild game for the benefit of all the people, and not for the benefit of exclusive gun club corporations; and

WHEREAS, If the facts set forth in said resolutions are true, the intent and purpose of said Act have been perverted and nullified by the establishment of said game preserve; therefore, be it

Resolved, That the Committee on Fish and Game be requested to inquire into all facts concerning the execution and operation of said lease of said game preserve, and if it finds that said lease was improperly or inadvertently made, or that its operation is in conflict with the rights of the people, or unduly favors any private corporation, it shall recommend such remedy as to it may seem proper to correct any injustice which may have been done in this matter.

RESOLUTION.

NEWPORT BEACH, CAL., January 12, 1909.

WHEREAS, Newport Bay is a large body of navigable water and as such is entitled to be freely used by all the people of the United States, and of the State of California; and

WHEREAS, This bay is a place where wild waterfowl are wont to congregate in great numbers; and

WHEREAS, Nearly all of the duck grounds in the State are in the possession of rich gun clubs so that a man of ordinary means is deprived of the pleasure of shooting and eating wild waterfowl which were placed upon earth by the great Creator as food for all mankind; and

WHEREAS, Upper Newport Bay is unlawfully held by the Irvine Company in defiance to all established law relating to tide lands; and

WHEREAS, A certain portion of the upper bay has been leased by the Irvine Company to the San Joaquin Gun Club, a private corporation; and

WHEREAS, Nearly all the balance of Upper Newport Bay has been set apart as a State game preserve, which greatly enhances the value of the said San Joaquin Gun Club, and

WHEREAS, the ducks and other waterfowl can at all times find a safe refuge on the Pacific Ocean, only a few miles away, so a State reserve is not needed, and

WHEREAS, State Game Warden H. J. Connell is a member of said San Joaquin Gun Club, and one H. Keady, Deputy Game Warden, stationed on said game preserve, while drawing pay from the State is weekly in the employ of said San Joaquin Gun Club as a boatman and servant; therefore, be it

Resolved, That we, the Chamber of Commerce of the City of Newport Beach, hereby condemn and demand the abolishing of said State game preserve as operating against the best interests of the community at large; be it further

Resolved, That a copy of these resolutions be spread upon the minutes of the Newport Beach Chamber of Commerce and a copy be furnished to the Legislature of the State of California, and that we earnestly pray the legislators to take such means as they may see fit for the abolishing of this State game preserve.

NEWPORT BEACH CHAMBER OF COMMERCE.
By W. W WILSON, President
By LEW H WALLACE, Secretary.

Resolution read, and referred to Committee on Fish and Game.

By Mr. Collier:

WHEREAS, There have been, and may hereafter be, referred to the Committee on Public Charities and Corrections, certain bills relating to the management, care and control of the various prisons and reformatory schools of the State and the parole of prisoners and care of probationists, and it will be necessary for said committee to examine said institutions and the records and work thereof; therefore, be it

Resolved, That the Committee on Public Charities and Corrections, consisting of the following members, viz: Messrs. Collier, Young, Beatty, Mott, Gerdes, Lightner, and Wheelan, shall and the same are hereby given authority to visit institutions of the above nature, and they are hereby granted leave of absence for said purpose.

Resolution read, and referred to Committee on Rules and Regulations.

SPECIAL MESSAGE OF GOVERNOR JAMES N. GILLETT.

The following message from the Governor was received and read, and ordered printed in the Journal:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA.
SACRAMENTO, January 25, 1909.

To the Senate and Assembly of the State of California:

There is certain legislation now pending before you which I believe to be of grave concern not only to our State but to the nation as well, and which should be most thoughtfully considered before being acted upon.

Ordinarily, I believe that there should be no executive interference with the will of the Legislature, nor any attempts made to influence it in the enactment of laws, because yours is a coordinate branch of the government and the people of this State, by their constitution, have delegated to you the power and authority of

enacting those laws which are to govern them, and have vested in the Executive only the power of veto and the right to recommend such matters as he may deem expedient

The enactment of any law is a grave responsibility, and when you are considering measures which not only affect our own people, but which may affect the policies of the nation and involve it in trouble with a friendly power, then you are called upon to proceed with great caution, to weigh carefully every step taken and to do nothing but what your conscience and best judgment dictates, looking not only to the welfare of the State but to the interests of the General Government as well. And it is because I believe that you are now confronted with such a situation that I address this message to you, hoping that I may be able to help you to properly solve those matters to which I shall herein refer, expecting you to take such action as will appeal to your own judgment as to what is the right and proper thing to do under all the circumstances, both as it affects the State and nation.

Certain bills have been introduced, some of which have been favorably reported by your committees, indirectly intended to affect the Japanese people—at least, such is the impression abroad These bills have attracted the notice of the whole nation and have caused Japan to call the attention of our Government to them. They have produced an agitation, not only in our own country, but throughout Japan, and the Japanese Minister of Foreign Affairs has stated to the authorities in Washington that if the bills should be passed the Government of Japan would consider it very embarrassing

Before referring specifically to these bills, I wish to review what has been done between our Government and Japan toward stopping immigration to this country:

Bills were introduced in the 58th and 59th Congress to have the Chinese exclusion laws apply to the Japanese. This resulted in bringing before the State Department in Washington the question of the immigration of Japanese subjects to the United States.

The Japanese Government expressed a desire of settling the question by an agreement to be entered into between the two nations wherein Japan was to undertake that no Japanese laborers, skilled or unskilled, should leave Japan for the United States or for the Islands of Hawaii. In arriving at this agreement, much correspondence passed between the Minister of Foreign Affairs of Japan and Secretary Root, and finally a compact was concluded whereby Japan agreed to prevent certain classes of its citizens, therein named, from immigrating to this country. This agreement between the United States and Japan was mutual, and undoubtedly satisfactory to both nations, and Japan at once commenced to enforce it, and abide by its provisions and is now carrying out its terms.

The correspondence leading up to this agreement was shown to me by Secretary Root one year ago this winter when I was in Washington, and since that time his office has forwarded to me reports showing that the Japanese Government was complying with its part of the contract. The Japanese Foreign Office reports that during December, 1908, one hundred and twenty-six Japanese left Japan for the mainland of the United States, of whom sixty-two were returning emigrants or relatives; and that one hundred and seventy-four left Japan for Hawaii, of whom one hundred and fifty-one were returning emigrants or relatives. It is further stated in such report that eight hundred and twelve Japanese returned to Japan from the mainland of the United States during December, 1908, of whom seven hundred and fifteen were in the steerage; and that one hundred and ninety-five Japanese returned to Japan from Hawaii, of whom one hundred and ninety-three were in the steerage In the month of December the Japanese leaving the United States for Japan exceeded those leaving Japan for the United States by six hundred and eighty-six. No laborer of Japan can leave his country without a passport, and, under the agreement with Japan, it will not issue a passport to any laborer to come to Hawaii or the mainland of the United States Japan claims that it has the matter well in hand, that no Japanese laborers are coming to this country and that many are leaving. On the other hand it is contended that the Japanese population in this State is gradually increasing, but I know of no figures showing this to be true.

To-day the relations existing between the United States and Japan are very friendly Both are great powers among the nations of the world. Both stand in a position, geographically, to dominate and control the commerce of the Pacific Acting together, they can dictate the policies which other nations must pursue in the Far East and can preserve the peace there. As friendly allies, many benefits will inure to both nations, and a great commerce can be carried on between them to the advantage of our people; but, as enemies, the commerce of both can be driven from the ocean. Every reason, therefore, exists why there should continue between Japan and our Government the most friendly relations, and it is the expressed wish of each nation that this shall be so. Appreciating this friendship and their community of interests, both nations have attempted amicably to settle by an agreement the question of immigration, and Japan is now endeavoring to carry out its part. If the agreement does not go far enough; that is, if classes other than those enumerated therein should have been included, then our Government should make that fact known to Japan and ask to have them included and present its reasons therefor. If such reasons are good and sufficient, then in all fairness, and with a desire to do what is right, Japan will, no doubt, consent to the request made

The question of immigration is one that affects the entire nation as well as our State, and is one which the Federal Government can alone settle. It may be settled in two ways first, by an agreement between the two nations, which has been done, or by legislation passed by Congress, as was done in the case of the Chinese.

If we find out that, notwithstanding Japan's efforts, her coolie labor continues to pour into our State, or those calling themselves agriculturalists are landing upon our shores and settling in our cities, or leasing and purchasing our valuable agricultural lands, and changing white settlements to Japanese, to the detriment of this State and its citizens, then it is our plain duty to call the attention of our Government to the facts, and petition it to take such prompt action as may be proper, and, by an agreement with Japan, or by legislation, if necessary, to remedy conditions If our complaints are just they will be taken up by Congress and the President and acted upon

While the settlement of the questions of immigration are pending, we should do no act to embarrass those in authority at Washington, thereby making their task more difficult. We should be very careful about passing any legislation, not absolutely necessary for our immediate protection, intended solely to affect the Japanese people being lawfully among us, because in so doing we make the task which we expect our Government to perform harder to accomplish, and such legislation at the best can only tend to widen the breach between Japan and our country and cause a feeling of misgivings and distrust to exist. We must also remember that no law that this State can enact will stop Japanese immigration Congress alone is vested with authority to pass such legislation. And we must also recognize the fact that the Japanese among us are the subjects of a friendly nation and are entitled to the same treatment under our laws and to the same privileges and immunities as are guaranteed to the subjects of the most favored nations. Japan's treaty with our Government guarantees to them this right, and, as citizens of these United States, we must accord it to them There can not be one law for the subjects of Japan and another one for the citizens of England.

This brings me to a consideration of some of the bills now pending before you and which have already caused much discussion and alarm in both countries.

If you believe the general policy of this State and its future development demands that all aliens, that is, citizens of other countries, should be discouraged in making investments here, and that no alien should be permitted to become the owner in fee simple of any lands within this State—agricultural, grazing or mineral, or of any city property for the purposes of trade, commerce or manufacturing—then enact a law forbidding the same, but see to it that it affects the subjects of all nations alike, and that under its provisions the citizens of Japan shall have equal privileges with those of England and other favored nations, otherwise you might create a situation which may prove to be embarrassing to the Federal Government. Mr. Drew's bill might be so amended, but in its present form it clearly, as no doubt was intended, discriminates against the citizens of China and Japan Whether any bill should pass at this time which will discourage foreign capital from seeking investments in our State is a most serious question and one not lightly to be considered. But that is a question I leave for you to solve.

Another bill which you have under consideration, and which has been classed as anti-Japanese legislation, is a bill providing that no alien shall be a director in any corporation created under the laws of this State This bill applies to all aliens as it should if it is to be enacted into law. How many citizens of foreign countries will care to come to California and form corporations for mining, transportation, commerce, manufacturing, banking or any other business, if they can not be directors so as to be able to handle their own money and direct the business in which they engage? What injury is the State now suffering by reason of Japanese directors, or what injury can it suffer by those who may hereafter become directors in a corporation, which will justify a law that no citizen of any foreign country can become a director of a corporation created under the laws of this State, though he may own the controlling interest in it? What public necessity, any way, exists for such a law? It is a very pertinent question, and one which should be most satisfactorily answered by its proponent.

Another measure which is clearly intended to reach the Japanese is one which gives to municipalities the right to set apart certain limits in which "undesirable persons" are to reside. It is not my purpose or desire, however, to discuss the merits of these several bills, or whether or not they should be enacted into laws. It is for you to decide these questions for yourselves and use your best judgment in the matter.

All I desire to do is to call your attention to the fact that the passage of these bills through the legislature, even though they may never finally become laws, will cause our Federal Government some embarrassment in relation to the agreement it now has with Japan, and its own good faith may be questioned. What we want is to have the question of immigration between these two nations settled amicably, but settled right. Both are earnestly striving to attain that end. Japan has agreed with our Government to do so in a certain way. At the present time she is busily engaged in carrying out her promise. This nation must accept her good faith until the contrary appears. If Japan fails in what she has undertaken she can not complain if our Government undertakes in its own way the task By pursuing this course, the friendly relations existing between the two nations will not be broken and the great com-

merce now passing between them will continue to grow and the greatest benefits therefrom will be realized by the Pacific Slope.

The President of the United States and the Secretary of State have issued a warning against passing any bills of the nature proposed. Representing the nation and knowing the situation as they do, their warning should be heeded. This matter is one in which our interests are not alone involved, but one in which the whole country is interested.

The passage of all or any of the proposed bills will not prevent a single Japanese from landing here or cause one to leave the country. They will in no sense check immigration, or change the Japanese way of doing business or his manner of living. They can only tend to embarrass this nation in its dealings with Japan, and render future negotiations more difficult.

Whatever we shall attain in the way of restricting Japanese immigration must come to us through treaties entered into by the Federal Government, or through laws enacted by Congress.

Our efforts should be made through the proper channels, and we should prepare a statement of facts to support any petition we may present.

I would therefore recommend that a sufficient appropriation be made to enable the Labor Commissioner to take a census showing the number of Japanese now in the State, the number classed as laborers, and those classed as agriculturists, the number of acres of land owned by Japanese and the number of acres leased, and to get such other and further information as may be useful in making a proper report to the President of the United States and to Congress.

With such a census we can ascertain hereafter whether or not the Japanese population of this State is increasing or decreasing and whether or not they are extending their real property holdings.

I most respectfully submit this whole matter to your most careful and thoughtful consideration, hoping and believing that no mistakes will be made in the proper solution thereof, and that nothing may be done in the way of passing legislation which will tend to hereafter embarrass the representatives of our country in dealing with the nation of Japan concerning immigration matters.

J. N. GILLETT.

BILL RECALLED FROM COMMITTEE.

Mr. Butler moved that Assembly Bill No. 171 be recalled from the Committee on Ways and Means and placed on file, as the bill carried no appropriation and had already been acted upon by the Committee on Military Affairs.

Motion carried.

SPECIAL FILE—THIRD READING.

Assembly Bill No. 140—An Act to amend sections nine and ten of an Act entitled "An Act to establish and support a Bureau of Labor Statistics," approved March 3, 1883.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 140 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beatty, Beban, Black, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Cronin, Cullen, Dean, Drew, Flavelle, Fleisher, Gibbons, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Juilliard, Leeds, Lightner, Macauley, Maher, McManus, Melrose, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Telfer, Wagner, Webber, Wheelan, Whitney, Wilson, Young, and Mr. Speaker—64

NOES—Messrs. Bohnett, Flint, Gillis, Johnson of Placer, Kehoe, Mendenhall, and Wyllie—7.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Mr. Drew gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 140 was this day passed.

THIRD-READING FILE.

Assembly Bill No. 172—An Act to allow unincorporated towns and villages to establish, equip and maintain public libraries; to provide for the formation, government and operation of library districts; the acquisition of property thereby; the calling and holding of elections in such districts; the assessment, collection, custody, and disbursement of taxes therein; and to create boards of library trustees.

During the third reading of the bill Mr. Hans moved that the Speaker appoint a select committee of one to amend the bill, as follows:

AMENDMENT No. 1.

On page 1 of the printed bill, in line 1, of Section 2, strike out the "comma" after the word "more."

AMENDMENT No 2.

On page 9 of the printed bill, in line 8, of Section 30, add the letters "ing" to the word "erect," making it read "erecting."

AMENDMENT No. 3.

On page 3 of the printed bill, in line 8, of Section 10, after the word "electing," strike out the word "of."

AMENDMENT No. 4.

On page 11 of the printed bill, in line 7, of Section 37, that the word "he" be changed to "be"

Motion carried.

The Speaker appointed Mr. Hans as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 172, with instructions, do now report that the instructions of the Assembly have been carried out.

HANS, Select Committee.

Report of select committee and amendments adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1909.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Assembly Bill No. 349—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as section eighty, relating to the validity of writs, process and certificates issued by the Superior Courts or the clerks thereof, before such courts shall have been legally provided with seals.

Assembly Bill No 348—An Act to repeal an Act entitled "An Act to declare valid writs, process, and certificates issued by the Superior Courts of this State, or the clerks thereof, before such courts shall have been legally provided with seals,' approved March 31, 1880.

Assembly Bill No 344—An Act to repeal an Act entitled "An Act to prohibit the collection of accounts for liquors sold at retail," approved March 29, 1874

Assembly Bill No 342—An Act to repeal an Act entitled "An Act to provide for the registration of bonds issued by common school, high school, or union high school districts," approved March 18, 1905.

Assembly Bill No 341—An Act to repeal an Act entitled "An Act to regulate the disposition of the hides of cattle killed or slaughtered in the State of California," approved March 23, 1893.

Assembly Bill No. 337—An Act to add a new section to the Political Code of the State

of California, to be known as Section 3881, relating to claims of counties against the State.

Assembly Bill No 336—An Act to repeal an Act entitled "An Act authorizing the allowance, settlement, and payment of claims of counties against the State," approved March 9, 1893

Assembly Bill No. 334—An Act to repeal an Act entitled "An Act to prevent the destruction of forests by fire on public lands," approved February 13, 1872.

Assembly Bill No 330—An Act to add a new section to the Penal Code of the State of California, to be known as Section 79, relating to school officers and teachers acting as agents

Assembly Bill No. 329—An Act to add a new section to the Political Code of the State of California, to be known as Section 988, relating to the payment of premiums on official bonds.

Assembly Bill No 327—An Act to add a new section to the Political Code of the State of California, to be known as Section 2329, relating to forbidding the employment of the inmates of State institutions in the manufacture, or production of articles, for the use of State officers, or the officers and employees of State institutions.

Assembly Bill No. 325—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as Section 1060, relating to bonds of receivers, assignees, trustees, guardians, administrators and executors against trust estate.

Assembly Bill No. 322—An Act to amend Section 183 of the Penal Code of the State of California, relating to a conspiracy to commit any crime against the person of the President or Vice-President of the United States, the Governor of any State or Territory, or any United States Justice or Judge, or the Secretary of any executive department of the United States, and providing a penalty therefor.

Assembly Bill No. 321—An Act to repeal an Act entitled "An Act making a conspiracy to commit any crime against the person of, or an attempt to kill or commit any assault upon, the President or Vice-President of the United States, or Governor of any State or Territory, any United States Justice or Judge, or the Secretary of any executive department of the United States, a felony; and providing a penalty therefor," approved February 28, 1903

Assembly Bill No. 383—An Act to amend the Civil Code by adding thereto a new section, to be numbered 2004, relating to assignment of wages of employee and protection of family of employee and his employer from effect of such assignment.

Assembly Bill No. 11—An Act providing for the registration of the purchasers of guns, pistols and other firearms, and providing for the punishment of dealers neglecting to register such purchasers.

Assembly Bill No. 314—An Act to repeal an Act entitled "An Act supplementary to, and amendatory of, an Act entitled 'An Act concerning common schools in the city of Placerville, approved April first, eighteen hundred and sixty-four,' to provide ways and means for building, furnishing, and repairing schoolhouses in said city, and for other purposes," approved March 16, 1874.

Assembly Bill No 316—An Act to repeal an Act entitled "An Act concerning common schools in the city of Placerville, approved April 1, 1864"

Assembly Bill No 196—An Act to provide county library systems.

Assembly Bill No. 423—An Act to prohibit the sale of intoxicating liquors within a certain distance of any camp or assembly of men, numbering twenty-five or more, engaged upon the construction, repair or operation of any public work, improvement, or utility.

Assembly Bill No. 422—An Act granting to municipal corporations of the State of California, rights of way over public lands of the State for the location, construction and maintenance of water works and power plants; and the right to take material from such lands for the construction of such works, and to take any waters belonging to the State for the purpose of supplying any such municipality and its inhabitants with water.

Assembly Bill No. 373—An Act to add two new sections to the Political Code, relating to the protection of farm names.

Assembly Bill No. 32—An Act to confer power upon municipalities to protect the health, morals and peace of their inhabitants by restricting undesirable, improper and unhealthy persons and persons whose practices are dangerous to public morals and health and peace to certain prescribed limits, and prescribing a punishment for a violation of this Act

Assembly Bill No 186—An Act to provide two additional judges of the Superior Court of the county of Alameda

Assembly Bill No 33—An Act to amend section number 2965 of the Civil Code relating to the effect of mortgages upon personal property removed from the county where situated when mortgaged.

Assembly Bill No. 34—An Act to amend section number 2955 of the Civil Code relating to what kinds of personal property may be mortgaged.

Assembly Bill No. 31—An Act to amend section number 2957 of the Civil Code, relating to chattel mortgages and the circumstances under which the same are void as to creditors and subsequent purchasers and incumbrancers.

Assembly Bill No 328—An Act to repeal an Act entitled "An Act to provide for the payment by the State or counties, or cities, or cities and counties, of the premium or charge on official bonds when given by surety companies," approved March 25, 1903.

Assembly Bill No. 324—An Act to repeal an Act entitled "An Act making the cost of certain bonds of receivers, assignees, trustees, guardians, administrators and executors chargeable to a certain extent against the trust estate," approved March 20th, 1905

Assembly Bill No. 323—An Act to add a new section to the Penal Code of the State of California, to be known as section one hundred and eighty-six, making an attempt to kill or commit any assault upon, the President or Vice-President of the United States, the Governor of any State or Territory, or any United States Justice or Judge, or the Secretary of any executive department of the United States, a felony, and providing a penalty therefor.

YOUNG, Chairman

The above reported bills ordered on file for third reading.

RECESS.

At eleven o'clock and five minutes A. M., Speaker P. A. Stanton declared a recess until the above bills could be arranged on file.

REASSEMBLED.

At eleven o'clock and fifteen minutes A. M., Assembly reconvened. Speaker P. A. Stanton in the chair.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 31—An Act to amend Section 2957 of the Civil Code, relating to chattel mortgages, and the circumstances under which the same are void as to creditors and subsequent purchasers and incumbrancers.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 31 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beban, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Dean, Flavelle, Fleisher, Flint, Gerdes, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McManus, Mendenhall, Mott, Nelson, Odom, Otis, O'Neill, Perine, Preston, Pulcifer, Rech, Rutherford, Sackett, Silver, Stuckenbruck, Telfer, Wagner, Webber, Wheelan, Whitney, Wyllie, Young, and Mr. Speaker—66.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 33—An Act to amend Section 2965 of the Civil Code, relating to the effect of mortgages upon personal property removed from the county where situated when mortgaged.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 33 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Dean, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Rech, Rutherford, Sackett, Silver, Telfer, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—66.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 34—An Act to amend Section 2955 of the Civil Code, relating to what kinds of personal property may be mortgaged.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 34 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Beban, Black, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Costar, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McManus, Mendenhall, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pugh Pulcifer, Rech, Rutherford, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, and Mr. Speaker—67.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 186—An Act to provide two additional judges of the Superior Court of the county of Alameda.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 186 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, and Mr. Speaker—74.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 32—An Act to confer power upon municipalities to protect the health, morals and peace of their inhabitants by restricting undesirable, improper and unhealthy persons and persons whose practices are dangerous to public morals and health and peace to certain prescribed limits, and prescribing a punishment for a violation of this Act.

Bill passed on file, to be considered at eleven o'clock A. M. of Wednesday, January 27, 1909, time of considering bills set as special orders.

Assembly Bill No. 373—An Act to add two new sections to the Political Code, relating to the protection of farm names.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 373 passed by the following vote:

AYES—Messrs Barndollar, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Kehoe, Leeds, Lightner, Macauley, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, and Mr. Speaker—72.

NOES—None.

TITLE AMENDED.

The following amendment to the title was offered by Mr. Wilson:

Amend by inserting after the word "Code," in the title, the words and figures "to be numbered 3196*a* and 3196*b*."

Amendment adopted.

Title as amended read and approved.

Bill ordered to reprint and transmitted to the Senate.

Assembly Bill No. 422—An Act granting to municipal corporations of the State of California rights of way over public lands of the State for the location, construction and maintenance of water works and water plants; and the right to take material from such lands for the construction of such works, and to take any waters belonging to the State for the purpose of supplying any such municipality and its inhabitants with water.

POINT OF ORDER.

Mr. Gibbons arose to the following point of order: That the bill should be referred to the Committee on Judiciary.

POINT NOT WELL TAKEN.

The Speaker ruled that the point of order was not well taken.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No 422 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, and Mr. Speaker—74

NOES—Messrs Irwin and Wyllie—2.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 423—An Act to prohibit the sale of intoxicating liquors within a certain distance of any camp or assembly of men, numbering twenty-five or more, engaged upon the construction, repair, or operation of any public work, improvement or utility.

Bill read third time, and passed on file.

SENATE MESSAGE.

The following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, January 26, 1909

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted Senate Joint Resolution No. 5—Relative to a bill in Congress appropriating money for the improvement of the entrance to Humboldt Bay, California.

Also: Senate Concurrent Resolution No. 2—Approving seventeen certain amendments to the charter of the city of San Diego, in the county of San Diego, State of California, voted for and ratified by the qualified electors of the said city of San Diego at a special election held therein for that purpose on the 12th day of January, 1909.

Also: Passed Senate Bill No. 85—An Act to add a new section to the Political Code, to be numbered Section 4004*a*, relating to the making of contracts in behalf of counties.

Also: Adopted Senate Joint Resolution No. 3—Relative to transportation rates and urging our Representatives in Congress to support measures granting increased powers to the Interstate Commerce Commission.

LEWIS A. HILBORN, Secretary.
J. W. KAVANAGH, Assistant.

Senate Joint Resolution No. 5 read, and referred to Committee on Federal Relations.

Senate Bill No. 85 read, and referred to Committee on County and Township Governments.

Senate Joint Resolution No. 3 read, and referred to Committee on Federal Relations.

HOUR OF ADJOURNMENT EXTENDED.

On motion of Mr. Transue, the hour of adjournment was extended until the completion of the business before the Assembly.

On motion of Mr. Hinkle, Senate Concurrent Resolution No. 2 was taken up for consideration without reference to committee.

Senate Concurrent Resolution No. 2—Approving amendments to charter of the city of San Diego.

Senate concurrent resolution read.

The question being upon the adoption of the Senate concurrent resolution.

The roll was called and Senate Concurrent Resolution No 2 adopted by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Beban, Bohnett, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Hanlon, Hawk, Haves, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of San Diego, Johnson of Placer, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Young, and Mr Speaker—67.

NOES—Mr Johnson of Sacramento—1.

Senate Concurrent Resolution No. 2 ordered transmitted to the Senate.

SENATE CONCURRENT RESOLUTION NO. 2,

Approving seventeen certain amendments to the charter of the City of San Diego, in the County of San Diego, State of California, voted for and ratified by the qualified electors of the said City of San Diego at a special election held therein for that purpose on the 12th day of January, 1909.

WHEREAS, In accordance with the provisions of Section 8 of Article 11 of the Constitution of the State of California, the City of San Diego, a municipal corporation in the County of San Diego, State of California, framed a charter which was duly ratified by a vote of the people of said city at a special election held for that purpose on the 2nd day of March, 1889, which charter was duly approved by the Legislature of the State of California on the 16th day of March, 1889, by joint resolution entitled, "Senate Joint Resolution No 5, approving the charter of the City of San Diego, in the County of San Diego, California, voted for and ratified by the qualified voters of said city at a special election held therein for that purpose on the second day of March, 1889," and

WHEREAS, The said charter of the said City of San Diego, ratified and approved as aforesaid, has now been in force for more than two years since its said adoption and approval, and since it has been amended; the same having not been amended in the two years last past, and

WHEREAS, The legislative authority of the said City of San Diego, did, by ordinance numbered three thousand four hundred seventy-six, of the ordinances of said city, adopted by the Common Council of said city on the 26th day of October, 1908, entitled "An ordinance proposing certain amendments to the charter of the City of San Diego, California, and providing for the publication thereof, and describing and setting forth certain amendments," and approved by the Mayor of said city on the 2nd day of November, 1908, and pursuant to Section 8 of Article 11 of the Constitution of the State of California, duly proposed to the qualified electors of the said City of San Diego nineteen certain amendments to the charter of the said city; and

WHEREAS, Said ordinance numbered three thousand four hundred seventy-six, containing said nineteen proposed amendments to said charter, was, and each of

said nineteen proposed amendments were in accordance with the provisions of Section 8 of Article 11 of the Constitution of the State of California, published for twenty days after the passage and approval of said ordinance numbered three thousand four hundred seventy-six in the city official newspaper of said city, to wit: The San Diego Union and Daily Bee, a daily newspaper of general circulation in the said City of San Diego, and

WHEREAS, The said legislative authority of the said City of San Diego, did, by ordinance numbered three thousand five hundred and six of the ordinances of said city adopted by the Common Council of said city on the 30th day of November, 1908, entitled "An ordinance calling and providing for a special election in and for the City of San Diego, California, to be held in said city on Tuesday, the twelfth day of January, 1909, for the purpose of submitting to the qualified electors of said City of San Diego, nineteen certain proposals to amend the charter of said city, pursuant to the provisions of, and in the manner provided by, the Constitution and laws of the State of California; establishing municipal election precincts for said election and designating polling places therein; appointing a board of election for each precinct, and providing for notice to be given of said election," approved by the Mayor of said city on the 1st day of December, 1908, call a special election to be held in the said City of San Diego, on Tuesday, the twelfth day of January, 1909, for the purpose of submitting to the qualified electors of the said City of San Diego, said nineteen proposed amendments to the said charter; and,

WHEREAS, Said special election was held in the said City of San Diego, on the said twelfth day of January, 1909, which date was more than forty days after said proposed amendments had been published for twenty days in the said San Diego Union and Daily Bee, and,

WHEREAS, On the eighteenth day of January, 1909, at an adjourned meeting held by the Common Council of said city, in accordance with law and the charter of said City of San Diego, the said Common Council duly and regularly canvassed the returns of said special election, and duly declared the results thereof, and did thereby find and determine that two of said proposed amendments designated in said ordinance No. 3506, as amendments numbers four and seventeen respectively, were not ratified by more than a majority of the electors voting thereon, and voting at said election, and that each and all of the other proposed amendments in said ordinance No. 3506, mentioned and hereinafter particularly set forth and submitted to the Legislature of the State of California, for approval or rejection, were and each of them, was duly ratified by more than a majority of the electors voting thereon, and voting at said election; and the said Common Council being by law and the charter of said city, duly authorized to conduct, manage and control the holding of elections and all matters pertaining to elections in the said City of San Diego; and,

WHEREAS, At said special election so held on the said twelfth day of January, 1909, seventeen of the said nineteen proposed amendments to the said charter of the said city were duly ratified by more than a majority of the electors voting thereon, and voting at said election; and,

WHEREAS, The said seventeen amendments and each of them, so ratified by the electors of the said City of San Diego at said special election, are now submitted to the Legislature of the State of California, for approval or rejection as a whole, without power of alteration or amendment, in accordance with Section 8 of Article 11, of the Constitution of the State of California, and are in the words and figures as follows, to wit:

Amend Chapter 4, Article I, by adding thereto a new section to read as follows

Section 5. It shall be the duty of the auditor in making up his estimate of the probable necessities of the city for each current fiscal year to include in such estimate an amount sufficient to defray the probable expenses of all such special elections as may be called under the initiative, referendum or recall provisions of this charter.

Amend Sections 3 and 4 of Chapter 3 of Article I to read as follows:

Section 3. Special elections for all purposes designated in this charter shall be held on the days as fixed by the Common Council therefor, and shall in all respects, as far as may be, be conducted and held in accordance with the provisions of the laws of this State in effect at the time, excepting that in any election called for the purpose of electing any municipal officer, no ballot shall have any party designation, and the names of all candidates to be voted for each office respectively shall be placed in alphabetical order upon said ballot.

Section 4. All primary and general municipal elections for the nomination and election of municipal officers shall be conducted as follows:

All candidates for municipal offices to be elected at each general municipal election, shall be nominated by a primary election, and no names shall be placed upon the general ballot except those selected in the manner hereinafter prescribed. The primary election for such nomination shall be held on the second Tuesday preceding the general municipal election and the polls shall be opened and closed at the same hours and in all respects other than as in this charter provided; said primary and general municipal elections shall be conducted in accordance with the laws of this State relating to general elections in force at the time of such election.

Any person desiring to become a candidate for any elective office, shall, at least fifteen days prior to said primary election, file with the city clerk a statement of such candidacy, in substantially the following form.

STATE OF CALIFORNIA, } ss.
County of San Diego }

I, ... being duly sworn, say that I reside at ..... street, in the City of San Diego, County of San Diego, State of California, and that I am a qualified voter therein and have been for more than two years last past, and that I am a candidate for the office of ..... to be voted upon at the primary election to be held upon the ..... Tuesday of ..... (being two weeks before the municipal election), 19..... and I request that my name be printed upon the official primary ballot for nomination by such primary election for such office

(Signed) .....

Subscribed and sworn to before me this ..... day of ..... 19.

....
Signature of officer

And shall at the same time file therewith a petition of at least fifty qualified electors, requesting such candidacy. Each petition shall be verified by one or more signers thereof before some officer competent to administer oaths, that the statements therein made are true and that each signature to the paper appended, to the personal knowledge of such affiant, is the genuine signature of the person whose name purports to be thereunto subscribed. All signatures to the petition need not all be appended to one paper but each signer shall add to his signature, his place of residence, giving his street and number. Within ten days from the date of filing such petition the city clerk shall examine, and from the great register ascertain whether or not said petition is signed by the requisite number of qualified electors, and if necessary, the Common Council shall allow him extra help for that purpose. If said petition shall be found insufficient, it shall be immediately returned to the person filing the same without prejudice to the filing of a new petition to the same effect, *provided*, that such new petition shall, if found to be sufficient by the city clerk, be filed with the city clerk at least three days before the day of said primary election. The said petition shall be substantially in the following form

The undersigned, duly qualified electors of the City of San Diego, and residing at the places set opposite our respective names, do hereby request that the name of ..... be placed on the ballot as a candidate for nomination for (name the office) at the primary election to be held in the City of San Diego, for the nomination of candidates to be voted for at the municipal election to be held in the City of San Diego, on the first Tuesday after the first Monday in April, 19..... (inserting the year)

We furthermore state that we know him to be a qualified elector and a man of good moral character, and in our opinion qualified for the duties of such office

Name of Elector	Number	Street
.....	.....	.....
.....	.....	.....
.....	.....	.....

Immediately upon the expiration of the time to file the statements and petitions for candidacy, the city clerk shall cause to be published for three consecutive days in all the daily newspapers of general circulation published in said city, in proper form and in alphabetical order the names of the persons as they are to appear upon the primary ballot, and the said city clerk shall have the primary ballots printed with the names of all the candidates in alphabetical order under the name of the office for which they are candidates, and on the right of each name shall be a square. Under the name of the last candidate for the office, shall be printed, "Vote for one," except that under the caption, "For members of the Common Council," shall be the words "Vote for ....." (giving the number to be elected), and under the caption "For members of the Board of Education" shall be the words "Vote for ....." (giving the number to be elected)

The ballots shall have no party or other designation or mark whatever and shall be in substantially the following form:

"Candidates for nomination for municipal offices for the City of San Diego, Cal

For Mayor	Names of Candidates. (Vote for one)	SQUARE.
For City Treasurer	Names of Candidates. (Vote for one)	SQUARE.
For members of the Common Council	Names of Candidates. (Vote for.....) (Giving number to be elected)	SQUARE.
For members of the Board of Education	Names of Candidates. (Vote for.....) (Giving number to be elected)	SQUARE.

All ballots printed shall be of precisely the same size, quality, tint of paper, kind of type and color of ink, so that, without the number it would be impossible to distinguish one ballot from another; and the names of all candidates printed upon the ballot shall be in type of the same size and style. A column may be provided on the right-hand side for charter amendments or other questions to be voted upon at the municipal elections, as provided for under this charter.

Having caused the ballot to be printed, the city clerk shall cause to be delivered at each polling place a number of such ballots equal to twice the number of votes cast in such polling precinct at the last general municipal election for Mayor. The persons who are qualified to vote at the general municipal elections, shall be qualified to vote at such primary election. The law applicable to challenges at a general municipal election shall be applicable to challenges made at such primary election. The officers of election shall, immediately upon the closing of the polls, count the ballots and ascertain the number of votes cast in each precinct for each of the candidates, and make return thereof to the city clerk upon proper blanks to be furnished by the said city clerk. On the first Thursday following said primary election, the Common Council shall canvass said returns so received from all the election precincts, and shall make and publish, at least once in all the daily newspapers published in said city, the result thereof. Said canvass by the Common Council shall be publicly made. The two candidates receiving the highest number of votes for each of the offices to be filled, except for the members of the Common Council and members of the Board of Education, shall be the candidates and the only candidates whose name shall be placed on the ballot for said office, *provided*, that, where more than one office of the same kind is to be filled, the candidates therefor, equal in number to twice the number of such offices, who receive the highest number of votes at the primary nominating election, shall be the candidates and the only candidates for such offices whose names shall be printed upon the ballot to be used at such general or special election.

Half-inch spaces shall be left below the printed names of candidates for each office equal in number to the number to be voted for, wherein the voter may write the name of any person or persons for whom he may wish to vote.

Amend Section 2 of Chapter 1 of Article II to read as follows:

Section 2. (*a*) The Common Council shall consist of five members to be nominated and elected at large by the electors of the City of San Diego, and shall hold office for four years, except, that at the organization of the first Common Council elected after the adoption of this provision, the members thereof, shall, by lot, determine that two of its members shall hold office for a term of two years.

(*b*) The members of the Common Council shall receive as compensation the sum of two thousand dollars per annum, for each councilman, payable in equal monthly installments.

(*c*) Each member of the Common Council must have been both an elector and an actual resident of the city at least two years next preceding his election, and shall give bond in the sum of $5,000 00.

(*d*) The Common Council shall have and possess and the Common Council and its members shall exercise all executive, legislative and judicial powers and perform the duties now had, possessed and exercised by the Common Council; the Board of Public Works, the Board of Commissioners of the Police Department and the Board of Commissioners of the Fire Department, all of which are hereby merged into one body known as the Common Council.

(*e*) All the executive and administrative powers and authority and duties shall be distributed into and among five departments as follows:

1. Department of Finance, Ways and Means;
2. Department of Police, Health and Morals;
3. Department of Public Streets and Buildings;
4. Department of Fire and Sewers;
5. Department of Water.

(*f*) Each member of the Common Council shall be superintendent of a department.

(*g*) The Common Council shall, at the first regular meeting after the election of its members, designate by a majority vote, one councilman to be the superintendent of the Department of Finance, Ways and Means; one to be the superintendent of the Department of Police, Health and Morals, one to be the superintendent of the Department of Public Streets and Buildings, one to be the superintendent of the Department of Fire and Sewers and one to be the superintendent of the Department of Water, such designation shall be changed by a majority vote of the Common Council whenever it appears that the public service would be benefited thereby. If the Council is unable to agree, the Mayor shall have authority to make such designation.

(*h*) At the first meeting after the organization of the Common Council, or as soon thereafter as shall be practicable, the Common Council shall elect by a majority vote, a City Attorney, City Clerk, City Engineer, Chief of Fire Department, Chief of Police Department and such other officers and assistants as shall be provided for by ordinance, and necessary to the proper and efficient conduct of the affairs of the city. Any officer or assistant, elected or appointed by the Common Council, may be removed from office at any time by a vote of two thirds majority of the members of the Common Council.

(*i*) The Common Council shall determine the powers and duties to be performed by, and assign them to, the appropriate department and shall prescribe the powers and duties of all officers and employees; such council may assign particular officers and employees to one or more of the departments, and may require an officer or employee to perform duties in two or more departments; and may make such other rules and regulations as may be necessary or proper for the efficient and economical conduct of the business of the city.

(*j*) Any officer or assistant so elected or appointed by the Common Council may be removed from office at any time by a majority vote of the members thereof, except as may otherwise be provided for in this charter

(*k*) The Common Council shall have the power from time to time to create, fill and discontinue offices and employments, other than herein prescribed, according to their judgment of the needs of the city and may, by a majority vote of all the members, remove any such officer or employee, except as otherwise provided for in this charter, and may, by resolution or otherwise, prescribe, limit or change the compensation of such officer or employee.

Amend Section 6, Chapter 1, Article II, to read as follows:

Section 6. The Common Council shall hold regular meetings on Monday of each week at ten o'clock A. M., or if that be a legal holiday then upon the next day at the same hour, and special meetings at such other times as it may appoint, or of which the President or a majority of the Council, or the Mayor may give notice. The meetings of the Common Council shall be public; a majority shall constitute a quorum, and the affirmative vote of a majority shall be necessary to pass any ordinance or resolution

Amend Section 7 of Chapter 1, Article II, to read as follows:

Section 7. No member of said Common Council shall hold any other office, Federal, State, county or municipal, except in the National Guard or as a notary public, or be an employee of said city, or of said Common Council, or be directly or indirectly interested in any contract with said city, or with or for any department or institution thereof; or advance money, or furnish material and supplies for the performance of any such contract; or furnish or become surety for the performance of any such contract. Upon taking office, each member shall make and file in the office of the City Clerk an affidavit that he will faithfully comply with and abide by all the requirements of this section. A violation of any of the provisions of this section shall cause a forfeiture of his office by an affirmative vote of not less than two thirds of its members.

That Section 16, Chapter 1, of Article II, of the charter of the City of San Diego, California, be, and the same is hereby repealed

Amend Section 17, Chapter 1, Article II, to read as follows

Section 17. The members of the Board of Health, Cemetery Commission, Park Commissioners and Auditor, shall be appointed by the Mayor and confirmed by the Common Council

That Section 23, Chapter 1, Article II, of the charter of the City of San Diego, California, be, and the same is hereby repealed

Amend Section 24, Chapter 1, Article II, to read as follows

Section 24. In the construction of this chapter the following rules shall be observed, unless such construction would be inconsistent with the manifest intent, or clearly repugnant to the context of the provisions of this charter

(*a*) Whenever, hereafter, in this charter reference is made to the Board of Aldermen or to the Board of Delegates, or to both the Board of Aldermen and the Board of Delegates, or to each or both boards of the Common Council, it is to be construed as referring to the Common Council and whenever officers or committees of each or either, or both of said boards are referred to, it is to be construed as referring to officers or committees of the said Common Council.

(*b*) Whenever, in this charter, reference is made to the Board of Public Works, the Board of Commissioners of the Police Department, or to the Board of Commissioners of the Fire Department, it is to be construed as referring to the Common Council, and whenever officers or committees of either of said boards are referred to, it is to be construed as referring to officers or committees of the Common Council

(*c*) Whenever in this charter, powers and duties are vested in the Board of Public Works, the Board of Commissioners of the Police Department, or the Board of Commissioners of the Fire Department, all and every of such powers and duties are to be construed as vested in or required to be performed by the Common Council or the members of the Common Council, or by the proper department, by this charter created wherein the duties of any, either or all of said boards shall be assigned to any of such departments as the appropriate department therefor

That Sections 2 and 4, of Chapter 2, of Article II, of the charter of the City of San Diego, California, be and the same are hereby repealed.

That Section 1, Chapter 5, Article III, of the charter of the City of San Diego, California, be and the same is hereby repealed.

Amend Section 1, Chapter 9, Article III, to read as follows

Section 1. The annual salaries of the officers and the compensation of the employees of the city shall be as follows:

The Mayor, two thousand dollars, the Auditor and Assessor, eighteen hundred dollars, the Treasurer and Tax Collector, two thousand dollars the City Attorney,

twenty-four hundred dollars; City Engineer, three thousand dollars; Chief of Police, two thousand dollars, Chief of Fire Department, two thousand dollars and all other officers and employees as may be fixed by the Common Council, and all salaries shall be payable monthly. The Common Council in the month of January, 1911, and every two years thereafter, shall readjust and fix anew the amount of all official salaries provided for in this charter, except the salaries of the Common Council

Chapters 1 and 5, of Article V, of the charter of the City of San Diego, California, be, and the same are hereby repealed

Amend Section 32, of Chapter I, Article VI, to read as follows

Section 32. The Common Council is hereby authorized and empowered to adopt an ordinance authorizing the City of San Diego, to avail itself of the provisions of any act of the Legislature of the State of California, now existing, or which may hereafter be enacted, whereby the duties of the City Assessor, the City Tax Collector and the City Treasurer of said city, or any or either of them, are authorized to be performed by the County Assessor, County Tax Collector or the County Treasurer of the County of San Diego, and to provide in such ordinance that the duties of the City Assessor may be performed by the County Assessor and that the duties of the City Tax Collector may be performed by the County Tax Collector and the duties of the City Treasurer may be performed by the County Treasurer of the said County of San Diego, State of California, and upon the taking effect of such ordinance, the offices of City Assessor, City Tax Collector and City Treasurer, or either of them, shall cease to exist and said offices, or either of them may be declared to be abolished

The Common Council shall have the power to provide by such ordinance a system for the assessment, levy and collection of all taxes of said city not inconsistent with the provisions of this section or the laws of the State of California, in reference to the assessment, levy and collection of the State and county taxes, to the end that the duties of the Assessor of said city may be performed by the Assessor of said county, and the duties of the Tax Collector of said city may be performed by the Tax Collector of said county, and the duties of the City Treasurer may be performed by the County Treasurer of said county in manner and form as is now, or may hereafter be provided by the general laws of the State of California

And the said Common Council is hereby authorized and empowered, by such ordinance to change the fiscal year of said City of San Diego from the first day of January to such other time as the said Common Council shall elect, and the said Common Council shall have power to provide by taxation for sufficient revenue to meet and carry on the necessary expenses of the different departments of the municipal government of said city for the period of time from the end of the fiscal year as it stands before such change was made, to the beginning of the new fiscal year as changed by such ordinance.

And the said Common Council is hereby authorized and empowered by such ordinance to make all such provisions as said Common Council may deem necessary to carry into effect the provisions of this section according to its true intent and meaning for the purpose of consolidating the offices of City Assessor, City Tax Collector and City Treasurer, or of either of them, with the offices of County Assessor, County Tax Collector and County Treasurer, respectively, and to have said county officers perform the duties heretofore performed by said city officers.

Amend Section 2, of Article VII to read as follows

Section 2. The government of the San Diego School District shall be vested in a Board of Education composed of five persons who shall be elected by the electors of the City of San Diego, at large, at the same time and in the same manner as other municipal officers, and each of whom, shall have been for two years, a resident of said city, who shall be styled member of the Board of Education. They shall serve four years, or until their successors are elected and qualified

Except that at the organization of the first Board of Education, elected after the adoption of this provision, the members thereof, shall, by lot, determine that two of its members shall hold office for a term of two years Any vacancy in the body shall be filled by the board until the next general city election for municipal officers, when a member shall be elected to fill the unexpired term

That Chapters 1 and 2 of Article IX, of the charter of the City of San Diego, California, be and the same are hereby repealed

Amend paragraph 50 of Section 1, Chapter 2, of Article II, to read as follows

50 (*a*) That all pueblo lands owned by the City of San Diego, lying and being situated north of the north line of the San Diego River be and the same are hereby reserved from sale until the year 1930, *provided, however*, that at any time should it be desired to sell any part or portion of such public lands prior to the year 1930, the sale thereof may be authorized by an ordinance duly passed by the Common Council and ratified by the electors of the City of San Diego at any special or general municipal election The Common Council shall levy annually in addition to all other taxes provided for in this charter, 2c on each one hundred dollars valuation of property for the purpose of improving said pueblo lands herein reserved from sale.

(*b*) The Common Council may provide for the sale and conveyance or lease of all other lands now or hereafter owned by said city not dedicated or reserved for public use; but all leases and sales shall be made at public auction, unless otherwise provided by ordinance after publication or notice thereof for at least three (3)

weeks. No lease shall be made for a longer term than two years except by ordinance passed by an affirmative vote of two-thirds of the members of the Common Council.

STATE OF CALIFORNIA, County of San Diego. } ss.

This is to certify that we, Jno. F. Forward, Mayor of the City of San Diego, California, and J. T. Butler, City Clerk of the City of San Diego, California, have compared the foregoing proposed and ratified amendments to the charter of the said City of San Diego with the original ordinance proposing such amendments and submitting the same to the electors of said City of San Diego, at a special election called for that purpose on Tuesday, the twelfth day of January, 1909, and find that the foregoing is a full, true, correct and exact copy thereof and we further certify that the facts set forth in the preamble preceding said amendments to said charter and the allegations of fact following said amendments to said charter, as above set forth, are, and each of them is, true.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the same to be authenticated by the seal of said City of San Diego, this 18th day of January, 1909.

JNO. F. FORWARD,
[SEAL.] Mayor of the City of San Diego, California.
J. T. BUTLER,
City Clerk of the City of San Diego, California

AND WHEREAS, The said proposed amendments, and each one of them, so ratified, have been duly presented and submitted to the Legislature of the State of California, for approval or rejection, in accordance with Section 8, of Article 11, of the Constitution of the State of California; now, therefore, be it

Resolved, by the Senate of the State of California, the Assembly thereof concurring (a majority of all the members elected to each house voting for and concurring therein), That said amendments to the said charter of the said City of San Diego, as proposed and submitted to and adopted and ratified by the qualified electors of the said City of San Diego, be and the same are, and each one of them is, hereby approved as a whole without amendment or alteration for and as amendments to and as part of the charter of the said City of San Diego.

ADJOURNMENT.

At twelve o'clock and thirty-five minutes P. M., the Assembly was declared adjourned.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL., Wednesday, January 27, 1909.

At nine o'clock and thirty minutes A. M., pursuant to adjournment, the Assembly was called to order.

Hon. P. A. Stanton, Speaker of the Assembly, in the chair.

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

Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—74.

Quorum present.

LEAVE OF ABSENCE.

On motion, leave of absence for the day was granted to Mr. Wyatt.

PRAYER.

Prayer was offered by the Chaplain, Rev. Seren N. Marsh.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Sackett, its further reading was dispensed with.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, January 27, 1909

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No 48—An Act to amend section three hundred and sixty-four of the Political Code, relating to the Board of Examiners—report the same back, and recommend that it do pass

Also: Assembly Bill No. 70—An Act authorizing the board of supervisors of the several counties of this State to declare innavigable streams highways for the purpose of fishing and providing for the use of the same—report the same back with four amendments, and recommend that it do pass as amended.

Also: Assembly Bill No 102—An Act to amend Section 625 of the Code of Civil Procedure, relating to verdicts of juries in civil actions—report the same back with two amendments, and recommend that it do pass as amended

Also: Assembly Bill No. 382—An Act to amend Section 607*f* of the Civil Code of the State of California, relating to societies for the prevention of cruelty to children and animals.

Also: Assembly Bill No. 573—An Act to amend Section 161*a* of the Penal Code of California, relating to falsely advertising as an attorney—report the same back, and recommend that they do pass

Also: Assembly Bill No 704—An Act to amend Section 281 of the Code of Civil Procedure of the State of California, relating to penalty for practicing without a license—report the same back, with two amendments, and recommend that it do pass as amended.

Also: Assembly Bill No 390—An Act to amend Sections 2136, 2137, 2138, 2140, 2141, 2142, 2145, 2153, 2154, 2161, 2162, 2163, 2167*a*, 2168, 2170, 2171, 2172, 2176, 2177, 2179, 2180, 2181, 2187, 2189, 2192, 2193, and 2195 of the Political Code, relating to the powers and duties of the State Commission in Lunacy, to the government and management of State hospitals for the insane and other incompetent persons, and to the care, custody, apprehension, commitment, and maintenance of insane and other incompetent persons—report the same back, with two amendments, and recommend that it do pass as amended.

Also: Senate Bill No. 78—An Act to add a new section to the Code of Civil Procedure of the State of California to be numbered section sixty-seven *a*, relating to the number of Superior Court Judges, and providing for the appointment of three additional Superior Court Judges in and for counties of the second class (Los Angeles County), and providing for their compensation—report the same back, and recommend that it do pass.

JOHNSON OF SACRAMENTO, Chairman.

ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, January 27, 1909.

MR. SPEAKER. Your Committee on Education, to whom was referred Assembly Bill No 259—An Act providing for the appointment of a secretary to boards of education in incorporated cities or towns, and adding a new section to the Political Code, to be known as Section 1616*a*.

Also: Assembly Bill No. 284—An Act to add a new section to the Political Code, to be numbered 1671*b*, relating to enlarging, reconstructing or replacing county high schools or increasing the capacity and accommodations thereof, and the levying of a special tax for such purposes.

Have had the same under consideration, and respectfully report the same back with three amendments each, and recommend that they do pass as amended.

Also: Assembly Bill No. 601—An Act appropriating a thousand dollars to promote moral education.

Also: Assembly Bill No 380—An Act to amend Section 4269 of Title II, Part IV of the Political Code, by adding another subdivision thereto, to be known and described as subdivision 16 thereof.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass

Also: Assembly Bill No 604—An Act to amend Section 1492 of the Political Code of the State of California, relating to the duties of the joint board of State Normal School trustees.

Also: Assembly Bill No. 629—An Act entitled "An Act to amend Section 1880 of Article XXI of the Political Code by increasing the purposes for which school bonds may be voted"

Also: Assembly Bill No. 631—An Act entitled "An Act to amend Section 1534 of Article II of the Political Code by providing a superintendents' annual convention"

Also. Assembly Bill No 690—An Act to amend section five hundred fifteen of the Political Code and to provide for the appointment of a statistician, a bookkeeper, and a clerk and stenographer, for the Superintendent of Public Instruction, and to fix their compensation.

Have had the same under consideration. and respectfully report the same back, and recommend that they do pass, and that Assembly Bill No. 690 be referred to Committee on Ways and Means.

Also: Assembly Bill No. 271—An Act to provide for the union of two or more high school districts, the filing of a petition with the county superintendent of schools to submit the question of uniting union high school districts and calling for an election therefor, and the canvassing of the votes cast at said election—have had the same under consideration, and respectfully report the same back with a committee substitute, and recommend that the committee substitute take the place of said Assembly Bill No 271.

SACKETT, Chairman.

ON ELECTION LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1909

MR. SPEAKER: Your Committee on Election Laws, to whom was referred Assembly Bill No. 617—An Act to amend Section 1207 of the Political Code of the State of California, relative to spoiled or unused ballots—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

REEDS, Chairman.

ON PUBLIC LANDS AND FORESTRY.

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1909

MR. SPEAKER: Your Committee on Public Lands and Forestry, to whom was referred Assembly Bill No. 195—An Act providing for the purchase by the State Board of Forestry of that certain tract of land in Sonoma County, California, commonly known as "Armstrong Woods," for park purposes, with power to manage such property, and making an appropriation to carry out the provisions of this Act—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended, and be referred to the Committee on Ways and Means.

FLINT, Chairman.

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1909.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 626—An Act to provide for the improvement of the cereal crops of California, and appropriate money therefor.

Also: Assembly Bill No 235—An Act amending Section 2300 of the Political Code, relating to the State library fund.

Also: Assembly Bill No 234—An Act to provide for a school of library training.

Also: Assembly Bill No. 696—An Act appropriating money to be expended by and under the direction of the Department of Engineering for the purpose of dredging out sand deposits in Humboldt Bay, for the purpose of improving the navigability thereof.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

BEARDSLEE, Chairman.

ON COUNTY AND TOWNSHIP GOVERNMENTS

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1909

MR SPEAKER: Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 296—An act to amend Section 4250 of the Political Code of the State of California, relating to the compensation and expenses of officers in counties of the twenty-first class.

Also: Assembly Bill No 440—An Act to amend Section 4237 of the Political Code relating to county and township officers of counties of the eighth class

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended

Also: Assembly Bill No 619—An Act to amend Section 4240 of the Political Code, relating to the salaries, fees, and mileage of officers and jurors in counties of the eleventh class.

Also: Assembly Bill No 315—An Act to repeal an Act entitled "An Act to incorporate the town of Coloma," approved April 21, 1858

Also: Assembly Bill No 697—An Act to amend Section 4255 of the Political Code of the State of California, relating to the salaries of officers in counties of the twenty-sixth class, and creating the office of deputy district attorney therein.

Also: Assembly Bill No. 602—An Act to amend an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State, for the construction of sewers, and other sanitary purposes, the

acquisition of property thereby, the calling and conducting of elections in such districts, the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1901.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass

HANS, Chairman

The above reported bills ordered on file for second reading.

Assembly Bills Nos. 195 and 690 referred to Committee on Ways and Means.

SENATE MESSAGE.

The following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, January 26, 1909

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 233—An Act to add a new section to the Political Code, to be known and numbered as Section 4248*a*, relating to the restoration of certificates of birth, marriage licenses, marriage certificates or certificates of death, or the records thereof, which may have been lost, injured, mutilated or destroyed by conflagration or other public calamity, or for the establishment or proof of births, marriages or deaths, occurring at periods when there existed no statutes in this State for the registration of the same.

Also: Senate Bill No. 29—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto Title XXI, of Part IV, of Division First of said Act, relating to and providing for the incorporation, organization, management, and cooperation of agricultural and horticultural non-profit cooperative associations

Also: Senate Bill No. 121—An Act to amend an Act entitled "An Act providing for the sale of street railroad and other franchises in counties and municipalities, and providing conditions for the granting of such franchises by legislative or other governing bodies, and repealing conflicting Acts," approved March 22, 1905, Statutes of 1905, page 777 thereof.

Also: Senate Bill No. 243—An Act authorizing the boards of supervisors of the several counties of the State to set apart from the fees collected by the county clerks a sum not exceeding thirty dollars in any one month to be paid into the "Law Library Fund" designated in section forty-one hundred and ninety of the Political Code as amended in 1907, and to be used for the same purpose as said "Law Library Fund" is now used

Also: Senate Bill No 259—An Act to amend Section 1207 of the Civil Code of the State of California, relating to the recordation of certain instruments and certificates of acknowledgment, the notice such recordation shall impart, and to the effect as evidence of certified copies of the records of same.

Also: Senate Bill No 333—An Act to provide for the payment of expense incurred in making repairs on and in the Capitol building, and for the furnishing of the legislative chambers and the clerks', officers', and committee rooms therein, and all other necessary expenses incurred in so doing, and to make appropriation for the same.

Also: Senate Bill No 346—An Act to provide for the accomplishment of the work of the direct enforcement of the navigation of the Sacramento, San Joaquin, and Feather rivers, of the State of California as recommended in the special report of the California Débris Commission, dated June 30, 1907, and made jointly by Brigadier General A. Mackenzie, Chief Engineer, C H McKinstry, Major, Corps of Engineers, and Thomas H Jackson Captain Corps, of Engineers of the United States Army, and printed with the annual report of the Chief of Engineers, the United States Army, for the fiscal year ending June 30, 1907, and making an appropriation for such work.

LEWIS A HILBORN, Secretary.
J. W KAVANAGH, Assistant

Senate Bill No. 233 read first time, and referred to Committee on Judiciary.

Senate Bill No. 29 read first time, and referred to Committee on Agriculture.

Senate Bill No. 121 read first time, and referred to Committee on Municipal Corporations.

Senate Bill No. 243 read first time, and referred to Committee on County and Township Governments.

Senate Bill No. 259 read first time, and referred to Committee on Judiciary.

Senate Bill No. 333 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 346 read first time, and referred to Committee on Swamp and Overflowed Lands and Levees and River Improvements and Drainage.

INTRODUCTION OF BILLS.

The following bills were introduced and referred as indicated:

By Mr. Melrose: Assembly Bill No. 783—An Act to appropriate $3,000.00 for the purchase of additional furniture and equipment for the use of the State Normal School at Los Angeles, and to make necessary repairs and improvements in the buildings of said normal school.

Bill read first time, and referred to Committee on Education.

Also: Assembly Bill No. 784—An Act amending Section 2349 of the Political Code, relating to certain streams and waters declared public ways.

Bill read first time, and referred to Committee on Commerce and Navigation.

Also: Assembly Bill No. 785—An Act amending an Act to provide for the transfer to the State of California by owners of patented lands therein of the right to preserve and protect wild game on such patented lands; to define the duties of the State Board of Fish Commissioners in relation to the control of such rights, and to declare the hunting of wild game within the exterior boundaries of the land to which such right attaches, a misdemeanor, approved March 21, 1907.

Bill read first time, and referred to Committee on Fish and Game.

By Mr. Beatty: Assembly Bill No. 786—An Act to amend Section 647 of the Code of Civil Procedure of the State of California, relating to what is deemed excepted to.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 787—An Act to add new sections to the Penal Code of the State of California, to be known as numbers 747, 747*a*, 747*b*, 747*c*, 747*d*, 747*e*, relating to a method for the preparation of records to be used on appeal from judgments, orders or proceedings of the Superior Court to the Supreme Court.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 788—An Act to repeal Sections 1170, 1171, 1172, 1173, 1174, 1175, and 1177 of the Penal Code of the State of California, relating to bills of exceptions on appeal.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 789—An Act to amend Section 270 of the Code of Civil Procedure of the State of California, and to add a new section to the Code of Civil Procedure of the State of California, to be known as Section 274*a*, relating to phonographic reporter, his competency and compensation.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 790—An Act to amend Section 1259 of the Penal Code of the State of California, relating to what may be reviewed upon appeal taken by the defendant.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 791—An Act to amend Sections 1239, 1240, 1241, and 1246 of the Penal Code of the State of California, relating to appeals when and how taken, and the duty of the clerk upon appeal.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 792—An Act to amend Sections 1191 and 1202 of the Penal Code of the State of California, relating to the time for pronouncing and rendering judgment.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 793—An Act to amend Sections 1185 and 1186 of the Penal Code of the State of California, relating to motion in arrest of judgment.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 794—An Act to amend Section 2552 of the Political Code, relating to salaries of officers of the Board of State Harbor Commissioners.

Bill read first time, and referred to Committee on Commerce and Navigation.

Also: Assembly Bill No. 795—An Act to amend Section 1773 of the Code of Civil Procedure, relating to inventories and accounts of guardians.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Leeds: Assembly Bill No. 796—An Act to prohibit misrepresentations by life insurance companies, their officers, directors, agents and representatives, fixing the penalty therefor, and prescribing the duties of the Insurance Commissioner in relation thereto.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Assembly Bill No. 797—An Act to prohibit certain practices by life insurance companies, their agents, officers, employees and representatives, fixing the penalty therefor, and prescribing the duties of the Insurance Commissioner in relation thereto.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Assembly Bill No. 798—An Act to prevent the acceptance from any life insurance company, agent or representative, by any person, of any rebate, allowance or reduction from any premium of life insurance.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Assembly Bill No. 799—An Act to prohibit discrimination and rebating by life insurance companies, their agents and representatives, fixing the penalty therefor, and prescribing the duties of the Insurance Commissioner in relation thereto.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

By Mr. Drew: Assembly Bill No. 800—An Act to amend Section 433 of the Political Code, relating to the duties of the Controller.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 801—An Act authorizing the State Treasurer to purchase a bond filing case, and making an appropriation therefor.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 802—An Act authorizing the payment into the general fund of the State treasury of moneys held for the redemption of certain coupons of the civil bonds of 1857, and providing for the redemption of said coupons.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 803—An Act authorizing the payment of moneys held for the redemption of certain coupons of the Central

Pacific Railroad bonds of 1864, and providing for the redemption of said coupons.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Dean: Assembly Bill No. 804—An Act to restrict the herding of sheep.

Bill read first time, and referred to Committee on Live Stock, Dairies, and Dairy Products.

Also: Assembly Bill No. 805—An Act making an appropriation to pay the claim of Modoc County against the State of California for money expended by said county in controlling and stamping out contagious diseases and preventing the spread thereof throughout the State.

Bill read first time, and referred to Committee on Claims.

Also: Assembly Bill No. 806—An Act to amend Section 2687 of the Political Code.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Johnson of Sacramento: Assembly Bill No. 807—An Act to amend section one, section three, section eight, section nine and section ten of an Act entitled "An Act to promote the apicultural interests of the State of California by providing county inspectors of apiaries, and defining their duties, and providing for their compensation, and repealing the Act entitled 'An Act to authorize a board of supervisors of the several counties of the State to appoint inspectors of apiaries, and provide for their compensation, and define their duties, and further protection of bee culture,'" approved March 13, 1883, said first named Act having been approved February 20, 1901, and adding to said Act seven new sections to be numbered and designated as sections twelve, thirteen, fourteen, fifteen, sixteen, seventeen and eighteen.

Bill read first time, and referred to Committee on Agriculture.

By Ways and Means Committee: Assembly Bill No. 808—An Act to make an appropriation to pay the per diem and mileage of Assemblymen for the thirty-eighth session of the Legislature of the State of California, during the sixtieth fiscal year.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Beardslee: Assembly Bill No 809—An Act to provide for the wiring of hospital buildings and other buildings in and about the grounds of the Stockton State Hospital, together with the installation of a telephone system in said buildings, consisting of all necessary equipments and fixtures, and making an appropriation therefor.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 810—An Act to provide for the wiring of hospital buildings and all other buildings situated in and about the grounds of the Stockton State Hospital, together with the installation of an electric light plant, consisting of all necessary fixtures and equipments, and to make an appropriation therefor.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

By Mr. Transue: Assembly Bill No. 811—An Act to amend sections four hundred and thirty-nine and four hundred and forty of the Political Code, relating to the employees in the Controller's office and the salaries paid to such employees.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 812—An Act to amend section three of an Act entitled "An Act to provide for the establishment, maintenance

and support of a bureau, to be known as the State Mining Bureau, and for the appointment and duties of a board of trustees, to be known as the Board of Trustees of the State Mining Bureau, who shall have the direction, management and control of said State Mining Bureau, and to provide for the appointment, duties and compensation of a State Mineralogist, who shall perform the duties of his office under the control, direction and supervision of the Board of Trustees of the State Mining Bureau," approved March 23, 1893, relating to the compensation of the State Mineralogist of the State Mining Bureau.

Bill read first time, and referred to Committee on Mines and Mining.

By Mr. Irwin: Assembly Bill No. 813—An Act to amend section fifteen hundred and seventy-nine of the Code of Civil Procedure relating to and authorizing executors and administrators to make leases of the real estate of decedents.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Cattell: Assembly Bill No. 814—An Act making an appropriation to pay the claim of Lauretta Campbell against the State of California.

Bill read first time, and referred to Committee on Claims.

By Mr. Hans: Assembly Bill No. 815—An Act to amend section twelve hundred and thirty-eight of the Code of Civil Procedure, relating to the purposes for which the right of eminent domain may be exercised.

Bill read first time, and referred to Committee on Judiciary.

By Mr Leeds: Assembly Bill No. 816—An Act to amend Sections 3553 and 3555 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to proceedings against delinquent purchasers of State school lands, and costs, and attorney's fees in such proceedings.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 817—An Act to amend Section 1557 of the Penal Code of the State of California, relating to the accounts of persons employed in bringing back fugitives from justice, arrested in other states or foreign countries.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Bohnett: Assembly Bill No. 818—An Act to add a new section to the Penal Code, to be known as Section 172*a*, relating to the selling, giving away, or exposing for sale of any vinous or alcoholic liquors within one and one half miles of the university grounds of Leland Stanford Junior University, in Santa Clara County.

Bill read first time, and referred to Committee on Universities.

By Mr. Costar: Assembly Bill No. 819—An Act to amend Section 2274 of the Civil Code of the State of California, relative to the compensation of trustees.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 820—An Act to amend Section 1618 of the Code of Civil Procedure of the State of California, relative to the compensation of executors and administrators.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Polsley: Assembly Bill No. 821—An Act to amend Section 2738 of the Political Code.

Bill read first time, and referred to Committee on Roads and Highways.

Also (by request): Assembly Bill No. 822—An Act to amend an Act entitled "An Act to establish a uniform system of county and township

government," approved April 1, 1897, by adding a new section to be known as Section 141*a*, relating to materials furnished by the board of supervisors to the county surveyor.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Beardslee: Assembly Bill No. 823—An Act to amend Section 1097 of the Political Code, relating to qualifications of persons in event of registration.

Bill read first time, and referred to Committee on Election Laws.

RESOLUTIONS.

The following resolutions were offered:

By Mr. Young:

WHEREAS, Bills are frequently introduced by members containing inadvertent and obvious, careless errors in spelling and the like, which errors are sometimes overlooked in the printer's office and printed as if they had been written correctly; and

WHEREAS, Under our present custom it is necessary to get the bill reprinted so as to contain the original error, and afterwards to again get it reprinted so as to correct the error in conformity with the report of a select committee appointed to correct the same; and

WHEREAS, This procedure seems to involve a wholly unnecessary waste of time and money; therefore, be it

Resolved, That in such cases as those enumerated above, the bill be allowed to stand as received from the printer, provided that the introducer of the bill gives his consent to the printer's correction by signing or initialing his name on the margin of the printed bill, opposite such correction; this signed or initialed copy of the bill to be retained by the Committee on Engrossment, and be it further

Resolved, That rule thirty-one (31) of the Standing Rules of the Assembly be interpreted in such manner as to permit the Committee on Engrossment to recognize as a true copy of the original bill a printed bill which has had its obvious errors corrected by the printer, and O. K.'d by its introducer, as above provided

Resolution read, and on motion adopted.

By Mr. Johnston:

Resolved, That all bills reported to this Assembly by the Committee of Revision and Reform of Laws be printed in the General File under a separate heading to be entitled "Special File: Bills reported by Committee on Revision and Reform of Laws." Said bills shall be disposed of at such sessions and at such time as shall be determined by the Speaker.

Resolution read, and referred to Committee on Rules and Regulations

By Mr. Rech:

Resolved, That the Chief Clerk be, and he is hereby, authorized and directed to purchase for the use of the Revision and Reform of Laws Committee, one complete set of the California Reports, annotated, and the Statutes of the State of California from 1871 to 1907 inclusive; that said reports and statutes shall, at the termination of this session, be delivered to the Librarian of the State Law Library for the purpose of holding and keeping the same for the use of succeeding legislatures.

Resolution read.

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

AYES—Messrs. Barndollar, Beban, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard Kehoe, Leeds, Lightner, Macauley, Maher, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—70.

NOES—None.

SPECIAL FILE—SECOND READING.

Assembly Bill No. 47—An Act making an appropriation to assist the State Board of Equalization in gathering data in the several counties

for equalization purposes, and for the employment of expert accountants to verify reports of railroad companies made to said board.

Assembly Bill No. 731—An Act making an appropriation for the maintenance of the Governor's residence from January 1, 1909, to June 30, 1909.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering Assembly Bills Nos. 47 and 731.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Assembly Bills Nos. 47 and 731 considered.

Mr. Transue moved that the committee do now rise, and report in favor of the passage of the bills.

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 27, 1909.

MR. SPEAKER: The Committee of the Whole have had under consideration Assembly Bills Nos 47 and 731, and do now report the same back, and recommend that they do pass.

STANTON, Chairman.

Bills read second time, and ordered to engrossment.

Assembly Bill No. 176—An Act providing for a biennial appropriation in the general appropriation bill for the benefit of the Governor's residence and grounds.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 318—An Act to amend Section 317 of the Penal Code of California.

WITHDRAWAL OF BILL.

Mr. Rech asked for and was granted unanimous consent to withdraw Assembly Bill No. 49, it being identical with Senate Bill No. 78 now in this House.

Assembly Bill No. 49 withdrawn and ordered stricken from the file.

SUBSTITUTION OF SENATE BILL.

On motion of Mr. Rech, Senate Bill No. 78—An Act to add a new section to the Code of Civil Procedure of the State of California, to be numbered section sixty-seven *a*, relating to the number of Superior Court Judges, and providing for the appointment of three additional Superior Court Judges in and for counties of the second class, and providing for their compensation—was substituted for Assembly Bill No. 49.

Senate Bill No. 78 read second time, and ordered on file for third reading.

THIRD-READING FILE.

Assembly Bill No. 193—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new

section to said Penal Code, to be known and numbered as Section 403¾, relating to the furnishing or erecting of unsafe or improper scaffolding or mechanical contrivances.

During the third reading of the bill Mr. Nelson moved that the Speaker appoint a select committee of one to amend the bill, as follows:

On page 1, of printed bill, line 3, strike out the letter "a," same being ninth letter from end of line.

Motion carried.

The Speaker appointed Mr. Nelson as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 193, with instructions, do now report that the instructions of the Assembly have been carried out.

NELSON, Select Committee.

Report of select committee and amendment adopted.

Bill ordered to reprint, reengrossment, and on file for passage.

Assembly Bill No. 196—An Act to provide county library systems.

During the third reading of the bill, Mr. Bohnett moved that the Speaker appoint a select committee of one to amend the bill as follows:

AMENDMENT No. 1.

In line 4, Section 3, of printed bill, after the word "library," insert the following: "or board of trustees of any library district."

AMENDMENT No 2.

In line 5, Section 3, of the printed bill, after the word "town," insert the following: "or library district."

AMENDMENT No 3.

In line 7, Section 3, of the printed bill, after the word "town," insert the following: "or library district"

AMENDMENT No. 4.

In line 3, Section 10, of printed bill, strike out the words "cities or towns," and insert in lieu thereof the following: "cities, towns and library districts."

Motion carried.

The Speaker appointed Mr. Bohnett as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No 196, with instructions, do now report that the instructions of the Assembly have been carried out.

BOHNETT, Select Committee.

Report of select committee and amendments adopted.

Mr. Bohnett moved that the Speaker appoint a select committee of one to further amend the bill as follows:

In line 6, Section 2, of the printed bill, strike out the word "one-fourth" and insert in lieu thereof the word "one-half."

Motion lost.

Bill ordered to reprint, reengrossment, and on file for passage.

Assembly Bill No. 316—An Act to repeal an Act entitled "An Act concerning common schools in the city of Placerville," approved April 1, 1864.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 316 passed by the following vote:

AYES—Messrs Barndollar, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Leeds, Lightner, Macauley, Maher, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—69.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SPECIAL ORDERS.

The hour of eleven o'clock A. M having arrived, the special orders heretofore set for this hour were taken up for consideration.

Assembly Bill No. 78—An Act to regulate the ownership or possession of land by aliens.

Assembly Bill No. 15—An Act to amend Section 302 of the Civil Code.

Assembly Bill No. 32—An Act to confer power upon municipalities to protect the health, morals and peace of their inhabitants by restricting undesirable, improper and unhealthy persons and persons whose practices are dangerous to public morals and health and peace to certain prescribed limits, and prescribing a punishment for a violation of this.

On motion of Mr. Drew, the consideration of the above bills was continued until eleven o'clock A. M. of Wednesday, February 3, 1909.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1909.

MR SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Assembly Bill No. 377—An Act to provide for the accomplishment of the work of the direct improvement of the navigation of the Sacramento, San Joaquin and Feather rivers of the State of California, as recommended in the special report of the California Débris Commission, dated June 30, 1907, and made jointly by Brigadier General A. Mackenzie, Chief of Engineers, C H McKinstry, Major, Corps of Engineers, and Thomas H. Jackson, Captain, Corps of Engineers, of the United States Army, and printed with the annual report of the Chief of Engineers of the United States Army, for the fiscal year ending June 30, 1907, and making an appropriation for such work

Assembly Bill No. 247—An Act relating to the adjustment of county boundary lines

Assembly Bill No 74—An Act to amend section one hundred and thirty-seven of the Civil Code of the State of California, relating to expenses of action for divorce, alimony and maintenance.

Assembly Bill No. 67—An Act authorizing suits against the State concerning certain real property and regulating the procedure therein.

YOUNG, Chairman

The above reported bills ordered on file for third reading.

THIRD-READING FILE—(RESUMED).

Assembly Bill No. 314—An Act to repeal an Act entitled "An Act supplementary to and amendatory of an Act entitled 'An Act concerning common schools in the city of Placerville,' approved April first,

eighteen hundred and sixty-four," to provide ways and means for building, furnishing, and repairing schoolhouses in said city and for other purposes, approved March 16, 1874.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 314 passed by the following vote:

AYES—Messrs. Barndollar, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Juilliard, Kehoe, Lightner, Macauley, Maher Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Polsley, Preston, Pulcifer, Rech, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—67.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

HON. J. N. O. RECH IN THE CHAIR.

At eleven o'clock and twenty minutes A. M., Hon. J. N. O. Rech in the chair.

Assembly Bill No. 377—An Act to provide for the accomplishment of the work of the direct improvement of the navigation of the Sacramento, San Joaquin, and Feather rivers, of the State of California, as recommended in the special report of the California Débris Commission, dated June 30, 1907, and made jointly by Brigadier General A. Mackenzie, Chief of Engineers; C. A. McKinstry, Major, Corps of Engineers, and Thomas H. Jackson, Captain, Corps of Engineers, of the United States Army, and printed with the annual report of the Chief of Engineers of the United States Army, for the fiscal year ending June 30, 1907, and making an appropriation for such work.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 377 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Collum, Costar, Cronin, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gillis, Greer, Hammon, Hanlon, Hans, Hawk Hewitt, Hinkle, Holmquist, Hopkins, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Polsley, Preston, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Webber, Wheelan, Whitney, Wilson, Wyllie, and Young—65

NOES—Mr. Irwin—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 67—An Act authorizing suits against the State concerning real property and regulating the procedure therein.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 67 passed by the following vote:

AYES—Messrs. Barndollar, Beatty, Beban, Bohnett, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Costar, Cullen, Dean, Drew, Feeley, Flavelle Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hewitt, Hinkle, Holmquist, Hopkins, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds Lightner, Macauley, Melrose, Mendenhall,

Moore, Mott, Nelson, Odom, Otis, Perine, Polsley, Preston, Pulcifer Rech, Rutherford, Schmitt, Silver, Stuckenbruck, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, and Young—63.
NOES—None.

Title read approved.
Bill ordered transmitted to the Senate.

RECONSIDERATION.

In compliance with his notice given on a previous day, Mr. Drew moved that the vote whereby Assembly Bill No. 140 was passed be reconsidered.
Motion duly seconded by Mr. Mott.

LAID ON TABLE.

Mr. Drew moved that the motion to reconsider lay on the table.
Motion seconded by Mr. Mott.
Motion carried.
Bill ordered transmitted to the Senate.
Assembly Bill No. 11—An Act providing for the registration of the purchasers of guns, pistols and other firearms, and providing for the punishment of dealers neglecting to register such purchasers.
Bill read third time.
The question being on the passage of the bill.
The roll was called, and Assembly Bill No. 11 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beban, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Hanlon, Hans, Hawk, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Lightner, Macauley, Maher, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Polsley, Preston, Pulcifer, Rech, Rutherford, Schmitt, Silver, Stuckenbruck, Transue, Wagner, Webber, Wyllie, and Young—62.
NOES—None.

Title read and approved.
Bill ordered transmitted to the Senate.
Assembly Bill No. 383—An Act to amend the Civil Code, by adding thereto a new section, to be numbered 2004, relating to assignment of wages of employee and protection of family of employee and his employer from effect of such assignment.
Bill read third time.
The question being on the passage of the bill.
The roll was called, and Assembly Bill No. 383 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Dean, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Greer, Hammon, Hanlon, Hans, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley Maher, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Polsley, Preston, Pulcifer, Rech, Rutherford, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, and Young—60.
NOES—None

Title read and approved.
Bill ordered transmitted to the Senate.
Assembly Bill No. 74—An Act to amend section one hundred and

thirty-seven of the Civil Code of the State of California, relating to expenses of action for divorce, alimony, and maintenance.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 74 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Bohnett, Callan, Cattell, Cogswell, Collier, Collum, Costar, Cronin, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Hanlon, Hans, Hawk, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, Mendenhall, Moore, Mott, Nelson, Otis, O'Neill, Preston, Pulcifer, Rutherford, Stuckenbruck, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, and Young—56.

NOES—None.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Mr. Johnson of Sacramento gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 74 was this day passed.

SECOND READING FILE.

Assembly Bill No. 346—An Act to repeal an Act entitled "An Act relative to the non-insurance of property belonging to the State against risk of damage or destruction by fire," approved March 10, 1891.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 347—An Act to add a new section to the Political Code of the State of California, to be known as Section 3236, relating to insurance on public buildings.

During second reading of bill, the following amendment was submitted by the committee:

On page 1, Section 1, line 1 of the printed bill, strike out the word "Code."

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 332—An Act to add a new section to the Penal Code of the State of California, to be known as Section 422, relating to disturbing schools or school meetings.

During second reading of bill, the following amendment was submitted by the committee:

On page 1, of the printed bill, strike out all the words after "An Act," and insert the following: "To amend Section 653*b* of the Penal Code of California.

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

Section 1 Section 653*b* of the Penal Code of California is hereby amended to read as follows:

Section 653*b* Any person who wilfully disturbs any public school, or any public school meeting, or who upbraids, insults or abuses any teacher, in the presence of the school shall be guilty of a misdemeanor, and be liable to a fine of not less than ten, nor more than one hundred dollars."

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 381—An Act to amend section five of an Act entitled "An Act to amend sections four, five, six, ten, thirteen, and fourteen of an Act entitled 'An Act for the more effectual prevention of cruelty to animals,' approved March 20, 1874, and to add three new sec-

tions to said Act, to be known as sections twenty, twenty-one, and twenty-two, in relation to cruelty to animals, and the arrest, trial, and punishment of offenders against the provisions of said Act, and liens on property in certain cases arising under this Act," approved March 14, 1901.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 274—An Act to amend an Act entitled "An Act to protect domestic live stock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this Act, and to provide an appropriation therefor," which became a law March 18, 1899, and as amended March 20, 1905, and as further amended March 23, 1907, by amending Section 1 thereof as amended March 23, 1907, Section 2 thereof as amended March 23, 1907, Section 4 thereof, Section 5 thereof, Section 6 thereof, Section 7 thereof, and Section 8 thereof, and by adding a new section thereto, to be known and numbered as Section 7½, providing for additional officers and employees and fixing their salaries.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 175—An Act to amend an Act entitled "An Act providing for the extermination of the boophilus annulatus tick, defining certain crimes and providing for certain civil and criminal actions," approved March 21, 1907, by amending sections one, two, three, and four thereof, and by adding a new section thereto, to be known and numbered as section one and one half.

Bill read second time, and ordered to engrossment.

Assembly Bill No 125—An Act transferring the sum of $80,000 from the general fund to the estate of deceased persons fund.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Mr. Rech in the chair.

Assembly Bill No 125 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Mr. Rech in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 27, 1909.

MR SPEAKER: The Committee of the Whole have had under consideration Assembly Bill No. 125, and do now report the same back, and recommend that it do pass.

RECH, Chairman.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 428—An Act to amend an Act entitled "An Act to provide for the appointment of pilots, and defining their duties and compensation at the port of Wilmington, and bay of San Pedro," approved March 19, 1889.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 226—An Act to amend an Act entitled "An Act authorizing the judges of the Superior Court in all counties, and cities and counties, having a population of 200,000 or over, to appoint a secretary."

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out of title of printed bill the word "two" and inserting in lieu thereof the following. "three."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out of Section 1, line 2, of printed bill, the words "two hundred thousand," and inserting in lieu thereof the following. "three hundred thousand."

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

SPEAKER IN THE CHAIR.

At twelve o'clock M., Speaker P. A. Stanton in the chair.

SENATE MESSAGE.

The following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, January 27, 1909

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No 374—An Act to provide for the payment of expenses incurred in making repairs on and in the Capitol building, and for the furnishing of the legislative chambers, and the clerks', officers', and committee rooms therein, and all other necessary expenses incurred in so doing, and to make appropriation for the same.

Also: Adopted Senate Concurrent Resolution No 1—Approving seven certain amendments to the charter of the city of Santa Barbara, in the county of Santa Barbara, State of California, voted for and ratified by the qualified electors of the said city of Santa Barbara, at the general municipal election held therein on the 3d day of December, 1907.

Also. Passed Senate Bill No 187—An Act to amend Section 3817 of the Political Code of the State of California, relating to redemptions of lands sold the State of California for delinquent taxes.

Also: Senate Bill No. 88—An Act to amend Section 855 of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, and relating to compensation of members of the board of trustees and to the officers of municipalities of the sixth class.

Also: Senate Bill No. 104—An Act to amend Section 1498 of the Code of Civil Procedure, relating to the time for commencing actions on rejected claims against estates of deceased persons.

Also: Senate Bill No 65—An Act to add a new section to the Code of Civil Procedure, to be known as Section 280c, relating to the admission to practice, without examination, of persons who shall have satisfactorily completed the three years' law course of the Department of Law of Leland Stanford Junior University.

Also: Senate Bill No. 178—An Act to amend Section 15 of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of lands embraced within such districts, and to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Also: Senate Bill No. 273—An Act to amend Section 39 of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of construction thereby of works for the irrigation of the lands embraced within such district, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897

Also: Senate Bill No. 473—An Act to amend an Act entitled "An Act relating to commitments to the State School at Whittier and to the Preston School of Industry, fixing the authority to examine and commit to such schools with the Superior Court Judges of the county, and fixing the responsibility from which commitments are made to the State for maintenance of the persons committed therefrom; providing for the manner of pay-

ment thereof, and fixing the responsibility of the parents to the counties from which their children are committed," approved March 26, 1895.

LEWIS A. HILBORN, Secretary.
By J. W. KAVANAGH, Assistant.

Assembly Bill No. 374 ordered to enrollment.

Senate Concurrent Resolution No. 1 read and referred to Committee on Municipal Corporations.

Senate Bill No. 187 read first time, and referred to Committee on Judiciary.

Senate Bill No. 88 read first time, and referred to Committee on Corporations.

Senate Bill No. 104 read first time. and referred to Committee on Judiciary.

Senate Bill No. 65 read first time, and referred to Committee on Judiciary.

Senate Bill No. 178 read first time, and referred to Committee on Irrigation.

Senate Bill No. 273 read first time, and referred to Committee on Irrigation.

Senate Bill No. 473 read first time, and referred to Committee on Public Charities and Corrections.

ADJOURNMENT.

At twelve o'clock and ten minutes P. M., on motion of Mr. Transue, seconded by Mr. Beardslee, the Assembly was declared adjourned until ten o'clock A. M. of Thursday, January 28, 1909.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL., Thursday, January 28, 1909.

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. P. A. Stanton, Speaker of the Assembly, in the chair.

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

Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr Speaker—76.

Quorum present.

LEAVE OF ABSENCE.

On motion, leave of absence for the day was granted to Messrs. Wyatt, Lightner, and Hammon

PRAYER.

Prayer was offered by the Rev. Frank K. Baker.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Beban, its further reading was dispensed with.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, January 28, 1909.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No 10—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered 327, making it a misdemeanor to print, publish, or advertise lotteries or lottery drawings

Also: Assembly Bill No 75—An Act to add a new section to the Penal Code, to be numbered 271*b*, making it a misdemeanor for any person who shall fail to endeavor in good faith to earn or otherwise provide, when able to do so, money with which to pay, or who fails to pay, whenever and so far as able, any allowance made by the court and directed to be paid by him to the wife for her support, or for the maintenance of any minor child or children of the marriage in any action of divorce, during the pendency of the action, at the final hearing, or at any time thereafter, and providing a penalty for such failure.

Also: Assembly Bill No 106—An Act authorizing certain suits against the State, and regulating the procedure therein.

Also: Assembly Bill No 185—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as Section 67*a*, relating to extra sessions of the Superior Court.

Also: Assembly Bill No 441—An Act to add a new section to the Code of Civil Procedure, to be numbered Section 103½, authorizing city justices in cities and towns of the third class to appoint a clerk.

Also: Assembly Bill No. 417—An Act to amend Section 1207 of the Civil Code of the State of California, relating to the recordation of certain instruments and certificates of acknowledgment, the notice such recordation shall impart, and to the effect as evidence of certified copies of the records of same.

Also: Assembly Bill No 622—An Act to amend section three thousand eight hundred and ninety-seven of the Political Code, relating to the sale and disposition of lands deeded to the State for delinquent taxes.

Also: Senate Bill No 111—An Act to add a new section to the Code of Civil Procedure, to be numbered 1724, relating to establishing who are the heirs at law or devisees of persons to whom patent for lands has been issued in cases where the person entering such land dies before the issuance of such patent.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

JOHNSON OF SACRAMENTO, Chairman.

Also.

ASSEMBLY CHAMBER, SACRAMENTO, January 27, 1909.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 606—An Act to secure the safety of the public at bathing places upon the seacoast and lakes—report same back, with six amendments.

Also: Assembly Bill No 444—An Act to amend Article V, Chapter VII, Title XI, Part III of the Code of Civil Procedure of the State of California, by amending Section 1577 thereof and adding a new section thereto to be numbered 1580, relating to the real property of decedents, minors and incompetent persons—report same back, with six amendments

Also Assembly Bill No 726—An Act to add a new section to the Penal Code to be known as Section 537*c*, and relating to the unlawful use of horses and vehicles by the owner, manager and proprietors of livery and feed stables and persons pasturing stock, and providing the punishment for the violation thereof—report the same back, with one amendment

Have had the same under consideration, and respectfully recommend that they do pass as amended

JOHNSON OF SACRAMENTO, Chairman.

ON WAYS AND MEANS

ASSEMBLY CHAMBER, SACRAMENTO, January 27, 1909.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 611—An Act making an appropriation to pay the deficiency in the appropria-

tion for the contingent expenses of the Bureau of Labor Statistics for the sixtieth fiscal year—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also Senate Bill No. 46—An Act to amend section three hundred and sixty-four of the Political Code relating to the Board of Examiners—have had the same under consideration, and respectfully report the same back, and recommend that the same be referred to Committee on Judiciary.

BEARDSLEE, Chairman.

ON FISH AND GAME.

ASSEMBLY CHAMBER, SACRAMENTO, January 28, 1909.

MR SPEAKER: Your Committee on Fish and Game, to whom was referred Assembly Bill No. 650—An Act to amend Section 637 of the Penal Code of California, and to add thereto three new sections, to be numbered 637*b*, 637*c*, and 637*d*, all relating to protection of wild birds other than game birds and their nests and eggs.

Also, Assembly Bill No. 150—An Act for the preservation of seals or sea lions in the waters of the Santa Barbara Channel, or on, about or near any land adjacent thereto.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass

Also: Assembly Bill No 243—An Act to amend Section 626 of the Penal Code, relating to the protection of deer—have had the same under consideration, and respectfully report the same back with two amendments, and recommend that it do pass as amended

COSTAR, Chairman.

ON PUBLIC MORALS

ASSEMBLY CHAMBER, SACRAMENTO, January 28, 1909

MR SPEAKER: Your Committee on Public Morals to whom was referred Assembly Bill No 312—An Act against slot machines and other gambling devices—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

Also: Assembly Bill No 16—An Act to prevent any minor under the age of eighteen years visiting any race, racetrack, racecourse, prize fight, cock fight, or place where any race, prize fight or cock fight is advertised or represented to take place, and to provide a punishment therefor—have had the same under consideration, and respectfully report the same back with one amendment, and recommend that it do pass as amended.

GRIFFITHS, Chairman

ON CLAIMS.

ASSEMBLY CHAMBER, SACRAMENTO, January 28, 1909

MR. SPEAKER: Your Committee on Claims, to whom was referred Assembly Bill No 181—An Act to pay the claim of A G Lafferty, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and be referred to the Committee on Ways and Means.

CULLEN, Chairman.

ON ROADS AND HIGHWAYS

ASSEMBLY CHAMBER, SACRAMENTO, January 28, 1909.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 386—An Act to make an appropriation for the repair and maintenance, under the supervision, management and control of the Department of Engineering of the State of California, of that certain state highway commencing at Pine Grove, in Amador County, and running thence via Hope Valley to connect at Osgood's Place, in El Dorado County, with the Lake Tahoe Wagon Road, and via Markleeville, in Alpine County, to connect at Junction, in Mono County, with the Sonora and Mono road; to place such highway under the supervision, management and control of such Department of Engineering, and to designate and name such state highway as the Alpine State Highway

Also: Assembly Bill No 387—An Act to provide for the continuation of the construction of the highway known as Kings River Highway, to declare it a state highway, and to make an appropriation therefor.

Also: Assembly Bill No. 640—An Act to provide for a state highway from Moreno to Beaumont, in Riverside County

Have had the same under consideration, and respectfully report the same back, with recommendation that they do pass, and also recommend that they be re-referred to the Committee on Ways and Means.

GREER, Chairman.

ON EDUCATION

ASSEMBLY CHAMBER, SACRAMENTO, January 28, 1909.

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 689—An Act to amend an Act entitled "An Act creating a fund for the benefit and support of high schools and providing for its distribution, by changing the term high school to secondary school and apportioning six hundred dollars to each school in place

of one third of the total amount," approved March 6, 1903—have had the same under consideration and respectfully report the same back with amendments, and recommend that it do pass as amended.

SACKETT, Chairman.

ON IRRIGATION

ASSEMBLY CHAMBER, SACRAMENTO, January 27, 1909.

MR SPEAKER: Your Committee on Irrigation, to whom was referred Assembly Bill No. 384—An Act to amend section thirty-nine of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WAGNER, Chairman.

The above reported bills ordered on file for second reading.

Senate Bill No. 46 referred to Committee on Judiciary.

Assembly Bills Nos. 181, 386, 387, and 640 referred to Committee on Ways and Means.

INTRODUCTION OF BILLS.

The following bills were introduced and referred, as indicated:

By Mr. Moore: Assembly Bill No. 824—An Act to amend an Act entitled, "An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for the appointment of the members of said commission, to be known as 'The Commissioners for the Revision and Reform of Laws,' and to prescribe their powers and duties; and to authorize the appointment of a secretary and stenographer therefor; and to provide for the compensation and expense of said commission, secretary and stenographer, and to appropriate money therefor," approved March 28, 1895, approved March 25, 1903.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Dean: Assembly Bill No. 825—An Act to amend Section 4277 of the Political Code.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Leeds: Assembly Bill No. 826—An Act to amend Section 198, Code of Civil Procedure, relating to jurors

Bill read first time, and referred to Committee on Judiciary.

By Mr. Johnson of San Diego: Assembly Bill No. 827—An Act authorizing any incorporated town, city or municipal corporation to permit the construction and maintenance of any State or county high way, or boulevard, over highways or streets in its incorporated limits, or any portion thereof, by the supervisors or highway commissioners of the county.

Bill read first time, and referred to Committee on Municipal Corporations.

By Mr. Butler: Assembly Bill No 828—An Act providing for the building of cottages for guards at the State Prison at San Quentin, and appropriating money therefor.

Bill read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Also: Assembly Bill No. 829—An Act to amend Section 15 of an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, relating to moneys received by the wardens thereof.

Bill read first time, and referred to Committee on State Prisons and Reformatory Institutions.

By Mr. Perine: Assembly Bill No. 830—An Act to amend Sections 415 and 420 of the Political Code, all relating to the office of the Secretary of State.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Transue: Assembly Bill No. 831—An Act making an appropriation to pay for the rental and janitor service of quarters of the Second District Court of Appeal.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 832—An Act authorizing the investment and reinvestment and disposition of any moneys in any sinking fund of any county, city and county, or incorporated city or town.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 833—An Act to add a new section to the Penal Code, to be numbered 402*e*, making it a misdemeanor for any practitioner of veterinary medicine who fails to report to the State Veterinarian certain diseases among animals.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Black: Assembly Bill No. 834—An Act relating to the taxation of telephone and electric light, heat, and power companies.

Bill read first time, and referred to Committee on Corporations.

Also: Assembly Bill No. 835—An Act relating to telephone, and electric light, heat, and power companies.

Bill read first time, and referred to Committee on Corporations.

Also (by request): Assembly Bill No 836—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 2466 thereof, relating to pilots, pilot commissioners and pilotage.

Bill read first time, and referred to Committee on Commerce and Navigation.

By Mr. Johnston of Contra Costa: Assembly Bill No. 837—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 1, 1872, by adding a new section thereto, to be numbered Section 1742, relating to the recording of memoranda of contracts of conditional sales, and of statements of compliance with the conditions thereof.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Mott: Assembly Bill No. 838—An Act to appropriate one thousand dollars for the erection of a monument in St. Mary's Cemetery, in the city of Oakland, county of Alameda, State of California, to the memory of Hon. John J. Burke, and appointing a commission to carry out the provisions thereof.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Pugh: Assembly Bill No. 839—An Act to add a new section to the Political Code of the State of California, to be known as Section 3251 thereof, relating to vacations of State employees.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 840—An Act to amend an Act entitled "An Act to regulate the practice of architecture," approved March 23, 1901.

Bill read first time, and referred to Committee on Judiciary

By Mr. Juilliard: Assembly Bill No. 841—An Act to amend Section 397 of the Penal Code, relating to the sale and furnishing intoxicating liquors to habitual or common drunkards, and also to add a new section to the Penal Code, to be known as 397*a*, prohibiting the selling or

furnishing of intoxicating liquors to persons of Indian descent, and fixing the penalty for violating thereof.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Nelson: Assembly Bill No. 842—An Act to amend section ten of an Act entitled "An Act to create and administer a public school teachers' annuity and retirement fund in the several counties, and cities and counties in the State," approved March 26, 1895, and amended March 29, 1897, and amended March 23, 1901, and amended March 20, 1903.

Bill read first time, and referred to Committee on Education.

By Mr. Hans: Assembly Bill No 843—An Act to amend Section 4048 of the Political Code, relating to the purchase of county supplies and advertising for bids therefor.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. McManus: Assembly Bill No. 844—An Act providing for the purchase of a site for an armory and State arsenal for the National Guard at the city and county of San Francisco, California; providing for the appointment of a commission to select and purchase said site, and providing for the erection of an armory and arsenal on said site and for the maintenance of the same, and appropriating money therefor.

Bill read first time, and referred to Committee on Military Affairs.

By Mr. Johnson of Sacramento: Assembly Bill No. 845—An Act to amend the Civil Code of the State of California by adding thereto a new section, to be known as Section 231, relating to the adoption of children.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Beardslee: Assembly Bill No. 846—An Act to amend Section 1213 of the Civil Code of the State of California, relating to the recording of conveyances of real property, and providing for the recording of certified copies of such conveyances in cases where the same have been recorded in a wrong manner.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Johnson of Placer: Assembly Bill No. 847—An Act to amend Section 4269 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the fortieth class.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Stanton: Assembly Bill No 848—An Act to provide for the gathering, compiling, printing and distribution of statistics, and information regarding the Japanese of the State, and making an appropriation therefor.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Rech: Assembly Bill No. 849—An Act to amend Section 394 of the Code of Civil Procedure, relating to place of trial of civil actions.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 850—An Act to amend Section 3483 of the Civil Code, relating to successive owners.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 851—An Act to repeal an Act entitled "An

Act to prohibit the desecration of the flag of the United States, and to provide a punishment therefor," approved March 2, 1899.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 852—An Act to add a new section to the Penal Code of the State of California, to be known as Section 648*b*, relating to advertising on the American flag.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 853—An Act to repeal an Act entitled "An Act to authorize boards of supervisors to pay the expenses of posse comitatus in criminal cases," approved April 16, 1880.

Bill read first time, and referred to Committee on Revision and Reform of Laws

Also: Assembly Bill No. 854—An Act to add a new section to the Penal Code of California, to be known as Section 151, relating to authorizing boards of supervisors to pay the expenses of posse comitatus in criminal cases.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 885—An Act to repeal an Act entitled, "An Act to prevent the spread of contagious diseases among animals," approved March 20, 1905.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 856—An Act to add three new sections to the Penal Code of California, to be known as Sections 374*b*, 374*c*, and 374*d*, preventing the spread of contagious diseases among animals.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 857—An Act to add a new section to the Penal Code of California, to be known as Section 1088*a*, relating to parole commissioners for the parole of and government of paroled prisoners.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 858—An Act to repeal an Act entitled "An Act to establish a Board of Parole Commissioners for the parole of and government of paroled prisoners," approved March 23, 1893

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 859—An Act to add a new section to the Penal Code of California, to be known as Section 721, relating to authorizing and requiring boards or commissions having the management and control of paid police force to grant the members thereof yearly vacations.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 860—An Act to repeal an Act entitled "An Act authorizing and requiring boards or commissions having the management and control of paid police force to grant the members thereof yearly vacations," approved March 10, 1891.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 861—An Act to add a new section to the Penal Code of California, to be known as Section 773, relating to the intoxication of officers.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 862—An Act to repeal an Act entitled "An Act relating to the intoxication of officers," approved April 15, 1880

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 863—An Act to add two new sections to the Penal Code of California, to be known as Sections 1597 and 1598, relating to authorizing and empowering the State Board of Prison Directors to purchase California grown hemp, to be used in the manufacture of grain bags, and to fix the price at which such bags shall be sold; and the payment of the expenses and costs of the trial of convicts for crimes committed in the State prison, and to pay the costs of the trial of escaped convicts, and to pay for the expenses of coroner's inquests in said prison.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 864—An Act to repeal an Act entitled "An Act to authorize and empower the State Board of Prison Directors to purchase California grown hemp, to be used in the manufacture of grain bags, and to fix the price at which such bags shall be sold," approved March 16, 1901.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 865—An Act to repeal an Act entitled "An Act to more fully define the crime of larceny," approved March 6, 1872.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 866—An Act to add two new sections to the Penal Code of the State of California, to be known as Sections 502*a* and 502*b*, relating to larceny of real estate.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 867—An Act to repeal an Act entitled "An Act to prevent the spread of contagious or infectious diseases among domestic animals," approved March 23, 1893.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 868—An Act to add a new section to the Penal Code of the State of California, to be known as Section 374*a*, relating to contagious or infectious diseases among domestic animals.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 869—An Act to amend Section 597 of the Penal Code of the State of California, relating to cruelty to animals.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 870—An Act to repeal an Act entitled "An

Act to prohibit the use of the bristle bur, tack bur, or other like devices on horses or other animals in this State," approved March 13, 1903.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill 871—An Act to repeal an Act entitled "An Act concerning actions for libel and slander," approved March 23, 1872.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 872—An Act to add three new sections to the Code of Civil Procedure of California, to be known as Sections 1040, 1041, and 1042, relating to libel and slander.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 873—An Act to repeal an act entitled "An Act to protect stockholders and persons dealing with corporations in this State," approved March 29, 1878.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 874—An Act to amend Section 564 of the Penal Code of California, relating to false statements by officers of corporations.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 875—An Act to amend Section 74a of the Penal Code of California, relating to the protection of labor and wages of employees on public works.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 876—An Act to repeal an Act entitled "An Act to protect the wages of labor and the salaries and fees of subordinate officers," approved April 1, 1872.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 877—An Act to repeal an Act entitled "An Act forbidding the payment of municipal officers out of the funds of the county," approved March 8, 1905.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 878.—An Act to add a new section to Chapter XII, Title II, Part IV of the Political Code of the State of California, to be known as Section 4326, relating to charges of city justices and constables against counties.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 879—An Act to add a new section to Article III, Chapter III, Title VI, Part III of the Political Code of the State of California, to be known as Section 2882, relating to ferries across navigable rivers separating counties, and empowering the boards of supervisors of such counties to establish and maintain ferries across such rivers, and to pay the expense thereof.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 880—An Act to repeal an Act entitled "An Act relating to ferries across navigable rivers separating counties, and empowering the boards of supervisors of such counties to establish and maintain ferries across such rivers, and to pay the expense thereof," approved March 16, 1903.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 881—An Act to repeal an Act entitled "An Act to prohibit the creation of debts against the State in excess of appropriations made by law, except in cases of actual necessity and on consent of the Board of Examiners."

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 882—An Act to add a new section to the Political Code of the State of California, to be known as Section 689, prohibiting the creation of debts against the State in excess of appropriations made by law, except in cases of actual necessity, and on consent of the Board of Examiners.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 883—An Act to repeal an Act entitled "An Act empowering boards of supervisors of any of the several counties of the State of California to levy a special tax for the purpose of displaying the products and industries of any county in the State at domestic or foreign expositions, for the purpose of encouraging immigration and increasing trade in the products of the State," approved March 23, 1901.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 884—An Act to amend Section 4041 of the Political Code of the State of California, relating to the powers of supervisors.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 885—An Act to add two new sections to the Political Code of the State of California, to be known as Sections 2047 and 2048, relating to military academies.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 886—An Act to repeal an Act entitled "An Act to furnish arms for the use of military academies in the State," approved February 20, 1872.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 887—An Act to add a new section to the Political Code of the State of California, to be known as Section 691, authorizing the Controller and Treasurer to transfer to the general fund all moneys now in the State drainage construction fund, and also, from time to time, to transfer to the general fund all moneys that may hereafter be paid into the State drainage construction fund.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 888—An Act to repeal an Act entitled "An Act authorizing the Controller and Treasurer to transfer to the general

fund all moneys now in the State drainage construction fund, and also, from time to time, to transfer to the general fund all moneys that may hereafter be paid into the State drainage construction fund," approved March 31, 1891.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 889—An Act to amend an Act entitled "An Act to enable incorporated 'cities and counties' and 'cities' and 'towns' to acquire, maintain, and improve public parks and boulevards," approved March 19, 1889.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 890—An Act to repeal an Act entitled "An Act to enable incorporated 'cities and counties' and 'cities' and 'towns' to acquire and maintain and improve public parks and boulevards," approved March 19, 1889.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 891—An Act to amend Section 1207 of the Civil Code of the State of California, relating to defectively executed and acknowledged instruments, and defectively certified copies of such acknowledgments.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 892—An Act to repeal an Act entitled "An Act to legalize certain acknowledgments," approved February 25, 1897.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 893—An Act to amend section two hundred and forty-six of the Civil Code of the State of California, relating to guardian and ward.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 894—An Act to repeal an Act entitled "An Act to provide for the appointment of guardians of children maintained in any orphans' home or orphan asylum in this State," approved March 23, 1893.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 895—An Act to add a new title to the Civil Code of the State of California, to be known as Title Nine, Part Four, Division One, consisting of sections five hundred and fifty-three, five hundred and fifty-four, five hundred and fifty-five, five hundred and fifty-six, five hundred and fifty-seven, five hundred and fifty-eight, five hundred and fifty-nine, five hundred and sixty, five hundred and sixty-one, five hundred and sixty-two, five hundred and sixty-three, five hundred and sixty-four, and five hundred and sixty-five, authorizing certain corporations to act as executor and in other trust capacities, and to provide for and regulate the administration of trusts by such corporations.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 896—An Act to repeal Sections 553, 554,

555, 556, 557, 558, 559, 560, 561, 562, 563, 564, and 565 of the Civil Code of the State of California.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 897—An Act to repeal an Act entitled "An Act to provide for fitting up in the basement of the Capitol building a moisture-proof, fireproof, and burglar-proof vault for storage and care of the archives of the State offices, for the appointment of a keeper of the archives, defining his duties, fixing his salary, and appropriating money for the purposes appertaining thereto," approved March 25, 1889.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 898—An Act to amend section four hundred and twelve of the Political Code of the State of California, relating to duties of the Secretary of State.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 899—An Act to repeal an Act entitled "An Act to secure to native-born and naturalized citizens of the United States the exclusive right to be employed in any department of the State, county, city and county, or incorporated city or town government in this State," approved March 23, 1901.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 900—An Act to amend the Political Code of the State of California, by adding thereto three new sections to be numbered as Sections 3251, 3253 and 3254, relating to the exclusion of all persons, except native-born and naturalized citizens of the United States, from employment in any department of the State, county, city and county, or incorporated city or town government in this State.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 901—An Act to add two new sections to the Political Code of the State of California, to be known as Sections 1987 and 1988, providing for independent and unattached companies of the National Guard of the State of California, and to provide for the manner of making allowances for the use and support of such companies.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 902—An Act to repeal an Act entitled "An Act to provide for independent and unattached companies of the National Guard of the State of California, and to provide for the manner of making allowances for the use and support of such companies," approved March 8, 1901.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 903—An Act to add a new section to the Civil Code of the State of California, to be known as Section 1443, relating to the working, rights of way, easement, and drainage of mines in the State of California.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 904—An Act to repeal an Act entitled "An

Act entitled an Act relating to the working, rights of way, easement and drainage of mines in the State of California," approved March 31, 1891.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 905—An Act to repeal an Act entitled "An Act to authorize the Governor to employ a stenographer for his office, and to provide for the payment of his salary," approved January 15, 1891.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 906—An Act to add a new section to the Political Code of the State of California, to be known as Section 370, authorizing the Governor to employ a stenographer for his office, and providing for the payment of salary.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

By Mr. Collier: Assembly Bill No. 907—An Act to provide for the purchase of land for the branch Agricultural Experiment Station located at Riverside, California, for the erection and construction of buildings thereon, and to make appropriation therefor.

Bill read first time, and referred to Committee on Agriculture.

By Mr. Wheelan (by request): Assembly Bill No. 908—An Act to add a new section to the Penal Code of California, to be numbered section sixteen hundred and seventeen, prohibiting the taking of the photograph, sketch or picture, or the measurement of any portion of the body of an arrested person by any police or other public officer, and providing the penalty for the violation thereof.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Assembly Bill No. 909—An Act to add a new section to the Penal Code of California, to be numbered Section 1616, providing for the recording of the name of an arrested person by a peace officer, and providing for penalty for the violation thereof.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Assembly Bill No. 910—An Act to amend section five of an Act entitled "An Act to provide for the formation, government, operation and dissolution of sanitary districts in any part of the State for the construction of sewers and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1891, and as amended by a certain Act approved March 26, 1895.

Bill read first time, and referred to Committee on Public Health.

Also (by request): Assembly Bill No. 911—An Act to add a new section to the Penal Code of California, to be numbered section sixteen hundred and eighteen, providing for the keeping of a record book by the chief of police or other head of the police force of an incorporated city, city and county or town, in which to enter the names of arrested persons, designation of the crime and time and place of arrest, and providing the penalty for the violation thereof.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Telfer—Assembly Bill No. 912—An Act appropriating seventy-five thousand ($75,000) dollars to complete, equip, and furnish the buildings of the San Jose State Normal School.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

By Mr. Melrose: Assembly Constitutional Amendment No. 18—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California providing for the separation of State and local taxation, providing for the taxation of public service and other corporations for the benefit of the State, and to that end adding to article thirteen a new section to be numbered section fourteen, amending section ten of article thirteen, and repealing section ten of article eleven thereof, all relating to revenue and taxation.

Assembly constitutional amendment read, and referred to Committee on Revenue and Taxation.

By Mr. Transue: Assembly Concurrent Resolution No. 5—Appointing a committee to represent the State at the Alaska-Yukon-Pacific Exposition at Seattle, Wash.

Assembly concurrent resolution read, and referred to Committee on Ways and Means.

RECONSIDERATION.

In compliance with his notice given on a previous day, Mr. Johnson of Sacramento moved that the vote whereby Assembly Bill No. 74 was passed be reconsidered.

The roll was called, and the same was reconsidered by the following vote:

AYES—Messrs Barndollar, Beatty, Black, Bohnett, Butler, Callan, Cattell, Collier, Costar, Cronin, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdens, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McManus, Mendenhall, Moore, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Pulcifer, Rutherford, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wyllie, Young, and Mr. Speaker—63

NOES—None.

WITHDRAWAL OF BILL.

Mr. Hewitt asked for and was granted unanimous consent to withdraw Assembly Bill No. 74.

Assembly Bill No. 74 withdrawn, and ordered stricken from the file.

RESOLUTIONS.

The following resolutions were offered:

By Mr. Costar:

WHEREAS, At a meeting of the Fish and Game Committee, held in its committee room January 27, 1909, it was moved and carried that the said committee, in order to act intelligently upon certain bills requiring appropriations now pending in this Legislature, visit the various State fish hatcheries and the proposed sites for additional fish hatcheries, to examine the same, to ascertain the needs thereof, and the amounts required for the various purposes; therefore, be it

Resolved, That all the members of said committee be, and are hereby, granted leave of absence for said purpose.

Resolution read, and referred to Committee on Rules and Regulations.

By Mr. Melrose:

Resolved, That the Controller of the State be, and he is hereby, authorized and directed to draw his warrant on the Contingent Fund of the Assembly in favor of the

H S. Crocker Company for the sum of $1,955.00, in payment of the bill attached for codes, supplements, etc., ordered by resolution of the Assembly, and the Treasurer is directed to pay the same (bills to committee).

Resolution read, and referred to Committee on Contingent Expenses and Accounts.

By Mr. Transue:

Resolved, That the Controller be and he is hereby authorized to draw his warrant on the contingent fund of the Assembly, and the State Treasurer is hereby authorized to pay the same, for the sum of eight hundred and fifty-five dollars ($855.00), in favor of the H. S. Crocker Company, same being for the payment of the following bills attached (bills to committee).

Resolution read, and referred to Committee on Contingent Expenses and Accounts.

Also:

Resolved, That the Controller be, and he is hereby, authorized to draw his warrant on the contingent fund of the Assembly, and the State Treasurer is hereby authorized to pay the same, for the sum of one thousand and nine hundred and sixty-four and four-hundredths dollars ($1,964.04), in favor of J. T. Stafford, Sergeant-at-Arms of the Assembly, same being for the payment of the following bills attached:

W. F. Purnell	$423 30
John Breuner Company	268 65
H. S. Crocker Company	489 55
F. R. Pulford	42 90
Hopkins Company	6 99
Mrs. C. Mackall	12 00
Whisky Hill Water Company	39 00
D. Ellis	1 00
R M. Richardson	3 00
Kane & Trainor Ice Co.	28 00
Julia Adams	27 65
R. Woolf	3 00
Cunningham, Curtiss & Welch	619 00
	$1,964 04

Resolution read, and referred to Committee on Contingent Expenses and Accounts.

On motion of Mr. Transue, the itemized statements of the above bills were ordered filed in the public archives, and the general summary printed in the Journal.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read (unanimous consent having been obtained for its reception):

ON RULES AND REGULATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, January 28, 1909

MR. SPEAKER: Your Committee on Rules and Regulations, to whom was referred resolution by Mr. Johnston of Contra Costa, pertaining to the special file for bills reported on by the Committee on the Revision and Reform of Laws, have had the same under consideration and report as follows: That the following temporary rule be adopted to wit:

"All bills reported to this Assembly by the Committee on Revision and Reform of Laws be printed in the General File under a separate heading, to be entitled "Bills reported by Committee on Revision and Reform of Laws," and that said bills shall be disposed of on each afternoon between the hours of 2.30 and 4 o'clock, from and after the sixth day of February, 1909, when such bills are on file for consideration."

JOHNSTON, Chairman.

Mr. Johnston moved the adoption of the report and resolution.

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

AYES—Messrs. Barndollar, Beardslee, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Dean, Drew, Flavelle, Fleisher, Flint, Gibbons,

Gillis, Greer, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Stuckenbruck, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—65.

NOES—None.

SPECIAL ORDER.

The hour of eleven o'clock A. M. having arrived, the special order heretofore set for this hour was taken up for consideration.

Assembly Constitutional Amendment No. 1—A resolution to propose to the people of the State of California an amendment to Section 1, Article II of the Constitution, in relation to the right of suffrage.

Assembly Constitutional Amendment No. 1 read.

HON. J. P. TRANSUE IN THE CHAIR.

At eleven o'clock and five minutes A. M., the Hon. J. P. Transue in the chair.

Assembly Constitutional Amendment No. 1 under consideration.

SPEAKER IN THE CHAIR.

At eleven o'clock and twenty minutes A. M., Speaker P. A. Stanton in the chair.

RECESS.

On motion of Mr. Johnson of Sacramento, at twelve o'clock and thirty minutes P. M., the Assembly was declared at recess until two o'clock P. M. of this day.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.

Speaker P. A. Stanton in the chair.

The question being on the adoption of the Assembly constitutional amendment.

The roll was called, and Assembly Constitutional Amendment No. 1 finally refused adoption by the following vote:

AYES—Messrs. Barndollar, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collum, Costar, Cronin, Drew, Gibbons, Gillis, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Maher, Melrose, Mendenhall, Otis, O'Neill, Polsley, Pulcifer, Sackett, Silver, Stuckenbruck, Telfer, Webber, Wheelan, Wilson, Wyllie, and Young—39

NOES—Messrs. Baxter, Beardslee, Beatty, Beban, Collier, Cullen, Dean, Feeley, Flavelle, Fleisher, Flint, Gerdes, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Johnston of Contra Costa, Leeds, Lightner, Macauley, McClellan, McManus, Moore, Mott, Nelson, Odom, Preston, Pugh, Rech, Rutherford, Schmitt, Transue, Wagner, Whitney, and Mr. Speaker—37.

Assembly Constitutional Amendment No. 2—Amending Article XX of the Constitution by adding a new section thereto, to be known as Section 21, relating to a day of rest.

On motion of Mr. Johnson of Sacramento, the consideration of Assembly Constitutional Amendment No. 2 was continued until Thursday, February 4, 1909, at eleven o'clock A. M.

SPECIAL FILE—SECOND READING.

Assembly Bill No. 390—An Act to amend Sections 2136, 2137, 2138 2140, 2141, 2142, 2145, 2153, 2154, 2161, 2162, 2163, 2167*a*, 2168, 2170

2171, 2172, 2176, 2177, 2179, 2180, 2181, 2187, 2189, 2192, 2193, and 2195 of the Political Code, relating to the powers and duties of the State Commission in Lunacy, to the government and management of State Hospitals for the insane and other incompetent persons, and to the care, custody, apprehension, commitment, and maintenance of insane and other incompetent persons.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Strike out the words "and the commission is further authorized to discharge, at its discretion, any person whose support is unprovided for by the terms of this chapter," in lines 10, 11 and 12, in Section 27 of the printed bill.

Amendment adopted.

AMENDMENT No. 2.

Strike out the semicolon at the end of line 10, of the printed bill, and insert a period.

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 617—An Act to amend Section 1207 of the Political Code of the State of California, relating to spoiled or unused ballots.

Bill read second time, and ordered to engrossment.

THIRD READING FILE.

Assembly Bill No. 318—An Act to amend Section 317 of the Penal Code of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 318 passed by the following vote:

AYES—Messrs Barndollar, Beban, Bohnett, Cattell, Coghlan, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Gillis, Griffiths, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson, of San Diego, Kehoe, Lightner, Macauley, Maher, McManus, Melrose, Moore, Odom, Otis, O'Neill, Polsley, Preston, Pugh, Pulcifer, Rech, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Wyllie, Young, and Mr. Speaker—55.

NOES—Messrs. Hopkins and Johnson of Sacramento—2.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Mr. Preston gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 318 was this day passed.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, January 27, 1909.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Senate Concurrent Resolution No. 1—Approving seven certain amendments to the charter of the city of Santa Barbara, in the county of Santa Barbara, State of California, voted for and ratified by the qualified electors of the said city of Santa Barbara, at the general municipal election held therein on the 3d day of December, 1907.

Also: Assembly Concurrent Resolution No. 4—Approving certain amendments to the charter of the city of Grass Valley, adopted by the electors of said city at a special election held on the eighth day of October, A. D. 1908.

Have had the same under consideration, and respectfully report the same back, and recommend that they be adopted.

Also: Assembly Bill No. 44—An Act to amend an Act entitled "An Act to create a firemen's relief health life insurance and pension fund, in the several counties, cities and counties, cities and towns of the State," approved March 20, 1905.

Also: Assembly Bill No. 264—An Act to amend section six of an Act entitled "An Act to establish police courts in cities of the first and one-half class, to fix their jurisdiction and provide for officers of said courts and to fix the compensation of certain officers thereof," approved March 5, 1901, relating to clerks in police courts in cities of the first and one-half class.

Also: Assembly Bill No. 439—An Act to amend Section 852 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations."

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also. Assembly Bill No. 240—An Act to provide for the consolidation of municipal corporations.

Also: Assembly Bill No 301—An Act to provide for work upon and the construction of sidewalks within municipalities.

Also: Assembly Bill No. 431—An Act to amend section seven hundred and sixty-four of an act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and as amended March 23, 1901, and March 3, 1905, relating to the powers of boards of trustees of cities of the fifth class.

Have had the same under consideration, and respectfully report the same back, with two amendments, and recommend that they do pass as amended.

FEELEY, Chairman.

The above reported bills ordered on file for second reading:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, January 28, 1909.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bill correctly reengrossed:

Assembly Bill No. 238—An Act to add a new section to the Political Code to be numbered 1840, relating to the levy and collection of special district school funds

YOUNG, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 28, 1909.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Assembly Bill No. 228—An Act to amend Section 1543 of the Political Code, so as to provide for suspended school districts.

Assembly Bill No 445—An Act to regulate the hours of labor in mines.

Assembly Bill No. 607—An Act to amend section three thousand and seventy-five of the Political Code of the State of California, relating to the office of the State Registrar of the Bureau of Vital Statistics and the State Board of Health, and providing for deputies, clerks and assistants and their compensation.

Assembly Bill No. 139—An Act to aid the enforcement of an Act entitled "An Act to enforce the educational rights of children," approved March 24, 1903.

Assembly Bill No. 198—An Act to amend Sections 1715 and 1716 of the Political Code, relating to school libraries.

Assembly Bill No. 246—An Act to amend Section 1565 of the Political Code, relating to teachers' institute and library funds.

Assembly Bill No. 731—An Act making an appropriation for the maintenance of the Governor's residence from January 1, 1909, to June 30, 1909

Assembly Bill No. 176—An Act providing for a biennial appropriation in the general appropriation bill for the benefit of the Governor's residence and grounds.

Assembly Bill No 47—An Act making an appropriation to assist the State Board of Equalization in gathering data in the several counties for equalization purposes, and for the employment of expert accountants to verify reports of railroad companies made to said board.

YOUNG, Chairman.

The above reported engrossed bills were ordered on file for third reading.

INTRODUCTION OF BILLS—(OUT OF ORDER).

The following bills were introduced and referred as indicated:

By Mr. Pulcifer: Assembly Bill No. 913—An Act to establish a standard form of fire insurance policy and to prevent variations therefrom, excepting under certain stated conditions and restrictions.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Assembly Bill No. 914—An Act to repeal section four hundred and sixteen of the Civil Code of the State of California, relating to policies, how issued and by whom signed.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Assembly Bill No. 915—An Act to amend section twenty-seven hundred and fifty-six of the Civil Code of the State of California, relating to measure of indemnity.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Assembly Bill No. 916—An Act to amend section twenty-five hundred and forty-one of the Civil Code of the State of California, relating to assignment to mortgagee of thing insured.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

By Mr. Schmitt: Assembly Bill No. 917—An Act to amend Section 1763 of the Code of Civil Procedure of California, relating to guardians of insane or other incompetent persons.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 918—An Act to amend "An Act to provide for the appointment of guardians of children maintained in any orphans' home or orphan asylum in this State," approved March 23, 1893.

Bill read first time, and referred to Committee on Judiciary.

ADJOURNMENT.

At three o'clock and forty minutes P. M., on motion of Mr. Mott, the Assembly was declared adjourned.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL.,
Friday, January 29, 1909.

At nine o'clock and thirty minutes A. M., pursuant to adjournment, the Assembly was called to order.

Hon. P. A. Stanton, Speaker of the Assembly, in the chair.

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

Messrs. Barndollar, Baxter, Beardslee, Beban, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Costar, Cronin, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Polsley, Preston, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—69.

Quorum present.

LEAVE OF ABSENCE.

On motion, leave of absence for the day was granted to Messrs. Wyatt, Lightner, Perine, Transue, Hopkins, Collum, Maher, Black, and Beatty.

PRAYER.

Prayer was offered by the Chaplain, Rev. Seren N. Marsh.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Beban, its further reading was dispensed with.

PETITIONS.

The following petitions were presented, and ordered printed in the Journal:

By Mr. Johnson of Sacramento:

SAN FRANCISCO, CAL., January 25, 1909

To the Assembly of California

We, the Presbyterian Union of San Francisco and vicinity, representing over fifty churches about the bay, with a constituency of five to ten thousand, do petition your honorable body to pass the Sunday rest bill now under consideration

Respectfully submitted.

J. S. THOMAS, President.
J. M. McELHENNEY, Secretary

Also:

LOS ANGELES, CAL., January 23, 1909.

To the Honorable Assembly of California:

GENTLEMEN: At the last session of the Southern California Conference of the Methodist Episcopal Church, held in Los Angeles, September 23-28, 1908, the following action was taken, as shown in our printed minutes of this year, page 83:

"*Resolved*, That our secretary, Rev. E. J. Inwood, be instructed on behalf of the 30,000 Methodists of southern California to memorialize both houses of our next Legislature to pass an effective law that will provide for every business man and laborer a weekly day of rest, with a view to closing all saloons and places of amusement on Sunday."

In the name of the 218 Methodist ministers, and the 32,231 members of our church in this conference, I present this memorial herewith to you.

EDWIN J. INWOOD Secretary

Also:

LOS GATOS, CAL., January 23, 1909

To the Honorable Assembly of the State of California, Sacramento, Cal.

GENTLEMEN: At the last session of the California Annual Conference of the Methodist Episcopal Church, held at Pacific Grove, September 16-21, 1908, the following resolution was unanimously passed:

"*Resolved*, That our Secretary be instructed in behalf of the 20,000 Methodists of our Conference to request both houses of the next Legislature to pass a bill that will provide for every business man and wage-earner a weekly rest day, and that they shall close all saloons and prohibit commercial public amusements on Sunday."

In compliance with their request, I hereby submit the same to your honorable body, and trust that it may receive favorable consideration at your hands. I am,

Most respectfully yours,

C. E. IRONS,
Secretary of the California Annual Conference of the Methodist Episcopal Church.

Also:

RESOLUTIONS ADOPTED BY THE METHODIST MINISTERS ASSOCIATION ON JANUARY 18, 1909.

WHEREAS, There are now pending in both the Senate and the Assembly of the State bills providing that Sunday shall be set aside as a day of rest from labor, and

WHEREAS, We believe that such a law will result in great good to the laboring classes of the State, and that it will prove equally beneficial to the merchant class, by relieving both from the necessity of unremitting toil, and that it will prove morally profitable to all classes of society; therefore, be it

Resolved, That we, the San Francisco Methodist Ministers' Association, comprising the clergy of the Methodist Episcopal Church resident in the bay cities, and speaking most positively for more than six thousand members of our communion living in the bay cities, respectfully urge upon our legislators the passage of an efficient Sunday rest law.

ELBUT R. DILLE, President.
G. M. RICHMOND, Secretary.

SAN FRANCISCO, CAL., January 18, 1909.

Also:

To the State Senate of California:

WHEREAS, This is the only state in the Union without a Sunday rest law; and

WHEREAS, This age of strenuous competition demands a weekly rest day;

Therefore, the undersigned, business and professional men and laborers, hereby earnestly petition your honorable body to enact a general Sunday rest law that will prohibit all lines of public business and labor, except works of real necessity and mercy and such private work as is not against the public welfare.

C. H. HOBBS (and others).

By Mr. Hammon:

LOS ANGELES, CAL., January 26, 1909.

To the Honorable, the President and Members of the Senate and the Speaker and Members of the Assembly of the Legislature of the State of California:

We, of the Commercial Commission of the Chambers of Commerce, who recently visited Japan, beg leave to protest against the passage of certain anti-Japanese legislation now pending before your honorable bodies, and as forcibly as possible to direct your attention to President Roosevelt's letter of January 16, 1909, to Governor Gillett, regarding said proposed legislation.

During our visit to Japan we paid particular attention to the question of Japanese emigration and from what we ascertained we are strongly of the opinion that the Emperor and the Government officials in Japan are acting in absolute good faith regarding the restriction of Japanese immigration to the United States.

We firmly believe that any action by the Legislature which is directed at Japanese residents of this State will be taken as an affront by the entire Japanese nation.

The Oriental trade passing through the ports of this State has assumed large proportions and is likely to be seriously crippled by such proposed action.

We therefore respectfully request that action on any of these bills which affect the Japanese people be deferred indefinitely, as being unwise and injudicious.

Most respectfully submitted.

A. C. BILICKE
S. I. MERRILL
J. J. BERGIN.
J. T. FITZGERALD.

The Board of Directors of the Los Angeles Chamber of Commerce unanimously approve of the action of the delegation, as set forth above.

FRANK WIGGINS, Secretary.

By Mr. Stanton:

RESOLUTION ADOPTED BY THE BOARD OF TRUSTEES OF THE CHAMBER OF COMMERCE OF SAN FRANCISCO, JANUARY 22, 1909.

WHEREAS, Certain bills have been introduced in the Legislature of the State of California that are inimical to the interests of the foreign residents of this State; and

WHEREAS, We are of the opinion that the enactment of Assembly Bills Nos 14, 15, 32 and 78, and Senate Bill No. 71, will unfavorably affect the growing commerce of the State of California; therefore, be it

Resolved, That the Board of Trustees of the Chamber of Commerce of San Francisco respectfully protests against the passage of said bills.

THE CHAMBER OF COMMERCE OF SAN FRANCISCO.
JAMES MCNAB, President.
Attest C. W BURKS, Secretary.

Also:

WHEREAS, The Legislature of the State of California at its session in 1907 did enact a law intended to prevent trusts or combinations in restraint of trade, said law being commonly known as the "Cartwright Law;" and

WHEREAS, The terms of said law are so broad and sweeping as to prohibit any combination or action in unison between producers, manufacturers, growers, or dealers in the same product, and any pooling of losses and gains, or equalization of proceeds or returns of sales, or any understanding or agreement as to prices or increase or decrease of production of any article is by the terms of this Act clearly illegal; and a strict construction and enforcement of said Act would undoubtedly prohibit labor unions, and pools among farmers and growers for the better disposition and marketing of their crops, as well as the ordinary business arrangements and understandings common amongst merchants, business men, and professional men; and

WHEREAS, The two shingle associations of Humboldt County, doing a business strictly legal up to the time of the taking effect of this Act, found themselves in violation of that law, and not desiring to conduct an illegal business, ceased operating under their contracts over a year ago, with the result that each of the shingle mills of this county has been compelled to close for greater or less periods of time during the past year, depriving the men laboring therein of steady employment, and reducing the output of shingles of this county from over 830,000,000 in 1907, to less than 500,000,000 in 1908, with a net reduction in proceeds from sales of shingles of over a half million of dollars; and

WHEREAS, The said Act is so complicated in its terms as to be incapable of amendment to remove its defective features without practically invalidating it as an anti-trust law; therefore, be it

Resolved, That this Chamber of Commerce is heartily in favor of the repeal of the law known as the "Cartwright Law," and we hereby request and urge the Senator from the First District and the Assemblymen from Humboldt County to work and vote for its repeal, using all due effort and zeal to secure said result; and be it further

Resolved, That duly attested copies of these resolutions be forwarded to our State Senator and Assemblymen, and to Hon. J. N. Gillett, Governor of State for California.

HUMBOLDT CHAMBER OF COMMERCE.
[SEAL.] B. F. STERN, President.
GEO. A. KELLOGG, Secretary.

I hereby certify that the foregoing resolution was adopted at a regular session of the Humboldt Chamber of Commerce, held January 20, 1909.

GEO. A. KELLOGG, Secretary.

Also:

WHEREAS, The Harbor Committee appointed by the Legislature of the State of California at its session held in 1907 has recommended an appropriation of $25,000, for the purpose of dredging the "hogbacks," or shoal places in the principal channels of Humboldt Bay; and

WHEREAS, Said shoals in the used channels of said bay are a serious impediment to the full and free navigation of said channels, and vessels using the same are frequently delayed by reason of running aground in said channels; now, therefore, be it

Resolved, That the Humboldt Chamber of Commerce fully indorses the recommendation of the Legislative Harbor Committee in this matter, and urges the Legislature of the State of California to appropriate the sum of $25,000 for the purpose of dredging the channels of Humboldt Bay, as recommended by the Legislative Harbor Committee, and be it further

Resolved, That attested copies of these resolutions be forwarded to our Senator and Assemblymen, to the Speaker of the Assembly, and to the Governor and Lieutenant-Governor of the State of California

HUMBOLDT CHAMBER OF COMMERCE.
[SEAL] B. F. STERN, President,
GEO. A. KELLOGG, Secretary

This is to certify that the foregoing resolution was adopted at a regular session of the Humboldt Chamber of Commerce, held at Eureka, Cal., January 20, 1909.

GEO A. KELLOGG, Secretary

Also:

WHEREAS, Various harbors of the State of California are from time to time in need of dredging in their interior channels for the accommodation of the varying demands of their commerce; and

WHEREAS, The prosecution of such necessary work would be very much aided if the State of California were in possession and ownership of a seagoing dredge, available for use at each of the ports of this State; now, therefore, be it

Resolved, That the Legislature of the State of California is hereby requested to make provision for the prompt construction of a seagoing dredge, suitable to perform the work of dredging at each of the harbors of this State; and be it further

Resolved, That attested copies of these resolutions be forwarded to our Senator and Assemblymen, to the Speaker of the Assembly, to the Governor and Lieutenant-Governor of the State of California, and to Senator Leroy A. Wright, Chairman of the Legislative Committee on Harbors of the last session.

HUMBOLDT CHAMBER OF COMMERCE.
[SEAL.] B. F. STERN, President.
GEO. A. KELLOGG, Secretary.

This is to certify that the foregoing resolutions were adopted at a regular meeting of the Humboldt Chamber of Commerce held at Eureka, Cal., January 20, 1909.

GEO. A. KELLOGG, Secretary

Also:

This is to certify that at a meeting of the Governing Committee of the Traffic Bureau of the Merchants' Exchange, held on the 27th day of January, 1909, the following resolutions were unanimously adopted:

Resolved, That the Traffic Bureau of the Merchants' Exchange favors all means of making the San Joaquin and Sacramento rivers navigable.

Resolved, That the Traffic Bureau of the Merchants' Exchange hereby petitions the Legislature of the State of California, now in session, to make an appropriation to be promptly expended in improving conditions of the San Joaquin and Sacramento rivers so as to assist in preventing a repetition of the very serious flood damage that has recently proved so disastrous to the people of the Sacramento and San Joaquin valleys

Resolved, That this appropriation be made immediately available, to be expended under the direction of the Governor of the State of California.

T. C. FRIEDLANDER, Secretary

Also:

This is to certify that at a meeting of the Governing Committee of the Traffic Bureau of the Merchants' Exchange, held on the 27th day of January, 1909, the following resolutions were unanimously adopted:

Resolved, That the Traffic Bureau of the Merchants' Exchange, while strongly in favor of the maintenance of an efficient and expeditious service between Atlantic and Pacific ports by the Panama route, is opposed to that portion of the California Senate Joint Resolution No. 3 (lines 37 to 43, inclusive) urging the establishment of a Government owned line of steamers between Panama and Pacific coast ports, until every effort to secure a steamship service under private enterprise has been fully exhausted.

Resolved, That the Traffic Bureau does strongly favor the General Government granting and extending every assistance to private enterprise, whether same be by subsidy or otherwise.

Resolved, That copies of this resolution be sent to presiding officers in the Senate and Assembly of the State of California and to the Governor.

T. C. FRIEDLANDER, Secretary.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON JUDICIARY

ASSEMBLY CHAMBER, SACRAMENTO, January 29, 1909.

MR SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 579—An Act amending Section 1856 of the Civil Code, relative to lien of depositary for hire on property—report same back, with four amendments.

Also: Assembly Bill No. 580—An Act to amend Section 2144 of the Civil Code, relative to carrier's lien on property—report same back, with one amendment.

Also: Assembly Bill No. 231—An Act to amend Chapter II, Title IV, of Part III of the Code of Civil Procedure of the State of California, relating to liens of mechanics, laborers, persons furnishing material, and other persons, upon real property by adding a new section to said chapter to be numbered one thousand one hundred and eighty-three and one-half, providing for liens in favor of persons furnishing power in the construction, alteration, addition to, or repair, either in whole or in part of any building, wharf, bridge, ditch, flume, aqueduct, well, tunnel, fence, machinery, railroad, wagon road, or other structure, or in transporting the material furnished and to be used for such purposes, and declaring the rank of such liens—report the same back, with one amendment.

Also: Senate Bill No. 316—An Act to amend Sections 10 and 11 of the Code of Civil Procedure of the State of California, relating to holidays—report same back, with one amendment.

Also: Senate Bill No. 317—An Act to amend Sections 10 and 11 of the Political Code of the State of California, relating to holidays—report same back with one amendment.

Also: Senate Bill No. 318—An Act to amend Section 7 of the Civil Code of the State of California, relating to holidays—report same back, with one amendment

And respectfully recommend that they do pass as amended.

Also: Senate Bill No. 50—An Act to amend section one hundred and three of the Code of Civil Procedure, relating to the Justices' Courts and Justices of the Peace—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

JOHNSON OF SACRAMENTO, Chairman.

ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, January 29, 1909

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 671—An Act to prevent the formation and prohibit the existence of secret oath-bound fraternities in the public schools—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

SACKETT, Chairman.

PUBLIC HEALTH AND QUARANTINE

ASSEMBLY CHAMBER, SACRAMENTO, January 29, 1909.

Mr. SPEAKER: Your Committee on Public Health and Quarantine, to whom was referred Assembly Bill No. 245—An Act entitled "An Act to amend Sections 3109 and 3110 of the Political Code of the State of California," relating to public cemeteries, sale of lots, keeping same in order, and jurisdiction over the same—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and that it be referred to the Committee on Judiciary

Also: Assembly Bill No. 25—An Act to amend Section 1 of an Act entitled "An Act imposing a license tax upon itinerent vendors of drugs, nostrums, ointments or appliances sold for the cure of diseases, injuries or deformities," approved March 20, 1903.

Also: Senate Bill No. 51—An Act to amend Section 6 of an Act entitled "An Act for preventing the manufacture, sale and transportation of adulterated, mislabeled or misbranded foods and liquors, and regulating the traffic therein, providing penalties, establishing a State laboratory for foods, liquors and drugs, and making an appropriation therefor," approved March 11, 1907.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

BARNDOLLAR, Chairman.

ON SWAMP AND OVERFLOWED LANDS AND LEVEES AND RIVER IMPROVEMENTS AND DRAINAGE.

ASSEMBLY CHAMBER, SACRAMENTO, January 28, 1909.

MR. SPEAKER. Your Committee on Swamp and Overflowed Lands and Levees and River Improvements and Drainage, to whom was referred Senate Bill No. 346—An Act to provide for the accomplishment of the work of the direct improvement of the navigation of the Sacramento, San Joaquin and Feather rivers of the State of California as recommended in the special report of the California Débris Commission, dated June 30, 1907, and made jointly by Brigadier General A. McKenzie, Chief of Engineers, C. H McKinstry, Major, Corps of Engineers, and Thomas H. Jackson, Captain, Corps of Engineers, of the United States Army, and printed with the annual report of the Chief of Engineers of the United States Army for the fiscal year ending June 30, 1907, and making an appropriation for such work—have had the same under consideration, and respectfully report the same back with one amendment, and recommend that it do pass as amended.

Also: Assembly Bill No. 667—An Act fixing, establishing and defining the exterior boundaries of reclamation district number seven hundred and thirty, in the county of Yolo, State of California.

Also: Assembly Bill No. 668—An Act legalizing the formation and organization of reclamation district number seven hundred and thirty, in the county of Yolo. State of California.

Also: Assembly Bill No 710—An Act authorizing the payment of assessments levied in Reclamation District No. 791, to be paid to the county treasurer of the county of Sacramento

Also. Assembly Bill No. 711—An Act authorizing and empowering Reclamation District No. 791 to contract for the disposition of drainage and flood waters, and for the sale thereof, to any person, firm, or corporation, for the purpose of irrigation, or for any other lawful use.

Also: Assembly Bill No. 712—An Act authorizing and empowering Reclamation District No 791 to construct and maintain jointly, or in connection with any person, firm, corporation, reclamation district, levee district, drainage district, public agency, or municipal corporation, for the construction and maintenance of joint levees or other joint works of reclamation.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

HEWITT, Chairman.

ON REVISION AND REFORM OF LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, January 21, 1909.

MR SPEAKER: Your Committee on Revision and Reform of Laws, to whom was referred Assembly Bill No 339—An Act to add five new sections to the Political Code of the State of California, to be known as Sections 2995, 2996, 2997, 2998, and 2999, relating to vaccination—have had the same under consideration, and respectfully report the same back, with three amendments, and recommend that it do pass as amended, with the further recommendation that the same be re-referred to the Committee on Public Health and Quarantine

Also: Assembly Bill No. 338—An Act to repeal an Act entitled "An Act to encourage and provide for a general vaccination in the State of California," approved February 20, 1889—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, with the further recommendation that the same be referred to the Committee on Public Health and Quarantine.

RECH, Chairman.

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, January 29, 1909.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 300—An Act making an appropriation to pay the claim of the Southern Construction Co. against the State of California.

Also: Senate Bill No. 301—An Act making an appropriation to pay the claim of J E Clause against the State of California.

Also: Assembly Bill No 409—An Act to appropriate money to pay the claim of W. H. Cobb against the State of California.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

BEARDSLEE, Chairman.

ON LABOR AND CAPITAL.

ASSEMBLY CHAMBER, SACRAMENTO, January 28, 1909.

MR. SPEAKER: Your Committee on Labor and Capital, to whom was referred Assembly Bill No. 138—An Act to regulate and license the conducting and operating of employment agencies and to provide a revenue therefrom, for the enforcement of the provisions of this Act and other Acts relating to employment agents and employment agencies—have had the same under consideration, and respectfully report the same back, with two amendments, and recommend it do pass as amended.

Also: Assembly Bill No 134—An Act to amend Section 8 of an Act entitled "An Act defining the duties and liabilities of employment agents, making the violation thereof a misdemeanor, and fixing the penalties therefor," approved February 12, 1903, approved March 18, 1905.

Also: Assembly Bill No. 736—An Act to amend an Act entitled "An Act defining the duties and liabilities of employment agents, making the violation thereof a misdemeanor, and fixing the penalties therefor," approved February 12, 1903.

Also: Assembly Bill No 737—An Act to amend an Act entitled "An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement thereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation thereof," approved February 20, 1905.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

NELSON, Chairman.

The above reported bills ordered on file for second reading.

Assembly Bill No 245 referred to Committee on Judiciary.

Assembly Bills Nos. 338 and 339 referred to Committee on Public Health and Quarantine.

ON RULES AND REGULATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, January 29, 1909.

MR SPEAKER: Your Committee on Rules and Regulations, to whom was referred the resolution by Mr. Hans, have had the same under consideration, and respectfully report the same back, and recommend that it be adopted, and further recommend that Messrs Schmitt, Bohnett, Young, Otis, Hanlon, Hans, and Wilson be granted leave of absence for January 30, 31, and February 1 and 2 of 1909, for the purpose of visiting the State University at Berkeley, in Alameda County.

JOHNSTON OF CONTRA COSTA, Chairman.

Mr. Johnston moved the adoption of the report and resolution.

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

AYES—Messrs Barndollar, Baxter, Beardslee, Beban, Bohnett, Callan, Cattell Cogswell, Collier, Costar, Cronin, Cullen, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hays, Hewitt, Hinkle, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Leeds, Macauley, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Preston, Pugh, Pulcifer, Rech, Rutherford, Schmitt, Silver, Telfer, Wagner, Webber, Wheelan, Young, and Mr. Speaker—55

NOES—Messrs Kehoe and Stuckenbruck—2.

SENATE MESSAGE.

The following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, January 28, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 9—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 625 of said Code of Civil Procedure, relating to verdicts of juries.

Also: Senate Bill No 110—An Act to enable benevolent and fraternal societies and associations to receive, purchase, hold, manage, and sell real estate by and through trustees elected or appointed for that purpose

Also: Senate Bill No. 160—An Act to establish a bird and arbor day

Also. Senate Bill No. 54—An Act to amend section five of an Act entitled "An Act to amend sections four, five, six, ten, thirteen, and fourteen of an Act entitled 'An Act for the more effectual prevention of cruelty to animals,' approved March 20, 1874, and to add three new sections to said Act to be known as sections twenty, twenty-one, and twenty-two, in relation to cruelty to animals, and the arrest, trial, and punishment of

offenders against the provisions of said Act, and liens on property in certain cases arising under this Act," approved March 14, 1901.

Also: Senate Bill No. 296—An Act to amend section one thousand one hundred and ninety-five of the Political Code, relating to constitutional amendments and providing for the publication and distribution of a pamphlet showing a comparative statement of the operation of the present section or article of the Constitution, and of the result to be effected by the proposed amendment.

Also: Senate Bill No 468—An Act to add a new section to the Code of Civil Procedure, to be numbered Section 329, relating to the time for bringing suits affecting the title to real property partitioned by decree of court.

Also: Senate Bill No. 152—An Act to amend Section 317 of the Civil Code, relating to waiver of notice by stockholders or members of corporate meetings.

Also: Senate Bill No. 153—An Act to amend Section 393 of the Civil Code, relating to the election of directors of corporations, and notice of stockholders' meetings held therefor.

Also: Senate Bill No. 94—An Act to amend Section 1576 of the Political Code, relating to the formation of school districts, providing for the addition of territory thereto, and the taxation thereof.

Also: Senate Bill No. 342—An Act to prevent persons from unlawfully wearing the button of any labor union of this State.

Also: Senate Bill No 533—An Act to make an appropriation to pay the per diem and mileage of the Lieutenant Governor and Senators for the thirty-eighth session of the Legislature of the State of California, during the sixtieth fiscal year

Also: Senate Bill No. 106—An Act making an appropriation for the purchase and installment of improved material and machinery, and improvements for the State Printing Office and Bindery, and specifying the duties of the Superintendent of State Printing, Board of Examiners, State Controller, and State Treasurer in relation thereto.

LEWIS A HILBORN, Secretary.
By FRANK MATTISON, Assistant.

Also:

SENATE CHAMBER, SACRAMENTO, January 28, 1909.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted Senate Joint Resolution No. 9—Relative to requesting the Secretary of War to advise the United States Board of Engineers for rivers and harbors to reconsider its action on the report of Captain Amos A. Fries, dated December 17, 1907, relative to the dredging of the channel in San Pedro harbor, California

LEWIS A. HILBORN, Secretary.
By FRANK MATTISON, Assistant.

Senate Bill No. 9 read first time, and referred to Committee on Judiciary.

Senate Bill No. 110 read first time, and referred to Committee on Judiciary.

Senate Bill No. 160 read first time, and referred to Committee on Education.

Senate Bill No. 54 read first time, and referred to Committee on Judiciary.

Senate Bill No. 296 read first time, and referred to Committee on Constitutional Amendments.

Senate Bill No. 468 read first time, and referred to Committee on Judiciary.

Senate Bill No. 152 read first time, and referred to Committee on Judiciary.

Senate Bill No. 153 read first time, and referred to Committee on Judiciary.

Senate Bill No. 94 read first time, and referred to Committee on Education.

Senate Bill No. 342 read first time, and referred to Committee on Judiciary.

Senate Bill No. 533 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 106 read first time, and referred to Committee on Public Printing.

Senate Joint Resolution No. 9 read, and referred to Committee on Federal Relations.

INTRODUCTION OF BILLS.

The following bills were introduced, and referred, as indicated:

By Mr. Greer: Assembly Bill No. 919—An Act to create a reclamation district, to be called "American River Reclamation District Number 1," and providing for the control and management thereof.

Bill read first time, and referred to Committee on Swamp and Overflowed Lands and Levees and River Improvements and Drainage.

By Mr. Feeley: Assembly Bill No. 920—An Act granting certain lands and salt marsh and tide lands of the State of California, to the city of Oakland.

Bill read first time, and referred to Committee on Public Lands and Forestry.

By Mr. Silver: Assembly Bill No. 921—An Act to amend Section 928 of the Penal Code, relating to the duties of the grand jury.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Young: Assembly Bill No. 922—An Act to add a new section to the Political Code, relating to the publication of constitutional amendments and other propositions.

Bill read first time, and referred to Committee on Election Laws.

Also: Assembly Bill No. 923—An Act making an appropriation to pay the claim of the Oakland Paving Company against the State of California.

Bill read first time, and referred to Committee on Claims.

Also: Assembly Bill No. 924—An Act making an appropriation to pay the claim of August Vollmer against the State of California.

Bill read first time, and referred to Committee on Claims.

Also: Assembly Bill No. 925—An Act to add a new section to the Political Code, relating to entry of propositions on ballots.

Bill read first time, and referred to Committee on Election Laws.

By Mr. Nelson: Assembly Bill No. 926—An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners of a necessary area for a tidal basin, for wharves, docks, piers, harbors and appurtenances, in the city and county of San Francisco; to create a sinking fund for the payment of said bonds, and defining the duties of State officers in relation thereto, making an appropriation of one thousand dollars for the expense of printing said bonds, and providing for the submission of this Act to a vote of the people.

Bill read first time, and referred to San Francisco Delegation.

Also: Assembly Bill No. 927—An Act to authorize and direct the Board of State Harbor Commissioners to institute condemnation proceedings against certain property north of India Basin and extending to Islais Creek, in the city and county of San Francisco, and extending the jurisdiction of said board over the same, and providing for the payment of judgments from the proceeds of bonds issued and sold under the provisions of an Act entitled "An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners of a necessary area for a tidal basin, for wharves, docks, piers, harbors, and appurtenances, in the city and county of San Francisco; to create a sinking fund for the payment of said bonds, and defining the duties of State officers in relation thereto, making an appropriation of one thousand dollars for the expense of

printing said bonds, and providing for the submission of this Act to a vote of the people.

Bill read first time, and referred to Committee on Commerce and Navigation.

By Mr. Leeds: Assembly Bill No. 928—An Act to amend Section 628 of the Penal Code, relating to lobster, crawfish, shrimp, crab, sturgeon and abalones.

Bill read first time, and referred to Committee on Fish and Game.

Also: Assembly Bill No. 929—An Act to regulate the vocation of fishing, and to provide therefrom revenue for the propagation, restoration and preservation of fish in the waters of the State of California.

Bill read first time, and referred to Committee on Fish and Game.

Also: Assembly Bill No. 930—An Act to amend Sections 628, 628*a*, 632½, 634 and 636 of the Penal Code of the State of California, all relating to the protection and preservation of fish.

Bill read first time, and referred to Committee on Fish and Game.

By Mr. Drew: Assembly Bill No. 931—An Act to amend section four hundred and forty-four of the Political Code, relating to transfers of money from one fund to another.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Melrose: Assembly Bill No. 932—An Act to amend Section 1430 of the Penal Code of California, relating to trial by jury before a Justices' Court.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 933—An Act to amend Section 1230 of the Political Code, relating to grounds of challenge at elections.

Bill read first time, and referred to Committee on Election Laws.

By Committee on Education: Assembly Bill No. 934—An Act to amend an Act entitled "An Act to continue in force school teachers' certificates, State educational diplomas, and life diplomas," approved February 5, 1880.

By Mr. Wagner: Assembly Bill No. 935—An Act to amend Section 4268 of the Political Code of California, relating to salaries and compensation of officers, jurors and witnesses in counties of the thirty-ninth class.

Bill read first time, and referred to Committee on County and Township Government.

By Mr. Hawk: Assembly Bill No 936—An Act adding a new section to the Penal Code, to be known as Section 1231, relating to application to the State Board of Health by a person condemned to death for a physical examination, and for their recommendation to the Governor that such person is physically fit for medical treatment, tests or experiments in the interest of science, and providing for their recommendation in such matter and the reprieving of such person.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Mr. Hans (by request): Assembly Bill No. 937—An Act to amend section four thousand two hundred and thirty-two of the Political Code of the State of California.

Bill read first time, and referred to Committee on Judiciary

Also: Assembly Bill No. 938—An Act to amend Section 1563 of the Political Code of the State of California, relating to teachers' salaries during attendance at institutes.

Bill read first time, and referred to Committee on Education.

By Mr. Hinkle (by request): Assembly Bill No. 939—An Act for the regulation of the practice of medicine, surgery and obstetrics, osteopathy and other systems or modes of treating sick or afflicted human beings in the State of California, fixing the standard of preliminary education of students before entering upon the study of medicine, surgery or obstetrics, osteopathy or other modes of treating sick or afflicted human beings, the mode of the examination of matriculants and by whom, the number of hours required in the attendance at colleges, schools or universities before receiving a diploma, standard of colleges, schools and universities teaching the same, and for the appointment of a Board of Medical Examiners in the matter of said regulation.

Bill read first time, and referred to Committee on Medical and Dental Laws.

By Mr. Odom: Assembly Bill No. 940—An Act to prevent injury to oil, gas or petroleum bearing strata or formations, by the penetration or infiltration of water therein.

Bill read first time, and referred to Committee on Oil and Oil Industries.

By Mr. Preston: Assembly Bill No. 941—An Act to enable the people of the State of California to express by ballot their preference for some person for the office of United States Senator.

Bill read first time, and referred to Committee on Election Laws.

By Mr. Wilson: Assembly bill No. 942—An Act to provide for the joint investigation with the Federal Government of the water resources of the State, and to make an appropriation for the expenses of such investigations.

Bill read first time, and referred to Committee on Federal Relations.

By Mr. Feeley: Assembly Bill No. 943—An Act to amend subdivision two of Section 4232 of the Political Code, relating to the establishment of a uniform system of county and township governments.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Macauley: Assembly Bill No. 944—An Act amending Section 1068 and Section 1074 of the Code of Civil Procedure, relating to writs of review.

Bill read first time, and referred to Committee on Judiciary.

RESOLUTION.

The following resolution was offered:

By Mr. Hawk:

Resolved, That when we adjourn on this, the sixty-sixth anniversary of his birth, we do so out of respect to the memory of our last martyred President, William McKinley.

Resolution read, and on motion adopted.

MOTION.

Mr. Drew moved that the rules be suspended and Senate Joint Resolution No. 3 be recalled from committee and taken up for consideration.

Motion seconded by Mr. Johnson of San Diego.

HON. GROVE L. JOHNSON IN THE CHAIR.

At eleven o'clock and five minutes A. M., Hon. Grove L. Johnson in the chair.

The roll was called, and the motion lost by the following vote:

AYES—Messrs Barndollar, Bohnett, Callan, Cattell, Cogswell, Costar, Cronin, Drew, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hawk, Hewitt, Hinkle, Holmquist, Johnson of Placer, Kehoe, Melrose, Mendenhall, Odom, Otis, Polsley, Preston, Rutherford, Sackett, Silver, Stuckenbruck, Telfer, Wagner, Whitney, Wyllie, Young, and Mr. Speaker—35.

NOES—Messrs. Baxter, Beardslee, Butler, Collier, Dean, Feeley, Flavelle, Fleisher, Greer, Hanlon, Hans, Hayes, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Leeds, Macauley, McClellan, McManus, Moore, Mott, Nelson, O'Neill, Pugh, Pulcifer, Rech, Schmitt, Webber, and Wheelan—29.

SPEAKER IN THE CHAIR.

At eleven o'clock and ten minutes A. M., Speaker P. A. Stanton in the chair.

RECONSIDERATION.

In compliance with his notice given on a previous day, Mr. Preston moved that the vote whereby Assembly Bill No. 318 was passed be reconsidered.

The roll was called, and the same was reconsidered by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Costar, Cronin, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Kehoe, Leeds Macauley, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Odom, Otis, Polsley, Preston, Pugh, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Wagner, Webber, Wheelan, Whitney, Wilson, Young, and Mr. Speaker—61.

NOES—None.

Assembly Bill No. 318—An Act to amend Section 317 of the Penal Code of California.

Mr. Preston moved that the Speaker appoint a select committee of one to amend the bill as follows:

Amend by inserting after the title the enacting clause as follows: "The people of the State of California, represented in Senate and Assembly, do enact as follows:"

Motion carried.

The Speaker appointed Mr. Preston as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 318, with instructions, do now report that the instructions of the Assembly have been carried out.

PRESTON, Select Committee.

Report of select committee and amendment adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON FEDERAL RELATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, January 29, 1909.

MR. SPEAKER: Your Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 9—Relative to San Pedro harbor—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

MOTT, Chairman.

MOTION.

Mr. Leeds moved that the Assembly proceed with the consideration of Senate Joint Resolution No. 9.

Motion carried.

The question being upon the adoption of the Senate joint resolution.

A viva voce vote was taken, and Senate Joint Resolution No 9 adopted.

Senate Joint Resolution No. 9 ordered transmitted to the Senate.

SENATE JOINT RESOLUTION No. 9,

Relative to requesting the Secretary of War to advise the United States Board of Engineers for Rivers and Harbors to reconsider its action on the report of Captain Amos A. Fries, dated December 17, 1907, relative to the dredging of the channel in San Pedro harbor, California.

WHEREAS, Congress of the United States has heretofore appropriated money for the dredging of a channel in and from San Pedro harbor, and for other purposes in connection therewith; and

WHEREAS, Work has been progressing at said place under the direction of Captain Amos A. Fries; and

WHEREAS, Said Captain Amos A. Fries has recommended to the said Board of Engineers for Rivers and Harbors an appropriation of money for dredging northerly from the turning basin at San Pedro to the limits of the harbor lines as established by the Secretary of War, July 29, 1908, under the authority of a joint resolution of Congress approved March 26, 1908; and

WHEREAS, The Consolidated Lumber Company, a corporation, which controls about fifty acres along the northeasterly bank of the Wilmington lagoon commenced, on the 18th day of November, 1908, to dredge a channel, at its own cost, 200 feet wide, and about 3,500 feet long, with a depth of 18 feet at mean low water, with a turning basin at the head of said channel, and has dedicated the ground for said channel to the United States Government; therefore, be it

Resolved by the Senate and Assembly jointly, That the Secretary of War be and he is hereby requested to advise the United States Board of Engineers for rivers and harbors to reconsider its action on the report of Captain Amos A. Fries, dated December 17, 1907, and that said Board recommend dredging northerly from the turning basin at San Pedro to the limits of the harbor lines as established by the Secretary of War, July 29, 1908, under authority of a joint resolution of Congress, approved March 26, 1908, in order that the main harbor at San Pedro will be connected with the channel and turning basin now being dredged by the said Consolidated Lumber Company, in order that the present class of vessels coming into San Pedro harbor may proceed to said turning basin and thus approach two miles nearer to the city of Los Angeles, California.

SPECIAL FILE—THIRD READING.

Assembly Bill No. 607—An Act to amend Section 3075 of the Political Code of the State of California, relating to the office of the State Registrar of the Bureau of Vital Statistics, and the State Board of Health, and providing for deputies, clerks, and assistants, and their compensation.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 607 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Costar, Cronin, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hanlon, Hans, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Kehoe, Leeds, Macauley, McManus, Melrose, Mendenhall, Moore, Nelson, Otis, O'Neill, Polsley, Preston, Rech, Rutherford, Sackett, Schmitt, Stuckenbruck, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—55.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 47—An Act making an appropriation to assist the State Board of Equalization in gathering data in the several counties

for equalization purposes, and for the employment of expert accountants to verify reports of railroad companies made to said board.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 47 passed by the following vote:

AYES—Messrs Barndollar, Beardslee, Bohnett, Butler, Cattell, Cogswell, Collier, Costar, Cronin, Cullen, Dean, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hanlon, Hans, Hawk, Hayes, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Kehoe, Macauley, McClellan, McManus, Melrose, Mendenhall, Nelson, Otis, Preston, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Stuckenbruck, Telfer, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—51.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 176—An Act providing for a biennial appropriation in the general appropriation bill for the benefit of the Governor's residence and grounds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 176 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Costar, Cronin, Cullen Dean Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Kehoe, Macauley, Melrose, Mendenhall, Nelson, Odom, Otis, Preston, Rech, Rutherford, Sackett, Schmitt, Stuckenbruck, Telfer, Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr Speaker—49.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 731—An Act making an appropriation for the maintenance of the Governor's residence from January 1, 1909, to June 30, 1909.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 731 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Butler, Callan, Cattell, Cogswell, Collier, Cronin, Cullen, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Kehoe, Leeds, Macauley, Melrose, Mendenhall, Nelson, Odom, Otis, O'Neill, Preston, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Wagner, Whitney, Wyllie, Young, and Mr. Speaker—51.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SPECIAL FILE—SECOND READING.

Assembly Bill No. 611—An Act making an appropriation to pay the deficiency in the appropriation for the contingent expenses of the Bureau of Labor Statistics for the sixtieth fiscal year.

Mr. Nelson moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Assembly Bill No 611 considered.

Mr. Nelson moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 29, 1909.

MR SPEAKER: The Committee of the Whole have had under consideration Assembly Bill No. 611, and do now report the same, and recommend that it do pass.

STANTON, Chairman.

Bill read second time, and ordered to engrossment.

THIRD-READING FILE.

Senate Bill No. 78—An Act to add a new section to the Code of Civil Procedure of the State of California, to be numbered section sixty-seven *a*, relating to the number of Superior Court Judges, and providing for the appointment of three additional Superior Court Judges in and for counties of the second class, and providing for their compensation.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 78 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beban, Bohnett, Callan, Cattell, Cogswell, Collier, Cronin, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, McClellan, McManus, Melrose, Mendenhall, Mott, Nelson, Odom, Otis, O'Neill, Polsley, Preston, Pugh, Pulcifer, Rech, Rutherford, Sackett, Silver, Stuckenbruck, Telfer, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—65.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, January 29, 1909.

MR SPEAKER. Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bill correctly reëngrossed:

Assembly Bill No. 373—An Act to add two new sections to the Political Code, to be numbered 3196*a* and 3196*b*, relating to the protection of farm names.

YOUNG, Chairman.

Also.

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1909.

MR SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Assembly Bill No 200—An Act to amend Section 591 of the Penal Code of the State of California.

Assembly Bill No. 111—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a Code of Civil Procedure,' approved March 11, 1872, by adding a new section thereto to be numbered 274*a*, providing for the taking down and transcribing of instructions to jurors by judges of the Superior Court, and for opinions rendered in the Superior Court" and to provide for the taking down and transcribing of findings and judgments and official correspondence

Assembly Bill No. 146—An Act to amend Section 18 of an Act entitled "An Act to provide for the establishment and quieting of title to real property in case of the loss or destruction of public records," approved June 16, 1906, by extending the time to commence actions thereunder, until July 1, 1913.

Assembly Bill No 293—An Act to amend Section 737 of the Political Code, relating to the salaries of judges of the Superior Court.

Assembly Bill No. 428—An Act to amend an Act entitled an Act to provide for the appointment of pilots, and defining their duties and compensation at the port of Wilmington and bay of San Pedro, approved March 19, 1889.

Assembly Bill No. 8—An Act to amend Sections 270, 271, and 271*a* of the Penal Code of the State of California, all relating to crimes against children.

Assembly Bill No. 294—An Act for the better protection of persons employed in mines, providing for the appointment of an Inspector of Mines, and defining his duties and fixing his compensation, and providing for the payment thereof.

Assembly Bill No. 125—An Act transferring the sum of $80,000 from the general fund to the estates of deceased persons fund.

Assembly Bill No 175—An Act to amend an Act entitled "An Act providing for the extermination of the boophilus annulatus tick, defining certain crimes and providing for certain civil and criminal actions," approved March 21, 1907, by amending sections one, two, three, and four thereof, and by adding a new section thereto to be known and numbered as section one and one half.

Assembly Bill No. 174—An Act providing for the eradication of the disease known as scabies in sheep; providing for the duties of the State Veterinarian in relation thereto, making certain Acts in relation to sheep infected with such disease a misdemeanor; providing for a lien against such sheep for expenses and costs in the extermination of such disease; making certain persons liable for a violation of this Act, and providing for the enforcement of said lien.

Assembly Bill No 381—An Act to amend section five of an Act entitled "An Act to amend sections four, five, six, ten, thirteen, and fourteen of an Act entitled 'An Act for the more effectual prevention of cruelty to animals,' approved March 20, 1874, and to add three new sections to said Act to be known as sections twenty, twenty-one, and twenty-two, in relation to cruelty to animals, and the arrest, trial, and punishment of offenders against the provisions of said Act, and liens on property in certain cases arising under this Act," approved March 14, 1901.

YOUNG, Chairman.

The above reported bills ordered on file for third reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 29, 1909

MR SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bill has been correctly enrolled:

Assembly Bill No. 374—An Act to provide for the payment of expenses incurred in making repairs on and in the Capitol building, and for the furnishing of the legislative chambers and the clerks', officers', and committee rooms therein, and all other necessary expenses incurred in so doing, and to make appropriations for the same.

And was presented to the Governor January 29, 1909, at twelve o'clock M.

YOUNG, Chairman.

Assembly Bill No. 238—An Act to add a new section to the Political Code, to be numbered 1840, relating to the levy and collection of special district school funds.

During the third reading of the bill Mr. Butler moved that the Speaker appoint a select committee of one to amend the bill, as follows:

On page 1, line 3, Section 1, of printed bill, strike out the word "Section."

Also: On page two, lines 20 and 21, strike out the words "the excess amounts estimated and approved as provided by this section," and insert in lieu thereof the following: "for which estimates have been submitted and approved as herein provided, the excess amounts so estimated and approved"

Also: On page 2, lines 27 and 28, of the printed bill, strike out the words "*provided*, this shall not be construed to repeal Sections 1830 to 1839 inclusive," and insert in lieu thereof the following: "*provided*, this section shall not be so construed as to repeal Sections 1830 to 1839 inclusive of this Code."

Motion carried.

The Speaker appointed Mr. Butler as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 238, with instructions, do now report that the instructions of the Assembly have been carried out.

BUTLER, Select Committee.

Report of select committee and amendments adopted.

Bill ordered to reprint, reengrossment, and on file for passage.

Assembly Bill No. 445—An Act to regulate the hours of labor in mines.

Bill read third time, and on request further action postponed until Monday, February 1, 1909.

MOTION.

On motion of Mr. Fleisher, Senate Concurrent Resolution No. 1 was taken up for consideration.

The roll was called, and Senate Concurrent Resolution No. 1 adopted by the following vote:

AYES—Messrs Barndollar, Baxter, Bohnett, Butler Callan, Cattell, Cogswell, Collier, Costar, Cronin, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Macauley, McClellan, Melrose, Mendenhall, Mott, Nelson, Odom, Otis, O'Neill, Polsley, Preston, Pulcifer, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr Speaker—58.

NOES—Mr. Johnson of Sacramento—1.

Senate Concurrent Resolution No. 1 ordered transmitted to the Senate.

SENATE CONCURRENT RESOLUTION NO. 1,

Approving seven certain amendments to the charter of the city of Santa Barbara, in the county of Santa Barbara, State of California, voted for and ratified by the qualified electors of the said city of Santa Barbara, at the general municipal election held therein on the 3d day of December, 1907.

WHEREAS, The city of Santa Barbara, in the county of Santa Barbara, State of California, contains a population of over ten thousand inhabitants and has been ever since the year of 1900 and is now, organized and acting under a freeholders' charter adopted under and by virtue of Section 8, Article XI, of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city at an election held for that purpose on the 20th day of September, 1898, and approved by the Legislature of said State of California on the 20th day of February, 1899 (Statutes of 1899, pages 448 to 489 inclusive); and,

WHEREAS, The city council of said city of Santa Barbara, did, by resolution adopted by said city council on the 19th day of September, 1907, and approved by the mayor of said city on the 20th day of September, 1907, and pursuant to said section 8, of Article XI, of said Constitution of the State of California, duly propose to the qualified electors of said city of Santa Barbara nine certain amendments hereinafter set forth, to the charter of said city to be submitted to said qualified electors at a general municipal election to be held in said city on the 3rd day of December, 1907; and,

WHEREAS, Said proposed amendments were and each of them was, published for twenty days in a daily newspaper printed and published in said city, and of general circulation therein, to wit "The Morning Press," said publication ending on the 25th day of October, 1907; and,

WHEREAS, Thereafter the city council of said city, did by ordinance which was duly adopted on the 7th day of November, 1907, and approved by the mayor on the 8th day of November, 1907, order the holding of a general municipal election in said city of Santa Barbara on the 3rd day of December, 1907, which last named date was at least forty days after the publication of said proposed amendments which had been published twenty days as aforesaid, and did provide in said ordinance for the submission of said nine proposed amendments to the said charter to the qualified electors of said city for their ratification at said general municipal election, which said ordinance was published for at least ten days prior to the time appointed for the holding of such election in "The Morning Press," a daily newspaper printed and published in said city; and,

WHEREAS, At said election a majority of the qualified electors voting thereon,

voted in favor of the ratification of and did ratify seven of said nine proposed amendmends, to wit, numbers three, four, five, six, seven, eight and nine, thereof, but did not ratify numbers one and two of said proposed amendments; and,

WHEREAS, The city council of said city at a special meeting thereof, held within ten days after said election for such purpose, duly canvassed the returns of said election and duly found, determined and declared that a majority of such qualified electors voting thereon, had voted for and ratified each of said seven of said proposed amendments, and rejected said numbers one and two; and,

WHEREAS, The mayor and city clerk of said city did, on the 8th day of January, 1909, duly certify to the submission to the qualified electors of said city of said nine proposed amendments to said charter and to the ratification of said seven of such amendments, and did further certify to a copy of said seven proposed amendments, authorized by the seal of said city of Santa Barbara, which said certificate is in words and figures following, to wit:

STATE OF CALIFORNIA, COUNTY OF SANTA BARBARA, } ss.
City of Santa Barbara. }

We, the undersigned, Elmer J. Boeseke, mayor of the city of Santa Barbara, State of California, and A. Davis, city clerk of said city, do hereby certify and declare as follows:

That the city of Santa Barbara, in the county of Santa Barbara, State of California, contains a population of over ten thousand inhabitants, and has been ever since the year 1900 and is now, organized and acting under a freeholders' charter, adopted under and by virtue of section eight of article eleven of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city, at an election held for that purpose on the 20th day of September, 1898, and approved by the Legislature of the State aforesaid, on the 20th day of February, 1899.

That the city council of the said city of Santa Barbara did, by resolution adopted by said city council on the 19th day of September, 1907, and approved by the mayor of said city on the 20th day of September, 1907, pursuant to section eight of Article XI of the Constitution of said State of California, duly proposed to the qualified electors of said city nine certain amendments to the charter of such city to be submitted to said qualified electors at a municipal election to be held in said city on the 3rd day of December, 1907, and that the seven of said amendments ratified as hereinafter set forth were in words and figures following, to wit:

Amendment Number Three.

That the said charter shall be amended by adding thereto immediately after Section 4 of said charter a new section to be known as "Section 4*a*," and to be known and read as follows:

SEC. 4*a*. Said city shall have the power to acquire, own, regulate, construct, maintain, operate, condemn, lease, purchase and repair wharves, docks, chutes, piers and breakwaters, and lands and appurtenances necessary therefor, on, near and in waters within its corporate limits, or contiguous thereto; and it shall have the power to fix, charge and collect tolls, wharfage, and dockage for the use of any and all of such structures.

Amendment Number Four.

That said charter shall be amended by adding thereto immediately before Section 5 of said charter a new section to be known and numbered as Section 4*b*, and to be known and read as follows:

SEC. 4*b*. Whenever the legislative body of said city shall by ordinance declare that the public interest and necessity demand and require the acquisition by and through proceedings in eminent domain of any property, structure or structures mentioned in Section 4*a* of this charter (except such of said property and structures as may be owned and used by the United States of America or the State of California) and by said ordinance direct the institution of such proceedings, said ordinance shall in such proceeding be conclusive evidence and determination that the use for which said condemnation is sought is a more necessary public use than that to which the property sought to be condemned is then being devoted and also that the property so sought to be condemned is necessary for the public use for which such condemnation is sought.

And said council does hereby submit to the qualified electors of said city the following five proposals to amend said charter; each of which have been duly petitioned for in the manner required by Section 8 of Article XI of the Constitution of this State by at least fifteen per cent. of the qualified voters of said city.

Said proposals are as follows:

Amendment Number Five.

That said charter shall be amended by striking out therefrom Section 26 thereof and by substituting in lieu of said Section 26 a new section to be known and numbered as Section 26 and to be and read as follows:

"SEC. 26. The seven members of the council shall be chosen at large by the vote of the electors of the city voting at the general municipal elections, and no person shall be eligible to the office who has not resided in said city for one year prior to his election and who is not a qualified elector thereof."

Amendment Number Six

The said charter of the city of Santa Barbara shall be amended as follows:

1. By striking out therefrom Section 8 of said charter and by substituting in lieu thereof as for Section 8 of said charter the following.

SEC. 8. The non-elective officers of said city shall consist of a chief of police, a city engineer and three commissioners of public works and three water commissioners

2. By striking out Section 19 of said charter, and substituting in lieu thereof the following, as and for said Section 19 of said charter:

SEC 19. The other officers and employees of the city shall receive compensation as follows: City clerk and as auditor $100 per month, and for his compensation as assessor $75 per month for four months each year commencing with the month of March. Chief of police $1800 per annum City attorney $1200 per annum. Police judge $1,000 per annum. Treasurer $500 per annum, and an additional compensation as tax collector of $300 per annum, and five per cent on all license taxes collected School trustees, and the trustees of the free public library and commissioners of public works and water commissioners shall receive no compensation whatever for their services as such trustees and commissioners; *provided* that the secretary of the board of education may receive a compensation for his services as such secretary, to be fixed by said board at not exceeding $20 per month; *provided further* that nothing in this charter contained shall preclude the council of said city by ordinance, from authorizing any deputy city officer or officers and fixing his or her compensation; *and provided, further*, that no term of office of any deputy officer shall be created to extend beyond the term of the officer for whom he is the deputy

By striking out all of Section 123 of said charter, and inserting in lieu of said Section 123 the following.

SEC 123. There is hereby created a department of said city, to be known as the "department of public works," which shall be under the management and control of a board of three commissioners to be known as "the board of public works."

(*a*) Said commissioners shall be appointed by the mayor

(*b*) The term of office of the members of the board of public works shall be six years. The term of office of the three members first appointed hereunder shall be reckoned from and after the first Monday of January preceding their appointment In the appointment of the first board, the term of the commissioners shall be two, four and six years, respectively, after said date If any vacancy occurs the mayor shall fill the same by appointment for the unexpired term

(*c*) The commissioners shall organize by electing one of their members president, who shall hold his office for one year and until his successor is elected, unless his membership upon the board sooner expires.

(*d*) The board shall maintain an office and prescribe office hours for the convenience of the public. It shall hold regular stated meetings at least once in each month

(*e*) The board shall appoint a secretary, not a member of the board, who shall receive an annual salary to be fixed by the board of public works, payable in equal monthly installments. He shall keep a record of all its transactions, specifying therein the names of the commissioners present at all meetings and giving the ayes and noes upon all votes. He shall post and publish all orders, resolutions, and notices, which the board shall be ordered to be posted or published, and shall perform such other duties as are herein or may be, by order of the board, imposed upon him.

(*f*) The three members of the board of public works and the secretary thereof shall be officers of the municipality in addition to the other officers thereof provided for herein

(*g*) The board of public works shall appoint an inspector of streets who shall perform such duties as the board may prescribe. The person holding the office of street superintendent at the time of the first organization of the board, shall be entitled to take and hold, and shall be appointed by said board to the office of inspector of streets for a term ending on the first Monday of January, 1910 Upon the expiration of said term the board of public works shall not appoint any other general inspector, unless in their discretion they appoint some member of their own commission to serve without compensation. The salary of such inspector up to the first Monday of January, 1910, shall be the same as his salary theretofore as street superintendent.

(*h*) The board of public works shall appoint and employ a civil engineer of not less than five years' professional experience, who shall be designated the city engineer. He shall receive a salary to be fixed by the board, and shall hold office at the pleasure of the board *Provided, however*, that the person holding the office of city engineer at the time of the first organization of the board shall be entitled to take and hold, and shall be appointed by the said board to, the office of city engineer provided for therein, for a term ending on the first Monday of January, 1910 The city engineer herein provided for shall be the successor in the office of the city engineer He shall perform all the civil engineering and surveying necessary on the prosecution of public work done under the direction or supervision of the board. He shall make such certificate and upon the progress of such work and shall make such survey, inspection and estimates, and perform such other surveying or engineering work, as may be required by said board or by the city council. He shall have all the

powers and perform all the duties that are now or may hereafter be conferred or imposed by law, or by ordinance, upon the city engineer.

(i) The board of public works shall appoint and employ and remove, superintendent, inspectors, clerks and employ in character and number as the city council shall, by ordinance from time to time prescribe, and the board shall establish all necessary rules and regulations for the exercise of the powers conferred in this article, for the government of the department of public works, and for the regulation and conduct of its officers and employees, and may require of any or all of such officers and employees, except laborers, adequate bonds for the faithful performance of their respective duties.

(j) The board shall, from and after the first organization thereof, be the successor in office of the street superintendent, and shall have all the powers and perform all the duties that are now or may hereafter be conferred or imposed by law upon said official, and the board shall perform such other duties as are herein or may be, by ordinance, imposed upon it.

By striking out all of section 124 of said charter, and inserting in lieu thereof, the following:

SEC 124*a*. The board of public works shall have and exercise all the powers and duties that are now or may hereafter be conferred or imposed by law upon the city council relating to.

1 The advertising for, and inviting of proposals or bids for doing any work ordered by the city council to be done in or upon any streets, avenues, lanes, alleys, courts or places, or in construction of any sewer or drain, ordered by the city council in or over the right of way granted or required for such purpose.

2. The examining, considering, and declaring of such proposals or bids.

3. The awarding, letting and re-letting of contracts for doing any of said work so ordered, the giving notice of such award, the rejection of proposals or bids, for doing such work, and the granting of extensions of time for the completion thereof by the contractor therefor

4. The approval and the fixing of the amount of bond required to be given by contractors prior to, or at the time of executing contracts for such work, and the fixing of the time within which such work shall be commenced and completed

5 The board shall also have and exercise all the powers and duties that are now or may hereafter be conferred or imposed by law upon the mayor relating to the approval of the award of contracts for any of the work mentioned in this section

6. The board of public works shall also have and exercise all of the powers and duties that are now or may hereafter be conferred or imposed by law upon any commission provided for by law to assess the benefits, damages and costs incident to a proposed change of grade of any public street, alley, lane or court.

(*b*) The president of the board of public works, shall have and exercise all of the powers and duties that are now or may hereafter be conferred or imposed by law upon the mayor relating to the approval and fixing of the amount of bond required to be given by contractors prior to or at the time of executing contracts for such work

(*c*) The secretary of the board of public works shall have and exercise all the powers and duties that are now or may hereafter be conferred or imposed by law upon the city clerk or the clerk of the city council relating to:

1. The receipt, care and custody of proposals or bids for doing any of the work mentioned in this section.

2. The care and custody of all checks and bonds accompanying such proposals or bids.

(*d*) The board of public works shall have charge, superintendence and control, under such ordinances as may from time to time be adopted by the city council.

1. All of the public ways, streets, avenues, lanes, alleys, places and courts now open or which may hereafter be opened in the city of Santa Barbara, of the manner of their use and occupation, of all work and improvements done in, on, over or under the same and of all excavations made in or under the same.

2. Of the design, construction, maintenance and use of all sewers, drains and storm drains of the city, and of all connections therewith

3. Of the cleaning, sprinkling, maintenance, and lighting of all public ways, streets, avenues, lanes, alleys, places and courts

4 Of the disposal of garbage, sewage and street refuse

5. Of such other matters as may from time to time be assigned to it by law or ordinance

(*e*) The board of public works shall have charge of the enforcement of all ordinances relating to the construction, alteration, repair, demolition or removal of buildings and structures in the city.

(*f*) All contracts for the performance or furnishing of labor, services, materials, or supplies required for the execution of any work or service of which the board of public works has charge, superintendence or control except public work or improvement, the cost and expenses of which are to be paid by assessment upon property in proportion to frontage or benefit, shall be let and entered into in behalf of the city by the board of public works in the following manner: Every such contract shall first be authorized by a resolution passed by a vote of a ma-

jority of the members of the council The board shall, except in cases of urgent necessity, as hereinafter provided, within five days after the passage of the resolution authorizing such contract, cause a notice to be posted conspicuously in its office, and published once in a newspaper of general circulation, printed and published in the city of Santa Barbara, inviting sealed bids for the performance of the work or service or the furnishings or the material of supplies contemplated Said notice shall require the bonds to be filed with the board at or before a certain hour of a day, not less than five days subsequent to the date of the posting and advertising of said notice, and said notice shall contain a general description of the work or service to be done and of the materials or supplies to be furnished, the time within which the work or delivery is to be commenced, and when to be completed, and the amount of the bond to be given for the faithful performance of the contract, and shall refer to plans and specifications on file in the office of the board for full details and descriptions of said work, service, materials or supplies.

Said notice shall require each bid to be accompanied by cash or a check, certified by a responsible bank, payable to the order of the president of the board, for an amount not less than five per cent. of the aggregate sum of the bid, or by a satisfactory bond for the said amount and so payable, as a guarantee that the bidder will enter into the proposed contract if the same is awarded to him, and the form and manner of making bids may, in all other respects, be prescribed in said notice, and no bid shall be considered unless the same is accompanied by said check or bond and is made in the prescribed form and manner. On the day and at the hour specified in the notice inviting bids, the board shall meet and in open session examine and publicly declare the bids received and shall thereupon, or at such other time as the board may then fix, award the contract to the lowest regular responsible bidder, or shall reject all bids The board may reject any and all bids and shall reject the bid of any person who has been delinquent or unfaithful in the performance of any former contract with the city, and shall reject all bids other than that of the lowest regular responsible bidder. Upon rejecting any bid, the board shall return to the proper person the check accompanying the rejected bids The check accompanying the accepted bid shall be held by the secretary of the board until the contract for performing the work or service or furnishing materials or supplies proposed to be done or furnished has been entered into. If the successful bidder fails to enter into the contract, or to execute the bond required for the faithful performance thereof, within ten days after the same is awarded to him, then the certified check accompanying his bid shall be presented for payment and collected, and the amount thereof paid into the general funds of the city. Every contract entered into by the board shall first be approved as to form by the city attorney, and shall contain detailed specifications and plans of the work or service to be done, the manner in which it is to be performed, and the quantity and kind of materials or supplies to be used or furnished, and shall refer to such specifications and plans on file in the office of the board. Said contract shall be signed on behalf of the city by the president or by two of the members of the board and by the other contracting party. The contractor shall enter into and deliver to the secretary of the board a bond, in the sum named in the notice inviting bids, conditioned for the faithful performance of the contract and executed by a responsible surety company or by two or more sufficient sureties approved by the board.

When any repairs, alterations, work or improvement shall be deemed of urgent necessity by the board, a contract for the performance or furnishing of the labor, materials or supplies required therefor may be made by the board in behalf of the city, in writing or otherwise, without advertising for or inviting bids; *provided*, that if the contract for the furnishing of the labor, materials or supplies so required involves an expenditure of more than five hundred dollars, the resolution of the council authorizing the same, before it takes effect, be approved by the mayor.

(*g*) All instruments, warrants, records, certificates, notices or other documents required to be signed or executed by the board of public works shall be signed on order of the board by the president or by two members thereof.

(*h*) In addition to other duties imposed upon him by this charter, or by ordinances of the council, the city engineer shall.

1. Make all surveys, inspections and estimates required by the council

2. He shall examine all public work done under contract and report thereon to the council.

3. The board of public works shall by resolution establish fees and charges for the services to be performed by the city engineer for persons, companies and corporations, and may from time to time change the same. Said engineer shall require such fees or charges to be paid in advance for any official act or service demanded of him, and such money thus paid shall be paid in by him to the city treasurer and credited by the latter to such fund or funds as the said board may direct

4. He shall be the custodian of and responsible for all maps, plats, profiles, field notes and other records and memoranda belonging to the city pertaining to his office and the work thereof; all of which he shall keep in proper order and condition with full index thereof and shall turn over the same to his successor. All maps, plans, profiles, field notes, estimates and other memoranda of surveys and other professional

work made or done by him or under his direction or control, as such city engineer during his term of office shall be property of the city.

(*i*) Upon the first appointment of a city engineer by the board of public works, organized under this charter, the term of the city engineer then holding office shall thereupon cease and determine and the powers and duties of the city engineer shall be as in Sections 123 and 124 provided.

(*j*) Upon the organization of a board of public works under this charter, it shall be the successor in office of the street superintendent and the term of the street superintendent then holding office shall thereupon cease and determine, and the powers and duties imposed upon the street superintendent by this charter shall thereafter be exercised and performed by the board of public works.

(*k*) Said commissioners of public works shall not supersede or perform any of the duties of the departments provided for by Sections 115 to 122 inclusive of Article XI of this charter.

Amendment Number Seven

That said charter shall be amended by adding thereto a new section which shall be numbered Section 174*a*, and shall be and read as follows

SEC. 174*a*. The basis of the percentage hereinafter provided for any petition shall be the total number of voters registered in the city at the last preceding general election prior to the filing of said petition; and all voters registered at said general election or thereafter shall be qualified to sign the petition herein provided for

Upon presentation to the city council of a petition or petitions signed by the qualified electors of the city, in number equal to ten per cent of said registration, asking for submission to the electors of a measure fully set forth in said petition or petitions, being a measure that the city council might itself adopt, it must either enact such measure without alteration, or submit the same to the electorate at the next regular city election occurring subsequent to sixty days after the filing of said petition or petitions. But if such petition or petitions are signed by qualified electors in number equal to twenty per cent. of said registration, then such measure if not enacted by the city council must be submitted to the electorate at a special election to be called within sixty days from the filing of such petition or petitions. If such proposed measure is a measure that the city council might adopt, except for the fact that it involves the repeal or amendment of a measure adopted by the electorate as herein provided, and if in such case said petition or petitions are signed by qualified electors in number equal to twenty-five per cent of said registration, then such proposed measure must be submitted to the electors of the city at the next regular city election, occurring subsequent to sixty days after the filing of said petition or petitions. The method of signing and presenting petitions provided for herein shall be as follows:

The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number Each such paper shall have attached thereto the affidavit of a registered voter of the city, stating that all the signatures to the paper were made in his presence, and that to the best of his knowledge and belief, each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed Within twenty days from the date of filing such petition in his office, the city clerk shall examine and from the great register and affidavits of registration ascertain whether or not said petition is signed by the requisite number of qualified electors, and if necessary the city council shall allow him extra help for the purpose, and he shall attach to said petition his certificate, showing the result of his examination. Each signature whose genuineness is not called in question by the sworn affidavit of the owner thereof shall be assumed to be genuine. If, by the clerk's certificate the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate The clerk shall within twenty days after such amendment, make like examinations of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same, without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found sufficient, the clerk shall submit the same to the city council without delay. Any number of proposed measures may be voted upon at the same election in accordance with the provisions of this section; *provided* that there shall not be held under this section more than one special election in any period of six months. Whenever any measure is required or authorized by this charter to be submitted to the electors of the city, at any election, the city clerk shall cause the measure to be printed, and he shall enclose a printed copy thereof in an envelope and mail the same to each voter, at least ten days prior to the election, but the city council may order such measure to be printed in the official newspaper of the city, and published in a like manner as ordinances adopted by the city council are required to be published; and may order that such publication shall take the place of the printing and mailing of the measure as first above provided.

Ordinances and measures in connection with local improvements, the expenses whereof are defrayed by special local assessments, shall not come within the operation of this section.

If a majority of votes cast on any ordinance or measure submitted to the electorate, as provided in this section, shall be in favor thereof it shall go into effect as a valid and binding ordinance or measure of the city, ten days after the official count shall

be determined; otherwise such ordinance or measure shall be rejected. No ordinance or measure approved by the electorate, under the provisions of this section shall be subject to veto, and any amendment or repeal of such ordinance by the city council shall be subject to the referendum provided in this section.

In the event action by the council in calling any election as aforesaid shall for any reason be delayed, then such election may be called by the council to be held not less than thirty days nor more than forty days from the date of the ordinance calling the same. If the provisions of two or more measures, approved and adopted at the same election under the provisions of this charter, conflict, then the measure receiving the highest affirmative vote shall control.

Amendment Number Eight.

That said charter shall be amended by inserting therein a new section to be numbered Section 174*b* which shall read as follows

SEC. 174*b*. The basis of the percentage hereinafter provided for any petition shall be the total number of voters registered in the city at the last preceding general election prior to the filing of said petition; and all voters registered at said general election or thereafter shall be qualified to sign the petition herein provided for

Any measure that the city council, or the electorate of the city as herein provided, has authority to adopt, the city council may of its own motion submit to a vote of its constituent electors at a general or special election.

Except as herein provided, no penal ordinance or measure, no ordinance or measure granting any franchise or privilege, and no ordinance or measure making or authorizing any contract (except contracts for improvements, the expenses whereof are defrayed by special local assessment, and contracts where the subject-matter involved is of less value than $1000) passed by the city council, shall go into effect in less than thirty days after its final passage But ordinances and contracts declared by the city council to be necessary as emergency measures for the immediate preservation of the public peace, health, or safety, passed by a three-fourths vote of the city council, and not obligating the city for a longer period of time than one year, may go into effect at the will of the city council, or as otherwise provided by law. If within said thirty days a petition or petitions signed by qualified electors of the city in number equal to ten per cent. of said registration, if filed with the city clerk, asking that any penal ordinance or measure, any ordinance or measure granting any franchise or privilege, or making or authorizing any contract (except contracts for improvements, the expenses whereof are defrayed by special local assessment, and contracts where the subject-matter involved is of less value than $1000) adopted by the city council be submitted to the electorate, then such ordinance or measure must either be repealed or submitted to the electors for approval or rejection at the next regular city election occurring subsequent to sixty days after the filing of said petition or petitions, or at a special election called prior to such regular city election, and if such ordinance or measure has not gone into effect before the filing of such petition or petitions, and said petition or petitions are signed by qualified electors of the city in number equal to fifteen per cent of said registration, then such ordinance or measure shall not go into effect until and unless adopted at such election, and no ordinance or measure once so submitted shall be again so submitted, except by a vote of the city council, or on a petition signed by twenty-five per cent of said registration.

The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. Each such paper shall have attached thereto the affidavit of a registered voter of the city, stating that all the signatures to the paper were made in his presence, and that to the best of his knowledge and belief each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed Within twenty days from the date of the filing such petition in his office, the city clerk shall examine and from the great register and affidavits of registration, ascertain whether or not said petition is signed by the requisite number of qualified electors, and if necessary the city council shall allow him extra help for the purpose, and he shall attach to said petition his certificate, showing the result of said examination. Each signature whose genuineness is not called in question by the sworn affidavit of its owner thereof shall be assumed to be genuine. If by the clerk's certificate the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate.

The clerk shall within twenty days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient it shall be returned to the person filing the same, without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found sufficient, the clerk shall submit the same to the city council without delay. Any number of proposed measures may be voted upon at the same election, in accordance with the provisions of this section, *provided*, that there shall not be held under this section more than one special election in any period of six months

Whenever any measure is required or authorized by this charter to be submitted to the electors of the city, at any election, the city clerk shall cause the measure to be printed, and he shall enclose a printed copy thereof in an envelope and mail

the same to each voter, at least ten days prior to the election, but the city council may order such a measure to be printed in the official newspaper of the city, and published in like manner as ordinances adopted by the council are required to be published; and may order that such publication shall take the place of the printing and mailing of the measure as first above provided

If a majority of the votes cast on any ordinance or measure referred as provided in this section to the electors of the city, shall be in favor thereof, it shall if not already in effect, go into effect as a valid and binding ordinance or measure of the city, ten days after the official count shall be determined, otherwise such ordinance or measure shall be repealed or rejected; such repeal shall take effect ten days after the official count shall be determined. No ordinance or measure approved by the electorate under the provisions of this section shall be subject to veto; and any amendment or repeal of such ordinance by the city council shall be subject to the referendum provided in this section. In the event action by the council in calling any election as aforesaid shall for any reason be delayed, then such election may be called by council to be held not less than thirty nor more than forty days from the date of the ordinance calling the same.

If the provisions of two or more measures approved and adopted at the same election, under the provisions of this charter, conflict, then the measures receiving the highest affirmative vote shall control.

Amendment Number Nine.

That said charter shall be amended by adding thereto a new section which shall be numbered Section 174*c* and which shall be and read as follows:

SEC. 174*c*. The holder of any elective office may be removed at any time by the electors entitled to vote for a successor of such incumbent. The procedure to effect the removal of an incumbent of an elective office shall be as follows: A petition signed by electors entitled to vote for a successor of the incumbent sought to be removed, equal in number to at least twenty-five per cent of the entire vote for all candidates for office, the incumbent of which is sought to be removed, cast at the last preceding general municipal election, demanding an election of a successor of the person sought to be removed, shall be addressed to the council and filed with the city clerk, and said petition shall contain a general statement of the grounds for which the removal is sought, which statement is intended solely for the information of the electors, and the sufficiency of which shall not be open to review. The signatures to the petition need not at all be appended to one paper, but each signer shall add to his signature his place of residence, giving street and number. Each such paper shall have attached thereto the affidavit of a registered voter of the city, stating that all the signatures to the paper were made in his presence, and that to the best of his knowledge and belief, each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed. Every signature appended to any of the papers forming such petition shall be deemed and treated by the city clerk for the purpose of his examination of such petition herein provided, as the genuine signature of the person whose name it purports to be, unless such person, during the period of such examination, files with the city clerk an affidavit to the contrary. Within ten days from the date of filing such petition the city clerk shall examine and ascertain from the great register or from the affidavits or duplicate affidavits of registration, or from either, whether or not said petition is signed by the requisite number of electors entitled to vote, and if necessary the council shall allow him extra help for that purpose, and he shall attach to said petition his certificate stating that he finds the petition to be sufficient or insufficient, as the case may be. If, by the clerk's certificate, the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The clerk shall, within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found to be sufficient, the clerk shall submit the same to the council without delay, and the council shall thereupon order and fix a date for holding the said election not less than thirty days nor more than forty days from the date of the clerk's certificate to the council that a sufficient petition is filed.

The sufficiency or insufficiency of said petition shall, except as to the grounds for removal therein stated, be subject to judicial review, but not to review by the council. In the event action by the council in calling said election shall for any reason be delayed, then such election may be called by the council to be held not less than thirty nor more than forty days from the date of the ordinance calling the same.

The city council shall make or cause to be made publication of notice, and all arrangements for holding of such election and the same shall be conducted, returned and result thereof declared, in all respects as other city elections. The successor of any officer so removed shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself, and, unless he requests otherwise, in writing, the clerk shall place his name on the official ballot without nomination. In any such removal election the candidate

receiving the highest number of votes shall be declared elected. At such election if some other person than the incumbent receives the highest number of votes, the incumbent shall thereupon be deemed removed from office upon qualification of his successor. In case the party who receives the highest number of votes should fail to qualify within ten days after receiving notification of election, the office shall be deemed vacant. If the incumbent receives the highest number of votes he shall continue in office.

That the said nine proposed amendments were, and each of them was, published for twenty days in a daily newspaper printed and published in said city and of general circulation, to wit, "The Morning Press," and that said publication ended on the 25th day of October, 1907.

That thereafter the city council of said city did, by ordinance No. 594, which was duly adopted on the 7th day of November, 1907, and approved by the mayor on the 8th day of November, 1907, order the holding of a general municipal election in said city of Santa Barbara, on the 3d day of December, 1907, which last named date was at least forty days after the publication of said proposed amendments which had been published twenty days as aforesaid, and did provide in said ordinance for the submission of said nine proposed amendments, hereinabove set forth, to the city charter to the qualified electors of said city for their ratification at said general municipal election, which said ordinance was passed and approved as aforesaid and was published as required by law and the charter of said city.

That at said election a majority of the qualified electors voting thereon voted in favor of the ratification and did ratify each and all of said nine proposed amendments to the charter of said city of Santa Barbara, except such proposed amendments numbers one and two; and that said proposed amendments numbers one and two did not receive a majority of the votes of the qualified electors voting thereon in favor of the ratification of said proposed amendments at said election.

That the city council of said city of Santa Barbara, at a special meeting, and within ten days after said election, and within the time and in the manner required by law and the charter of said city, duly canvassed the returns of said election, and duly found, determined and declared that a majority of such qualified electors voting thereon had voted for and ratified each and all of the said nine proposed amendments to said charter, except the said numbers one and two.

We do further hereby certify and declare that the copy of said proposed amendments to the charter of the city of Santa Barbara hereinbefore set forth is a full, true and correct copy of the said seven certain proposed amendments to the charter of said city of Santa Barbara, which were, in the manner prescribed by law, submitted to the qualified electors of said city for their ratification and by them ratified at the general municipal election duly called and held in said city on the 3d day of December, 1907.

IN WITNESS WHEREOF, we have hereunto set our hands and affixed the corporate seal of the city of Santa Barbara, this 8th day of January, 1909.

[SEAL]

ELMER J. BOESEKE,
Mayor of the City of Santa Barbara.

ALFRED DAVIE,
City Clerk of the City of Santa Barbara.

AND WHEREAS, The said seven amendments so ratified as hereinbefore set forth have been duly presented and submitted to the Legislature of the State of California, for approval or rejection without power of alteration or amendment, in accordance with said Section 8 of Article XI, of the Constitution of the State of California; now, therefore, be it

Resolved, by the Senate of the State of California, the Assembly concurring, a majority of all members elected to each house voting for the adoption of this resolution and concurring herein) that the said seven amendments to the said charter of said city of Santa Barbara, hereinbefore set forth as presented, and as submitted to, and adopted and ratified by the qualified electors of said city be, and the same are hereby approved as a whole for, and as amendments to the said charter of the city of Santa Barbara.

Upon request of Mr. Drew Assembly Bill No. 78 was taken up for consideration.

Assembly Bill No. 78—An Act to regulate the ownership or possession of land by aliens.

During the third reading of the bill, Mr. Drew moved that the Speaker appoint a select committee of one to amend the bill, as follows:

Strike out all after the enacting clause and insert:

SECTION 1. No alien shall acquire title to or own land in the State of California except as hereafter provided, but he shall have and enjoy in the State of California such rights as to personal property as are or shall be accorded a citizen of the United States under the laws of the nation to which such alien belongs, or by the treaties of such nation with the United States, except as may be affected by the provisions of this Act.

SEC. 2. This Act shall not apply to lands now owned in this State by aliens so long as they are held by the present owners.

SEC. 3. All aliens who may hereafter acquire real property in California by devise, descent, or purchase may hold the same for five years from the date of so acquiring such title. If any alien at the time of acquiring title to lands situate in this State be under the age of twenty-one years, he may hold title to the same for five years after the time he becomes twenty-one years of age

SEC 4. Any alien who shall hereafter hold lands in the State of California in contravention of the provisions of this Act, may nevertheless convey the fee simple title thereof at any time before the institution of escheat proceedings as hereinafter provided; *provided, however*, that if any such conveyance shall be made by such alien either to an alien or to a citizen of the United States in trust, and for the purpose and with the intention of evading the provisions of this Act such conveyance shall be null and void and any such lands so conveyed shall be forfeited and escheated to the State of California absolutely, for the benefit and use of the public school funds.

SEC. 5. It shall be the duty of the district attorney of the county wherein the land is situate or the Attorney General of the State, should the district attorney fail or neglect to act, when he shall be informed or have reason to believe that any lands in the State are being held contrary to the provisions of this Act, to institute suit in behalf of the State of California in the Superior Court of the county in which said lands are situate praying for the escheat of the same in behalf of the State, and he shall proceed therein as in cases provided by law for escheats of lands or property where such property has no known owner; *provided*, that due service of process shall be made and service upon the holder of title be had as provided by law, and the court having jurisdiction shall then proceed to final judgment and the sale of the property as sales are conducted under foreclosure. It shall be a good defense to any such proceeding that such alien had become a citizen of the United States or that the title to such lands had been conveyed in good faith by such alien immediately to a citizen of the United States, or if such alien has deceased prior to the time of the commencement of such proceedings that his heirs or devisees or any person claiming by, through or under them, are or had become citizens of the United States. Said court shall tax as costs such fees as shall be reasonable, not exceeding twenty per centum of the amount which shall be bid for such lands at any such sale thereof, and shall allow to the officer making such sale the same fees as are allowed for the sale of lands under decree of foreclosure of mortgages, and all fees and costs shall be paid out of the proceeds by sale of such real estate If any district attorney shall neglect or refuse to proceed by information as herein provided within thirty days after it shall be brought to his notice that an alien is holding title to lands in this State contrary to the provisions of this Act, then any citizen may proceed by information in the name of the people of the State in the same manner as such district attorney might have proceeded under the provisions of this section, and he and his attorney may be allowed such reasonable fees for their services, to be taxed as costs, as the court may direct, not exceeding in the aggregate twenty per centum of the amount which shall be paid for such lands at the sale thereof.

SEC. 6. In case the lands at the time escheat proceedings are about to be commenced are owned by a minor or minors or by a person or persons of unsound mind the process herein provided shall be served as provided by law upon the guardian of the minor or minors or person or persons of unsound mind, and if there is no such guardian, the district attorney or the Attorney General of the State shall make application in the name of the people of the State to the court having jurisdiction, and procure the appointment of a guardian *ad litem*, to represent such minor or minors or person or persons of unsound mind in such proceedings, and such guardian or guardians *ad litem* shall appear and defend the action.

SEC. 7. If it shall be determined upon the trial of any such proceedings that lands are held contrary to the provisions of this Act, the court trying such cause shall render judgment condemning such lands and ordering the same to be sold under an order of court as in cases of sale under foreclosure proceedings; the proceeds of such sale, after deducting the cost of the proceeding, shall be paid to the clerk of the court rendering the judgment, where the same shall remain for one year from the date of such payment, subject to the order of the alien owner of such lands, his heirs and legal representatives, and if not claimed within the period of one year such clerk shall pay the same into the treasury of the State for the benefit of the available school funds of the State; *provided*, that when any money shall have been paid to the State treasury as herein provided the alien or his heirs may procure the same to be returned by applying for and procuring an order from the court condemning the property, showing that such judgment escheating such property was procured by fraud or mistake, or that there was material irregularity in the proceedings; this application, however, must be made within two years from the date such moneys were turned over to the State treasury; *provided, further*, that in no event shall the State be liable or called upon to refund any further sum than the actual cash transmitted and delivered to such treasury.

SEC 8. No contract, agreement or lease of agricultural land for a longer period than one year, or of municipal property for a longer period than two years, shall be made to any alien, and any lease, agreement or devise of real estate made to any alien contrary to the provisions of this section shall be null and void.

HOUR OF ADJOURNMENT EXTENDED.

At twelve o'clock and thirty minutes P. M., on motion of Mr. Leeds, the hour of adjournment was extended until the business before the Assembly could be completed.

Mr. Johnson of Sacramento moved that Assembly Bill No. 78 be re-referred to the Committee on Judiciary, together with the motion of Mr. Drew to appoint a select committee with instructions to report the same back on Tuesday, February 2, 1909, and that the Chief Clerk be instructed to have amendments printed for the use of members.

Motion carried.

ADJOURNMENT.

At three o'clock and forty minutes P. M., on motion of Mr. Mott, the Assembly was declared adjourned.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL.,
Saturday, January 30, 1909.

At nine o'clock and thirty minutes A. M., pursuant to adjournment, the Assembly was called to order.

Hon. P. A. Stanton, Speaker of the Assembly, in the chair.

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

Messrs. Barndollar, Baxter, Beardslee, Butler, Callan, Cattell, Collier, Cronin, Dean, Drew, Feeley, Fleisher, Flint, Gillis, Hammon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Kehoe, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Polsley, Preston, Pulcifer, Sackett, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, and Mr. Speaker—46.

Quorum present.

LEAVE OF ABSENCE.

On motion, leave of absence for the day was granted to Messrs. Wyatt, Gerdes, Perine, Juilliard, Rech, Griffiths, Cullen, Rutherford, and Flavelle.

PRAYER.

Prayer was offered by the Chaplain, Rev. Seren N. Marsh.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Cattell, its further reading was dispensed with.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON PUBLIC BUILDINGS AND GROUNDS.

ASSEMBLY CHAMBER, SACRAMENTO, January 29, 1909.

MR. SPEAKER. Your Committee on Public Buildings and Grounds, to whom was referred Assembly Bill No. 388—An Act to provide for the erection of a training school

building at Chico—have had the same under consideration, and respectfully report the same back, and recommend that it be referred to Committee on Ways and Means.

PUGH, Chairman.

ON LABOR AND CAPITAL.

ASSEMBLY CHAMBER, SACRAMENTO, January 28, 1909

MR. SPEAKER. Your Committee on Labor and Capital, to whom was referred Assembly Bill No 136—An Act to amend an Act entitled "An Act to provide for the proper sanitary condition of factories and workshops, and the preservation of the health of the employees," approved February 6, 1889—have had the same under consideration, and respectfully report the same back, with two amendments, and recommend that it do pass as amended.

NELSON, Chairman.

ON REVENUE AND TAXATION.

ASSEMBLY CHAMBER, SACRAMENTO, January 29, 1909

MR SPEAKER: Your Committee on Revenue and Taxation, to whom was referred Assembly Bill No. 141—An Act to amend section thirty-six hundred and seventeen of the Political Code, relating to the definition of terms and words—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 251—An Act to regulate the assessment of migratory stock, and to provide for an equitable distribution of the taxes derived therefrom, and to prohibit any other taxes thereon—have had the same under consideration, and respectfully report the same back, with three amendments, and recommend that it do pass as amended.

MELROSE, Chairman.

ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, January 29 1909.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 569—An Act to amend Section 3335 of the Political Code of the State of California, concerning the formation of fire companies.

Also: Assembly Bill No. 733—An Act to amend an Act entitled "An Act to provide for the planting, maintenance and care of shade trees upon the streets, lanes, alleys, courts and places within municipalities and of hedges upon the lines thereof; also for the eradication of certain weeds within the city limits," approved March 11, 1893.

Also: Assembly Bill No. 763—An Act to allow unincorporated towns and villages to establish, equip and maintain systems of street lights on public highways; to provide for the formation, government and operation of highway lighting districts; the calling and holding of elections in such districts; the assessment, collection, custody and disbursement of taxes therein; and the creation of ex officio boards of highway lighting commissioners.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass

Also: Assembly Bill No. 594—An Act to provide for the establishment and maintenance of public museums of natural and historical objects within municipalities.

Also: Assembly Bill No. 442—An Act to amend "An Act to provide for work upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by adding thereto a new section numbered 5½, providing for the doing of sidewalk work by cities in the absence of bidders for doing the same.

Also: Assembly Bill No 429—An Act to amend Section 1235 of the Penal Code, relating to the right of appeal of the parties

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended.

FEELEY, Chairman.

ON AGRICULTURE.

ASSEMBLY CHAMBER, SACRAMENTO, January 29, 1909.

MR. SPEAKER: Your Committee on Agriculture, to whom was referred Senate Bill No. 29—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto Title XXI of Part IV of Division First of said Act relating to and providing for the incorporation, organization, management, and cooperation of agricultural, viticultural and horticultural non-profit cooperative associations.

Also: Assembly Bill No. 760—An Act to amend Sections 2322, 2322*a*, 2322*b*, 2322*c*, 2322*d*, and 2322*e* of the Political Code, relating to county boards of horticulture.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

COGSWELL, Chairman.

ON STATE PRISONS AND REFORMATORY INSTITUTIONS.

ASSEMBLY CHAMBER, SACRAMENTO, January 29, 1909.

MR. SPEAKER: Your Committee on State Prisons and Reformatory Institutions, to whom was referred Assembly Bill No. 56—An Act appropriating one thousand dollars for the purchase of books and periodicals for the Whittier State School.

Also: Assembly Bill No 249—An Act making an appropriation of five thousand dollars to pay the traveling expenses and salary of a parole officer for the Whittier State School.

Also: Assembly Bill No 447—An Act providing for a biennial appropriation in the general appropriation bill for the support and maintenance of the Bureau of Criminal Identification of the State of California.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass and be re-referred to the Committee on Ways and Means.

Also: Assembly Bill No. 68—An Act to amend Section 1 of an Act entitled "An Act requiring the wardens of State prisons of California to furnish the sheriffs of California and the bureaus of identification with certain information concerning convicts, within thirty days after receiving said convicts, and providing for the payment of the expense incurred thereby," approved March 20, 1905, to include chiefs of police of regularly constituted police departments of incorporated cities and towns among those to whom such information shall be furnished.

Also: Assembly Bill No. 592—An Act to amend an Act entitled "An Act relating to commitments to the State School of Whittier, and to the Preston School of Industry; fixing the authority to examine and commit to such schools with the Superior Judges of the counties, and fixing the responsibilities from which commitments are made to the State for maintenance of the persons committed therefrom; providing for the manner of payment thereof, and fixing the responsibility of the parties to the counties from which their children are committed," approved March 26, 1895.

Also: Assembly Bill No. 446—An Act to amend Section 8 of an Act entitled "An Act to create a State Bureau of Criminal Identification, providing for the appointment of a director of said bureau, defining his duties, qualifications and powers, providing for the appointment of a clerk of said bureau, and fixing his qualifications, fixing the compensation of said director and clerk, providing for the manner of paying the same, and providing for the expense of conducting the office," approved March 20, 1905.

Have had the same under consideration, and respectfully report the same back, and recommed that they do pass

HAMMON, Chairman.

The above reported bills ordered on file for second reading.

Assembly Bill No. 388 referred to Committee on Ways and Means.

Assembly Bills Nos. 56, 249, and 447 referred to Committee on Ways and Means.

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1909

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly reëngrossed.

Assembly Bill No. 196—An Act to provide county library systems.

Assembly Bill No. 193—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section to said Penal Code, to be known and numbered as section four hundred and two and three-quarters, relating to and furnishing or erecting of unsafe or improper scaffolding or mechanical contrivances.

FEELEY, Vice-Chairman

The above reported bills ordered on file for passage.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1909

MR SPEAKER Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed.

Assembly Bill No. 233—An Act to amend an Act approved March 23, 1901, and entitled "An Act to provide for the establishment and maintenance of public libraries within municipalities"

Assembly Bill No 617—An Act to amend Section 1207 of the Political Code of the State of California, relative to spoiled or unused ballots.

Assembly Bill No. 226—An Act to amend an Act entitled "An Act authorizing the judges of the Superior Court in all counties, and cities and counties, having a population of three hundred thousand inhabitants and over, to appoint a secretary," approved March 26, 1895.

Assembly Bill No 611—An Act making an appropriation to pay the deficiency in the appropriation for the contingent expenses of the Bureau of Labor Statistics for the sixtieth fiscal year.

FEELEY, Vice-Chairman

The above reported bills ordered on file for third reading.

ON CONSTITUTIONAL AMENDMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, January 28, 1909

MR. SPEAKER Your Committee on Constitutional Amendments, to whom was referred Assembly Constitutional Amendment No 13—A resolution to propose to the people of

the State of California an amendment to the Constitution of the State, by amending Section 9, of Article II thereof, relating to the compensation of officers and the extension of the time of officers.

Also. Assembly Constitutional Amendment No. 14—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding a new section thereto, to be numbered Section 25 of Article I thereof, relating to the right of the people to fish.

Have had the same under consideration, and respectfully report the same back, and recommend that they be adopted.

COGHLAN, Chairman.

The above reported Assembly constitutional amendments ordered on file for adoption.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 28, 1909

MR. SPEAKER: Your Committee on Constitutional Amendments, to whom was referred Assembly Bill No. 227—An Act to add a new section to the Political Code, relating to the advertising of amendments to the Constitution—have had the same under consideration and respectfully report the same back, and recommend that it do pass

COGHLAN, Chairman.

The above reported bill ordered on file for second reading.

ON FEDERAL RELATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1909.

MR SPEAKER: Your Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 5—Relative to a bill in Congress appropriating money for the improvement of the entrance to Humboldt Bay, California—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted

MOTT, Chairman.

Mr. Kehoe moved that Senate Joint Resolution No. 5 be adopted.

Motion carried.

SENATE JOINT RESOLUTION No. 5,

Relative to a bill in Congress appropriating money for the improvement of the entrance to Humboldt Bay, California.

WHEREAS, There is pending in the Congress of the United States a bill appropriating the sum of one million thirty-seven thousand and four hundred dollars, to be paid out of any money in the treasury not otherwise appropriated, to be immediately available and to be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers, for improving the entrance to Humboldt Bay, California, in accordance with the project reported in House document numbered 950, Sixtieth Congress, first session; therefore, be it

Resolved by the Senate, the Assembly concurring, That our Senators in Congress be instructed, and our members in Congress be requested, to use all honorable means to secure the prompt passage by Congress of the bill referred to in the preamble of this resolution.

Senate Joint Resolution No. 5 ordered transmitted to the Senate.

SENATE MESSAGE.

The following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, January 29, 1909.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Senate Bill No. 35—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, and relating to the powers of the board of trustees of cities of the sixth class.

Also: Senate Bill No. 40—An Act to amend Sections 2136, 2137, 2138, 2140, 2141, 2142, 2145, 2153, 2154, 2161, 2162, 2163, 2167*a*, 2168, 2170, 2171, 2172, 2176, 2177, 2179, 2180, 2181, 2187, 2189, 2192, 2193, and 2195, of the Political Code, relating to the powers and duties of the State Commission in Lunacy, to the government and management of State hospitals for the insane and other incompetent persons, and to the care, custody, apprehension, commitment, and maintenance of insane and other incompetent persons.

Also: Senate Bill No. 98—An Act to repeal an Act entitled "An Act to provide for

restoration to capacity of persons adjudged to be insane, who have no guardians and who are not confined at State hospitals for the insane," approved March 23, 1901.

Also: Senate Bill No. 235—An Act to appropriate money for repainting of the State Normal School at San Francisco, and for laying a concrete sidewalk along the property of said school.

Also: Senate Bill No. 309—An Act making an appropriation to pay the expenses of certain district attorneys in foreclosing delinquent school land purchases.

Also: Senate Bill No. 361—An Act making an appropriation to pay the claim of F. W Leavitt against the State of California

Also: Senate Bill No. 451—An Act appropriating money to pay the claim of Leroy A. Wright against the State of California.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Senate Bill No. 35 read first time, and referred to Committee on Municipal Corporations.

Senate Bill No. 40 read first time, and referred to Committee on Hospitals and Asylums.

Senate Bill No. 98 read first time, and referred to Committee on Hospitals and Asylums.

Senate Bill No. 235 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 309 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 361 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 451 read first time, and referred to Committee on Claims.

MOTION.

Mr. Transue moved that Mr. Feeley, vice-chairman of the Committee on Engrossment and Enrollment, be authorized to receipt for bills and sign reports of committee in the absence of Mr. Young, chairman of committee.

Motion carried.

RESOLUTION.

The following resolution was offered:

By Mr. Mott:

WHEREAS, We have learned of the sudden and unfortunate death of Mr. William Gerdes, brother of Hon. Fred C. Gerdes, a member of this Assembly; therefore, be it

Resolved, That this Assembly extends to Hon. Fred. C Gerdes its heartfelt sympathies in this the hour of his bereavement; and be it further

Resolved, That when we adjourn this day, we do so out of sympathy and regard for our fellow member; and be it further

Resolved, That the Chief Clerk of the Assembly be, and he is hereby, instructed to forward a copy of this resolution to the Hon Fred. C. Gerdes.

INTRODUCTION OF BILLS.

The following bills were introduced, and referred, as indicated:

By Mr. Johnson of San Diego: Assembly Bill No. 945—An Act to amend an Act entitled an Act to form agricultural districts, to provide for formation of agricultural associations therein, and for management and control of the same by the State, and to repeal all Acts and parts of Acts in conflict with this Act, approved March 31, 1897; amendment approved March 15, 1901, by adding thereto and providing therein for a new district, to be known as Agricultural District No. 46, composed of the county of Imperial.

Bill read first time, and referred to Committee on Agriculture.

Also: Assembly Bill No. 946—An Act to amend an Act entitled An Act to regulate and control the sale, rental and distribution of appropriated water in this State other than in any city, city and county or town therein, and to secure the rights of way for the conveyance of such water to places of use, approved March 12, 1885.

Bill read first time, and referred to Committee on Irrigation.

Also: Assembly Bill No. 947—An Act to provide for the increase of the amount of capital stock and shares in corporations organized for the purpose of supplying or delivering water to their own stockholders.

Bill read first time, and referred to Committee on Irrigation.

By Mr. McClellan: Assembly Bill No. 948—An Act to create a preserve for crabs within Humboldt and Trinidad bays, and the waters of the Pacific Ocean adjacent thereto, and to regulate the taking of crabs from such preserve for commercial purposes.

Bill read first time, and referred to Committee on Fish and Game.

By Mr. Hawk: Assembly Bill No. 949—An Act to amend Section 1 of an Act entitled "An Act to provide for the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipalities, and for the districting, government, and municipal control of annexed territory," approved March 19, 1889.

Bill read first time, and referred to Committee on Municipal Corporations.

By Mr. Collier: Assembly Bill No. 950—An Act to amend Section 286 of the Penal Code of the State of California, relating to crime against nature.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Webber: Assembly Bill No. 951—An Act to amend Section 4027 of the Political Code of California, relating to the organization of boards of supervisors.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Drew: Assembly Bill No. 952—An Act to amend Section 3 of an Act entitled "An Act requiring the recording of maps of subdivisions of land into lots for the purpose of sale, and prescribing the conditions on which such maps may be recorded and prohibiting the selling or offering for sale of land by reference to said maps unless the same are recorded," approved March 15, 1907.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Johnson of Sacramento: Assembly Concurrent Resolution No. 6—Relative to the provision of suitable offices in the Capitol building for the State Agricultural Society.

Read, and adopted.

By Mr. Melrose: Assembly Concurrent Resolution No. 7—Relative to index to Code sections or Acts amended by bills introduced in Assembly.

Read, and adopted.

INTRODUCTION OF CONCURRENT RESOLUTIONS.

The following concurrent resolutions were offered:

By Mr. Johnson of Sacramento:

ASSEMBLY CONCURRENT RESOLUTION No. 6.

Resolved by the Assembly, and the Senate concurring, That the Chief Clerk of the Assembly and Secretary of the Senate shall be and they, and each of them, are hereby author-

ized and directed to at once prepare, or cause to be prepared and maintained, a proper and sufficient index or concordance of all Code sections or Acts in any manner or degree amended by the bills introduced in the Assembly or Senate, so that the members of the Assembly and Senate may, by referring to such index or concordance, be enabled to ascertain the number of each bill referring to any particular section or Act under discussion or consideration by any committee of the Assembly or Senate; and that such index or concordance be made a part of and printed in the Assembly and Senate Histories.

Assembly Concurrent Resolution No. 6 read, and on motion adopted.

By Mr. Melrose:

ASSEMBLY CONCURRENT RESOLUTION NO. 7.

Resolved by the Assembly, the Senate concurring, That immediately after the adjournment of the present session of the Legislature, the Capitol Commissioners be, and they are hereby, requested to provide suitable offices in the Capitol building for the State Agricultural Society.

Assembly Concurrent Resolution No. 7 read, and on motion adopted.

SPECIAL FILE—THIRD READING.

Assembly Bill No. 617—An Act to amend Section 1207 of the Political Code of the State of California, relating to spoiled or unused ballots.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 617 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Butler, Cogswell, Collier, Cronin, Dean, Drew, Feeley, Fleisher, Flint, Gibbons, Gillis, Greer, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Kehoe, McClellan, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, Polsley, Preston, Sackett, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Wilson, Wyllie, and Mr. Speaker—44.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 611—An Act making an appropriation to pay the deficiency in the appropriation for the contingent expenses of the Bureau of Labor Statistics for the sixtieth fiscal year.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 611 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Butler, Cogswell, Collier, Cronin, Dean, Drew, Feeley, Fleisher, Flint, Gibbons, Gillis, Greer, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Kehoe, McClellan, Melrose, Mendenhall, Nelson, Odom, Otis, Polsley, Preston, Sackett, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Wilson, Wyllie, and Mr Speaker—43.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

THIRD-READING FILE.

Assembly Bill No. 293—An Act to amend Section 737 of the Political Code, relating to the salaries of judges of the Superior Court.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 293 passed by the following vote·

AYES—Messrs. Barndollar, Beardslee, Butler, Cattell, Cogswell, Collier, Cronin, Dean, Drew, Feeley, Fleisher, Flint, Gillis, Hammon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Kehoe, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Polsley, Preston, Pulcifer, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, and Mr. Speaker—44.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 228—An Act to amend Section 1543 of the Political Code so as to provide for suspended districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 228 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Butler, Cogswell, Collier, Cronin, Dean, Drew, Feeley, Fleisher, Flint, Gibbons, Gillis, Hammon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Kehoe, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Polsley, Preston, Pulcifer, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Wilson, Wyllie, and Mr Speaker—44.
NOES—None.

Title read and approved.

Assembly Bill No. 8—An act to amend sections two hundred and seventy, two hundred and seventy-one, and two hundred and seventy-one *a* of the Penal Code of the State of California, all relating to crimes against children.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 8 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Butler, Cogswell, Collier, Cronin, Dean, Drew, Feeley, Fleisher, Flint, Gibbons, Gillis, Greer, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Kehoe, McClellan, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, Polsley, Preston, Pulcifer, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Wilson, Wyllie, and Mr. Speaker—45.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 200—An Act to amend Section 591 of the Penal Code of the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 200 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Butler, Cogswell, Collier, Cronin, Dean, Drew, Feeley, Fleisher, Flint, Gibbons, Gillis, Greer, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Kehoe, McClellan, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, Polsley, Preston, Stuckenbruck, Transue, Wagner, Whitney, Wilson, Wyllie, and Mr. Speaker—43.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 174—An Act providing for the eradication of the disease known as scabies in sheep; providing for the duties of the State Veterinarian in relation thereto; making certain Acts in relation to sheep infected with such disease a misdemeanor; providing for a lien against such sheep for expenses and cost in the extermination of such disease; making certain persons liable for a violation of this Act, and providing for the enforcement of said lien.

During the third reading of the bill, Mr. Transue moved that the Speaker appoint a select committee of one to amend the bill, as follows:

On page 1, Section 2, line 4, after the word "with," insert the following: "or to have been exposed to infection from."

Motion carried.

The Speaker appointed Mr. Transue as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 174, with instructions, do now report that the instructions of the Assembly have been carried out.

TRANSUE, Select Committee.

Report of select committee and amendments adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No. 175—An Act to amend an Act entitled "An Act providing for the extermination of the boophilus annulatus tick, defining certain crimes and providing for certain civil and criminal actions," approved March 21, 1907, by amending sections one, two, three, and four thereof, and by adding a new section thereto, to be known and numbered as section one and one-half.

During the third reading of the bill Mr. Transue moved that the Speaker appoint a select committee of one to amend the bill, as follows:

AMENDMENT No. 1.

Amend Section 2, line 4, by striking out the word "section," and insert in lieu thereof the following: "Sec."

AMENDMENT No. 2.

Amend Section 3, line 3, by striking out the word "section," and insert in lieu thereof the following: "Sec."

AMENDMENT No. 3.

Amend Section 4, line 3, by striking out the word "section," and insert in lieu thereof the following: "Sec."

AMENDMENT No. 4.

Amend Section 5, line 3, by striking out the word "section," and insert in lieu thereof the following: "Sec."

Motion carried.

The Speaker appointed Mr. Transue as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 175 with instructions, do now report that the instructions of the Assembly have been carried out.

TRANSUE, Select Committee.

Report of select committee and amendments adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No. 125—An Act transferring the sum of $80,000 from the general fund to the estates of deceased persons fund.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 125 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Butler, Cogswell, Collier, Cronin, Dean, Drew, Fleisher, Flint, Gibbons, Gillis, Greer, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Kehoe, McClellan, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, Polsley, Preston, Sackett, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Wilson, Wyllie, and Mr Speaker—43.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

NOTICE OF MOTION TO RECONSIDER.

Mr. Polsley gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 228 was this day passed.

HON. J. P. TRANSUE IN THE CHAIR.

At eleven o'clock and twenty minutes A. M., the Hon. J. P. Transue in the chair.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, January 29, 1909.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 730—An Act of the board of supervisors of the county of Shasta to audit and pay the claim of Geo W. Bush for services as Judge of the Superior Court of Shasta County

Also: Assembly Bill No. 728—An Act to amend Section 4245 of the Political Code of the State of California, relating to county and township government and the compensation of county and township officers of counties of the sixteenth class.

Also: Assembly Bill No 647—An Act to amend Section 4280 of the Political Code, relating to counties of the fifty-first class

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended.

Also: Assembly Bill No. 585—An Act to amend Section 4234 of the Political Code, relating to salaries and fees of officers of counties of the fifth class.

Also: Assembly Bill No. 262—An Act to add a new section to the Political Code, to be numbered Section 4052*b*, relating to the disposition of property of the counties

Also: Assembly Bill No. 591—An Act to amend Section 4247 of the Political Code of the State of California, relating to the salaries and fees of officers of counties of the eighteenth class.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass

Also: Assembly Bill No. 80—An Act to amend Section 4028 of the Political Code of the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

HANS, Chairman.

The above reported bills ordered on file for second reading.

Assembly Bill No. 111—An Act to amend an Act entitled "An Act to amend an Act entitled an Act to establish a Code of Civil Procedure, approved March 11, 1872, by adding a new section thereto, to be numbered 274*a*, providing for the taking down and transcribing of instructions to jurors by judges of the Superior Court and for opinions rendered in the Superior Court," and to provide for the taking down and transcribing of findings and judgments and official correspondence.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 111 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Butler, Cogswell, Collier, Cronin, Dean, Drew, Feeley, Fleisher, Flint, Gibbons, Gillis, Greer, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Kehoe, McClellan, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, Polsley, Preston, Sackett, Stuckenbruck, Transue, Wagner, Whitney, Wilson, Wyllie, and Mr. Speaker—43.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 198—An Act to amend Sections 1715 and 1716 of the Political Code, relating to school libraries.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 198 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Butler, Cogswell, Collier, Cronin, Dean, Drew, Feeley, Fleisher, Flint, Gibbons, Gillis, Greer, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Kehoe, McClellan, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, Polsley, Preston, Sackett, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Wilson, and Mr. Speaker—44.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 246—An Act to amend Section 1565 of the Political Code, referring to teachers' institutes and library funds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 246 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Butler, Cogswell, Collier, Cronin, Dean, Feeley, Fleisher, Flint, Gibbons, Gillis, Greer, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Kehoe, McClellan, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, Polsley, Preston, Sackett, Telfer, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, and Mr Speaker—44

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1909.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bill correctly reengrossed:

Assembly Bill No 172—An Act to allow unincorporated towns and villages to establish, equip and maintain public libraries; to provide for the formation, government and operation of library districts, the acquisition of property thereby, the calling and holding of elections in such districts; the assessment, collection, custody and disbursement of taxes therein; and to create boards of library trustees.

FEELEY, Acting Chairman.

The above reported bill ordered on file for third reading.

SENATE BILLS—THIRD-READING FILE.

Senate Bill No. 302—An Act making an appropriation to pay the deficiency in the appropriation for salaries of officers and employees of the Preston School of Industry for the sixtieth fiscal year.

Bill read third time

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 302 finally passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Butler, Cogswell, Collier, Cronin, Dean, Drew, Fleisher, Flint, Gibbons, Gillis, Greer, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Kehoe, McClellan, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, Polsley, Preston, Sackett, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wilson, Wyllie, and Mr. Speaker—44.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 303—An Act making an appropriation to pay the deficiency in the appropriation for support of the Preston School of Industry for the sixtieth fiscal year.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 303 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Butler, Cogswell, Collier, Cronin, Dean, Drew, Feeley, Fleisher, Flint, Gibbons, Gillis, Greer, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Kehoe, McClellan, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, Polsley, Preston, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, and Mr. Speaker—45.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 304—An Act making an appropriation to pay the deficiency in the appropriation for arresting criminals without the State for the fifty-eighth, fifty-ninth, and sixtieth fiscal years.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 304 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Butler, Cogswell, Collier, Cronin, Dean, Drew, Feeley, Fleisher, Flint, Gibbons, Gillis, Greer, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnston of Contra Costa, Kehoe, McClellan, Melrose, Mendenhall, Nelson, Odom, Otis, Polsley, Preston, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, and Mr. Speaker—43.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 305—An Act making an appropriation to pay the deficiency in the appropriation for transportation of prisoners and insane and delinquent and feeble-minded children for the fifty-ninth and sixtieth fiscal years.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 305 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Cogswell, Collier, Cronin, Dean, Drew, Feeley, Fleisher, Flint, Gibbons, Gillis, Greer, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnston of Contra Costa, Kehoe, McClellan, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, Polsley, Preston, Sackett, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, and Mr Speaker—43.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 306—An Act making an appropriation to pay the deficiency in the appropriation for support and expenses of the State Board of Horticulture for the fifty-ninth fiscal year.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 306 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Cogswell, Collier, Cronin, Dean, Drew, Feeley, Fleisher, Flint, Gibbons, Gillis, Greer, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnston of Contra Costa, Kehoe, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, Polsley, Preston, Sackett, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, and Mr. Speaker—43.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 307—An Act making an appropriation to pay the deficiency in the appropriation made by Chapter 212, Statutes of 1905, relative to improvements at the State Printing Office.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 307 finally passed by the following vote.

AYES—Messrs. Barndollar, Baxter, Beardslee, Cogswell, Collier, Cronin, Dean, Drew, Feeley, Fleisher, Flint, Gibbons, Gillis, Greer, Hammon, Hanlon, Hawk, Hayes, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnston of Contra Costa, Kehoe, McClellan, Melrose, Mendenhall, Moore, Odom, Otis, Polsley, Preston, Sackett, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, and Mr. Speaker—42
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 308—An Act making an appropriation to pay the deficiency in the appropriation made by Chapter 8, Statutes of 1905, relative to payment of rental, cost of moving and other necessary expenses incurred by different State officers.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 308 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Cogswell, Collier, Cronin, Dean, Drew, Feeley, Fleisher, Flint, Gillis, Greer, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Kehoe, McClellan, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, Polsley, Preston, Sackett,

Stuckenbruck, Telfer, Transue, Wagner, Webber Whitney, Wilson, Wyatt, Wyllie, and Mr. Speaker—44.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 310—An Act making an appropriation to pay the deficiency in the appropriation for the support of the Veterans' Home of California for the fifty-ninth and sixtieth fiscal years.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 310 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Butler, Cogswell, Collier, Cronin, Dean, Drew, Feeley, Fleisher, Flint, Gibbons, Gillis, Greer, Hammon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnston of Contra Costa, Kehoe, McClellan, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, Polsley, Preston, Sackett, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, and Mr. Speaker—44.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 311—An Act making an appropriation to pay the deficiency in the appropriation for contingent and traveling expenses of the State Veterinarian and assistant for the fifty-ninth fiscal year.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 311 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Butler, Cogswell, Collier, Cronin, Dean, Drew, Feeley, Fleisher, Flint, Gibbons, Gillis, Greer, Hammon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnston of Contra Costa, Kehoe, McClellan, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, Polsley, Sackett, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, and Mr. Speaker—43.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 312—An Act making an appropriation to pay the deficiency in the appropriation for aid to the State Agricultural Society for the fifty-ninth fiscal year.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 312 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Butler, Cogswell, Collier, Cronin, Dean, Drew, Feeley, Fleisher, Flint, Gibbons, Gillis, Greer, Hammon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnston of Contra Costa, Kehoe, McClellan, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, Polsley, Preston, Sackett, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, and Mr. Speaker—44.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 313—An Act making an appropriation to pay the deficiency in the appropriation for contingent and traveling expenses of

the Department of Engineering for the fifty-ninth and sixtieth fiscal years.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 313 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Butler, Cogswell, Collier, Cronin, Dean, Drew, Feeley, Fleisher, Flint, Gibbons, Gillis, Greer, Hammon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnston of Contra Costa, Kehoe, McClellan, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, Polsley, Preston, Sackett, Telfer, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, and Mr. Speaker—43.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON CONTINGENT EXPENSES AND ACCOUNTS.

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1909

MR. SPEAKER: Your Committee on Contingent Expenses and Accounts, to whom was referred the following claims:

Mrs. C. Mackall	$12 00
D. Ellis	1 00
Julia Adams	27 65
R. Woolf	3 00
R. M. Richardson	3 00
A. S. Hopkins	6 99
F. R. Pulford	42 90
	$96 54

Have had the same under consideration, and respectfully report the same back, and recommend the adoption of the following resolution:

Resolved, That the Controller be, and is hereby authorized and directed to draw his warrant on the contingent fund of the Assembly and the State Treasurer is hereby directed to pay the same, for the sum of ninety-six and fifty-four one hundredths dollars ($96.54) in favor of J. T. Stafford, Sergeant-at-Arms of the Assembly, same being for the above claims.

TELFER, Chairman.

Mr. Telfer moved the adoption of the report and resolution.

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

AYES—Messrs. Barndollar, Baxter, Beardslee, Cogswell, Collier, Cronin, Dean, Feeley, Fleisher, Flint, Gibbons, Gillis, Greer, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnston of Contra Costa, Kehoe, McClellan, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, Preston, Sackett, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, and Mr. Speaker—42.

NOES—None.

SENATE BILLS—SECOND READING.

Senate Bill No. 111—An Act to add a new section to the Code of Civil Procedure, to be numbered 1724, relating to establishing who are the heirs at law or devisees of persons to whom patent for lands has been issued in cases where the person entering such lands dies before the issuance of such patent.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 316—An Act to amend Sections 10 and 11 of the Code of Civil Procedure of the State of California, relating to holidays.

During second reading of bill, the following amendment was submitted by the committee:

After the word "October," in line 8, of Section 1, of the printed bill, insert the words "to be known as 'Discovery Day.'"

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No. 317—An Act to amend Sections 10 and 11 of the Political Code of the State of California, relating to holidays.

During second reading of bill, the following amendment was submitted by the committee:

After the word "October," in line 7, of Section 1, of the printed bill, insert the words "to be known as 'Discovery Day.'"

Amendment adopted.

Bill read second time, ordered to reprint, and on file for third reading.

Senate Bill No. 318—An Act to amend Section 7 of the Civil Code of the State of California, relating to holidays.

During second reading of bill, the following amendment was submitted by the committee:

After the word "October," in line 7, of Section 1, of the printed bill, insert the words "to be known as 'Discovery Day.'"

Amendment adopted.

Bill read second time, ordered to reprint, and on file for third reading.

Senate Bill No 346—An Act to provide for the accomplishment of the work of the direct enforcement of the navigation of the Sacramento, San Joaquin, and Feather rivers of the State of California, as recommended in the special report of the California Débris Commission, dated June 30, 1907, and made jointly by Brigadier General A. Mackenzie, Chief Engineer, C. H. McKinstry, Major, Corps of Engineers, and Thomas H. Jackson, Captain, Corps of Engineers, of the United States Army, printed with the annual report of the Chief of Engineers of the United States Army, for the fiscal year ending June 30, 1907, and making an appropriation for such work.

Mr. Hewitt moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried

IN COMMITTEE OF THE WHOLE

Hon. J. P. Transue in the chair.

Senate Bill No. 346 considered.

During second reading of bill, the following amendment was submitted by the committee.

Amend by striking out of Section 1, line 3, of printed bill, the words "to be available January 1, 1910," and inserting in lieu thereof the following, "one hundred thousand dollars of which shall be available immediately, and the remaining three hundred thousand dollars of which shall be available January 1, 1910."

Amendment adopted.

Mr. Hewitt moved that the committee do now rise and report in favor of the passage of the bill as amended.

Motion carried.

IN ASSEMBLY.

Hon. J. P. Transue in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1909.

MR. SPEAKER: The Committee of the Whole have had under consideration Senate Bill No. 346, and do now report the same back, and recommend that it do pass as amended.

TRANSUE, Chairman.

Bill read second time, and ordered to reprint and on file for third reading.

Senate Bill No. 300—An Act making an appropriation to pay the claim of the Southern Construction Company against the State of California.

Senate Bill No. 301—An Act making an appropriation to pay the claim of J. E. Clause against the State of California.

Mr. Hewitt moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bills.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Hon. J. P. Transue in the chair.

Senate Bills Nos. 300 and 301 considered.

Mr. Hewitt moved that the committee do now rise and report in favor of the passage of the bills.

Motion carried.

IN ASSEMBLY.

Hon. J. P. Transue in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1909.

MR SPEAKER: The Committee of the Whole have had under consideration Senate Bills Nos 300 and 301, and do now report the same back, and recommend that they do pass.

TRANSUE, Chairman.

Bills read second time, and ordered on file for third reading.

INTRODUCTION OF BILLS.

The following bills were introduced, and referred as indicated:

My Mr. Otis: Assembly Bill No. 953—An Act to regulate the production and sale of certified milk.

Bill read first time, and referred to Committee on Live Stock, Dairies and Dairy Products.

Also: Assembly Bill No. 954—An Act to provide for the inspection of institutions receiving moneys from the State.

Bill read first time, and referred to Committee on Public Charities and Corrections.

By Mr. Cronin: Assembly Bill No. 955—An Act to amend Section 4241 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the twelfth class.

Bill read first time, and referred to Committee on County and Township Governments.

ADJOURNMENT.

At twelve o'clock and thirty minutes P. M., on motion of Mr. Butler, the Assembly was declared adjourned.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL., Monday, February 1, 1909.

At nine o'clock and thirty minutes A. M., pursuant to adjournment, the Assembly was called to order.

Hon. P. A. Stanton, Speaker of the Assembly, in the chair.

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

Messrs Barndollar, Baxter, Beatty, Beban, Butler, Callan, Cogswell, Collier, Collum, Cronin, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gibbons, Gillis, Hammon, Hayes, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, O'Neill, Polsley, Preston, Pugh, Pulcifer, Rutherford, Sackett, Silver, Stuckenbruck, Telfer, Transue, Webber, Whitney, Wyllie, and Mr. Speaker—55.

Quorum present.

LEAVE OF ABSENCE.

On motion, leave of absence for the day was granted to Messrs. Wyatt, Gerdes, and Cattell.

PRAYER.

Prayer was offered by the Chaplain, Rev. Seren N. Marsh.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Hammon, its further reading was dispensed with.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1909.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 729—An Act to add a new section to the Code of Civil Procedure, to be known as Section 53*a*, relating to rehearings in the Supreme and Appellate Courts.

Also: Assembly Bill No. 756—An Act to amend Section 755 of the Political Code, relating to the salary of the Clerk of the Supreme Court.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

JOHNSON OF SACRAMENTO, Chairman.

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1909.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No 78—An Act to regulate the ownership or possession of land by aliens—have had the same under consideration, and respectfully report the same back, and recommend that the motion made by Mr Drew to appoint a special committee to amend the bill on third reading be adopted, and the proposed amendment be amended as suggested by your committee and assented to by Mr. Drew

JOHNSON OF SACRAMENTO, Chairman.

Mr. Johnson of Sacramento moved that the rules be suspended, and that the report be adopted.

Motion seconded by Mr. Drew.

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

AYES—Messrs Barndollar, Beatty, Beban, Butler, Callan, Collum, Cronin, Cullen, Drew, Feeley, Flint, Gibbons, Gillis, Hawk, Hayes, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnston of Contra Costa, Juilliard, Kehoe, Macauley, McManus, Mendenhall, Nelson, Odom, Polsley, Preston, Pulcifer, Rutherford, Sackett, Silver, Stuckenbruck, Telfer, Webber, Whitney, and Wylie—38.

NOES—Messrs. Baxter, Collier, Dean, Flavelle, Fleisher, Griffiths, Hammon, Hinkle, Johnson of San Diego, Leeds, McClellan, Melrose, Moore, Mott, Pugh, Transue, and Mr. Speaker—17.

Assembly Bill No. 78—An Act to regulate the ownership or possession of land by aliens.

SELECT COMMITTEE AMENDMENT.

Strike out all after the enacting clause and insert:

SECTION 1. No alien shall acquire title to or own land in the State of California except as hereafter provided, but he shall have and enjoy in the State of California such rights as to personal property as are or shall be accorded a citizen of the United States under the laws of the nation to which such alien belongs, or by the treaties of such nation with the United States, except as may be affected by the provisions of this Act.

SEC. 2. This Act shall not apply to lands now owned in this State by aliens so long as they are held by the present owners.

SEC 3. All aliens who may hereafter acquire real property in California by devise, descent, or purchase may hold the same for five years from the date of so acquiring such title. If any alien at the time of acquiring title to lands situate in this State be under the age of twenty-one years, he may hold title to the same for five years after the time he becomes twenty-one years of age.

SEC. 4. Any alien who shall hereafter hold lands in the State of California in contravention of the provisions of this Act, may nevertheless convey the fee simple title thereof at any time before the institution of escheat proceedings as hereinafter provided, *provided, however*, that if any such conveyance shall be made by such alien either to an alien or to a citizen of the United States in trust, and for the purpose and with the intention of evading the provisions of this Act, such conveyance shall be null and void and any such lands so conveyed shall be forfeited and escheated to the State of California absolutely, for the benefit and use of the public school funds.

SEC 5. It shall be the duty of the district attorney of the county wherein the land is situate or the Attorney General of the State, should the district attorney fail or neglect to act, when he shall be informed or have reason to believe that any lands in the State are being held contrary to the provisions of this Act, to institute suit in behalf of the State of California in the Superior Court of the county in which said lands are situate praying for the escheat of the same in behalf of the State, and he shall proceed therein as in cases provided by law for escheats of lands or property where such property has no known owner; *provided* that due service of process shall be made and service upon the holder of title be had as provided by law, and the court having jurisdiction shall then proceed to final judgment and the sale of the property as sales are conducted under foreclosure. It shall be a good defense to any such proceeding that such alien had become a citizen of the United States or that the title to such lands had been conveyed in good faith by such alien immediately to a citizen of the United States, or if such alien has deceased prior to the time of the commencement of such proceedings that his heirs or devisees or any person claiming by, through or under them, are or had become citizens of the United States. Said court shall tax as costs such fees as shall be reasonable, not exceeding twenty per centum of the amount which shall be bid for such lands at any such sale thereof, and shall allow to the officer making such sale the same fees as are allowed for the sale of lands under decree of foreclosure of mortgages, and all fees and costs shall be paid out of the proceeds by sale of such real estate. If any district attorney shall neglect or refuse to proceed

by information as herein provided within thirty days after it shall be brought to his notice that an alien is holding title to lands in this State contrary to the provisions of this Act, then any citizen may proceed by information in the name of the people of the State in the same manner as such district attorney might have proceeded under the provisions of this section, and he and his attorney may be allowed such reasonable fees for their services to be taxed as costs, as the court may direct, not exceeding in the aggregate twenty per centum of the amount which shall be paid for such lands at the sale thereof.

SEC. 6. In case the lands at the time escheat proceedings are about to be commenced are owned by a minor or minors or by a person or persons of unsound mind the process herein provided shall be served as provided by law upon the guardian of the minor or minors or person or persons of unsound mind, and if there is no such guardian, the district attorney or the Attorney General of the State shall make application in the name of the people of the State to the court having jurisdiction, and procure the appointment of a guardian *ad litem*, to represent such minor or minors or person or persons of unsound mind in such proceedings, and such guardian or guardians *ad litem* shall appear and defend the action.

SEC. 7. If it shall be determined upon the trial of any such proceedings that lands are held contrary to the provisions of this Act, the court trying such cause shall render judgment condemning such lands and ordering the same to be sold under an order of court as in cases of sale under foreclosure proceedings; the proceeds of such sale, after deducting the cost of the proceeding, shall be paid to the clerk of the court rendering the judgment, where the same shall remain for one year from the date of such payment, subject to the order of the alien owner of such lands, his heirs and legal representatives, and if not claimed within the period of one year such clerk shall pay the same into the treasury of the State for the benefit of the available school funds of the State; *provided*, that when any money shall have been paid to the State treasury as herein provided the alien or his heirs may procure the same to be returned by applying for and procuring an order from the court condemning the property, showing that such judgment escheating such property was procured by fraud or mistake, or that there was material irregularity in the proceedings; this application, however, must be made within two years from the date such moneys were turned over to the State treasury; *provided, further*, that in no event shall the State be liable or called upon to refund any further sum than the actual cash transmitted and delivered to such treasury.

SEC. 8. No contract, agreement or lease of agricultural land for a longer period than one year, or of municipal property for a longer period than two years, shall be made to any alien, and any lease, agreement or devise of real estate made to any alien contrary to the provisions of this section shall be null and void.

During the consideration of the amendment the following was submitted as an amendment to the amendment:

Strike out the words "No contract, agreement or lease of agricultural lands for a longer period than one year, or of municipal property for a longer period than two years, shall be made to any alien," in lines 1, 2, 3, and 4, of section 8 of the proposed printed amendment, and insert in lieu thereof the words: "No contract, agreement or lease of any town or city lot for a longer period than two years, nor of any other land for a longer period than one year, shall be made to any alien."

Amendment to the amendment adopted.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 78, with instructions, do now report that the instructions of the Assembly have been carried out.

DREW, Select Committee.

Report of select committee and amendments adopted.
Bill ordered to reprint, reëngrossment, and on file for passage.

RUSH ORDER.

Assembly Bill No. 78 ordered to Printer, with a rush order.

REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1909.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 88—An Act to amend Section 855 of An Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, and relating to compensation of members of the board of trustees and to the officers of municipalities of the sixth class.

Also: Senate Bill No. 121—An Act to amend an Act entitled "An Act providing for the sale of street railroad and other franchises in counties and municipalities, and providing conditions for the granting of such franchises by legislation or other governing bodies, and repealing conflicting acts," approved March 22, 1905, (Statutes of 105 page 777 thereof).

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

FEELEY, Chairman.

ON ELECTION LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1909

MR. SPEAKER: Your Committee on Election Laws, to whom was referred Assembly Bill No. 574—An Act to amend Sections 10 and 14 of "An Act creating a State commission on voting or balloting machines, defining their powers, and providing for the use at the option of indicated local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result at such elections; and providing for the punishment of all violations of the provisions of this Act," approved March 20, 1903—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

LEEDS, Chairman.

The above reported bills ordered on file for second reading.

INTRODUCTION OF BILLS.

The following bills were introduced, and referred, as indicated:

By Mr. Cogswell: Assembly Bill No. 956—An Act to amend Section 650 of the Civil Code of the State of California, relating to the powers of the boards of trustees for colleges and seminaries of learning.

Bill read first time, and referred to Committee on Education.

By Mr. Griffiths: Assembly Bill No. 957—An Act to provide for certain necessary improvement to the grounds and appurtenances of the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Assembly Bill No. 958—An Act appropriating the sum of one thousand dollars for the purpose of installing a plant for distilling water in connection with the ice-making plant at the Veterans' Home of California, located at Yountville, Napa County.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Assembly Bill No. 959—An Act appropriating the sum of two thousand five hundred dollars for the purchase of sterilizers and ambulance and hospital appliances and instruments at the Veterans' Home of California, located at Youtville, Napa County.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Assembly Bill No. 960—An Act providing for certain necessary

repairs to the building and equipment of the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation thereafter.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

By Mr. Drew: Assembly Bill No. 961—An Act to amend Section 8 of an Act entitled "An Act to provide for the organization and government of drainage districts for the drainage of agricultural lands other than swamp and overflowed lands, and to provide for the acquisition or construction thereby of works for the drainage of the lands embraced within such district," approved March 20, 1903.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Gibbons: Assembly Bill No. 962—An Act making an appropriation for the purchase of equipment for shops and laboratories at the California Polytechnic School.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Assembly Bill No. 963—An Act making an appropriation for the erection of a combined power and lighting plant, with a mechanical and electrical laboratory, at the California Polytechnic School.

Bill read first time, and referred to Committee on Public Buildings and Grounds

Also: Assembly Bill No. 964—An Act making an appropriation for the construction and equipment of barns at the California Polytechnic School.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Assembly Bill No. 965—An Act making an appropriation for the construction and furnishing of a dining hall at the California Polytechnic School.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Assembly Bill No 966—An Act making an appropriation for the construction and furnishing of a girls' dormitory at the California Polytechnic School.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Assembly Bill No. 967—An Act making an appropriation for the construction and furnishing of a boys' dormitory at the California Polytechnic School.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Assembly Bill No. 968—An Act making an appropriation for the construction of cottages for employees at the California Polytechnic School.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Assembly Bill No. 969—An Act making an appropriation for the development of water supply and an irrigation system at the California Polytechnic School.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Assembly Bill No. 970—An Act making an appropriation for the construction of a sewer system at the California Polytechnic School.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Assembly Bill No. 971—An Act making an appropriation for the construction and equipment of poultry houses at the California Polytechnic School.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Assembly Bill No. 972—An Act making an appropriation for the purchase and installation of a refrigerating plant and other creamery equipment for the California Polytechnic School.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Assembly Bill No. 973—An Act making an appropriation for repairing and furnishing the dormitory buildings at the California Polytechnic School.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

By Mr. Transue: Assembly Bill No. 974—An Act providing for the dissemination of knowledge among the people of California as to the best means of preventing the spread of tuberculosis, and making an appropriation therefor.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 975—An Act making an appropriation to pay the claim of George H. P. Shaw against the State of California.

Bill read first time, and referred to Committee on Claims.

Also: Assembly Bill No. 976—An Act to amend Section 1258 of the Penal Code, relating to judgments and decisions on appeal

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 977—An Act to add a new section to Title Sixteen, of Part Four of Division First of the Civil Code, to be numbered six hundred and forty-eight *a*, relating to the formation of building and loan associations.

Bill read first time, and referred to Committee on Building and Loan Associations.

Also: Assembly Bill No. 978—An Act to amend section six hundred and forty-eight of the Civil Code, relating to building and loan associations.

Bill read first time, and referred to Committee on Building and Loan Associations.

By Mr. Mendenhall: Assembly Bill No. 979—An Act to definitely establish, and permanently locate, the boundary line between the county of Lake and the county of Glenn, State of California.

Bill read first time, and referred to Committee on Counties and County Boundaries.

Also: Assembly Bill No. 980—An Act to add a new section to Chapter VIII of Title II of Part III of the Political Code, to be known as Section 1197*d*, and providing for advising a voter of the experience of candidates for the office of superintendent of schools by designating as such on the ballot incumbents who are candidates for reelection.

Bill read first time, and referred to Committee on Election Laws.

Also: Assembly Bill No. 981—An Act to add a new section to Chapter VII of Title II of Part III of the Political Code, to be known as Section

1197c, and providing for the arrangement of candidates for the office of superintendent of schools on the ballot without designation by party affiliations.

Bill read first time, and referred to Committee on Election Laws

By Mr. Gillis: Assembly Bill No. 982—An Act to make an appropriation to locate, survey and obtain estimate of cost of a highway from Happy Camp, Siskiyou County, along the Klamath and Trinity rivers, to Hoopa Valley, Humboldt County, and also from a point along said route up the Salmon River to Black Bear.

Bill read first time, and referred to Committee on Roads and Highways.

Also: Assembly Bill No. 983—An Act to amend Section 4284 of the Political Code of the State of California, relating to salaries and fees of officers and counties of the fifty-fifth class.

Bill read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 984—An Act to amend Section 4281 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the fifty-second class.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Whitney: Assembly Bill No. 985—An Act to amend Section 4075 of the Political Code, relating to the itemizing of claims against a county.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Silver: Assembly Bill No. 986—An Act making an appropriation to pay the expenses of inspection and analysis of drugs.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Mr. Telfer (by request): Assembly Bill No. 987—An Act to amend an Act entitled "An Act to provide for the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipalities, and for the districting, government and municipal control of annexed territory," approved March 19, 1889, and amended Statutes 1905, page 551, relating to the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities

Bill read first time, and referred to Committee on Counties and County Boundaries.

By Mr. Beatty: Assembly Bill No. 988—An Act to amend Section 3831 of the Political Code, providing for certain action to be taken by the auditor in the examination of the assessment books of the assessor, and for certain demands to be made upon the assessor by the auditor for the payment of personal property taxes, and the action to be taken thereon by the district attorney for the collection of said personal property taxes.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Greer: Assembly Bill No. 989—An Act to amend Section 607c of the Civil Code of the State of California, relating to the disposition to be made of certain fines, penalties and forfeitures.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Drew: Assembly Constitutional Amendment No. 19—Proposed amendment to Article 11 of the Constitution, relative to the framing of county government acts.

Assembly constitutional amendment read and referred to Committee on Constitutional Amendments.

By Mr. Coghlan: Assembly Bill No. 990—An Act authorizing the construction, acquisition, maintenance, and control of a system of state highways in the State of California; specifying the work, fixing the payments to be made by counties for moneys expended therein; providing for the issuance and sale of State bonds to create a fund for the construction and acquisition of such system; creating a sinking fund for the payment of said bonds, and providing for the submission of this Act to a vote of the people.

Bill read first time, and referred to Committee on Roads and Highways.

Also: Assembly Bill No 991—An Act defining state highways, providing for the laying out and adoption of a continuous and connected state highway system, and the survey of a right of way therefor, prescribing the powers and duties of the State Department of Engineering in relation thereto, providing for the acquisition of roads and of rights of way, and the construction and maintenance of a permanent roadway, and appropriating the moneys necessary to carry out the provisions of the Act.

Bill read first time, and referred to Committee on Roads and Highways.

RESOLUTION.

The following resolution was offered:

By Mr. Stuckenbruck:

Resolved, That all committees obtaining leave of absence to visit any public institution, or to investigate any question referred to them for consideration under the rules and by permission of this House, shall be allowed actual traveling expenses only.

And that only three members of each of such committees shall be granted leave of absence for the purposes aforesaid

Resolution read, and referred to Committee on Rules and Regulations.

BILL RECALLED FROM COMMITTEE.

On motion of Mr. Sackett, Assembly Bill No. 689 was recalled from Committee on Ways and Means, it containing no provision for an appropriation, and placed upon file for consideration.

RECONSIDERATION.

In compliance with his notice given on a previous day, Mr. Polsley moved that the vote whereby Assembly Bill No. 228 was passed be reconsidered.

The roll was called, and the same was reconsidered by the following vote:

AYES—Messrs Barndollar, Beatty, Beban, Butler, Callan, Cogswell, Collier, Collum, Costar, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gibbons, Gillis, Greer, Hawk, Hayes, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Polsley,

Preston, Pugh, Rutherford, Sackett, Silver, Stuckenbruck, Telfer, Transue, Webber, Whitney, Wyllie, and Mr Speaker—52.
NOES—None.

Bill passed on file for further consideration.

SPECIAL FILE—THIRD READING.

Assembly Constitutional Amendment No. 13—Proposed amendment to Article XLI, Section 9 of the Constitution, relative to the compensation of officers and the extension of the term of officers.

The question being on the adoption of the Assembly Constitutional Amendment.

The roll was called, and Assembly Constitutional Amendment No. 13 adopted by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Butler, Callan, Cogswell, Collier, Collum, Costar, Cronin, Dean, Drew, Flavelle, Fleisher, Flint, Gibbons, Gillis, Greer, Griffiths, Hammon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, McClellan, McManus, Melrose, Mendenhall, Moore, Nelson, Odom, O'Neill, Polsley, Preston, Pulcifer, Rutherford, Silver, Stuckenbruck, Telfer, Transue, Webber, Wheelan, Whitney, Wyllie, and Mr Speaker—55.
NOES—Messrs. Coghlin, Cullen, Macauley, and Mott—4.

Assembly constitutional amendment ordered transmitted to the Senate.

Assembly Constitutional Amendment No. 14—Proposed amendment to Article I of the Constitution, relating to the right of the people to fish.

The following amendments were submitted:

By Mr. Costar:

AMENDMENT No. 1.

Amend as follows: On line 11 of Section 25, after the word state, insert a period and strike out all the words thereafter to the word "provided," on line 13.

Amendment adopted.

AMENDMENT No 2.

On line 14 insert after the word "when," the words, "and the conditions under which."

Amendment adopted.

Assembly constitutional amendment ordered to reprint and reëngrossment, and on file for adoption.

MOTION.

Mr. Mott moved that the Assembly proceed with the consideration of the second-reading file.

Motion carried.

SECOND-READING FILE.

Assembly Bill No. 585—An Act to amend Section 4234 of the Political Code, relating to salaries and fees of officers of counties of the fifth class.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 3, line 78, of the printed bill, after the word "shall" insert the word "be."

Amendment adopted.

AMENDMENT No. 2.

On page 3, line 79, strike out the word "hundred," and insert in lieu thereof the word "thousand."

Amendment adopted.

AMENDMENT No 3.

On page 4, line 105, strike out the word "compensation," and insert in lieu thereof the word "commission."

Amendment adopted.

AMENDMENT No. 4.

On page 4, line 129, after the word "coroner" insert a comma.

Amendment adopted.

AMENDMENT No. 5.

On page 4, line 129, after the word "coroner" strike out the word "for"

Amendment adopted.

AMENDMENT No. 6.

On page 5, line 143, strike out the word "reported," and insert in lieu thereof the word "reporter."

Amendment adopted.

AMENDMENT No. 7.

On page 5, line 149, after the word "appoint" strike out the word "an," and insert in lieu thereof the word "one."

Amendment adopted.

AMENDMENT No. 8.

On page 5, line 152, strike out the words "two thousand," and insert in lieu thereof the words "one thousand two hundred."

Amendment adopted.

AMENDMENT No. 9.

On page 6, line 182, after the word "townships" strike out the period, and insert in lieu thereof a comma.

Amendment adopted.

AMENDMENT No. 10.

On page 6, line 201, after the word "township" strike out the period and insert in lieu thereof a comma.

Amendment adopted.

AMENDMENT No. 11.

On page 7, line 213, after the word "inhabitants" strike out the word "and," and insert in lieu thereof the words "constables in."

Amendment adopted.

AMENDMENT No. 12.

On page 7, line 223, after the word "provided" insert the word "mileage."

Amendment adopted.

AMENDMENT No. 14.

On page 3, after line 80 insert the following: "7. The license collector, one thousand eight hundred dollars per annum."

Amendment adopted.

AMENDMENT No 14.

After line 80, renumber the lines of the printed bill.

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 141—An Act to amend Section 3617 of the Political Code, relating to the definition of terms and words.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 235—An Act amending Section 2300 of the Political Code, relating to the state library fund.

Mr. Johnson of Sacramento moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Assembly Bill No. 235 considered.

Mr. Johnson of Sacramento moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1909.

MR. SPEAKER: The Committee of the Whole have had under consideration Assembly Bill No. 235, and do now report the same back, and recommend that it do pass.

STANTON, Chairman.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 48—An Act to amend section three hundred and sixty-four of the Political Code, relating to the Board of Examiners.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 382— An Act to amend Section 607*f* of the Civil Code of the State of California, relating to societies for the prevention of cruelty to children and animals

Bill read second time, and ordered to engrossment.

Assembly Bill No. 573—An Act to amend Section 161*a* of the Penal Code of California, relating to falsely advertising as an attorney.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 604—An Act to amend Section 1492 of the Political Code of the State of California, relating to the duties of the joint board of State Normal School Trustees

Bill read second time, and ordered to engrossment.

Assembly Bill No. 629—An Act entitled "An Act to amend Section 1880 of Article XXI of the Political Code, by increasing the purposes for which school bonds may be voted."

Bill read second time, and ordered to engrossment.

Assembly Bill No. 631—An Act entitled "An Act to amend Section 1533 of Article II of the Political Code, by providing a superintendents' annual convention."

Bill read second time, and ordered to engrossment.

Assembly Bill No. 626—An Act to provide for the improvement of the cereal crops of California, and appropriate money therefor.

Mr. Hewitt moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Assembly Bill No. 626 considered.

Mr. Hewitt moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1909.

MR. SPEAKER: The Committee of the Whole have had under consideration Assembly Bill No. 626, and do now report the same back, and recommend that it do pass.

STANTON, Chairman

Bill read second time, and ordered to engrossment.

Assembly Bill No. 440—An Act to amend Section 4237 of the Political Code, relating to county and township officers of counties of the eighth class.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1

In Section 1, line 8, of the printed bill, strike out the word "five," and insert in lieu thereof the word "seven."

Amendment adopted.

AMENDMENT No. 2.

In Section 1, line 10, of the printed bill, after the word "thousand," insert the words "three hundred."

Amendment adopted.

AMENDMENT No. 3.

In Section 1, line 48, of the printed bill, strike out the word "traveling."

Amendment adopted.

AMENDMENT No. 4.

In Section 1, line 48 of the printed bill, strike out the words "and deputy"

Amendment adopted.

AMENDMENT No. 5.

In Section 1, line 57, of the printed bill, insert after the word "hundred" the words "and fifty."

Amendment adopted.

AMENDMENT No. 6.

In Section 1, line 90, of the printed bill, strike out the word "nine," and insert in lieu thereof the word "twelve."

Amendment adopted.

AMENDMENT No. 7.

In Section 1, of the printed bill, strike out lines 129 and 130

Amendment adopted.

AMENDMENT No. 8.

On page 5, of the printed bill, insert after line 148 the words: "Section two: This Act shall take effect immediately."

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 296—An Act to amend Section 4250 of the Political Code of the State of California, relating to the compensation and expense of officers in counties of the twenty-first class.

During second reading of bill, the following amendment was submitted by the committee:

Amend on page 2, Section 11, line 36, by striking out all of lines 36, 37, 38, and 39, and inserting in lieu thereof the following

Subdivison 11. The superintendent of schools, two thousand dollars per annum, and he shall receive and retain for his own use the sum of five dollars per diem for each and every day he attends the meetings of the county board of education, and shall also be allowed his actual and necessary traveling expenses in visiting the schools of the county.

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 619—An Act to amend Section 4240 of the Political Code, relating to the salaries, fees, and mileage of officers and jurors in counties of the eleventh class.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 315—An Act to repeal an Act entitled "An Act to incorporate the town of Coloma," approved April 21, 1858

Bill read second time, and ordered to engrossment.

Assembly Bill No. 697—An Act to amend Section 4255 of the Political Code of the State of California, relating to the salaries of officers in counties of the twenty-sixth class, and creating the office of deputy district attorney therein.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 602—An Act to amend an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State, for the construction of sewers, and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of the validity, and making provisions for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1901.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 10—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered 327, making it a misdemeanor to print, publish, or advertise lotteries or lottery drawings.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 75—An Act to add a new section to the Penal Code, to be numbered 271*b*, making it a misdemeanor for any person who shall fail to endeavor in good faith to earn or otherwise provide, when able to do so, money with which to pay, or who fails to pay, whenever and so far as able, any allowance made by the court and directed to be paid by him to the wife for her support, or for the maintenance of any minor child or children of the marriage in any action of divorce,

during the pendency of the action, at the final hearing, or at any time thereafter, and providing a penalty for such failure.

Bill read second time, and ordered to engrossment

Assembly Bill No. 106—An Act authorizing certain suits against the State, and regulating the procedure therein.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 185—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as Section 67*a*, relating to extra sessions of the Superior Court.

Bill read second time, and ordered to engrossment

Assembly Bill No. 441—An Act to add a new section to the Code of Civil Procedure, to be numbered Section 103½, authorizing city justices in cities and towns of the third class to appoint a clerk.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 417—An Act to amend Section 1207 of the Civil Code of the State of California, relating to the recordation of certain instruments and certificates of acknowledgment, the notice such recordation shall impart, and to the effect as evidence of certified copies of the records of same.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 622—An Act to amend section three thousand eight hundred and ninety-seven of the Political Code, relating to the sale and disposition of lands to the State for delinquent taxes.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 726—An Act to add a new section to the Penal Code, to be known as Section 537*c*, and relating to the unlawful use of horses and vehicles by the owner, manager and proprietor of livery and feed stables and persons pasturing stock, and providing the punishment for the violation thereof.

During second reading of bill, the following amendment was submitted by the committee:

Strike out the word "other," where it first occurs in line 11 of the printed bill.

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 150—An Act for the preservation of seals or sea lions in the waters of the Santa Barbara channel, or on, about, or near any land adjacent thereto.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 312—An Act against slot machines and other gambling devices.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 650—An Act to amend Section 637*a* of the Penal Code of California, and to add thereto three new sections, to be numbered 637*b*, 637*c*, and 637*d*, all relating to protection of wild birds other than game birds, and their nests and eggs.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT NO. 1.

On line 2 of the title, strike out the figures and letters "637*b*" and "637*c*," and insert in lieu thereof "637*c*," "637*d*."

Amendment adopted

AMENDMENT No. 2.

On line 3 of title, strike out the figures and letter "637*d*," and insert in lieu thereof "637*e*."

Amendment adopted.

AMENDMENT No. 3

On line 26, of Section 1, strike out the word "is," and insert in lieu thereof the word "in."

Amendment adopted.

AMENDMENT No. 4.

On line 2, of Section 2, strike out the figures and letter "637*b*," and insert in lieu thereof the figures and letter "637*c*."

Amendment adopted.

AMENDMENT No. 5.

On line 3, of Section 2, strike out the figures and letter "637*b*," and insert in lieu thereof the figures and letter "637*c*."

Amendment adopted.

AMENDMENT No. 6.

On line 6, of Section 2, strike out the word "of," and insert the word "or."

Amendment adopted.

AMENDMENT No. 7.

On line 2, of Section 3, strike out the figures and letter "637c," and insert in lieu thereof the figures and letter "637*d*."

Amendment adopted.

AMENDMENT No. 8.

On line 3, of Section 3, strike out the figures and letter "637*c*," and insert in lieu thereof the figures and letter "637*d*."

Amendment adopted.

AMENDMENT No. 9

On line 2, of Section 4, strike out the figures and letter "637*b*," and insert in lieu thereof the figures and letter "637*c*."

Amendment adopted.

AMENDMENT No. 10.

On line 3, of Section 4, strike out the words and figures "637*d*, Sections 637*a*, 637*b*, and 637*d*," and insert in lieu thereof the following words and figures: "637*e*, Sections 637*a*, 637*c*, and 637*d*."

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 384—An Act to amend Section 39 of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 44—An Act to amend an Act entitled "An Act to create a fireman's relief, health, life insurance, and pension fund, in the several counties, cities and counties, cities and towns of the State," approved March 20, 1905.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 264—An Act to amend section six of an Act entitled "An Act to establish police courts in cities of the first and one-

half class, to fix their jurisdiction and provide for officers of said courts, and to fix the compensation of certain officers thereof," approved March 5, 1901, relating to clerks in police courts in cities of the first and one-half class

Bill No. 264 referred to the Los Angeles Delegation.

Assembly Bill No. 439—An Act to amend Section 852 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations "

Bill read second time, and ordered to engrossment.

Assembly Bill No. 671—An Act to prevent the formation and prohibit the existence of secret oath-bound fraternities in the public schools.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 25—An Act to amend Section 1 of an Act entitled "An Act imposing a license tax upon itinerant vendors of drugs, nostrums, ointments or appliances sold for the cure of diseases, injuries or deformities," approved March 20, 1903.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 667—An Act fixing, establishing and defining the exterior boundaries of Reclamation District No. 730 in the county of Yolo, State of California.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 668—An Act legalizing the formation and organization of Reclamation District No. 730, in the county of Yolo, State of California.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 710—An Act authorizing the payment of assessments levied in Reclamation District No. 791 to be paid to the county treasurer of the county of Sacramento.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 711—An Act authorizing and empowering Reclamation District No. 791 to contract for the disposition of drainage and flood waters, and for the sale thereof to any person, firm or corporation, for the purpose of irrigation or for any other lawful use.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 712—An Act authorizing and empowering Reclamation District No. 791 to construct and maintain jointly or in connection with any person, firm, corporation, reclamation district, levee district, drainage district, public agency or municipal corporation for the construction and maintenance of joint levees or other joint works of reclamation.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 409—An Act to appropriate money to pay the claim of W. H. Cobb against the State of California.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Assembly Bill No. 409 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1909.

MR. SPEAKER: The Committee of the Whole have had under consideration Assembly Bill No. 409, and do now report the same back, and recommend that it do pass

STANTON, Chairman

Bill read second time, and ordered to engrossment

Assembly Bill No. 134—An Act to amend Section 8 of an Act entitled "An Act defining the duties and liabilities of employment agents, making the violation thereof a misdemeanor, and fixing the penalties therefor," approved February 12, 1903, approved March 18, 1905.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 736—An Act to amend an Act entitled "An Act defining the duties and liabilities of employment agents, making the violation thereof a misdemeanor, and fixing the penalties therefor," approved February 12, 1903.

Bill read second time, and ordered to engrossment.

Assembly Bill No 737—An Act to amend an Act entitled "An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement thereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation thereof," approved February 20, 1905

Bill read second time, and ordered to engrossment.

Assembly Bill No. 227—An Act to add a new section to the Political Code, relating to the advertising of amendments to the Constitution.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 569—An Act to amend Section 3335 of the Political Code of the State of California, concerning the formation of fire companies.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 733—An Act to amend an Act entitled "An Act to provide for the planting, maintenance and care of shade trees, lanes, alleys, courts and places within municipalities and of hedges upon the lines thereof; also for the eradication of certain weeds within the city limits," approved March 11, 1893.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 763—An Act to allow unincorporated towns and villages to establish, equip and maintain systems of street lights on public highways, to provide for the formation, government and operation of highway lighting districts; the calling and holding of elections in such districts; the assessment, collection, custody and disbursement of taxes therein; and the creation of ex officio boards of highway lighting commissioners.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 68—An Act to amend Section 1 of an Act entitled "An Act requiring the wardens of State prisons of California to furnish

the sheriffs of California and the bureaus of identification with certain information concerning convicts, within thirty days after receiving said convicts, and providing for the payment of the expense incurred thereby," approved March 20, 1905, to include chiefs of police of regularly constituted police departments of incorporated cities and towns among those to whom such information shall be furnished

Bill read second time, and ordered to engrossment.

Assembly Bill No. 592—An Act to amend an Act entitled "An Act relating to commitments to the State School at Whittier, and to the Preston School of Industry; fixing the authority to examine and commit to such schools with the Superior Judges of the counties, and fixing the responsibilities from which commitments are made to the State for maintenance of the persons committed therefrom; providing for the manner of payment thereof, and fixing the responsibility of the parties to the counties from which their children are committed," approved March 26, 1895.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 446—An Act to amend Section 8 of an Act entitled "An Act to create a State Bureau of Criminal Identification, providing for the appointment of a director of said bureau, defining his duties, qualifications and powers, providing for the appointment of a clerk of said bureau, and fixing his qualifications, fixing the compensation of said director and clerk, providing for the manner of paying the same, and providing for the expense of conducting the office," approved March 20, 1905.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 728—An Act to amend Section 4245 of the Political Code of the State of California, relating to county and township government and the compensation of county and township officers of counties of the sixteenth class.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Page 11 of the printed bill, Section 12, line 10, after the word "deputy," insert "which office of deputy is hereby created."

Amendment adopted.

AMENDMENT No. 2.

Line 14, after the word "deputy" insert "which office is hereby created"

Amendment adopted.

AMENDMENT No. 3.

Line 15, after the word "deputy" insert "which office is hereby created"

Amendment adopted.

AMENDMENT No. 4.

Line 17, after the word "jailor" insert "which office is hereby created."

Amendment adopted.

AMENDMENT No. 5.

Line 33, after the word "deputy" insert "which office is hereby created."

Amendment adopted.

AMENDMENT No. 6.

Line 40, after the word "attorney" insert "which office is hereby created."

Amendment adopted.

AMENDMENT No. 7.

Line 41, strike out "and a clerk at a salary of six hundred dollars per annum," and insert in lieu thereof "and a deputy district attorney, which office is hereby created, at a salary of nine hundred dollars per annum."

Amendment adopted.

AMENDMENT No. 8.

Line 51, after the word "deputy" insert "which office is hereby created."

Amendment adopted.

AMENDMENT No. 9.

Line 87, strike out the word "the," and in lieu thereof insert the word "them."

Amendment adopted.

AMENDMENT No. 10.

Line 117, after the word "only" strike out the words "in going only."

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment

Assembly Bill No. 647—An Act to amend Section 4280 of the Political Code, relating to counties of the fifty-first class.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In Section 1, line 10, of the printed bill, after the word "thousand," insert the words "six hundred."

Amendment adopted.

AMENDMENT No. 2.

In Section 1, of the printed bill, strike out the word "provided," in line 10, and also all of lines 11, 12, 13, 14, 15, and 16.

Amendment adopted.

AMENDMENT No. 3.

In Section 1, line 18, of the printed bill, insert after the word "thousand" the words "six hundred."

Amendment adopted.

AMENDMENT No. 4.

In Section 1, of the printed bill, strike out all of lines 21, 22, 23, 24, 25, and 26.

Amendment adopted.

AMENDMENT No. 5.

In Section 1, line 65, strike out the word "or," and insert in lieu thereof the word "of."

Amendment adopted.

AMENDMENT No. 6.

In Section 1, line 74, of the printed bill, after the first word "cents," insert the words "per folio."

Amendment adopted.

AMENDMENT No. 7.

In line 86, on page 3, of the printed bill, immediately before the word "this," insert the words "Section 2."

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 262—An Act to add a new section to the Political Code, to be numbered Section 4052*b*, relating to the disposition of property of the counties.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 591—An Act to amend Section 4247 of the Political Code of the State of California, relating to the salaries and fees of officers of counties of the eighteenth class.

Bill read second time, and ordered to engrossment.

Committee substitute for Assembly Bill No. 271—An Act to provide for the union of two or more school districts; the filing of a petition with the county superintendent of schools to submit the question of uniting union secondary school districts, and calling for an election therefor, and the canvassing of the votes cast at said election.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 431—An Act to amend Section 764 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, as amended March 23, 1901, and March 3, 1905, relating to the powers of boards of trustees of cities of the fifth class.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No 1.

On page 3, Section 13, line 80, of the printed bill, after the word "of" insert the word "telephone."

Amendment adopted.

AMENDMENT No. 2.

On page 4, line 118, insert the numeral "19." to be known as "Section 19."

Amendment adopted.

AMENDMENT No. 3.

Amend Section 3 at end by adding the following: "*Providing* that no such purchase or lease shall be made unless the question of acquiring such property is submitted to the voters of such city in the same manner as other propositions, at a general or special municipal election, and a majority of the electors voting at such election shall vote in favor of such proposition.

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 730—An Act of the board of supervisors of the county of Shasta to audit and pay the claim of George W. Bush for services as Judge of the Superior Court of Shasta County.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Section 1, page 1, line 4, of the printed bill, strike out the word "fourth." and insert the word "third."

Amendment adopted.

AMENDMENT No. 2.

Section 11, page 5, line 4, of the printed bill, after the word "by," insert the words "more than."

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

CASE OF URGENCY.

The following resolution was offered:

By Mr. Transue:

Resolved, That Assembly Bill No. 808 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that

section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

The question being upon the adoption of the resolution.

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

AYES—Messrs. Barndollar, Beardslee, Beatty, Beban, Black, Butler, Callan, Coghlan, Cogswell, Collier, Costar, Cronin, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gillis, Greer, Griffiths, Hammon, Hawk, Hayes, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Macauley, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, O'Neill, Polsley, Preston, Rutherford, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wheelan, Whitney, Wyllie, and Mr. Speaker—55

NOES—None.

Assembly Bill No. 808—An Act to make an appropriation to pay the per diem and mileage of Assemblymen for the thirty-eighth session of the Legislature of the State of California, during the sixtieth fiscal year

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Assembly Bill No. 808 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1909.

MR. SPEAKER: The Committee of the Whole have had under consideration Assembly Bill No. 808, and do now report the same back, and recommend that it do pass.

STANTON, Chairman.

Bill read second time, considered engrossed, and ordered on file for third reading.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 808 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Beban, Black, Butler, Callan, Coghlan, Cogswell, Collier, Cronin, Cullen, Dean, Drew, Feely, Flavelle, Fleisher, Flint, Gibbons, Gillis, Greer, Hammon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, O'Neill, Polsley, Preston, Pulcifer, Sackett, Silver, Stuckenbruck, Transue, Wheelan, Whitney, Wyllie, and Mr. Speaker—55

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SENATE BILLS—THIRD-READING FILE.

Senate Bill No 111—An Act to add a new section to the Code of Civil Procedure, to be numbered 1724, relating to establishing who are the heirs at law or devisees of persons to whom patent for lands has been issued in cases where the person entering such lands dies before the issuance of such patent

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No 111 finally passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Black, Butler, Callan, Coghlan, Cogswell, Costar, Cronin, Cullen, Dean, Drew, Feeley, Fleisher, Flint, Gibbons, Gillis, Greer, Griffiths, Hammon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Polsley, Preston, Rutherford, Sackett, Silver, Transue, Wheelan, Whitney, Wyllie, and Mr. Speaker—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate

Senate Bill No. 300—An Act making an appropriation to pay the claim of the Southern Construction Company against the State of California

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 300 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Black, Butler, Callan, Coghlan, Cogswell, Collier, Costar, Cullen, Dean, Drew, Feeley, Fleisher, Flint, Gibbons, Gillis, Greer, Griffiths, Hammon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, McClellan, McManus, Melrose, Moore, Mott, Nelson, Odom, O'Neill, Polsley, Preston, Rutherford, Sackett, Silver, Stuckenbruck, Telfer, Transue, Webber, Wheelan, Whitney, Wyllie, and Mr. Speaker—54.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 301—An Act making an appropriation to pay the claim of J. E. Clause against the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 301 finally passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Black, Butler, Callan, Cogswell, Collier, Costar, Cullen, Dean, Drew, Feeley, Fleisher, Flint, Gillis, Greer, Griffiths, Hammon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, O'Neill, Poisley, Preston, Pulcifer, Rutherford, Sackett, Silver, Stuckenbruck, Telfer, Webber, Wheelan, Whitney, Wyllie, and Mr. Speaker—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SENATE BILLS—SECOND READING.

Senate Bill No. 50—An Act to amend section one hundred and three of the Code of Civil Procedure, relating to Justices' Courts and Justices of the Peace.

Bill read second time, and ordered on file for third reading, and referred to Los Angeles Delegation.

Senate Bill No. 51—An Act to amend Section 6 of an Act entitled "An Act for preventing the manufacture, sale, and transportation of adulterated, mislabeled or misbranded foods and liquors, and regulating the traffic therein providing penalties, establishing a State laboratory for foods, liquors, and drugs, and making an appropriation therefor," approved March 11, 1907.

Bill read second time, and ordered on file for third reading

Senate Bill No. 29—An Act to amend an Act entitled "An Act to establish a Civil Code." approved March 21, 1872, by adding thereto Title XXI of Part IV, of Division First of said Act, relating to and providing for the incorporation, organization, management, and coöperation of agricultural and horticultural non-profit coöperative associations.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 88—An Act to amend Section 855 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporation," approved March 13, 1883, and relating to compensation of members of the board of trustees and to the officers of municipalities of the sixth class.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 121—An Act to amend an Act entitled "An Act providing for the sale of street railroad and other franchises in counties and municipalities, and providing conditions for the granting of such franchises by legislation or other governing bodies, and repealing conflicting Acts," approved March 22, 1905, Statutes of 1905, page 777 thereof.

Bill read second time, and ordered on file for third reading.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1909

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bill correctly engrossed:

Assembly Bill No. 298—An Act to amend Section 531 of Article XII of the Political Code

FEELEY, Acting Chairman

The above reported bill ordered on file for third reading.

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1909

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 275—An Act to prevent the introduction, and provide for the investigation and suppression of contagious or infectious diseases, and appropriating money to be used for such purpose—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 274—An Act to amend an Act entitled "An Act to protect domestic live stock from contagious and infectious diseases, to provide for

the appointment and duties of officials to carry into effect the provisions of this Act, and to provide an appropriation therefor," which became a law March 18, 1899, and as amended March 20, 1905, and as further amended March 23, 1907, by amending Section 1 thereof as amended March 23, 1907, Section 2 thereof as amended March 23, 1907, Section 4 thereof, Section 5 thereof, Section 6 thereof, Section 7 thereof, and Section 8 thereof, and by adding a new section thereto, to be known and numbered as Section 7½, providing for additional officers and employees and fixing their salaries—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it do pass as amended

BEARDSLEE, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1909.

MR SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 171—An Act to furnish arms for the use of military academies in the State—have had the same under consideration, and respectfully return the same to this honorable body.

BEARDSLEE, Chairman

ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1909.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 659—An Act to amend section eight hundred and sixty-two of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Also: Assembly Bill No. 660—An Act to validate proceedings for the reorganization of municipal corporations taken since the passage of the Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883; and also, since the passage of the Act entitled "An Act to provide for the classification of municipal corporations," approved March 3, 1883.

Have had the same under consideration, and respectfully report the same back, and recommend that the author be allowed to withdraw the same.

FEELEY, Chairman.

The above reported bills, with the exception of Assembly Bill No. 659 and Assembly Bill No. 660, ordered on file for second reading.

WITHDRAWAL OF BILLS.

Mr. Mendenhall asked for and was granted unanimous consent to withdraw Assembly Bills Nos. 659 and 660.

Bills withdrawn and ordered stricken from the file.

RESOLUTION.

The following resolution was offered:

By Mr. Leeds:

WHEREAS, The thirty-seventh session of the Legislature of the State of California by a concurrent resolution authorized the appointment of a joint harbor committee of six, consisting of three Senators and a like number from the Assembly, to examine and report as to the needs of the several harbors of the State, and directed that the traveling and incidental expenses of the commission should be paid from the contingent expenses of the respective houses, now, therefore, be it

Resolved, That the State Controller be, and he is hereby, authorized to draw his warrant upon the contingent fund of the Assembly in favor of:

W. W. Shannon, State Printer, in the sum of (being one half of the expenses of the State Printer in publishing the report of said committee.)	$539 00
Assemblyman Percy A. Johnson	679 80
Assemblyman Walter Leeds	283 00
Assemblyman Louis Strohl	350 00

And the State Treasurer is hereby directed to pay said warrants.

Resolution read, and referred to Committee on Contingent Expenses and Accounts.

CREDENTIAL.

The following credential of newspaper representative was received and filed:

SAN ANDREAS, CAL., January 29, 1909.

To whom it may concern:

Mrs. Ada B. Campbell is the duly authorized special correspondent of the "Calaveras Weekly Citizen," to report the proceedings of the California State Legislature, session of 1909, and was appointed such correspondent by me.

(Signed) SAM J. LEWIS,
Proprietor Calaveras Weekly Citizen, San Andreas, Cal.

ADJOURNMENT.

At twelve o'clock and twenty-five minutes P. M., on motion of Mr. Johnson of Sacramento, the Assembly was declared adjourned until ten o'clock A. M. of Tuesday, February 2, 1909.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL.,
Tuesday, February 2, 1909.

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. P. A. Stanton, Speaker of the Assembly, in the chair.

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

Messrs. Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Cattell, Coghlan, Cogswell, Collier, Collum, Costar, Cronin, Dean, Drew, Feeley, Flavelle, Fleisher, Gerdes, Gibbons, Gillis, Griffiths, Hanlon, Hans, Hayes, Hewitt, Hinkle, Holmquist Irwin, Johnson of San Diego, Johnston of Contra Costa, Juilliard Kehoe, Leeds, Lightner, Macauley, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, O'Neill, Perine, Polsley, Preston, Pugh, Rech, Rutherford, Sackett, Silver, Telfer, Transue, Webber, Wheelan, Whitney, Wilson, Wyllie, and Mr. Speaker—60.

Quorum present.

LEAVE OF ABSENCE.

On motion, leave of absence for the day was granted to Messrs. Wyatt, Wagner, Gerdes, and Johnson of Placer.

PRAYER.

Prayer was offered by the Chaplain, Rev. Seren N. Marsh.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Sackett, its further reading was dispensed with.

APPROVAL OF JOURNAL.

On motion of Mr. Transue, the Journal of Saturday, January 23, Monday, January 25, Tuesday, January 26, Wednesday, January 27, Thursday, January 28, Friday, January 29, and Saturday, January 30, 1909, were approved as corrected by the Minute Clerk.

PETITIONS.

The following petitions were received and read:

By Messrs. Hewitt, Cattell, and Johnson of San Diego:

Petitions in favor of Sunday rest law.
(Signed:) ROBERT DAVIS (and others).

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON RULES AND REGULATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1909

MR. SPEAKER: Your Committee on Rules and Regulations, to whom was referred resolutions by Messrs. Hammon, Flint, and Flavelle, have had the same under consideration, and submit the following as substitutes therefor.

JOHNSTON, Chairman.

SUBSTITUTE No. 1.

WHEREAS, There are numerous bills before the Committee on State Prisons and Reformatory Institutions calling for the expenditure of large sums of money; and

WHEREAS, In order to properly judge of the advisability of said appropriations it will be necessary for the members of said committee to visit the various reformatory institutions; therefore, be it

Resolved, That leave of absence is hereby granted to Messrs. Hammon, Butler, Cogswell, Holmquist, Moore, Silver, Gerdes, Transue, Hopkins, Odom, and Drew on the fifth, sixth and seventh days of February, 1909, for the purpose of visiting the Whittier State School at Whittier, California, and that they be allowed six cents a mile mileage, in both directions, for expenses.

Mr. Johnston of Contra Costa moved the adoption of the resolution.

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

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Butler, Callan, Cattell, Cogswell, Collier, Collum, Costar, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint Gibbons, Greer, Griffiths, Hammon, Hawk, Haves, Hewitt, Hinkle, Holmquist, Hopkins, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Leeds, Lightner, Macauley, McClellan, McManus, Melrose, Moore, Mott, Nelson, Odom, O'Neill, Perine, Preston, Pugh, Pulcifer, Rech, Rutherford, Silver, Transue, Webber, Wheelan, and Mr. Speaker—55.

NOES—Messrs Cronin, Gillis, Juilliard, Kehoe, Mendenhall, Polsley, Sackett, Telfer, Whitney, and Wyllie—10.

SUBSTITUTE No. 2.

WHEREAS, There are numerous bills before the Committee on State Hospitals and Asylums calling for the expenditure of large sums of money; and

WHEREAS, In order to properly judge of the advisability of said appropriations it will be necessary for the members of said committee to visit the various State hospitals and asylums; therefore, be it

Resolved, That leave of absence is hereby granted to Messrs. Flavelle, Beban, Beardslee, Cullen, Cattell, Hayes, Griffiths, Schmitt, Collum, Juilliard, and Webber on the fifth, sixth, seventh, and eighth days of February, 1909, for the purpose of visiting the State Hospital at Patton, and the State Hospital at Stockton, and that they be allowed six cents a mile mileage, in both directions, for expenses.

Mr. Johnston of Contra Costa moved the adoption of the resolution.

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

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Butler, Callan, Cattell, Cogswell, Collier, Collum, Costar, Cullen, Dean, Drew, Flavelle, Fleisher, Flint, Gibbons, Greer, Griffiths, Hammon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Leeds Lightner, Macauley, McClellan, McManus, Melrose, Moore, Mott, Nelson, Odom, O'Neill, Perine, Preston, Pugh, Rech, Rutherford, Silver, Transue, Webber, Wheelan, and Mr Speaker—53.

NOES—Messrs. Gillis, Juilliard, Kehoe, Mendenhall, Polsley, Sackett, and Whitney—7

SUBSTITUTE No. 3

WHEREAS, There are numerous bills before the Committee on Public Lands and Forestry calling for the expenditure of large sums of money; and

WHEREAS, In order to properly judge of the advisability of said appropriations it

will be necessary for the members of said committee to visit the Big Basin State Park, at Boulder Creek: therefore, be it

Resolved, That leave of absence is hereby granted to Messrs. Flint, Flavelle, Rech, Silver, Griffiths, Sackett, and Gillis on the fifth, sixth and seventh days of February, 1909, for the purpose of visiting the Big Basin State Park, at Boulder Creek, and that they be allowed six cents a mile mileage, in both directions, for expenses.

Mr. Johnston of Contra Costa moved the adoption of the resolution.

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

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Butler, Callan, Cattell, Cogswell, Collier, Collum, Costar, Cullen, Dean, Drew, Flavelle, Fleisher, Gibbons, Greer, Griffiths, Hammon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Leeds, Lightner, Macauley, McClellan, McManus, Melrose, Moore, Mott, Nelson, Odom, O'Neill, Perine, Preston, Pugh, Rech, Rutherford, Silver, Transue, Webber, Wheelan, and Mr. Speaker—52.

NOES—Messrs. Cronin, Gillis, Juilliard, Kehoe, Mendenhall, Polsley, Sackett, and Whitney—8.

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1909.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 14—An Act to amend Section 1662 of the Political Code.

Also: Senate Bill No. 46—An Act to amend Section 364 of the Political Code, relating to the Board of Examiners.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

JOHNSON OF SACRAMENTO, Chairman.

SUBSTITUTION OF BILLS.

Mr. Johnson of Sacramento moved that Senate Bill No. 46 be substituted on file for Assembly Bill No. 48, they being identical.

Motion carried.

WITHDRAWAL OF BILL.

Mr. Transue asked for and was granted unanimous consent to withdraw Assembly Bill No. 48.

Bill withdrawn, and ordered stricken from the file.

SUSPENSION OF RULES.

Mr. Johnson of Sacramento moved the suspension of the rules, and that Assembly Bill No. 14 be taken up out of order and read the second time.

Motion carried.

Assembly Bill No. 14—An Act to amend Section 1062 of the Political Code.

Bill read second time, and ordered to engrossment.

SPECIAL ORDER SET.

On motion of Mr. Johnson of Sacramento the consideration of Assembly Bill No. 14 was made a special order for Wednesday, February 3, 1909, at eleven o'clock A. M.

ON COMMERCE AND NAVIGATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1909.

MR. SPEAKER. Your Committee on Commerce and Navigation, to whom was referred Assembly Bill No. 794—An Act to amend Section 2552 of the Political Code, relating to salaries of officers of the Board of State Harbor Commissioners.

Also: Assembly Bill No. 657—An Act to provide for the transfer from the general fund of the State treasury to the San Francisco harbor improvement fund of the sum of twenty-two thousand nine hundred and thirty-seven dollars and forty-five cents, to

reimburse said San Francisco harbor improvement fund for the cost of publishing the "Second San Francisco Seawall Act" and the "India Basin Act," and directing the State Controller and State Treasurer to make such transfer.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 655—An Act to amend Section 2524 of the Political Code, relating to the jurisdiction, powers and duties of the board of State Harbor Commissioners.

Also: Assembly Bill No 656—An Act to amend an Act entitled "An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to amend section six of an Act entitled "An Act concerning the water front of the city and county of San Francisco," approved March 15, 1878, and to confer further powers upon the Board of State Harbor Commissioners,' approved March 17, 1880," approved March 19, 1889, conferring further powers upon the said board,' approved March 26, 1895," approved March 23, 1901,' approved March 18, 1905."

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Assembly Bill No 751—An Act to amend Section 2572 of the Political Code of the State of California, relating to the Board of Harbor Commissioners of the port of Eureka, and to add a new section to the Political Code, to be known as Section 2568½, also relating to the Board of Harbor Commissioners of the port of Eureka—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended, and be referred to Committee on Ways and Means.

McMANUS, Chairman.

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1909.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 56—An Act appropriating one thousand dollars for the purchase of books and periodicals for the Whittier State School.

Also: Senate Bill No 533—An Act to make an appropriation to pay the per diem and mileage of the Lieutenant-Governor and Senators for the thirty-eighth session of the Legislature of the State of California, during the sixtieth fiscal year.

Also: Assembly Bill No. 241—An Act providing for an assistant gardener for Sutter's Fort

Also: Assembly Bill No 249—An Act making an appropriation of five thousand dollars to pay the traveling expenses and salary of a parole officer for the Whittier State School.

Also: Assembly Bill No. 699—An Act to amend Section 384 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, and to add a new section thereto to be numbered 387, relating to the powers of the Governor, his salary, and the salaries of certain appointees.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 162—An Act making an appropriation for the maintenance of the James Marshall monument grounds—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it do pass as amended

BEARDSLEE, Chairman.

The above reported bills ordered on file for second reading.

BI-WEEKLY REPORT OF COMMITTEE ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1909.

MR. SPEAKER: Your Committee on Ways and Means beg leave to submit its report for the two weeks ending February 1, 1909, as follows:

Jan. 19—Assembly Bill No. 47—An Act making an appropriation to assist the State Board of Equalization in gathering data in the several counties for equalization purposes and for the employment of expert accountants to verify reports of railroad companies	$25,000 00
19—Assembly Bill No. 62—An Act providing for the erection of a monument of gratitude to the memory of the late General Mariano Guadalupe Vallejo, the father of the State of California	25,000 00
19—Assembly Bill No. 76—An Act making an appropriation for the compilation of an index to the debates and proceedings of the constitutional convention of the State of California, 1878-9	500 00
19—Assembly Bill No. 88—An Act repealing an Act approved March 11, 1907, and entitled an Act to increase the fixed annual appropriation for the Veterans' Home of California from $65,000.00 per annum to $75,000 00 per annum.	75,000 00

Jan. 19—Assembly Bill No 125—An Act transferring the sum of $80,000 from the general fund to the estates of deceased persons fund $80,000 00

19—Assembly Bill No. 151—An Act making an appropriation to pay the deficiency in the appropriation for postage and contingent expenses of the Clerk of the Supreme Court for the fifty-ninth and sixtieth fiscal years..... 2,000 00

19—Assembly Bill No. 154—An Act to provide for an exposition building at Los Angeles, in Agricultural Park, for the use of all the counties of this State, for the purpose of maintaining permanent exhibits therein of the resources of the different counties, and to make an appropriation for the construction of said exposition building.. ..... 250,000 00

19—Assembly Bill No 154—An Act to provide for an exposition the maintenance of the James Marshall monument grounds 1,000 00

19—Assembly Bill No 163—An Act making an appropriation to pay assessments which may be levied against the Sutter Fort property by the city of Sacramento for street work.. 6,000 00

19—Assembly Bill No. 164—An Act amending Section 3 of an Act entitled "An Act for the appointment of a guardian for Sutter's Fort property, prescribing his duties and appropriating money therefor," approved March 16, 1895.. 1,800 00

19—Assembly Bill No 165—An Act making an appropriation to pay the deficiency in the appropriation for postage and contingent expenses of the Clerk of the Supreme Court for the fifty-ninth and sixtieth fiscal years 2,000 00

19—Assembly Bill No 166—An Act making an appropriation of $2,500 00 for restoring certain records in the office of the Clerk of the Supreme Court in the city of San Francisco.. 2,500 00

19—Assembly Bill No. 173—An Act authorizing the State Veterinarian to employ during the balance of the sixtieth, and throughout the sixty-first and sixty-second fiscal years, such inspectors as he may deem necessary to inspect and supervise the dipping of sheep infected with the disease known as scabies; providing for the compensation and expenses of said inspectors, and making an appropriation therefor..... .. 18,000 00

19—Assembly Bill No. 176—An Act providing for a biennial appropriation in the general appropriation bill for the benefit of the Governor's residence and grounds..... .....

19—Assembly Bill No. 180—An Act making an appropriation of two thousand five hundred dollars for restoring certain records in the office of the Clerk of the Supreme Court in the city of San Francisco.. .. .. 2,500 00

19—Assembly Bill No. 182—An Act to authorize the directors of the Veterans' Home of California to purchase the southeast quarter of the southwest quarter of section two in township six north, range five west, M. D. M., containing forty acres of land and situate in the county of Napa, State of California, and making an appropriation therefor..... 8,000 00

19—Assembly Bill No. 241—An Act providing for an assistant gardener for Sutter's Fort..... 2,160 00

19—Assembly Bill No. 242—An Act making an appropriation for the maintenance and improvement of the grounds and buildings of Sutter's Fort..... 7,000 00

19—Assembly Bill No. 306—An Act to secure uniform public accounting and making an appropriation therefor. 20,000 00

19—Assembly Bill No. 374—An Act to provide for the payment of expenses incurred in making repairs on and in the Capitol building, and for the furnishing of the legislative chambers, and the clerks', officers' and committee rooms therein, and all other necessary expenses incurred in so doing, and to make appropriation for the same 75,000 00

19—Assembly Bill No. 391—An Act making an appropriation to pay the deficiency in the appropriation for the support of the Veterans' Home of California for the fifty-ninth and sixtieth fiscal years..... 42,000 00

19—Assembly Bill No 392—An Act making an appropriation to pay the deficiency in the appropriation for contingent and traveling expenses of the State Veterinarian and assistant for the fifty-ninth fiscal year..... 1,500 00

19—Assembly Bill No. 393—An Act making an appropriation to pay the deficiency in the appropriation for aid to the State Agricultural Society for the fifty-ninth fiscal year... 7,605 61

19—Assembly Bill No. 394—An Act making an appropriation to pay the deficiency in the appropriation for contingent and traveling expenses of the Department of Engineering for the fifty-ninth and sixtieth fiscal years..... . 5,000 00

Jan 19—Assembly Bill No 395—An Act making an appropriation to pay the expenses of certain district attorneys in foreclosing delinquent school land purchases..... $832 01

19—Assembly Bill No. 397—An Act making an appropriation to pay the deficiency in the appropriation made by Chapter 212, Statutes 1905, relative to improvements at the State Printing Office 479 57

19—Assembly Bill No. 396—An Act making an appropriation to pay the deficiency in the appropriation made by Chapter 8, Statutes of 1905, relative to payment of rental, cost of moving, and other necessary expenses incurred by different State officials 4,533 46

19—Assembly Bill No. 398—An Act making an appropriation to pay the deficiency in the appropriation for support and expenses of the State Board of Horticulture for the fifty-ninth fiscal year 1,693 85

19—Assembly Bill No 399—An Act making an appropriation to pay the deficiency in the appropriation for transportation of prisoners and insane and delinquent and feeble-minded children for the fifty-ninth and sixtieth fiscal years..... 33,000 00

19—Assembly Bill No. 400—An Act making an appropriation to pay the deficiency in the appropriation for arresting criminals without the State for the fifty-eighth, fifty-ninth, and sixtieth fiscal years.. ..... 7,000 00

19—Assembly Bill No. 401—An Act making an appropriation to pay the deficiency in the appropriation for support of the Preston School of Industry for the sixtieth fiscal year 33,000 00

19—Assembly Bill No. 402—An Act making an appropriation to pay the deficiency in the appropriation for salaries of officers and employees of the Preston School of Industry for the sixtieth fiscal year..... ..... 12,300 00

19—Assembly Bill No. 403—An Act making an appropriation to pay the claim of J. E. Clause against the State of California 793 70

19—Assembly Bill No 404—An Act making an appropriation to pay the claim of the Southern Construction Company against the State of California..... 1,077 23

19—Assembly Bill No. 409—An Act to appropriate money to pay the claim of W. H. Cobb against the State of California.. 1,000 00

19—Assembly Bill No. 447—An Act providing for a biennial appropriation in the general appropriation bill for the support and maintenance of the Bureau of Criminal Identification of the State of California..... .....

19—Senate Bill No 6—An Act transferring money from the general fund to the state printing fund to defray the expenses of legislative printing for the thirty-eighth session of the Legislature, and directing the State Controller and State Treasurer to make such transfer..... 50,000 00

19—Assembly Bill No. 69—An Act to make an appropriation for the location, survey and construction of a state highway from Emigrant Gap, Placer County, in an easterly direction through what is known as Truckee Pass, to the west end of Donner Lake, in Nevada County..... 15,000 00

19—Assembly Bill No. 85—An Act to provide for the survey, location and construction of a state highway from the western terminus of Lake Tahoe wagon road to the city of Placerville, and from the western corporate limits of said city in a westerly direction to the town of Folsom, and to make an appropriation therefor 30,000 00

19—Assembly Bill No. 135—An Act to amend an Act entitled "An Act directing the Commissioner of the Bureau of Labor Statistics to collect certain statistics, and present them in biennial reports, and making it the duty of certain officers to furnish such statistics in compliance with the provisions of this Act," approved March 18, 1905..... 2,000 00

19—Assembly Bill No. 377—An Act to provide for the accomplishment of the work of the direct improvement of the navigation of the Sacramento, San Joaquin and Feather rivers of the State of California, as recommended in the special report of the California Débris Commission dated June 30 1907 ..... 400,000 00

20—Assembly Bill No 77—An Act establishing a State Normal School and Agricultural Institute at Fresno, county of Fresno, State of California, and making an appropriation for the construction of a building, and the maintenance of said school . 150,000 00

Jan. 20—Assembly Bill No. 93—An Act authorizing and directing the Board of Managers of the Napa State Hospital to complete the receiving and treatment buildings of the grounds of the Napa State Hospital, and to furnish and equip said buildings and making an appropriation therefor..... $45,000 00

20—Assembly Bill No. 96—An Act authorizing and directing the Board of Managers of the Napa State Hospital to remodel and furnish and refurnish the general kitchen at the Napa State Hospital, and making an appropriation therefor..... 8,000 00

20—Assembly Bill No 97—An Act authorizing and directing the Board of Managers of the Napa State Hospital to complete and improve the water distributing system at the Napa State Hospital, including the construction of a cement reservoir for distributing purposes, and making an appropriation therefor 30,000 00

20—Assembly Bill No. 128—An Act authorizing and directing the Board of Managers of the California Home for the Care and Training of Feeble-Minded Children to enlarge and repair the hospital building at the California Home for the Care and Training of Feeble-Minded Children, and making an appropriation therefor 10,000 00

20—Assembly Bill No. 131—An Act authorizing and directing the Board of Managers of the California Home for the Care and Training of Feeble-Minded Children to develop the water supply at the California Home for the Care and Training of Feeble-Minded Children, and making an appropriation therefor 5,000 00

20—Assembly Bill No 132—An Act making an appropriation for the completion of repairs to the Manor house at the California Home for the Care and Training of Feeble-Minded Children 5,000 00

20—Assembly Bill No 216—An Act to provide for the construction and furnishing of a second story upon that structure at the Southern California State Hospital at Patton called and known as "The Congregate Dining-room," and to make appropriation for the same 13,750 00

22—Assembly Bill No 608—An Act appropriating money to pay the claim of Leroy A Wright against the State of California 6,000 00

22—Assembly Bill No. 610—An Act authorizing and directing the Board of State Capitol Commissioners to erect a monument in Capital Park, in the city of Sacramento, to the valor and patriotism of the volunteer Union soldiers and sailors who enlisted from the State of California during the civil war from 1861 to 1865, and making an appropriation therefor 25,000 00

22—Assembly Bill No. 611—An Act making an appropriation to pay the deficiency in the appropriation for the contingent expenses of the Bureau of Labor Statistics for the sixtieth fiscal year 1,350 00

22—Assembly Bill No. 612—An Act authorizing and directing the Directors of the State Agricultural Society to make arrangements by days' work or by contract, for leveling and planting the grounds, and painting and repairing the buildings, of the State Agricultural Society, at the State Agricultural Park, near the city of Sacramento..... 10,000 00

22—Assembly Bill No. 613—An Act making an appropriation for the completion of two buildings on the grounds of the State Agricultural Society near the city of Sacramento, State of California, known as Agricultural Pavilion, and Manufacturers' Pavilion 20,000 00

22—Assembly Bill No. 614—An Act authorizing and directing the Directors of the State Agricultural Society to have wells bored on the grounds of the State Agricultural Society, near the city of Sacramento, State of California, to install suitable pumping machinery, and erect tanks for pressure for irrigation and fire protection purposes, and to furnish and equip a complete pumping plant for the use of said State Agricultural Society, and making an appropriation therefor 10,000 00

22—Assembly Bill No. 615—An Act authorizing and directing the Directors of the State Agricultural Society to erect a new building at the State Agricultural Park, near the city of Sacramento, State of California, to be known and designated Machinery Hall; fixing the requirements thereof and making an appropriation therefor..... 30,000 00

Jan 22—Assembly Bill No 620—An Act to appropriate money to protect the banks of Eel River from erosion by means of jetty work and riprap along the banks thereof... $25,000 00

22—Assembly Bill No 626—An Act to provide for the improvement of the cereal crops of California, and appropriate money therefor ... 12,000 00

22—Assembly Bill No 51—An Act authorizing the Regents of the University of California to hold farmers' institutes, and making appropriation therefor ... 30,000 00

22—Assembly Bill No 144—An Act to provide for a state highway from Saratoga Gap into the California Redwood Park, and to make an appropriation therefor ... 25,000 00

22—Assembly Bill No 299—An Act to provide for the investigation of agricultural problems and conditions in Imperial County, and making an appropriation therefor. ... 6,000 00

22—Assembly Bill No 82—An Act authorizing and directing the State Board of Health to construct, furnish and equip, on lands of the University of California, at Berkeley, a building to be occupied and used by the State laboratory for the analysis and examination of foods and drugs... 10,000 00

22—Assembly Bill No. 83—An Act to establish and maintain a State hygienic laboratory for bacteriological and chemical analysis, for the use of the State Board of Health, providing for the appointment of a director thereof, and assistants 10,000 00

22—Assembly Bill No 143—An Act authorizing and directing the Board of Managers of the Agnews State Hospital to continue the reconstruction work at said hospital. ... 125,000 00

22—Assembly Bill No. 156—An Act to provide for the establishment and maintenance of a fish hatchery at or near Shaver Lake, in the Sierra Nevada Mountains, and making an appropriation therefor ... 3,000 00

22—Assembly Bill No 275—An Act to prevent the introduction, and provide for the investigation and suppression of contagious or infectious diseases ... 55,000 00

22—Assembly Bill No. 513—An Act to establish a State training high school near or on the grounds of the University of California, at Berkeley, in the county of Alameda, and making an appropriation therefor ... 60,000 00

22—Senate Bill No. 302—An Act making an appropriation to pay the deficiency in the appropriation for salaries of officers and employees of the Preston School of Industry for the sixtieth fiscal year ... 12,300 00

22—Senate Bill No. 303—An Act making an appropriation to pay the deficiency in the appropriation for support of the Preston School of Industry for the sixtieth fiscal year.... 33,000 00

22—Senate Bill No. 304—An Act making an appropriation to pay the deficiency in the appropriation for arresting criminals without the State for the fifty-eighth fifty-ninth, and sixtieth fiscal years... 7,000 00

22—Senate Bill No 305—An Act making an appropriation to pay the deficiency in the appropriation for transportation of prisoners and insane and delinquent and feeble-minded children for the fifty-ninth and sixtieth fiscal years..... 33,000 00

22—Senate Bill No 306—An Act making an appropriation to pay the deficiency in the appropriation for support and expenses of the State Board of Horticulture for the fifty-ninth fiscal year..... 1,693 85

22—Senate Bill No. 307—An Act making an appropriation to pay the deficiency in the appropriation made by Chapter 212, Statutes of 1905, relative to improvements at the State Printing Office..... 479 57

22—Senate Bill No. 308—An Act making an appropriation to pay the deficiency in the appropriation made by Chapter 8, Statutes of 1905, relative to payment of rental, cost of moving and other necessary expenses incurred by different State officers..... 4,533 46

22—Senate Bill No. 310—An Act making an appropriation to pay the deficiency in the appropriation for the support of the Veterans' Home of California for the fifty-ninth and sixtieth fiscal years ... 42,000 00

22—Senate Bill No. 311—An Act making an appropriation to pay the deficiency in the appropriation for contingent and traveling expenses of the State Veterinarian and assistant for the fifty-ninth fiscal year... 1,500 00

Jan 22—Senate Bill No. 312—An Act making an appropriation to pay the deficiency in the appropriation for aid to the State Agricultural Society for the fifty-ninth fiscal year	$7,605 61
22—Senate Bill No. 313—An Act making an appropriation to pay the deficiency in the appropriation for contingent and traveling expenses of the Department of Engineering for the fifty-ninth and sixtieth fiscal years	5,000 00
23—Assembly Bill No. 234—An Act to provide for a school of library training	16,800 00
23—Assembly Bill No. 235—An Act amending Section 2300 of the Political Code relating to the state library fund	5,000 00
23—Senate Bill No. 46—An Act to amend section three hundred and sixty-four of the Political Code, relating to the Board of Examiners	.....
25—Assembly Bill No. 731—An Act making an appropriation for the maintenance of the Governor's residence from January 1, 1909, to June 30, 1909	3,000 00
26—Senate Bill No 300—An Act making an appropriation to pay the claim of the Southern Construction Company against the State of California	1,077 23
26—Senate Bill No. 301—An Act making an appropriation to pay the claim of J. E. Clause against the State of California	793 79
26—Assembly Bill No. 20—An Act providing for the purchase of a site for an armory and State arsenal for the National Guard, at the city of Sacramento, California, providing for the appointment of a commission to select and purchase said site, and providing for the erection of an armory and arsenal on said site	100,000 00
26—Assembly Bill No. 171—An Act to furnish arms for the use of military academies in the State	.....
26—Assembly Bill No. 178—An Act to provide for the building equipping and furnishing of an armory to be used for the National Guard and National Guard purposes, in the city of Los Angeles	150,000 00
26—Assembly Bill No. 236—An Act to appropriate money to enforce the provisions of an Act approved March 20, 1905, entitled "An Act to prevent the sale of dairy products from unhealthy animals and produced under unsanitary conditions; to provide for the inspection of dairy stock, dairies, factories for the production of dairy products and places where dairy products are handled and sold: to improve the quality of dairy products of the State, to prevent deception in the sale of dairy products and to appropriate money for enforcing its provisions"	51,000 00
26—Assembly Bill No. 274—An Act to amend an Act entitled "An Act to protect domestic live stock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this Act, and to provide an appropriation therefor," which became a law March 18, 1899, and as amended March 20, 1905, and as further amended March 23, 1907, by amending Section 1 thereof as amended March 23, 1907, Section 2 thereof as amended March 23, 1907, Section 4 thereof, Section 5 thereof, Section 6 thereof, Section 7 thereof, and Section 8 thereof, and by adding a new section thereto, to be known and numbered as Section 7½, providing for additional officers and employees and fixing their salaries	9,630 00
26—Assembly Bill No. 696—An Act appropriating money to be expended by and under the direction of the Department of Engineering for the purpose of dredging out sand deposits in Humboldt Bay, for the purpose of improving the navigability thereof	50,000 00
26—Assembly Bill No 698—An Act to amend Section 472 and Section 475 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the duties of the Attorney General, providing for an assistant, a chief deputy, deputies, clerks, phonographic reporter and stenographers in the Attorney General's office, and fixing their salaries	.....

Jan 26—Assembly Bill No. 699—An Act to amend Section 384 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, and to add a new section thereto to be numbered 387, relating to the powers of the Governor, his salary, and the salaries of certain appointees.....	.....	
26—Assembly Bill No. 700—An Act to amend Sections 654, 684, and 685 of the Political Code, relating to the Board of Examiners	.....	
26—Assembly Bill No. 701—An Act to amend Sections 484, 485, 486, and 500 of the Political Code, relating to the salary of the Surveyor General and to the salaries of appointees in the office of the Surveyor General and Register of the State Land Office, and to repeal all laws in conflict therewith....	.....	
26—Assembly Bill No. 702—An Act to amend Section 2319 of the Political Code of the State of California, relating to the office of the State Commissioner of Horticulture, the powers and duties of said Commissioner and the salaries, duties and qualifications of his appointees.....	.....	
26—Assembly Bill No. 718—An Act to amend Section 534 of the Political Code	$14,800 00	
26—Assembly Bill No 645—An Act appropriating money to be expended by and under the direction of the Department of Engineering, for the purpose of rectifying the channel of Petaluma River, and to dredge the bar formed by said river where it empties into the bay of San Francisco.....	15,000 00	
27—Assembly Bill No 195—An Act providing for the purchase by the State Board of Forestry of that certain tract of land in Sonoma County, California, commonly known as "Armstrong Woods," for park purposes, with power to manage such property, and making an appropriation to carry out the provisions of this Act.....	125,000 00	
27—Assembly Bill No. 690—An Act to amend Section 515 of the Political Code and to provide for the appointment of a statistician, a bookkeeper, and a clerk and stenographer for the Superintendent of Public Instruction, and to fix their compensation	12,200 00	
28—Senate Bill No. 333—An Act to provide for the payment of expense incurred in making repairs on and in the Capitol building, and for the furnishing of the legislative chambers and the clerks', officers', and committee rooms therein, and all other necessary expenses incurred in so doing, and to make appropriation for the same.....	75,000 00	
28—Assembly Bill No. 748—An Act to appropriate the sum of $100,000.00 to pay the unpaid scrip of delegates to the convention in framing the Constitution of the State of California	100,000 00	
28—Assembly Bill No. 752—An Act making an appropriation to reimburse the county of Marin for the support of orphans, half-orphans and abandoned children in 1904.....	2,295 25	
28—Assembly Bill No. 758—An Act appropriating money for metal shelving, record cases, fixtures, and other accessories for the use of the Clerk of the Supreme Court.....	6,000 00	
26—Assembly Bill No. 202—An Act to provide for acquiring a right of way for deepening and widening, and for deepening and widening the channel or outlet of Clear Lake, in Lake County, and making an appropriation therefor.....	25,000 00	
29—Assembly Bill No. 181—An Act to pay the claim of A. G. Lafferty and making an appropriation therefor.....	1,000 00	
29—Assembly Bill No. 386—An Act to make an appropriation for the repair and maintenance under the supervision, management and control of the Department of Engineering of the State of California, of that certain state highway commencing at Pine Grove, in Amador County, and running thence via Hope Valley to connect at Osgood's place, in El Dorado County, with the Lake Tahoe wagon road, and via Markleeville, in Alpine County, to connect at Junction, in Mono County, with the Sonora and Mono road.....	10,000 00	
29—Assembly Bill No. 387..An Act to provide for the continuation of the construction of the highway known as King's River Highway, to declare it a state highway, and to make an appropriation therefor.....	50,000 00	
29—Assembly Bill No. 640—An Act to provide for state highway from Mereno to Beaumont, in Riverside County.....	25,000 00	

Jan 29—Assembly Bill No. 776—An Act to amend Section 3700 of the Political Code, relating to salaries of the members of the State Board of Equalization	$3,700 00
30—Assembly Bill No. 689—An Act to amend an Act entitled "An Act creating a fund for the benefit and support of high schools, and providing for its distribution by changing the term high school to secondary school and apportioning six hundred dollars to each school in place of one third of the total amount," approved March 6, 1903	. .
30—Assembly Bill No. 801—An Act authorizing the State Treasurer to purchase a bond filing case, and making an appropriation therefor	401 00
30—Assembly Bill No. 811—An Act to amend sections four hundred and thirty-nine and four hundred and forty of the Political Code, relating to the employees in the Controller's office and the salaries paid to such employees	....
30—Senate Bill No. 533—An Act to make an appropriation to pay the per diem and mileage of the Lieutenant-Governor and Senators for the thirty-eighth session of the Legislature of the State of California, during the sixtieth fiscal year	23,636 20
Total amount of appropriations referred to this committee to date	$3,906.791 51
Bills reported favorably $844,133 51	
Reduction in appropriation 25,000 00	
	869,133 51
Leaving balance in hand of committee	$2,919,858 00

Respectfully submitted

BEARDSLEE, Chairman

BILLS REPORTED FAVORABLY.

Jan. 19—Assembly Bill No. 374	$75,000 00
19—Senate Bill No. 38	50,000 00
22—Senate Bill No. 302	12,300 00
22—Senate Bill No. 303	33,000 00
22—Senate Bill No. 304	7,000 00
22—Senate Bill No. 305	33,000 00
22—Senate Bill No. 306	1,693 85
22—Senate Bill No. 307	479 57
22—Senate Bill No. 308	4,533 46
22—Senate Bill No. 310	42,000 00
22—Senate Bill No. 311	1,500 00
22—Senate Bill No. 312	7,605 61
22—Senate Bill No. 315	5,000 00
22—Assembly Bill No. 377	400,000 00
25—Assembly Bill No. 47	25,000 00
25—Assembly Bill No. 125	80,000 00
25—Assembly Bill No. 176	.....
25—Assembly Bill No. 731	3,000 00
25—Assembly Bill No. 235	5,000 00
26—Assembly Bill No. 626	12,000 00
26—Assembly Bill No. 234	16,800 00
26—Assembly Bill No. 696	25,000 00
27—Assembly Bill No. 611	1,350 00
29—Assembly Bill No. 409	1,000 00
29—Senate Bill No. 300	1,077 23
29—Senate Bill No. 301	793 79
	$869,133 51

Assembly Bill No. 751 referred to Committee on Ways and Means.

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1909

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly reengrossed:

Assembly Bill No. 238—An Act to add a new section to the Political Code to be numbered 1840, relating to the levy and collection of special district school funds.

Assembly Bill No. 318—An Act to amend section three hundred and seventeen of the Penal Code of California.

FEELEY, Acting Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1909

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Assembly Bill No. 326—An Act to repeal an Act entitled "An Act forbidding the employment of the inmates of State institutions in the manufacture, or production of articles, for the use of State officers, or the officers and employers (employees) of State institutions, approved March 19, 1903."

Assembly Bill No. 345—An Act to add a new section to the Civil Code of the State of California, to be known as section thirty-four hundred and thirty-four, relating to the collection of accounts for liquors sold at retail.

Assembly Bill No 152—An Act to amend the Political Code by adding thereto a new section to be numbered 740, relating to the appointment of a secretary for the superior court of counties of the second class, and fixing the salary of such secretary, and providing the manner of the payment thereof

Assembly Bill No. 343—An Act to add two new sections to the Political Code of the State of California, to be known as Sections 1893 and 1894, providing for the registration of bonds issued by common school, high school, or union high school districts.

Assembly Bill No. 331—An Act to add a new section to the Penal Code of the State of California, to be known as section seventy-eight, relating to the prevention of irregular issuance of teachers' certificates.

Assembly Bill No 340—An Act to add a new section to the Penal Code of the State of California, to be known as section one hundred and thirty-nine, relating to keeping the hides of animals killed or slaughtered, and providing a penalty for the violation thereof.

Assembly Bill No. 346—An Act to repeal an Act entitled "An Act relative to the non-insurance of property belonging to the State against risk of damage or destruction by fire," approved March 10, 1891.

Assembly Bill No. 333—An Act to repeal sections eighteen hundred sixty-seven, eighteen hundred sixty-eight, eighteen hundred sixty-nine, and eighteen hundred and seventy of the Political Code of the State of California.

Assembly Bill No. 332—An Act to amend Section 653*b* of the Penal Code of California.

Assembly Bill No. 347—An Act to add a new section to the Political Code of the State of California, to be known as Section 3236, relating to insurance on public buildings.

Assembly Bill No 390—An Act to amend Sections 2136, 2137, 2138, 2140, 2141, 2142, 2145, 2153, 2154, 2161, 2162, 2163, 2167*a*, 2168, 2170, 2171, 2172, 2176, 2177, 2179, 2180, 2181, 2187, 2189, 2192, 2193, and 2195 of the Political Code, relating to the powers and duties of the State Commission in Lunacy, to the government and management of State hospitals for the insane and other incompetent persons, and to the care, custody, apprehension, commitment, and maintenance of insane and other incompetent persons

FEELEY, Acting Chairman

The above reported bills ordered on file for third reading.

SENATE MESSAGE.

The following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, February 1, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 264—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Sections 339 and 343 thereof, relating to pawnbrokers.

Also: Senate Bill No. 198—An Act to amend Section 4249 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the twentieth class.

Also: Senate Bill No 15—An act to amend Section 607 of the Civil Code of the State of California, relating to societies for the prevention of cruelty to children and animals.

Also: Senate Bill No. 352—An Act to amend Section 4041 of the Political Code, relating to the general permanent powers of boards of supervisors.

Also: Senate Bill No. 285—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1907, by amending section two thereof.

Also: Senate Bill No. 180—An Act to amend Section 737 of the Political Code of California, relating to the salaries of Superior Judges

Also: Senate Bill No 130—An Act to amend Section 2979 of the Political Code, relating to the powers and duties of the State Board of Health.

Also: Senate Bill No. 471—An Act to amend Section 1617 of the Political Code of the State of California, relating to the general powers of boards of trustees and of education

Also: Senate Bill No 8—An Act authorizing and directing the Board of Managers of

the Agnews State Hospital to continue the reconstruction works at said hospital, and making an appropriation therefor

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Senate Bill No. 264 read first time, and referred to Committee on Judiciary.

Senate Bill No. 198 read first time, and referred to Committee on County and Township Governments.

Senate Bill No. 15 read first time, and referred to Committee on Judiciary.

Senate Bill No. 352 read first time, and referred to Committee on County and Township Governments.

Senate Bill No. 285 read first time, and referred to Committee on Irrigation.

Senate Bill No. 180 read first time, and referred to Committee on Judiciary.

Senate Bill No. 130 read first time, and referred to Committee on Public Health and Quarantine.

Senate Bill No. 471 read first time, and referred to Committee on Education.

Senate Bill No. 8 read first time, and referred to Committee on State Hospitals and Asylums.

INTRODUCTION OF BILLS.

The following bills were introduced, and referred, as indicated:

By Mr. Barndollar: Assembly Bill No. 992—An Act to amend sections one, two, three, and four of an Act entitled "An Act to encourage and provide for a general vaccination in the State of California," approved February 20, 1889.

Bill read first time, and referred to Committee on Public Health.

By Mr. Melrose: Assembly Bill No. 993—An Act to amend the Penal Code of the State of California, by adding a new section thereto to be numbered 532*a*, relating to the making of false statements in writing by any person respecting his own or another's financial condition, for the purpose of procuring a loan or credit in any form for himself or for another person, and relating to the procuring of credit on such false statements and prescribing penalties therefor.

Bill read first time, and referred to Committee on Banks and Banking.

By Mr. Rech: Assembly Bill No. 994—An Act to amend Section 626*g* of the Penal Code of the State of California, relating to the protection and preservation of tree squirrels.

Bill read first time, and referred to Committee on Fish and Game.

Also: Assembly Bill No. 995—An Act to amend Section 124 of the Code of Civil Procedure, relating to the denial of divorces.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 996—An Act to add a new section to the Penal Code, to be numbered four hundred and ninety-nine *c*, relating to the taking, hiring, running, driving or using of an automobile or taking or removing therefrom any part thereof, by the owner, or the manager of an automobile garage, his agent or employee, or any other person, without the consent of the owner of such automobile, and providing the punishment for the violation thereof.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Beatty: Assembly Bill No. 997—An Act to amend Section 650 of the Civil Code, relating to the powers of boards of trustees of colleges and seminaries of learning.

Bill read first time, and referred to Committee on Education.

Also: Assembly Bill No. 998—An Act to amend Section 649 of the Civil Code, relating to articles of incorporation of colleges and seminaries of learning.

Bill read first time, and referred to Committee on Education.

Also: Assembly Bill No. 999—An Act to add a new section to the Code of Civil procedure of the State of California, to be known as Section 1462, relating to property alleged to belong to the estate and claimed by the executor or administrator.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 1000—An Act to provide for the establishment, maintenance and control of a sanitarium for the treatment of tuberculosis, and making appropriation therefor.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Mr. Silver: Assembly Bill No. 1001—An act to amend Section 928 of the Penal Code of the State of California, relating to the duties of grand juries.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Beardslee: Assembly Bill No. 1002—An Act to amend Section 650 of the Code of Civil Procedure, relating to bills of exceptions.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Hammon: Assembly Bill No. 1003—An Act to amend Section 607*e* of the Civil Code of the State of California, relative to fines, penalties and forfeitures imposed and collected under the provisions of any law of this State relating to or affecting children or animals, and also relative to the compensation of societies incorporated and organized for the prevention of cruelty to animals.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 1004—An Act to authorize the Governor to accept on behalf of the State the grant of certain lands in Butte County.

Bill read first time, and referred to Committee on Public Lands and Forestry.

Also: Assembly Bill No. 1005—An Act to fix the salaries of the State Forester, Deputy Forester and Assistant Forester.

Bill read first time, and referred to Committee on Public Lands and Forestry.

Also: Assembly Bill No. 1006—An Act to appropriate money for better protection against forest and field fires.

Bill read first time, and referred to Committee on Public Lands and Forestry.

By Mr. Dean: Assembly Bill No. 1007—An Act to amend Section 4251 of the Political Code of the State of California, concerning salaries and fees of officers in counties of the twenty-second class.

Bill read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 1008—An Act to accept from the Old Soldiers' Memorial Camp Association of Northern California, and E. F. Winslow Post No. 79, Grand Army of the Republic, Department of California and Nevada, the conveyance of, and to vest title in the State of California of certain lands, buildings and furnishings thereon, at

La Tour Soda Springs, Whitmore Postoffice, in Shasta County; and appropriating the sum of ten thousand dollars for the purpose of constructing cottages on said lands and for the improvement thereof, and to maintain and care for the same as and for a free rooming, camping grounds, resting place and health resort for aged, indigent ex-soldiers, sailors and marines of the United States Army and Navy, and wives of such soldiers, sailors and marines, to be known as Winslow Veterans' Home, and to provide for the government thereof by the State of California.

Bill read first time, and referred to Committee on Public Lands and Forestry.

By Mr. Hewett: Assembly Bill No. 1009—An Act appropriating money to be expended by and under the direction of the Department of Engineering for the purpose of rectifying the channels of the Sacramento, San Joaquin and Feather rivers, and other river channels of the State, and in improving the navigability of such streams.

Bill read first time, and referred to Committee on Swamp and Overflowed Lands and Levees and River Improvements and Drainage.

By Mr. Holmquist: Assembly Bill No. 1010—An Act to validate the organization and incorporation of municipal corporations of the sixth class.

Bill read first time, and referred to Committee on Municipal Corporations.

Also (by request): Assembly Bill No. 1011—An Act to amend an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, and regulating the procedure to be followed for the annexation of additional territory to municipal corporations.

Bill read first time, and referred to Committee on Municipal Corporations.

By Mr. Griffiths: Assembly Concurrent Resolution No. 8—Relative to appointment of a committee of five by the Governor to investigate the feasibility of dividing the State into fish and game districts.

Read first time, and referred to Committee on Fish and Game.

By Mr. Holmquist (by request): Assembly Bill No. 1012—An Act to amend an Act entitled "An Act to provide for the alteration of the boundaries of and for the annexation of territory to incorporate towns and cities, and for the incorporation of such annexed territory in and as a part of such municipalities, and for the districting, government and municipal control of annexed territory," approved March 19, 1889, and regulating the procedure to be followed for the annexation of additional territory to incorporated towns and cities.

Bill read first time, and referred to Committee on Municipal Corporations.

By Mr. Butler: Assembly Bill No. 1013—An Act authorizing the State Board of Prison Directors to provide for assisting discharged prisoners to secure employment, and making an appropriation for the purpose of the Act.

Bill read first time, and referred to Committee on Public Charities and Corrections.

Also: Assembly Bill No. 1014—An Act providing for the construction of additional houses for the use of the officers, guards, and employees at the State prison at Folsom, and making an appropriation therefor.

Bill read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Also: Assembly Bill No. 1015—An Act providing for the construction and furnishing of a residence at the State Prison at Folsom, and making an appropriation therefor.

Bill read first time, and referred to Committee on State Prisons and Reformatory Institutions.

By Mr. Lightner: Assembly Bill No. 1016—An Act for the relief of J. S. Godeau, and appropriating the sum of $500.00 to reimburse him for horses and harness taken and used by State officials.

Bill read first time, and referred to Committee on Claims.

By Mr. Whitney: Assembly Bill No. 1017—An Act to amend Section one of an Act entitled "An Act to provide for the payment by the State, or counties, or cities, or cities and counties, of the premium or charge on official bonds when given by surety companies," approved March 25, 1903.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Drew: Assembly Bill No. 1018—An Act to amend section four hundred and fifty-six of the Political Code, relating to the office of the Treasurer of State, his deputy, and assistants and the salaries of the deputy and assistants.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Pulcifer: Assembly Bill No. 1019—An Act to amend Section 737 of the Political Code, relating to salaries of Superior Judges.

Bill read first time, and referred to Committee on Judiciary.

RESOLUTION.

The following resolution was offered:

By Mr. McManus:

WHEREAS, There have been referred to the Committee on Commerce and Navigation certain bills relating to property of the State on the harbors of San Francisco and San Diego; and

WHEREAS, To intelligently act on these bills it will require personal inspection of the property affected by these bills; and

WHEREAS, It is necessary in order to enable said committee to intelligently act on said bills that they visit the harbors of San Francisco and San Diego.

Resolved, That the Committee on Commerce and Navigation, consisting of McManus, (chairman), Johnson of San Diego, Leeds, Feeley, Kehoe, Otis, Flint, O'Neill, Black, and E. F. Van Alstine, clerk, be and they are hereby granted leave of absence from and including .... to and including .... for the purpose of visiting the harbors of San Francisco and San Diego, in order to thoroughly investigate and be thoroughly competent to pass on the bills that now are or may be before that committee respecting the harbors of San Francisco and San Diego.

Resolution read, and referred to Committee on Rules and Regulations.

UNFINISHED BUSINESS.

Assembly Bill No. 318—An Act to amend Section 317 of the Penal Code of California.

Bill read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 318 passed by the following vote:

AYES: Messrs. Barndollar, Baxter, Beatty, Black, Butler, Callan, Cattell, Collier, Collum, Costar, Cronin, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gibbons, Gillis, Greer, Griffiths, Hammon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Juilliard, Kehoe, Lightner, McManus, Mendenhall, Moore, Nelson, O'Neill, Perine,

Polsley, Preston, Pugh, Pulcifer, Rech, Rutherford, Sackett, Silver, Telfer, Webber, Wheelan, Whitney, Wyllie, and Mr. Speaker—56.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 228—An Act to amend Section 1543 of the Political Code so as to provide for suspended districts.

During the third reading of the bill, Mr. Sackett moved that the Speaker appoint a select committee of one to amend the bill as follows:

Strike out of subdivision 7, line 53, of printed bill, the words "for six months," and insert in lieu thereof the following: "until June 30th following date of issue."
Same subdivision, line 154, strike out the words "in his judgment."
Same subdivision, line 155, insert after the word "be" the word "issued."
Same subdivision, line 156, strike out the words "or to," also all of lines 157, 158, 159 and words "normal schools of California," on line 160.
Same subdivision, line 155, strike out the word "which," and insert in lieu thereof the word "that."

Motion carried.

The Speaker appointed Mr. Sackett as such select committee

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 228 with instructions, do now report that the instructions of the Assembly have been carried out.

SACKETT, Select Committee.

Report of select committee and amendments adopted.

Bill ordered to reprint, reengrossment, and on file for passage.

MESSAGE FROM THE SENATE.

The following message from the Senate was received, and on motion taken up and read:

SENATE CHAMBER, SACRAMENTO, February 2, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted Senate Joint Resolution No. 13—Relative to the use of sulphur dioxid in dried fruits.
Also: Passed as a case of urgency Assembly Bill No. 808—An Act to make an appropriation to pay the per diem and mileage of Assemblymen for the thirty-eighth session of the Legislature of the State of California, during the sixtieth fiscal year
Also: Adopted Senate Concurrent Resolution No. 5—Relative to joint rules of the Senate and Assembly.

LEWIS A. HILBORN, Secretary of Senate
By J. W. KAVANAGH, Assistant Secretary.

Senate Joint Resolution No. 13 read, and referred to Committee on Federal Relations, with instructions to report same back before adjournment.

Assembly Bill No. 808 ordered to enrollment.

Senate Concurrent Resolution No. 5 read, and referred to Committee on Rules and Regulations.

INTRODUCTION OF ASSEMBLY CONSTITUTIONAL AMENDMENTS.

The following Assembly constitutional amendments were introduced, and referred as indicated:

By Mr. Beatty: Assembly Constitutional Amendment No. 20—A resolution to propose to the people of the State of California an amend-

ment to article one of section seven of the Constitution, relating to trial by jury.

Amendment read first time, and referred to Committee on Constitutional Amendments.

Also: Assembly Constitutional Amendment No. 21—A resolution to propose to the people of the State of California, an amendment to Article VI of the Constitution of the State of California by adding a new section thereto, to be numbered Section 4½ of Article VI, relating to the appellate jurisdiction of the Supreme Court, and of the District Courts of Appeal in criminal cases.

Amendment read first time, and referred to Committee on Constitutional Amendments.

Also: Assembly Constitutional Amendment No. 22—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Section 13 of Article I thereof, relating to the taking of depositions in criminal prosecutions and providing for the payment of the expenses incident thereto.

Amendment read first time, and referred to Committee on Constitutional Amendments.

Also: Assembly Constitutional Amendment No. 23—A resolution to propose to the people of the State of California an amendment to Article VI, Section 8 of the Constitution, relating to judges of the Superior Court.

Amendment read first time, and referred to Committee on Constitutional Amendments.

SPECIAL FILE—SECOND READING.

Assembly Bill No. 574—An Act to amend Sections 10 and 14 of "An Act creating a State commission on voting or balloting machines, defining their powers, and providing for the use at the option of indicated local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result at such elections, and providing for the punishment of all violations of the provisions of this Act," approved March 20, 1903.

Bill read second time, and ordered to engrossment.

THIRD READING FILE.

Assembly Bill No. 172—An Act to allow unincorporated towns and villages to establish, equip and maintain public libraries; to provide for the formation, government and operation of library districts; the acquisition of property thereby; the calling and holding of elections in such districts; the assessment, collection, custody and disbursement of taxes therein; and to create boards of library trustees.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 172 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beban, Black, Callan, Cattell, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Dean, Drew, Flavelle, Fleisher, Flint, Gibbons, Gillis, Greer, Griffiths, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Juilliard, Kehoe, Leeds, Lightner, Macauley, Mendenhall, Moore, Mott, Nelson, Odom, O'Neill, Perine, Polsley, Preston, Pulcifer, Rech,

Rutherford, Sackett, Silver, Transue, Webber, Wheelan, Whitney, Wyllie, and Mr. Speaker—55.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 390—An Act to amend Sections 2136, 2137, 2138, 2140, 2141, 2142, 2145, 2153, 2154, 2161, 2162, 2163, 2167*a*, 2168, 2170, 2171, 2172, 2176, 2177, 2179, 2180, 2181, 2187, 2189, 2192, 2193, and 2195 of the Political Code, relating to the powers and duties of the State Commission in Lunacy, to the government and management of State hospitals for the insane and other incompetent persons, and to the care, custody, apprehension, commitment, and maintenance of insane and other incompetent persons.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 390 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Butler, Callan, Cattell, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Dean, Drew, Flavelle, Fleisher, Flint, Gibbons, Gillis, Greer, Griffiths, Hammon, Hawk, Hayes, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Juilliard, Lightner, Macauley, Mendenhall, Moore, Mott Nelson, Odom, O'Neill, Perine, Preston, Pugh, Pulcifer, Rech, Rutherford, Sackett, Silver, Stuckenbruck, Telfer, Transue, Webber, Whitney, Wyllie, and Mr. Speaker—57
NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON FEDERAL RELATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1909.

MR. SPEAKER: Your Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 13—Relating to the use of Sulphur dioxid—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

MOTT, Chairman.

On motion of Mr. Drew, Senate Joint Resolution No. 13 was taken up for consideration.

Senate Joint Resolution No. 13 read and adopted, and ordered transmitted to the Senate.

THIRD READING FILE—(RESUMED).

Assembly Bill No. 193—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section to said Penal Code, to be known and numbered as Section 403¾, relating to the furnishing or erecting of unsafe or improper scaffolding or mechanical contrivances.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 193 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Butler, Callan, Cattell, Cogswell, Collier, Collum, Cronin, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gillis, Hammon, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley,

McClellan, McManus, Mendenhall, Moore, Nelson, Odom, O'Neill, Perine, Polsley, Pugh, Pulcifer, Rech, Rutherford, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, and Mr. Speaker—60.
NOES—Mr. Preston—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 146—An Act to amend Section 18 of an Act entitled "An Act to provide for the establishment and quieting of title to real property in case of the loss or destruction of public records," approved June 16, 1906, by extending the time to commence actions thereunder until July 1, 1912.

During the third reading of the bill Mr. O'Neill moved that the Speaker appoint a select committee of one to amend the bill as follows:

Strike out the figure "3," in the last line of the title, and insert in lieu thereof the figure "1."
Also: Strike out the figure "3," in line 7, of section one of the printed bill, and insert in lieu thereof the figure "1."

Motion carried.

The Speaker appointed Mr. O'Neill as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 146, with instructions, do now report that the instructions of the Assembly have been carried out.

O'NEILL, Select Committee.

Report of select committee and amendments adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No. 445—An Act to regulate the hours of labor in mines.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 445 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Beban, Cattell, Coghlan, Cogswell, Collum, Costar, Cronin, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gibbons, Gillis, Hammon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnston of Contra Costa, Kehoe, Leeds, Lightner, Macauley, McClellan, McManus Mendenhall, Moore, Mott, Nelson, O'Neill, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Rutherford, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wyllie, and Mr. Speaker—57.
NOES—None.

TITLE AMENDED.

Mr. Rutherford offered the following amendment to the title:

Strike out the title, and insert in lieu thereof the following: "An Act regulating the hours of employment in underground mines and in smelting and reduction works"

Amendment adopted.

Title, as amended, read and approved.

Bill ordered to reprint, and transmitted to the Senate.

Assembly Bill No. 196—An Act to provide county library systems.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 196 refused passage by the following vote:

AYES—Messrs. Fleisher, Johnson of Sacramento, Nelson, Wyllie, and Mr. Speaker—5.
NOES—Messrs. Barndollar, Beatty, Butler, Callan, Cattell, Coghlan, Cogswell, Collier,

Collum, Costar, Cullen, Dean, Drew, Feeley, Flavelle, Flint, Gibbons, Gillis, Greer, Hammon, Hans, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, McClellan, McManus, Mendenhall, Moore, O'Neill, Perine, Polsley, Preston, Pulcifer, Rutherford, Sackett, Silver, Stuckenbruck, Telfer, Wagner, and Whitney—49.

NOTICE OF MOTION TO RECONSIDER.

Mr. Sackett gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 196 was this day refused passage.

Assembly Bill No. 152—An Act to amend an Act entitled "An Act authorizing the judges of the Superior Court in all counties and cities and counties having a population of two hundred thousand inhabitants and over, to appoint a secretary," approved March 26, 1895.

WITHDRAWAL OF BILL.

Mr. Rech asked for and was granted unanimous consent to withdraw Assembly Bill No. 152.

Bill withdrawn, and ordered stricken from the file.

Assembly Bill No. 247—An Act relating to the adjustment of county boundary lines.

Bill read third time.

Further consideration of Assembly Bill No. 247 continued until next legislative day as unfinished business.

RE-REFERENCE OF BILLS.

On motion of Mr. Beban, Assembly Bill No. 298—An Act to amend Section 531 of Article XII of the Political Code—was re-referred to Committee on Public Printing.

ADJOURNMENT.

At twelve o'clock and thirty minutes P. M., the Assembly was declared adjourned.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL., Wednesday, February 3, 1909.

At nine o'clock and thirty minutes A. M., pursuant to adjournment, the Assembly was called to order.

Hon. P. A. Stanton, Speaker of the Assembly, in the chair.

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

Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Costar, Cronin, Dean, Drew, Feeley, Fleisher, Flint, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Pulcifer, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—67.

Quorum present.

LEAVES OF ABSENCE.

On motion, leave of absence for the day was granted to Messrs. Flavelle, Wyatt, and Gerdes.

PRAYER

Prayer was offered by the Chaplain, Rev. Seren N. Marsh.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Feeley, its further reading was dispensed with.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

STATE HOSPITALS AND ASYLUMS.

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1909

MR. SPEAKER: Your Committee on State Hospitals and Asylums, to whom was referred Assembly Bill No. 99—An Act allowing certain pensions and providing for the payment of the same, of employees of twenty-one years and upwards of service by the State of California in one or more of the public institutions of this State for the insane, and those who shall become disabled while in the service of the State of California in one or more of the public institutions of this State for the insane, and providing for the payment thereof—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No 276—An Act to provide for the construction of a new laundry building at the Stockton State Hospital, and the purchase of such machinery and equipments as is necessary for the operation of the same, and for the expense incurred in the removal of machinery from the old building to the new, and to make appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and be referred to Committee on Ways and Means.

FLAVELLE, Chairman.

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1909.

MR SPEAKER: Your Committee on Judiciary, to whom was referred Senate Bill No. 54—An Act to amend section five of an Act entitled "An Act to amend sections four, five, six, ten, thirteen, and fourteen of an Act entitled 'An Act for the more effectual prevention of cruelty to animals,' approved March 20, 1874, and to add three new sections to said Act to be known as sections twenty, twenty-one, and twenty-two, in relation to cruelty to animals, and the arrest, trial, and punishment of offenders against the provisions of said Act, and liens on property in certain cases arising under this Act," approved March 14, 1901.

Also: Assembly Bill No. 410—An Act to amend Section 536 of the Penal Code, relating to false statements by consignees and others, and to add a new section to the Penal Code, to be numbered Section 536*a*, imposing certain duties upon consignees and others.

Also: Assembly Bill No. 576—An Act to amend Section 1312 of the Code of Civil Procedure, relating to contesting the probate of wills.

Also: Assembly Bill No. 813—An Act to amend Section 1579 of the Code of Civil Procedure, relating to and authorizing executors and administrators to make leases of the real estate of decedents.

Also: Assembly Bill No. 846—An Act to amend Section 1213 of the Civil Code of the State of California, relating to the recording of conveyances of real property, and providing for the recording of certified copies of such conveyances in cases where the same have been recorded in a wrong manner.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

JOHNSON OF SACRAMENTO, Chairman

ON BANKS AND BANKING.

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1909.

MR. SPEAKER: Your Committee on Banks and Banking, to whom was referred Assembly Bill No. 153—An Act to define and regulate the business of banking—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

TRANSUE, Chairman.

ON FISH AND GAME

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1909.

MR SPEAKER: Your Committee on Fish and Game, to whom was re-referred Assembly Bill No. 229—An Act to amend Section 637*a* of the Penal Code of the State of California, relating to meadow larks—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

COSTAR, Chairman

ON CLAIMS.

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1909.

MR. SPEAKER: Your Committee on Claims, to whom was referred Assembly Bill No. 419—An Act making an appropriation to pay the claim of Edward W. Lehner against the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass and that it be re-referred to Committee on Ways and Means.

CULLEN, Chairman.

ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1909.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 627—An Act to amend Section 3366 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, giving power to legislative bodies to fix a license tax and upon whom it may be imposed—have had the same under consideration, and respectfully report the same back with one amendment, and recommend that it do pass as amended.

FEELEY, Chairman.

The above reported bills ordered on file for second reading.

Assembly Bills Nos. 276 and 419 referred to Committee on Ways and Means.

INTRODUCTION OF BILLS.

The following bills were introduced and referred, as indicated:

By Mr. Transue: Assembly Bill No. 1020—An Act to amend "An Act to prohibit adulteration and deception in the sale of dairy products, defining adulteration in dairy products, to establish standards of quality in dairy products, and to provide for enforcing its provisions," approved March 15, 1907.

Bill read first time, and referred to Committee on Live Stock, Dairies, and Dairy Products.

By Mr. Dean: Assembly Bill No. 1021—An Act to amend Section 657 of the Code of Civil Procedure of the State of California, relating to the grounds upon which a new trial may be granted.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Drew: Assembly Bill No. 1022—An Act to amend Section 4236 of the Political Code, relating to county and township officers of counties of the seventh class.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Leeds: Assembly Bill No. 1023—An Act to amend Sections 10, 15, 16, 16*a*, 16*d*, 16*c*, 16*c*, 19, 20, and 28, and to add a new section thereto, to be numbered Section 17, and to repeal Sections 17, 18, 21, 24, 25, 27, 29, and 31, and to have renumbered the sections so that they may follow consecutively, of an act entitled "An Act to establish a school for the discipline, education, reformation, and protection of juvenile delinquents, in the State of California, to be known as the Whittier State School," approved March 11, 1889, and amended March 23, 1893, and March 7, 1905, and February 7, 1907, all relating to the said Whittier State School.

Bill read first time, and referred to Committee on State Prisons and Reformatory Institutions

Also: Assembly Bill No. 1024—An Act to amend Section 3 of an Act entitled "An Act to prevent the waste and flow of water from artesian wells, and prescribing penalties therefor, and defining waste and artesian wells," approved March, 1907.

Bill read first time, and referred to Committee on Irrigation.

By Mr. Holmquist: Assembly Bill No. 1025—An Act to amend Section 4261 of the Political Code, relating to salaries and fees of officers in counties of the thirty-second class.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Beatty: Assembly Bill No. 1026—An Act to add a new section to the Civil Code of the State of California, to be numbered four hundred and eleven, relative to restoring foreign corporations.

Bill read first time, and referred to Committee on Corporations.

By Mr. Baxter: Assembly Bill No. 1027—An Act to appropriate the sum of ten thousand dollars, for the purpose of partly changing the line of road and making permanent culverts on the Sonora and Mono road, a State highway.

Bill read first time, and referred to Committee on Roads and Highways.

By Mr Johnson of Sacramento: Assembly Bill No. 1028—An Act authorizing and directing the Surveyor-General to select lands under the laws of the United States in lieu of any sixteenth and thirty-sixth sections included within any reservation of public lands, providing for necessary additional employees of the Surveyor-General's office, and the fees and procedure for effecting the exchanges.

Bill read first time, and referred to Committee on Public Lands and Forestry.

By Mr. Hawk: Assembly Bill No. 1029—An Act to add a new section to the Penal Code, to be numbered Section 413½, relating to sparring exhibitions and prize fights.

Bill read first time, and referred to Committee on Public Morals.

Also: Assembly Bill No. 1030—An Act to amend Section 528 of the Political Code, relating to the printing of the Journals and Appendices of the Senate and Assembly.

Bill read first time, and referred to Committee on Public Printing.

RESOLUTION.

The following resolution was offered:

By Mr. Transue:

Resolved, That the prompt and efficient action of the Superintendent of Public Instruction in carrying out an Act of this Legislature for Lincoln Day in the schools of California by issuing a suggestive program to the teachers of the State be commended, and the Superintendent be congratulated for the excellence of the work.

Resolution read, and on motion adopted

MOTION.

Mr. Preston moved that Assembly Bill No. 384 be re-referred to Committee on Irrigation

Motion seconded.

POINT OF ORDER.

During the debate upon the question, Mr. Gibbons made the point of order that the question was not debatable.

POINT OF ORDER WELL TAKEN.

The Speaker ruled the point of order well taken.

The roll was called, and motion lost by the following vote:

AYES—Messrs. Barndollar, Beatty, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Costar, Dean, Drew, Fleisher, Gillis, Hewitt, Hinkle, Juilliard, Leeds, Mendenhall, Moore, Otis, Polsley, Preston, Rech, Sackett, Silver, Stuckenbruck, Telfer, Whitney, Wyllie, Young, and Mr. Speaker—31.

NOES—Messrs. Baxter, Beban, Collum, Cronin, Cullen, Feeley, Flint, Gibbons, Griffiths, Hammon, Hanlon, Hawk, Hayes, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Kehoe, Macauley, Maher, McManus, Mott, Nelson, O'Neill, Perine, Pugh, Pulcifer, Schmitt, Transue, Webber, and Wilson—33.

Assembly Bill No 196—An Act to provide county library systems

RECONSIDERATION.

In compliance with his notice given on a previous day, Mr. Sackett moved that the vote whereby Assembly Bill No. 196 was refused passage be reconsidered.

The roll was called, and the same was reconsidered by the following vote:

AYES—Messrs Barndollar, Beatty, Bohnett, Butler, Callan, Cattell, Collier, Costar, Cullen, Dean, Drew, Feeley, Fleisher, Gillis, Greer, Hanlon, Hans, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, Maher, McClellan, McManus, Melrose, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Preston, Pugh, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Telfer, Transue, Wagner, Whitney, Wyllie, Young, and Mr. Speaker—55.

NOES—Messrs. Cogswell, Cronin, Flint, Gibbons, Griffiths, Hammon, Hayes, Mendenhall, Polsley, and Stuckenbruck—10.

Mr. Greer moved that the Speaker appoint a select committee of one to amend the bill as follows:

Amend the printed bill, page 1, Section 2, line 6, by striking out the words "than one fourth," and insert in lieu thereof the words "fifty-one per cent."

Mr. Preston moved as a substitute for the amendment the following:

(1) After the figure "1," in line 1, of Section (1), insert the following: "Subject to the limitations hereinafter provided."

(2) Strike out all of Section 2, and insert a new Section 2, as follows: "Upon the presentation of a duly authenticated petition, asking for the establishment of a county library system, signed by not less than fifty-one per cent of the electors of any county or city and county, whose names appear on the great register, in force at the time of filing such petition, the board of supervisors of such county, or city and county, shall establish and provide for the reasonable maintenance of such county library system in the manner herein provided."

(3) Strike out the last letter "e," in word "therefore," in line 7, of page 2, of Section 4, of printed bill, making the word "therefor," instead of "therefore."

(4) Make same amendment in line 7 of Section 11.

(5) After word "Supervisors," in line 2, of Section 12, insert the following "When authorized as provided in section two hereof."

(6) Strike out the words "need not," in line 9, of Section 4, and insert in lieu thereof the word "must."

(7) Strike out the words, "of the county nor a," and insert in lieu thereof the word "and."

(8) Strike out the words "the salary provided by law for the county superintendent of schools," where they appear in lines 12, 13 and 14, of Section 5, on page 2, and insert in lieu thereof, the words "nine hundred dollars per annum."

(9) After the word "bonds," where it appears in line 7, page 5, Section 13, and

insert the following "*Provided*, that the electors of such county, or city and county, that reside in any city, town, or library district, that has elected, under section three of this Act, to withdraw from such county library system, shall not participate in such election."

Motion seconded.

Mr. Leeds moved that Assembly Bill No. 196, together with all motions pending, be re-referred to Committee on Education.

Motion carried

SENATE MESSAGE

The following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, February 2, 1909

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 96—An Act to prevent the desecration, mutilation, or improper use of the flag of the United States of America.

Also: Senate Bill No. 549—An Act to amend Section 558 of the Code of Civil Procedure of the State of California, relating to the discharge of attachments.

Also: Senate Bill No. 271—An Act authorizing the Controller of State to appoint an inheritance tax deputy and prescribing his duties.

Also: Senate Bill No. 583—An Act to amend Section 534 of the Political Code, relating to the salary of the Superintendent of State Printing

Also: Senate Bill No 241—An Act to provide for making repairs and for additional equipment at the State Normal School at San Diego, Cal., and making an appropriation therefor.

Also: Senate Bill No 239—An Act to provide for the improvement of the campus of the State Normal School at San Diego, Cal., and making an appropriation therefor.

Also: Senate Bill No. 25—An Act repealing an Act approved March 11, 1907, and entitled "An Act to increase the fixed annual appropriation for the Veterans' Home of California, from sixty-five thousand dollars per annum to seventy-five thousand dollars per annum for the fifty-ninth fiscal year and for each and every year thereafter, and to that end to amend Section 1 of an Act approved March 20, 1905, entitled 'An Act to amend Section 1 of an Act entitled 'An Act to amend Section 1 of an Act approved March 20, 1899, entitled 'An Act to amend an Act entitled 'An Act to amend an Act approved February 28, 1887, entitled 'An Act to amend an Act to appropriate money for the support of aged persons in indigent circumstances residing in the home of the Veterans' Home Association, approved March 7, 1883, providing for an increase in the annual appropriation thereof, and changing the time for the payment thereof,' approved March 23, 1893, reducing the amount to such appropriation per capita, approved March 12, 1901, by providing for a fixed annual appropriation of sixty-five thousand dollars in the place and stead of seventy-five dollars per annum for each and every aged and indigent United States ex-soldier, sailor or marine admitted to or residing at said home.'"

Also: Senate Bill No. 228—An Act appropriating money to pay the claim of W. H. Cobb against the State of California.

Also: Senate Bill No. 265—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 47 thereof.

Also: Senate Bill No 267—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 14 thereof.

Also: Senate Bill No. 268—An Act to permit boards of directors of irrigation districts organized or existing under and by virtue of an Act of the Legislature, entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1907; to provide for the payment in two installments of the assessments levied under and in accordance with the provisions of said Act.

Also: Senate Bill No. 269—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 35 thereof.

Also: Senate Bill No 531—An Act to authorize the trustees of the Preston School of Industry and the Whittier State School to acquire property by gift, bequest or devise

Also: Senate Bill No. 258—An Act appropriating money to pay the claim of J B. Curtin against the State of California.

Also: Senate Bill No. 263—An Act appropriating money to pay the claim of E. F. Treadwell against the State of California

Also: Senate Bill No. 288—An Act appropriating money to pay the claim of M. L. Ward against the State of California.

Also Senate Bill No. 289—An Act appropriating money to pay the claim of H S G. McCartney against the State of California.

Also: Senate Bill No. 366—An Act providing for the labeling or stamping by the manufacturer, vendor, or person offering for sale any article of hotel, boarding or lodging house, or domestic or office furniture, the cushions whereof are stuffed in whole or in part with materials made of secondhand or cast-off clothing, rags, or cast-off, or secondhand material of any character, so that the label or stamp shall show the character of the materials with which such articles are so partly made or stuffed, and making the violating of any of the provisions of this Act a misdemeanor.

Also: Adopted Senate Concurrent Resolution No. 3—Relative to approving three certain amendments to the charter of the city of San Bernardino

LEWIS A. HILBORN, Secretary of Senate,
By J. W. KAVANAGH, Assistant Secretary.

Senate Bill No. 96 read first time, and referred to Committee on Judiciary.

Senate Bill No. 549 read first time, and referred to Committee on Judiciary

Senate Bill No 271 read first time, and referred to Committee on Judiciary.

Senate Bill No. 583 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 241 read first time, and referred to Committee on Public Buildings and Grounds.

Senate Bill No. 239 read first time, and referred to Committee on Public Buildings and Grounds.

Senate Bill No. 25 read first time, and referred to Committee on Public Buildings and Grounds.

Senate Bill No. 228 read first time, and referred to Committee on Claims.

Senate Bill No. 265 read first time, and referred to Committee on Irrigation.

Senate Bill No 267 read first time, and referred to Committee on Irrigation.

Senate Bill No. 268 read first time, and referred to Committee on Irrigation.

Senate Bill No. 269 read first time, and referred to Committee on Irrigation.

Senate Bill No. 531 read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Senate Bill No. 258 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 263 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 288 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 289 read first time, and referred to Committee on Ways and Means.

Senate Bill No 366 read first time, and referred to Committee on Judiciary.

Senate Concurrent Resolution No. 3 read first time, and referred to Committee on Municipal Corporations

REPORT OF STANDING COMMITTEE

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1909.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly reengrossed:

Assembly Bill No. 174—An Act providing for the eradication of the disease known as scabies in sheep; providing for the duties of the State Veterinarian in relation thereto; making certain acts in relation to sheep infected with such disease a misdemeanor, providing for a lien against such sheep for expenses and costs in the extermination of such disease, making certain persons liable for a violation of this act, and providing for the enforcement of said lien.

Assembly Bill No. 175—An Act to amend an Act entitled "An Act providing for the extermination of the boophilus annulatus tick, defining certain crimes and providing for certain civil and criminal actions," approved March 21, 1907, by amending sections one, two, three, and four thereof, and by adding a new section thereto to be known and numbered as section one and one half

YOUNG, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1909.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Assembly Bill No. 574—An Act to amend Sections 10 and 14 of "An Act creating a State commission on voting or balloting machines, defining their powers, and providing for the use at the option of indicated local authorities of voting or balloting machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result at such elections and providing for the punishment of all violations of the provisions of this Act," approved March 20, 1903.

Assembly Bill No. 14—An Act to amend Section 1662 of the Political Code.

Assembly Bill No. 78—An Act to regulate the ownership or possession of lands by aliens.

Assembly Bill No. 650—An Act to amend Section 637*a* of the Penal Code of California and to add thereto three new sections to be numbered 637*c*, 637*d*, and 637*e*, all relating to protection of wild birds other than game birds and their nests and eggs.

Assembly Bill No. 728—An Act to amend Section 4245 of the Political Code of the State of California, relating to county and township government and the compensation of county and township officers of counties of the sixteenth class.

Assembly Bill No. 271—An Act to provide for the union of two or more secondary school districts, the filing of a petition with the county superintendent of schools to submit the question of uniting union secondary school districts and calling for an election therefor, and the canvassing of the votes cast at said election.

Assembly Bill No. 141—An Act to amend section thirty-six hundred and seventeen of the Political Code, relating to the definition of terms and words.

Assembly Bill No. 235—An Act amending Section 2300 of the Political Code, relating to the State Library Fund.

Assembly Bill No. 382—An Act to amend Section 607*f* of the Civil Code of the State of California, relating to societies for the prevention of cruelty to children and animals.

Assembly Bill No. 573—An Act to amend Section 161*a* of the Penal Code of the State of California, relating to falsely advertising as an attorney.

Assembly Bill No. 604—An Act to amend Section 1492 of the Political Code of the State of California, relating to the duties of the joint board of State Normal School Trustees.

Assembly Bill No. 629—An Act entitled "An Act to amend Section 1880 of Article XXI of the Political Code by increasing the purposes for which school bonds may be voted."

Assembly Bill No. 631—An Act entitled "An Act to amend Section 1533 of Article II of the Political Code by providing a superintendents' annual convention."

Assembly Bill No. 626—An Act to provide for the improvement of the cereal crops of California, and appropriate money therefor.

Assembly Bill No. 619—An Act to amend Section 4240 of the Political Code, relating to the salaries, fees, and mileage of officers and jurors in counties of the eleventh class.

Assembly Bill No. 315—An Act to repeal an Act entitled "An Act to incorporate the town of Coloma, approved April 21, 1858."

Assembly Bill No. 697—An Act to amend Section 4255 of the Political Code of the State of California, relating to the salaries of officers in counties of the twenty-sixth class, and creating the office of deputy district attorney therein.

Assembly Bill No. 602—An Act to amend an Act entitled "An Act to provide for the formation, government, operation and dissolution of sanitary districts in any part of the State, for the construction of sewers, and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1901.

Assembly Bill No. 10—An Act to amend the Penal Code of the State of California, by adding a new section thereto, to be numbered 327, making it a misdemeanor to print, publish or advertise lottery drawings.

Assembly Bill No. 75—An Act to add a new section to the Penal Code, to be numbered 271*b*, making it a misdemeanor for any person who shall fail to endeavor in good faith to earn or otherwise provide, when able to do so, money with which to pay, or who fails to pay, whenever and so far as able, any allowance made by the court and directed to be paid by him to the wife for her support, or for the maintenance of any minor child or children of the marriage in any action of divorce, during the pendency of the action, at the final hearing, or at any time thereafter, and providing a penalty for such failure.

Assembly Bill No. 106—An Act authorizing certain suits against the State, and regulating the procedure therein.

Assembly Bill No. 185—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as Section No. 67*a*, relating to extra sessions of the Superior Court.

Assembly Bill No. 441—An Act to add a new section to the Code of Civil Procedure, to be numbered section one hundred and three and one half, authorizing city justices in cities and towns of the third class to appoint a clerk.

Assembly Bill No. 622—An Act to amend section three thousand eight hundred and ninety-seven of the Political Code, relating to the sale and disposition of lands deeded to the State for delinquent taxes.

Assembly Bill No. 417—An Act to amend Section 1207 of the Civil Code of the State of California, relating to the recordation of certain instruments and certificates of acknowledgment, the notice such recordation shall impart, and to the effect as evidence of certified copies of the records of same.

Assembly Bill No. 150—An Act for the preservation of seals or sea lions in the waters of the Santa Barbara Channel, or on, about or near any land adjacent thereto.

Assembly Bill No. 312—An Act against slot machines and other gambling devices.

Assembly Bill No. 384—An Act to amend section thirty-nine of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Assembly Bill No. 44—An Act to amend an Act entitled "An Act to create a firemen's relief, health, life insurance, and pension fund, in the several counties, cities and counties, cities and towns of the State, approved March 20, 1905.

Assembly Bill No. 439—An Act to amend Section 852 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations."

Assembly Bill No. 671—An Act to prevent the formation and prohibit the existence of secret oath-bound fraternities in the public schools.

Assembly Bill No. 25—An Act to amend section one of an Act entitled "An Act imposing a license tax upon itinerant vendors of drugs, nostrums, ointments or appliances sold for the cure of diseases, injuries or deformities," approved March 20, 1903.

Assembly Bill No. 667—An Act fixing, establishing and defining the exterior boundaries of reclamation district number seven hundred and thirty, in the county of Yolo, State of California.

Assembly Bill No. 668—An Act legalizing the formation and organization of reclamation district number seven hundred and thirty, in the county of Yolo, State of California.

Assembly Bill No. 710—An Act authorizing the payment of assessments levied in Reclamation District No. 791, to be paid to the county treasurer of the county of Sacramento.

Assembly Bill No. 711—An Act authorizing and empowering Reclamation District No. 791 to contract for the disposition of drainage and flood waters, and for the sale thereof, to any person, firm or corporation for the purpose of irrigation, or for any other lawful use.

Assembly Bill No. 712—An Act authorizing and empowering Reclamation District No. 791 to construct and maintain jointly or in connection with any person, firm, corporation, reclamation district, levee district, drainage district, public agency or municipal corporation for the construction and maintenance of joint levees or other joint works of reclamation.

Assembly Bill No. 409—An Act appropriating money to pay the claim of W. H. Cobb against the State of California.

Assembly Bill No. 134—An Act to amend Section 8 of an Act entitled "An Act defining the duties and liabilities of employment agents, making the violation

thereof a misdemeanor, and fixing the penalties therefor," (approved February 12, 1903; approved March 18, 1905).

Assembly Bill No. 736—An Act to amend an Act entitled "An Act defining the duties and liabilities of employment agents, making the violation thereof a misdemeanor, and fixing the penalties therefor," approved February 12, 1903.

Assembly Bill No. 737—An Act to amend an Act entitled "An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics and providing penalties for the violation hereof," approved February 20, 1905.

Assembly Bill No. 227—An Act to add a new section to the Political Code, relating to the advertising of amendments to the Constitution.

Assembly Bill No. 569—An Act to amend Section 3335 of the Political Code of the State of California, concerning the formation of fire companies.

Assembly Bill No. 733—An Act to amend an Act entitled "An Act to provide for the planting, maintenance and care of shade trees upon the streets, lanes, alleys, courts, and places within municipalities and of hedges upon the lines thereof; also for the eradication of certain weeds within the city limits," approved March 11, 1893

Assembly Bill No 763—An Act to allow unincorporated towns and villages to establish, equip and maintain systems of street lights on public highways; to provide for the formation, government and operation of highway lighting districts; the calling and holding of elections in such districts; the assessment, collection, custody, and disbursement of taxes therein; and the creation of ex officio boards of highway lighting commissioners.

Assembly Bill No. 68—An Act to amend section one of an Act entitled "An Act requiring the wardens of the State prisons of California to furnish the sheriffs of California and the bureaus of identification with certain information concerning convicts within thirty days after receiving said convicts, and providing for payment of the expense incurred thereby," approved March 20, 1905, to include chiefs of police of regularly constituted police departments of incorporated cities and towns among those to whom such information shall be furnished.

Assembly Bill No. 592—An Act to amend an Act entitled "An Act relating to commitments to the State School at Whittier and to the Preston School of Industry; fixing the authority to examine and commit to such schools with the Superior Court Judges of the counties, and fixing the responsibilities from which commitments are made to the State for maintenance of the persons committed therefrom; providing for the manner of payment thereof, and fixing the responsibility of the parents to the counties from which their children are committed," approved March 26, 1895.

Assembly Bill No. 446—An Act to amend Section 8 of an Act entitled "An Act to create a State Bureau of Criminal Identification, providing for the appointment of a director of said bureau, defining his duties, qualifications and powers, providing for the appointment of a clerk of said bureau, and fixing his qualifications, fixing the compensation of said director and clerk, providing for the manner of paying the same, and providing for the expense of conducting the office, approved March 20, 1905."

Assembly Bill No. 262—An Act to add a new section to the Political Code, to be numbered Section 4052b, relating to the disposition of property of the counties.

Assembly Bill No. 591—An Act to amend Section 4247 of the Political Code of the State of California, relating to the salaries and fees of officers of counties of the eighteenth class

YOUNG, Chairman

SPECIAL FILE—SECOND READING.

Assembly Bill No. 699—An Act to amend Section 384 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, and to add a new section thereto, to be numbered 387, relating to the powers of the Governor, his salary, and the salaries of certain appointees.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE

Speaker Stanton in the chair.

Assembly Bill No. 699 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Comimttee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No 699, and do now report the same back, and recommend that it do pass.

STANTON, Chairman.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 657—An Act to provide for the transfer from the general fund of the State treasury to the San Francisco harbor improvement fund of the sum of $22,937.45, to reimburse said San Francisco harbor improvement fund for the costs of publishing the "Second San Francisco Seawall Act," and the "India Basin Act," and directing the State Controller and State Treasurer to make such transfer.

Mr. Beatty moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Assembly Bill No. 657 considered.

Mr. Beatty moved that the committee do now rise and report in favor of the passage of the bill

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 657, and do now report the same back, and recommend that it do pass.

STANTON, Chairman.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 162—An Act making an appropriation for the maintenance of the James Marshall monument grounds.

Mr. Greer moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Assembly Bill No. 162 considered.

During second reading of bill, the following amendment was submitted by Mr. Greer:

On page 1, Section 1, line 1, strike out the words "one thousand," and insert in lieu thereof the following: "five hundred."

Amendment adopted.

Mr. Greer moved that the committee do now rise and report in favor of the passage of the bill as amended.

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Assem-Bill No. 162, and do now report the same back, and recommend that it do pass as amended.

STANTON, Chairman.

Bill read second time, and ordered to engrossment.

RESOLUTION.

The following resolution was offered:

By Mr. Johnson of Sacramento:

Resolved, That the Sergeant-at-Arms be, and he is hereby, directed to procure for each chairman of standing committees, and the Speaker, one lock box for the purpose of locking private papers and documents, and the Controller is authorized to draw his warrant on the contingent fund of the Assembly in payment for the same, and the Treasurer is hereby authorized to pay the same.

Resolution read.

Mr. Johnson of Sacramento moved the adoption of the resolution.

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

AYES—Messrs. Barndollar, Baxter, Beatty, Beban, Callan, Cattell, Cogswell, Collier, Collum, Costar, Cullen, Dean, Feeley, Fleisher, Flint, Gibbons, Greer, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Leeds, Lightner, Macauley, McClellan, McManus, Melrose, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Pulcifer, Rech, Rutherford, Schmitt, Silver, Transue, Wagner, Webber, Wilson, Wyllie, Young, and Mr. Speaker—56.

NOES—Messrs. Maher, Mendenhall, Polsley, Preston, Stuckenbruck, and Whitney—6.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read (unanimous consent having been obtained for its reception):

ON FEDERAL RELATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1909.

MR. SPEAKER: Your Committee on Federal Relations, to whom was referred Assembly Joint Resolution No. 6—Relating to irrigation by the United States Reclamation Service in California.

Also: Assembly Joint Resolution No. 7—Relating to the assignment of ships of war to the waters of the Pacific.

Have had the same under consideration, and respectfully report the same back, and recommend that they be adopted.

MOTT, Chairman.

Assembly Joint Resolution No. 7 ordered on file for adoption.

By unanimous consent Assembly Joint Resolution No. 6 was taken up for consideration, and on motion of Mr. Wilson adopted, and ordered transmitted to the Senate.

ASSEMBLY JOINT RESOLUTION No. 6,

Relating to irrigation by the United States Reclamation Service, in California.

WHEREAS, Through the sale of public lands in this State, California contributes large amounts to the funds of the United States Reclamation Service; and

WHEREAS, California possesses many undeveloped irrigation projects, which, when constructed, will place large areas of extremely fertile lands under irrigation, thereby greatly increasing the population, wealth and productive capacity of the State and nation: and

WHEREAS, The highest possible value and productive possibility of a large proportion of the agricultural lands of this State can be brought about only by means of irrigation; and

WHEREAS, Many of the undeveloped irrigation projects in California are of such magnitude as to entail an expense that makes the construction of such systems beyond the reach and capacity of private individuals or corporations; therefore, be it

Resolved, by the Senate and Assembly of the State of California jointly, That we favor the construction of further irrigation projects in this State by the United States Reclamation Service, and that we respectfully and earnestly request of the honorable Secretary of the Interior and the honorable Director of the United States Reclamation Service that further irrigation units or projects be located and constructed within the State; and be it further

Resolved, That upon the passage of this joint resolution, the chief clerk of the Assembly be directed to forward a copy thereof to the Honorable James R. Garfield, Secretary of the Interior, and to the Honorable F. H Newell, Director of the United States Reclamation Service, urging them to carry out the provisions of this resolution

SPECIAL ORDERS.

The hour of eleven o'clock A. M. having arrived, the special orders heretofore set for this hour were taken up for consideration in the following order:

Assembly Bill No. 78—An Act to regulate the ownership or possession of land by aliens.

Bill read third time

HON. JAMES T. FEELEY IN THE CHAIR.

At eleven o'clock A. M., the Hon. James T. Feeley in the chair.

Assembly Bill No. 78 being considered.

SPEAKER IN THE CHAIR.

At eleven o'clock and twenty minutes A. M., Speaker P. A. Stanton in the chair.

RECESS.

At twelve o'clock and thirty minutes P. M., on motion of Mr. Johnson of Sacramento, the Assembly was declared at recess until two o'clock P. M. of this day.

Mr. Melrose at that time speaking upon the passage of bill.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.

Speaker P. A. Stanton in the chair.

Mr. Melrose continuing his address to the Assembly.

HON. WALTER I. LEEDS IN THE CHAIR.

At five o'clock and twenty minutes P. M., Hon. Walter I. Leeds in the chair.

Debate on Assembly Bill No. 78.

SPEAKER IN THE CHAIR.

At five o'clock and thirty minutes P. M., Speaker P. A. Stanton in the chair.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 78 refused passage by the following vote:

AYES—Messrs. Baxter, Beatty, Black, Callan, Collum, Cronin, Cullen, Drew, Gibbons, Gillis, Hopkins, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Macauley, Maher, Mendenhall, Nelson, O'Neill, Polsley, Preston, Pugh, Stuckenbruck, Telfer, Webber, Wheelan, and Wilson—28.

NOES—Messrs. Barndollar, Beardslee, Beban, Bohnett, Butler, Cattell, Coghlan, Cogswell, Collier, Costar, Dean, Feeley, Fleisher, Flint, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of San Diego, Johnston of Contra Costa, Kehoe, Leeds, Lightner, McClellan, McManus, Melrose, Moore, Mott, Otis, Perine, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Transue, Wagner, Whitney, Wyllie, Young, and Mr. Speaker—48

NOTICE OF MOTION TO RECONSIDER

Mr. Mott gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 78 was this day refused passage.

SENATE MESSAGES.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, February 3, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 18—An Act to define and regulate the business of banking.

LEWIS A. HILBORN, Secretary of the Senate.
By J. W. KAVANAGH, Assistant Secretary.

Senate Bill No. 18 read first time, and referred to Committee on Banks and Banking.

Also:

SENATE CHAMBER, SACRAMENTO, February 3, 1909

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 453—An Act to amend Section 4247 of the Political Code of the State of California, relating to the salaries and fees of officers of counties of the eighteenth class.

Also: Senate Bill No. 222—An Act making an appropriation of two thousand five hundred dollars for restoring certain records in the office of the clerk of the Supreme Court in the city of San Francisco.

Also: Senate Bill No. 324—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section to said Penal Code, to be known and numbered as Section 402¾, relating to the furnishing and erecting of unsafe or improper scaffolding or mechanical contrivances

Also: Senate Bill No. 191—An Act to amend an Act entitled "An Act to provide for the proper sanitary condition of factory and workshops, and the preservation of the health of the employees," approved February 6, 1889.

Also: Senate Bill No. 193—An Act to amend Section 8 of an Act entitled "An Act defining the duties and liabilities of employment agents, making the violation therof a misdemeanor, and fixing the penalties thereof," approved February 12, 1903; approved March 18, 1905.

Also: Senate Bill No. 179—An Act to amend Sections 270, 270*a*, and 270*b* of the Penal Code of California.

LEWIS A. HILBORN, Secretary of the Senate.
By J. W. KAVANAGH, Assistant Secretary.

Senate Bill No. 453 read first time, and referred to Committee on County and Township Governments.

Senate Bill No. 222 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 324 read first time, and referred to Committee on Labor and Capital.

Senate Bill No. 191 read first time, and referred to Committee on Labor and Capital.

Senate Bill No. 193 read first time, and referred to Committee on Labor and Capital.

Senate Bill No. 179 read first time, and referred to Committee on Judiciary.

SPECIAL ORDER RE-SET.

On motion of Mr. Johnson of Sacramento, the consideration of Assembly Bills Nos. 15, 32, and 14 were made special orders for Thursday, February 4, 1909, immediately after the reading of the Journal.

RE-REFERENCE OF BILL.

On motion of Mr. Beardslee, Assembly Bill No. 699 was re-referred to Committee on Ways and Means.

REPORTS OF STANDING COMMITTEES

The following reports of standing committees were received and read:

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1909.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 88—An Act repealing an Act approved March 11, 1907, and entitled "An Act to increase the fixed annual appropriation for the Veterans' Home of California, located at Yountville, Napa County, State of California, from sixty-five thousand dollars per annum to seventy-five thousand dollars per annum for the fifty-ninth fiscal year, and for each and every year thereafter, and to that end to amend Section 1 of an Act approved March 20, 1905, entitled 'An Act to amend Section 1 of an Act entitled 'An Act to amend Section 1 of an Act approved March 20, 1899, entitled 'An Act to amend an Act entitled 'An Act to amend an Act approved February 28, 1887, entitled 'An Act to amend an Act to appropriate money for the support of aged persons in indigent circumstances residing in the home of the Veterans' Home Association, approved March 7, 1883, providing for an increase in the annual appropriation thereof, and changing the time for the payments thereof, approved March 23, 1893, reducing the amount of such appropriation per capita, approved March 12, 1901, by providing for a fixed annual appropriation of sixty-five thousand dollars in the place and stead of seventy-five thousand dollars per annum for each and every aged and indigent United States ex-soldier, sailor or marine admitted to or residing at said home.'"

Also: Assembly Bill No 831—An Act making an appropriation to pay for the rental and janitor service of quarters of the Second District Court of Appeal.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass

BEARDSLEE, Chairman.

ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1909.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 35—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, and relating to the powers of the board of trustees of cities of the sixth class—have had the same under consideration, and respectfully report the same back with two amendments, and recommend that it do pass as amended.

Also: Assembly Bill No 272—An Act to amend section eight hundred and sixty-two of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, and as amended March 9, 1903—have had the same under consideration, and respectfully report the same back, and recommend that the author be allowed to withdraw same.

FEELEY, Chairman.

The above reported bills, with the exception of Assembly Bill No. 272, ordered on file for second reading

WITHDRAWAL OF BILL.

Mr. Preston asked for and was granted unanimous consent to withdraw Assembly Bill No 272

Bill withdrawn, and ordered stricken from the file.

INTRODUCTION OF BILLS.

The following bills were introduced, and referred as indicated:

By Mr. Beardslee: Assembly Bill No. 1031—An Act to amend Section 3514 of the Political Code of the State of California, relative to the issuance of certificates of purchase for State land.

Bill read first time, and referred to Committee on Public Lands and Forestry.

Also: Assembly Bill No 1032—An Act to add a new section to the Political Code, to be numbered four hundred and twenty-six.

Bill read first time, and referred to Committee on County and Township Governments

By Mr. Moore: Assembly Bill No 1033—An Act to amend section forty-two hundred and sixty-four of the Political Code, relating to salaries and fees of officers of counties of the thirty-fifth class.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Perine: Assembly Bill No. 1034—An Act making an appropriation for the expenses of the National Guard in case of insurrection, invasion, tumult, riot, breaches of the peace or imminent danger thereof.

Bill read first time, and referred to Committee on Military Affairs.

By Mr. McClellan: Assembly Bill No. 1035—An Act to add a new section to the Penal Code, to be numbered 6260, to prohibit the hunting of ducks in sneak, decoy, or sculling boats.

Bill read first time, and referred to Committee on Fish and Game.

By Mr. Rutherford: Assembly Bill No. 1036—An Act to add a new section to the Penal Code relating to recording notices of location of mining claims.

Bill read first time, and referred to Committee on Mines and Mining Interests.

ADJOURNMENT.

At six o'clock P. M., the Assembly was declared adjourned.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL.
Thursday, February 4, 1909.

At nine o'clock and thirty minutes A. M., pursuant to adjournment, the Assembly was called to order.

Hon. P. A. Stanton, Speaker of the Assembly, in the chair.

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

Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Dean, Drew, Feeley,

Fleisher, Flint, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—77

Quorum present.

LEAVES OF ABSENCE.

On motion, leave of absence for the day was granted to Messrs. Flavelle, Wyatt, and Gerdes.

PRAYER.

Prayer was offered by the Chaplain, Rev. Seren N. Marsh.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Cattell, its further reading was dispensed with.

COMMUNICATION.

The following communication was filed by the Speaker:

ASSEMBLY CHAMBER, SACRAMENTO, CAL., February 4, 1909.

MR SPEAKER: I will not accompany State Prisons and Reformatory Institutions Committee to Whittier

J. P. TRANSUE.

SUBSTITUTION ON COMMITTEE.

The Speaker filed the following statement in regard to making a substitution of member on committee:

Hon. Walter R. Leeds is hereby substituted for Hon. J P Transue, to accompany the Committee on State Prisons and Reformatory Institutions to Whittier.

P. A. STANTON, Speaker of the Assembly.

RESOLUTIONS.

The following resolutions were offered:

By Committee on Rules and Regulations:

WHEREAS, There is a large amount of business before this Assembly; and

WHEREAS, There was on February 3d a general discussion of the merits of Assembly Bill No. 15, therefore, be it

Resolved, That it be called up immediately, and that two and one half minutes be allowed the proponents and two and one half minutes be allowed the opponents of said Assembly Bill No 15 for discussion, and that vote be then taken.

That Assembly Bills Nos 14 and 32 be discussed together, and thirty minutes be allowed the proponents and thirty minutes be allowed the opponents of Assembly Bills Nos. 14 and 32, and that vote be taken thereon immediately thereafter.

Resolution read, and on motion adopted.

By Mr. Leeds:

WHEREAS, In the great wisdom of the Almighty, and in the course of human events, three great characters of this Assembly, to wit, our honored Speaker, P. A. Stanton, and our honored associates, Richard Melrose and Milton Schmitt, first saw the light of day on this, the fourth day of February; now, therefore, be it

Resolved, That in token of our great regard and esteem for the statesmen above named, we extend to them our hearty congratulations and best wishes for many happy returns of the day.

Resolution read.

The question being put by Mr. Leeds.

The resolution was adopted by the unanimous vote of the Assembly.

SPECIAL ORDERS.

The time having arrived for the consideration of special orders heretofore set, the following were taken up:

Assembly Bill No. 15—An Act to amend Section 302 of the Civil Code.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 15 refused passage by the following vote:

AYES—Messrs. Beatty, Cullen, Drew, Gibbons, Hopkins, Johnson of Sacramento, Juilliard, Lightner, Macauley, Nelson, O'Neill Polsley, Pugh, Telfer, and Wheelan—15.

NOES—Messrs. Barndollar, Baxter, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Costar, Cronin, Dean, Fleisher, Flint, Gillis, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Kehoe, Leeds, Maher, McClellan, McManus Melrose, Mendenhall, Moore, Mott, Odom, Otis, Perine, Preston, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Transue, Wagner, Webber, Whitney, Wyllie, Young, and Mr Speaker—54.

Assembly Bill No. 32—An Act to confer power upon municipalities to protect the health, morals and peace of their inhabitants by restricting undesirable, improper and unhealthy persons and persons whose practices are dangerous to public morals and health and peace to certain prescribed limits, and prescribing a punishment for a violation of this Act.

Bill read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Johnson of Sacramento moved a call of the House.

Motion carried.

Time, eleven o'clock and twenty-five minutes A. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll.

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

Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Costar, Cronin, Cullen, Dean, Drew, Feeley, Fleisher, Flint, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—74.

The Chief Clerk announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the House.

Mr. Beardslee moved that further proceedings under the call of the House be dispensed with.

Motion lost.

Messrs. Odom and Collum were brought before the bar of the House, and on motion excused.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At eleven o'clock and forty-five minutes A. M., further proceedings under the call of the House were dispensed with, on motion of Mr. Johnson of Sacramento.

The roll of absentees was called, and Assembly Bill No. 32 refused passage by the following vote:

AYES—Messrs. Baxter, Beatty, Beban, Black, Callan, Collum, Cronin, Cullen, Drew, Gibbons, Gillis, Hayes, Hopkins, Johnson of Sacramento, Johnson of San Diego, Johnson, of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Lightner, Macauley, Maher McManus, Mendenhall, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Pugh Schmitt, Silver, Stuckenbruck, Teller, Wheelan, Whitney, and Wilson—39.

NOES—Messrs. Barndollar, Beardslee, Bohnett, Butler, Cattell, Cogswell, Collier Costar, Dean, Feeley, Fleisher, Flint, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Leeds, McClellan, Melrose, Moore, Preston, Pulcifer, Rech, Sackett, Transue, Wagner, Wyllie, Young, and Mr. Speaker—35.

NOTICE OF MOTION TO RECONSIDER.

Mr. Johnson of Sacramento gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 32 was this day refused passage.

Assembly Bill No. 14—An Act to amend Section 1662 of the Political Code.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 14 passed by the following vote:

AYES—Messrs Baxter, Beatty, Beban, Black, Bohnett, Butler, Callan, Collum, Cronin, Cullen, Gibbons, Gillis, Hayes, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McManus, Mendenhall, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Schmitt, Silver, Stuckenbruck, Telfer, Webber, Wheelan, Whitney, Wilson, and Wyllie—46.

NOES—Messrs Barndollar, Beardslee, Cattell, Cogswell, Collier, Costar, Dean, Feeley, Fleisher, Flint, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hewitt, Johnson of San Diego, McClellan, Melrose, Moore, Pulcifer, Rech, Sackett, Transue, Wagner, Young, and Mr. Speaker—28.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Mr. Leeds gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 14 was this day passed.

Assembly Constitutional Amendment No. 2—Amending Article XX of the Constitution by adding a new section thereto, to be known as Section 21, relating to a day of rest.

During the third reading of the constitutional amendment, Mr. Young moved that the Speaker appoint a select committee of one to amend as follows:

AMENDMENT NO 1.

In line 27, of the printed bill, after the word "that," insert the following: "no such ordinance shall be provided by said legislative authority except as follows:"

AMENDMENT NO. 2.

In line 29, of the printed bill, omit the word "ten," and substitute in its place "twenty-five."

AMENDMENT No 3.

In line 37, of the printed bill, just before the period (.), insert "; *and provided further*, that no election on such ordinance shall be held within two years after any previous election thereon."

Motion carried.

The Speaker appointed Mr. Young as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Constitutional Amendment No. 2, with instructions, do now report that the instructions of the Assembly have been carried out.

YOUNG, Select Committee.

Report of select committee, and amendments, adopted.

Assembly constitutional amendment ordered to reprint, reengrossment, and on file for adoption.

SPECIAL ORDER RE-SET.

On motion of Mr. Johnson of Sacramento, the consideration of Assembly Constitutional Amendment No. 2 was made a special order for Thursday, February 11, 1909, at eleven o'clock A. M.

PETITIONS.

The following petitions were presented:

By Messrs. Johnson of Placer and Holmquist:

Petitions in favor of Sunday rest law.

(Signed:) ROBERT BROWN (and others).

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON BANKS AND BANKING.

ASSEMBLY CHAMBER, SACRAMENTO, February 4, 1909.

MR. SPEAKER: Your Committee on Banks and Banking, to whom was referred Senate Bill No. 18—An Act to define and regulate the business of banking—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

TRANSUE, Chairman.

MOTION.

Mr. Transue moved that Senate Bill No. 18 be taken up out of order, and be read the second time.

Motion carried.

Bill read second time, and ordered on file for third reading.

SPECIAL ORDER SET.

On motion of Mr. Transue, the consideration of Senate Bill No. 18 was made a special order for Friday, February 5, 1909, at eleven o'clock A. M.

ON PUBLIC PRINTING.

ASSEMBLY CHAMBER, SACRAMENTO, February 4, 1909.

MR SPEAKER: Your Committee on Public Printing, to whom was referred Assembly Bill No. 298—An Act to amend Section 531, Article XII of the Political Code—have had the same under consideration, and respectfully report the same back, with a committee substitute bill.

Also: Senate Bill No. 106—An Act making an appropriation for the purchase and installment of improved material and machinery, and improvements for the State Printing Office and Bindery, and specifying the duties of the Superintendent of State Printing, Board of Examiners, State Controller, and State Treasurer in relation thereto—have had the same under consideration, and respectfully report the same back, with recommendation that it do pass, and with the further recommendation that the same be re-referred to the Committee on Ways and Means

HAWK, Chairman.

ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 4, 1909.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 825—An Act to amend Section 4277 of the Political Code.

Also, Assembly Bill No. 782—An Act to amend Section 4243 of the Political Code of the State of California, relating to the compensation and expenses of officers in counties of the fourteenth class.

Also: Assembly Bill No. 183—An Act to amend Section 184 of an Act entitled "An Act to establish a uniform system of county and township governments," relating to salaries and expenses of county and township officers in counties of the twenty-seventh class.

Also: Assembly Bill No. 955—An Act to amend Section 4241 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the twelfth class.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 572—An Act to amend Section 4041 of the Political Code, relating to the general permanent powers of boards of supervisors—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

HANS, Chairman.

ON COUNTY AND COUNTY BOUNDARIES

ASSEMBLY CHAMBER, SACRAMENTO, February 4, 1909.

MR. SPEAKER: Your Committee on County and County Boundaries, to whom was referred Assembly Bill No. 583—An Act to amend sections one, two and three of an Act entitled "An Act to provide for the formation, organization, and classification of new counties, for locating county seats, for the election and appointment of officers and for the adjustment and the fulfillment of the rights and obligations arising between such new counties and other counties," approved March 15, 1907—have had the same under consideration, and respectfully report the same back, with eleven amendments, and recommend that it do pass as amended

JOHNSON OF SAN DIEGO, Chairman.

ON LABOR AND CAPITAL.

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1909.

MR SPEAKER: Your Committee on Labor and Capital, to whom was referred Assembly Bill No. 137—An Act to amend sections two, three, and four of an Act entitled "An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation thereof," approved February 20, 1905—have had the same under consideration and respectfully report the same back, and recommend that it do pass.

NELSON, Chairman.

ON MILITARY AFFAIRS

ASSEMBLY CHAMBER, SACRAMENTO, February 4, 1909

MR. SPEAKER: Your Committee on Military Affairs, to whom was referred Assembly Bill No 167—An Act to amend sections one thousand nine hundred and eight, one thousand nine hundred and seventeen and one thousand nine hundred and twenty-three of the Political Code of California, all relating to the enrolled militia—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 169—An Act to amend the Political Code of the State of California by adding two new sections thereto, to be known and designated as section one thousand nine hundred and eighty-seven, and section two thousand one hundred and seven, both relating to the National Guard—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Assembly Bill No 302—An Act to amend sections one thousand nine hundred and twenty-five, one thousand nine hundred and twenty-six, one thousand nine hundred and twenty-seven, one thousand nine hundred and twenty-eight, one thousand nine hundred and twenty-nine, one thousand nine hundred and thirty, one thousand nine hundred and thirty-one, one thousand nine hundred and thirty-two, one thousand nine hundred and thirty-three, one thousand nine hundred and thirty-four, one thousand nine hundred and thirty-five, one thousand nine hundred and fifty-one, one thousand

nine hundred and fifty-three, one thousand nine hundred and fifty-four, one thousand nine hundred and fifty-six, one thousand nine hundred and fifty-seven, one thousand nine hundred and fifty-eight, one thousand nine hundred and sixty-two, one thousand nine hundred and sixty-six, one thousand nine hundred and eighty-five, two thousand and twenty, two thousand and twenty-six, two thousand and seventy-six, two thousand and seventy-eight, two thousand and seventy-nine, two thousand and eighty-one, two thousand and eighty-six, two thousand one hundred and two, two thousand one hundred and eleven, and two thousand one hundred and twelve, all of the Political Code of the State of California, relating to the National Guard—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended, and be referred to Committee on Ways and Means

BUTLER, Chairman.

The above reported bills ordered on file for second reading.

Senate Bills Nos. 106 and 302 referred to Committee on Ways and Means.

ON IRRIGATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 4, 1909

MR SPEAKER: Your Committee on Irrigation, to whom was referred Senate Bill No. 273, have examined the same and find that it is identical with Assembly Bill No 384, and recommend that it be substituted therefor

WAGNER, Chairman.

INTRODUCTION OF BILLS.

The following bills were introduced, and referred, as indicated:

By Mr. Mott: Assembly Bill No. 1037—An Act to amend section two hundred and thirteen of the Penal Code of the State of California, and to add a new section thereto numbered two hundred and twelve*a*, relating to the crime of robbery and its punishment.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 1038—An Act authorizing and empowering the directors of the State Agricultural Society to hold State industrial and agricultural fairs at the city of Oakland, county of Alameda, State of California, and making an appropriation therefor.

Bill read first time, and referred to Committee on Agriculture.

By Mr. Perine: Assembly Bill No. 1039—An Act to repeal an Act entitled "An Act to define trusts, and to provide for criminal penalties and civil damages, and punishment of corporations, persons, firms, and associations, or persons connected with them, and to promote free competition in commerce and all classes of business in this State," approved March 23, 1907.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Johnson of San Diego: Assembly Bill No. 1040—An Act establishing a State Polytechnic School at Escondido, county of San Diego, State of California, and making an appropriation for the construction of said building and maintenance of said school.

Bill read first time, and referred to Committee on Education.

By Mr. Beatty: Assembly Bill No. 1041—An Act to add to the Penal Code of the State of California a new section, to be numbered 587*d*, to prevent entering upon or alighting from railroad trains while in motion.

Bill read first time, and referred to Committee on Corporations.

Also: Assembly Bill No. 1042—An Act to add to the Penal Code of the State of California, a new section to be numbered 587*d*, to prevent trespassing upon railroad locomotives, tenders, cars, and trains.

Bill read first time, and referred to Committee on Corporations.

Also: Assembly Bill No. 1043—An Act to add to the Penal Code of the State of California, a new section, to be numbered 587*a*, prohibiting unauthorized persons from manipulating, tampering or interfering with

railroad appliances, and prescribing punishment for violation of such prohibition.

Bill read first time, and referred to Committee on Corporations.

Also: Assembly Bill No. 1044—An Act to add a new section to the Penal Code of the State of California, to be numbered 587*c*, to prevent the evading or attempting to evade payment of fare upon railroads.

Bill read first time, and referred to Committee on Corporations.

By Mr. Leeds: Assembly Bill No. 1045—An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation thereof, and to repeal an act now in force relating to the same, approved March 23, 1901, except Section 2 thereof, and amended March 20, 1903; March 20, 1905; March 6, 1907.

Bill read first time, and referred to Committee on Dental and Medical Laws.

Also: Assembly Bill No. 1046—An Act to amend Sections 626, 626*c*, 626*d*, 626*m*, and 627*b*, of the Penal Code of California, and to add to said Penal Code two new sections to be numbered Sections 626*n* and 626*o*, relating to the protection and preservation of game and fish.

Bill read first time, and referred to Committee on Fish and Game.

Also: Assembly Bill No. 1047—An Act to add a new section to the Penal Code, to be numbered section six hundred and twenty-eight, to prevent the catching of surf fish, yellow fin or spot-fin croaker and providing penalties therefor.

Bill read first time, and referred to Committee on Fish and Game.

Also: Assembly Bill No. 1048—An Act to amend Section 1619 of the Code of Civil Procedure, relating to fees of attorneys of executors and administrators.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Baxter: Assembly Bill No. 1049—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 329, relating to the use of slot machines.

Bill read first time, and referred to Committee on Public Morals.

By Mr. Griffiths: Assembly Bill No. 1050—An Act to amend Section 4256 of the Political Code of the State of California, relating to salaries and fees of county and township officers in counties of the twenty-seventh class.

Bill read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 1051—An Act to amend Section 642 of the Political Code of the State of California, relating to the Fish Commissioners and their assistants, and prescribing their power and duties.

Bill read first time, and referred to Committee on Fish and Game.

Also: Assembly Bill No. 1052—An Act appropriating three hundred and two dollars and thirty-three cents, to pay the claim of Anthony Lorr.

Bill read first time, and referred to Committee on Claims.

By Mr. Wilson: Assembly Bill No. 1053—An Act to provide for the expenses of operating and conducting the University Farm and School of Agriculture thereon to June 30, 1909, and appropriating money therefor.

Bill read first time, and referred to Committee on Agriculture.

By Mr. Johnson of Sacramento: Assembly Bill No. 1054—An Act to

provide for the medical treatment of indigent residents afflicted with incipient pulmonary tuberculosis; to create a fund therefor; to prescribe the duties of the State Board of Health and other public officials with relation thereto; and making an appropriation for the purposes of this Act.

Bill read first time, and referred to Committee on Public Morals.

By Mr. Butler: Assembly Bill No. 1055—An Act making an appropriation to pay the claim of Herbert Von Meyerinck, against the State of California.

Bill read first time, and referred to Committee on Claims.

By Mr. Collier: Assembly Bill No. 1056—An Act to make an additional appropriation for the purposes of carrying out the provisions of an Act entitled "An Act to provide for the erection, equipping and furnishing of two receiving cottages, one for males and one for females, and a hydrotherapeutic building in connection therewith, with all necessary equipment and furnishings, at the Southern California State Hospital, and to make appropriations for the same," approved March 11, 1907.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

By Mr. Rech: Assembly Bill No. 1057—An Act to amend Section 3785 of the Political Code, relating to the issuance of tax deeds for property sold for delinquent taxes.

Bill read first time, and referred to Committee on Public Lands and Forestry.

By Mr. Fleisher: Assembly Bill No. 1058—An Act to amend section one hundred ninety-seven of the Civil Code, relating to the custody, services and earnings of minors.

Bill read first time, and referred to committee on Labor and Capital.

By Mr. Wagner: Assembly Bill No. 1059—An Act pertaining to the establishment of a uniform system of county and township governments and amending Section 4273 of the Political Code, relating to the salaries and fees of officers of counties of the forty-fourth class.

Bill read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 1060—An Act to validate the organization and incorporation of municipal corporations.

Bill read first time, and referred to Committee on Municipal Corporations.

By Mr. Juilliard: Assembly Bill No. 1061—An Act to amend Sections 4125 and 4218 of the Political Code, relating to the duties of the assessor, surveyor and boards of supervisors in the making of maps, plats, blockbooks and blue prints for county purposes.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 1062—An Act making an appropriation for furnishing the administration building at the California Home for the Care and Training of Feeble-Minded Children at Eldridge, California.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 1063—An Act making an appropriation for furnishing the Manor house at the California Home for the Care and Training of Feeble-Minded Children at Eldridge, California.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

Committee Substitute for Assembly Bill No. 298—An Act to amend Section 531 of Article XII of the Political Code, relating to the duties of the Superintendent of State Printing

Bill read first time, and ordered on file for second reading.

HOUR OF ADJOURNMENT EXTENDED.

At twelve o'clock and thirty minutes P. M., on motion of Mr. Mott, the hour of adjournment was extended until twelve o'clock and forty-five minutes P. M.

RE-REFERENCE OF BILLS.

On motion of Mr. Baxter, Senate Bill No. 273 was re-referred to Committee on Irrigation, with instructions to report the same back on the next legislative day.

On motion of Mr. Dean, Assembly Bill No. 251 was re-referred to Committee on Revenue and Taxation.

On motion of Mr. Griffiths, Senate Bill No. 25 was recalled from the Committee on Public Buildings and Grounds and referred to Committee on Ways and Means.

RECONSIDERATION

In compliance with his notice given on a previous day, Mr. Mott moved that the vote whereby Assembly Bill No 78 was refused passage be reconsidered.

The roll was called, and the same was refused reconsideration by the following vote:

AYES—Messrs Baxter, Beatty, Callan, Coghlan, Collum, Cronin, Cullen, Drew, Flint, Gibbons, Gillis, Hayes, Hopkins, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Lightner, Macauley, Maher, Mendenhall, Mott, Nelson, O'Neill, Polsley, Preston Pugh, Pulcifer, Sackett, Silver, Stuckenbruck, Telfer, Webber, Wheelan, Wilson, and Wyllie—36

NOES—Messrs Barndollar, Beardslee, Beban, Bohnett, Cattell, Cogswell, Collier, Costar, Dean, Feeley, Fleisher, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hewitt, Hinkle, Holmquist, Johnson of San Diego, Johnston of Contra Costa Kehoe, Leeds, McClellan, McManus, Melrose, Moore, Odom, Otis, Perine, Rech, Schmitt, Transue, Wagner, Whitney, Young, and Mr Speaker—38.

WITHDRAWAL OF BILL.

Mr. Rech asked for and was granted unanimous consent to withdraw Assembly Bill No. 335.

Bill withdrawn, and ordered stricken from the file.

RE-REFERENCE OF BILL.

On motion of Mr. Irwin, Assembly Bill No 251 was recalled from the Committee on Revenue and Taxation, and referred to Committee on Judiciary.

SUBSTITUTION OF BILL.

Mr. Cullen asked for and was granted unanimous consent to substitute Senate Bill No. 54 for Assembly Bill No. 381.

WITHDRAWAL OF BILL.

Assembly Bill No. 381 withdrawn, and ordered stricken from the file.

SENATE MESSAGE.

The following message from the Senate was taken up and read·

SENATE CHAMBER, SACRAMENTO, February 4, 1909

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No 4—Relative to the Alaska-Yukon-Pacific Exposition.

Also: Passed Senate Bill No. 131—An Act to amend Section 4225 of the Political Code, relating to the appointment, powers, duties, and compensation of health officers in counties and unincorporated towns.

Also: Senate Bill No. 77—An Act to add a new section to the Political Code, to be numbered 1840, relating to the levy and collection of special district school funds

Also: Senate Bill No. 323—An Act to provide for temporary floors in buildings more than three stories high in the course of construction, and for the protection of the life and limb of workmen employed in such buildings from falling through joists or girders and from falling bricks, rivets, etc

Also: Senate Bill No. 747—An Act to provide for the union of two or more secondary school districts, the filing of a petition with the county superintendent of schools to submit the question of uniting secondary school districts and calling for an election therefor, and the canvassing of the votes cast at said election

Also: Senate Bill No 524—An Act to provide for public cemetery districts.

LEWIS A. HILBORN, Secretary of Senate.
By J W KAVANAGH, Assistant Secretary.

Senate Concurrent Resolution No. 4 read first time, and referred to Committee on Ways and Means.

Senate Bill No 131 read first time, and referred to Committee on Public Health and Quarantine.

Senate Bill No. 77 read first time, and referred to Committee on Education.·

Senate Bill No. 323 read first time, and referred to Committee on Labor and Capital.

Senate Bill No 747 read first time, and referred to Committee on Education.

Senate Bill No. 524 read first time, and referred to Committee on Public Health and Quarantine.

RE-REFRENCE OF BILL.

On motion of Mr. Collier, Assembly Bill No 760 was re-referred to Committee on Agriculture.

MOTION.

Mr. Transue moved that when the Assembly adjourn on Friday, February 5, 1909, it adjourn until one o'clock P. M., of Monday, February 8, 1909

Motion carried.

ADJOURNMENT.

At twelve o'clock and forty-five minutes P. M., the Assembly was declared adjourned.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL.,
Friday, February 5, 1909

At nine o'clock and thirty minutes A. M., pursuant to adjournment, the Assembly was called to order.

Hon. P. A. Stanton, Speaker of the Assembly, in the chair.

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

Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Collier, Collum, Costar, Cronin, Cullen, Dean, Drew, Feeley, Fleisher, Flint, Gibbons, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, O'Neill, Perine, Preston, Pugh, Pulcifer, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyatt, Wyllie, Young, and Mr. Speaker—71.

Quorum present.

LEAVES OF ABSENCE.

On motion, leave of absence for the day was granted to Messrs. Flavelle, Wyatt, Gerdes, Polsley, and Maher.

PRAYER.

Prayer was offered by the Chaplain, Rev. Seren N. Marsh.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Feeley, its further reading was dispensed with.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 5, 1909.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 638—An Act to amend Section 261 of the Penal Code of the State of California, defining the crime of rape—report the same back, and recommend that it do not pass, a majority report, and a minority report that it do pass.

Also: Assembly Bill No. 587—An Act to amend Section 182 of the Penal Code of the State of California, relating to criminal conspiracy, defining same, and fixing the punishment—report the same back, and recommend that it do not pass.

Also: Assembly Bill No. 436—An Act to amend an Act entitled "An Act for the certification of land titles and the simplification of the transfer of real estate," approved March 17, 1897, by amending section five of said Act.

Also: Assembly Bill No. 437—An Act to amend an Act entitled "An Act for the certification of land titles and the simplification of the transfer of real estate," approved March 17, 1897, by amending sections six, nine, and thirteen of said Act.

Also: Assembly Bill No. 438—An Act to amend an Act entitled "An Act for the certification of land titles and the simplification of the transfer of real estate," approved March 17, 1897, by amending Section 114 thereof and by adding three new sections thereto, to be numbered 112*a*, 114*b*, 114*c*, all relating to the fees of registrars and to the use of a part thereof in the creation of an assurance fund, and providing for the custody and management of said fund and the determination and disposition of claims against the same.

Also: Assembly Bill No. 757—An Act to amend section seven hundred and fifty-six of the Political Code relating to salaries of deputies of the Clerk of the Supreme Court.

Also: Assembly Bill No. 759—An Act to amend Section 751 of the Political Code, relating to deputies of the Clerk of the Supreme Court.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass

JOHNSON OF SACRAMENTO, Chairman.

ON IRRIGATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 4, 1909

MR. SPEAKER: Your Committee on Irrigation, to whom was referred Assembly Bill No. 741—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 35 thereof—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and be referred to the Committee on Judiciary

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 5, 1909.

MR. SPEAKER: Your Committee on Irrigation, to whom was referred Senate Bill No. 285—An Act to amend an Act, entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 2 thereof—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 4, 1909

MR. SPEAKER: Your Committee on Irrigation, to whom was referred Senate Bill No. 269—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 35 thereof—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and be referred to the Committee on Judiciary.

WAGNER, Chairman.

ON MILITARY AFFAIRS.

ASSEMBLY CHAMBER, SACRAMENTO, February 4, 1909.

MR. SPEAKER: Your Committee on Military Affairs, to whom was referred Assembly Bill No. 844—An Act providing for the purchasing of a site for an armory and State arsenal for the National Guard at the city and county of San Francisco, California, providing for the appointment of a commission to select and purchase said site, and providing for the erection of an armory and arsenal on said site for the maintenance of the same, and appropriating money therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and that it be referred to the Committee on Ways and Means

BUTLER, Chairman.

ON LABOR AND CAPITAL

ASSEMBLY CHAMBER, SACRAMENTO, February 4, 1909.

MR. SPEAKER: Your Committee on Labor and Capital, to whom was referred Senate Bill No. 191—An Act to amend an Act entitled, "An Act to provide for the proper sanitary condition of factories and workshops, and the preservation of the health of the employees," approved February 6, 1889.

Also: Senate Bill No. 193—An Act to amend Section 8 of an Act entitled "An Act defining the duties and liabilities of employment agents, making the violation thereof a misdemeanor, and fixing the penalties therefor," approved February 12, 1903; approved March 18, 1905.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

NELSON, Chairman.

ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 4, 1909.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 847—An Act to amend Section 4269 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the fortieth class—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 985—An Act to amend Section 4075 of the Political Code, relating to the itemizing of claims against a county.

Also: Assembly Bill No. 935—An Act to amend Section 4268 of the Political Code of the State of California, relating to salaries and compensation of officers, jurors and witnesses in counties of the thirty-ninth class.

Also: Assembly Bill No. 983—An Act to amend Section 4284 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the fifty-fifth class

Also: Assembly Bill No. 984—An Act to amend Section 4281 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the fifty-second class.

Also: Assembly Bill No. 843—An Act to amend Section 4048 of the Political Code, relating to the purchase of county supplies and advertising for bids therefor.

Also: Assembly Bill No. 1007—An Act to amend Section 4251 of the Political Code of the State of California, concerning salaries and fees of officers in counties of the twenty-second class.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

HANS, Chairman.

ON MUNICIPAL CORPORATIONS

ASSEMBLY CHAMBER, SACRAMENTO, February 5, 1909.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Senate Concurrent Resolution No 3—An Act approving three certain amendments of the charter of the city of San Bernardino, county of San Bernardino, State of California, voted for and ratified by the electors of said city of San Bernardino, at a special election held therein for that purpose on the twenty-eighth day of December, 1908—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

Also: Assembly Bill No 430—An Act to amend section eight hundred and sixty-two of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, and all amendments thereto—have had the same under consideration, and respectfully report the same back with eighteen amendments, and recommend that it pass, as amended

FEELEY, Chairman

ON MEDICAL AND DENTAL LAWS

ASSEMBLY CHAMBER, SACRAMENTO, February 5, 1909.

MR. SPEAKER Your Committee on Medical and Dental Laws, to whom was referred Assembly Bill No. 254—An Act to insure the better education of practitioners of naturopathy, and to regulate the practice of naturopathy in the State of California, providing penalties for the violation thereof, have had the same under consideration, and respectfully report the same back, and recommend that it do pass, with eight amendments.

SILVER, Chairman.

The above reported bills ordered on file for second reading.
Assembly Bill No. 844 referred to Committee on Ways and Means
Assembly Bill No 269 referred to Committee on Judiciary.
Assembly Bill No. 741 referred to Committee on Judiciary.

GOVERNOR'S MESSAGE

The following message from the Governor was taken up and read:

SPECIAL MESSAGE

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA.

To the Senate and Assembly

GENTLEMEN: Believing that there should be a further and more careful consideration of Assembly Bill No. 14, which provides that boards of school trustees shall have the power to establish separate schools for children of Japanese, and that thereafter they shall not be admitted into any other public school, and further believing that the enactment of provisions of said bill will at this time affect the interests of the entire nation, and perhaps seriously, I most respectfully request you to reconsider the vote by which said bill was passed, and take the matter up for further and most careful consideration

Within a few hours after the passage of said bill the President of the United States, alarmed at the possible consequences of the enactment of such a law, sent to me a telegram containing the following language:

"This is the most offensive bill of all, and in my judgment is clearly unconstitutional, and we should at once have to test it in the courts. Can it not be stopped in the Legislature or by veto?"

A telegram so forcible as this, coming from the President of the United States, is entitled to full consideration, and demands that no hasty or ill-considered action be taken by this State, which may involve the whole country It seems to me that it is time to lay sentiment and personal opinion and considerations aside and take a broad and unprejudiced view of the important questions involved in the proposed legislation, and in a calm and dispassionate manner pass upon them, keeping in mind not only the interests of our State but of the nation as well, and the duty we owe to it in observing the treaties entered into by it with a friendly power

Two years ago the question now under consideration engaged the attention of our Government and Japan, because of a resolution adopted by the Board of Education of San Francisco, directing that all Chinese, Japanese, and Corean children be sent to the Oriental public schools Japan at once called the attention of our Government to this resolution, which it claimed discriminated against its subjects and in violation of its treaty It contended that the admission of alien children of other foreign countries into the public schools of San Francisco and the denial of that right to the children of its citizens residing there, constituted a denial to them of the privileges, liberties, and rights relating to the rights of residence accorded to the subjects and citizens of the most favored nation. Our Government acquiesced in the views expressed by Japan, and to enforce that nation's rights under its treaty, commenced an action in the Circuit Court of the United States to enjoin the school board of San Francisco from carrying out the provisions of said resolution It was alleged in the bill in equity filed therein that the passage of this resolution violated the treaty between Japan and this country, and prevented the United States from carrying out its treaty obligations to the empire of Japan and to its citizens and subjects, as is the right and duty of the United States, and imperatively demanded by the national interests.

This action was never tried, but was dismissed on the withdrawal by the school board of San Francisco of the resolution complained of.

Every one supposed that this vexed question was settled In fact, the people of the State had about forgotten it, and were no longer paying much attention to it until the bill under consideration was introduced in the Assembly. There has been no general demand for such legislation; there is no immediate or present danger to our schools, and no bad influence exists therein, by reason of the attendance of any Japanese pupil so far as is known In fact, there are but very few Japanese pupils attending our public schools, and there is no occasion, at present at least, for any unnecessary alarm

It is claimed by Japan, and admitted by the authorities in Washington, that the bill, if passed, will be in violation of the treaty existing between the two governments Without expressing any opinion upon this subject, it being a debatable one, I wish to call your attention to the views of Japan, and conceded so far by our Government to be correct. There is contained in the present treaty with Japan the following language, to wit: "In whatever relates to rights of residence and travel * * * the citizens or subjects of each contracting party shall enjoy in the territories of the other the same privileges, liberties, and rights * * * of the most favored nation"

The rights of residence in a nation secure police protection to both person and property, the right to engage in business, the right to the protection of the courts and the laws of the land, the right to own and dispose of property; the right to attend places of public amusement, the right to seek pleasure and enjoyment, and the right to acquire an education.

By our Constitution and laws, the State of California has provided a free public school system where certain privileges have been provided for all resident children, native born and aliens. To support this school system, money is raised by taxation levied upon the property of both citizens and aliens The law also provides for the compulsory attendance of all resident children, whether of aliens or citizens. To our public schools are admitted the children of a subject of all European nations This is a great privilege which our State extends to them. This right is given to them by virtue of their residence within the State, and is part of our public policy to encourage education and to improve and develop the minds and character of those who make their homes here, independent of their citizenship

Japan, under its treaty, being one of the favored nations, and being jealous of the rights of its citizens, claims for them and their children the same rights and privileges as are accorded to the subjects of other favored nations This claim our Government recognizes and stands ready to enforce If the treaty, as claimed, guarantees to Japanese children the rights and privileges accorded to the children of aliens of other nations then those rights and privileges, so long as the treaty remains, should be observed, and if our morals and citizenship are to be endangered thereby, then the treaty, so far as it guarantees that right, should be annulled by the General Government, as this State has no power to do so. While the treaty with Japan does not, and can not, require a State to establish or maintain a system of public schools, or to admit alien residents therein, yet it is contended by the authorities in Washington that the United States can, by treaty, assure to the resident citizens of that nation a treatment and enjoyment of rights and privileges equal to those afforded to the citizens of any other foreign nation, and if a State should see fit to extend privileges to alien residents, as well as to citizen residents, the State will not be allowed to discriminate against the citizens of that country with which the treaty has been made If the State grants certain privileges to the citizens of one foreign country, it can not deny them to the citizens of another, having the same rights by treaty

It is further contended that if a State chooses to supply education, as a governmental function, it can not discriminate by excluding from its public schools the alien children of any particular nation enjoying treaty rights. In speaking of the action of the school board of San Francisco, Secretary Root said: "No State can set up its laws as against the grant of any particular right, privilege or immunity, any more than against the grant of any other right, privilege or immunity. No State can say a treaty may grant to alien residents equality of treatment as to property, but not as to education." "There were questions of policy, questions of national interest and State interest arising under the administration of the treaty, and regarding the application of this provision to the conditions existing on the Pacific coast." "The best interest of the whole country is always the true interest of every State and city, and the protection of the interests of every locality in the country is always the true interest of the nation."

These words are strikingly true, and the wisdom of them should be observed and considered by you in your deliberation.

I trust that no action will be taken which will violate any treaty made by our country or in any manner question its good faith. I most respectfully submit this message to you, with the full hope and belief that when final action shall be taken, that nothing will be done which can be the subject of criticism by the people of this nation, and that no law will be enacted which would be in contravention of the Constitution or any treaty of the United States

J. N. GILLETT, Governor.

RECONSIDERATION.

In compliance with his notice given on a previous day, Mr. Leeds moved that the vote whereby Assembly Bill No. 14 was passed be reconsidered.

Motion duly seconded.

SPECIAL ORDER SET.

On motion of Mr. Leeds, the consideration of the motion to reconsider Assembly Bill No. 14 was made a special order for Wednesday, February 10, 1909, at eleven o'clock A. M.

SPEAKER PRO TEM. IN THE CHAIR.

At eleven o'clock and fifty minutes A. M., Hon. Geo. M. Perine, Speaker pro tem. in the chair.

SPECIAL ORDER.

The hour set for the consideration of special orders having arrived, the following was taken up for consideration:

Senate Bill No. 18—An Act to define and regulate the business of banking.

SPECIAL ORDER RESET.

On motion of Mr. Transue, the consideration of Senate Bill No. 18 was made a special order for Wednesday, February 10, 1909, at eleven o'clock A. M.

SPEAKER IN THE CHAIR.

At twelve o'clock and fifteen minutes A. M., Speaker Stanton in the chair.

RECONSIDERATION.

In compliance with his notice, given on a previous day, Mr. Johnson of Sacramento moved that the vote whereby Assembly Bill No. 32 was refused passage be reconsidered.

SPECIAL ORDER SET.

On motion of Mr. Johnson of Sacramento, the reconsideration of Assembly Bill No. 32 was made a special order for Wednesday, February 10, 1909, at eleven o'clock and five minutes A. M.

SENATE MESSAGE.

The following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, February 4, 1909

MR. SPEAKER. I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 63—An Act to add a section to the Penal Code, to be known as Section 337*a* thereof, relating to gambling by pool selling, bookmaking, bets, and wagers, and providing the punishment for the violation thereof.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary

The above reported bill ordered to enrollment.

INTRODUCTION OF BILLS.

The following bills were introduced and referred as indicated:

By Mr. Feeley: Assembly Bill No. 1064—An Act appropriating eighty-five dollars for the payment of claim of Regal Shoe Company.

Bill read first time, and referred to Committee on Claims.

By Mr. Transue: Assembly Bill No. 1065—An Act appropriating money to pay the claim of H. C. Muddox, Chris. Totten, and R. W. Simonds against the State of California.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. McClellan: Assembly Bill No. 1066—An Act to amend sections six, seven, fifteen, and seventeen, and to add a new section, known as section fifteen and a half, creating a revolving fund, to an Act entitled "An Act to create for the State of California a Department of Engineering, to provide for the appointment of the officers and employees thereof, defining its powers, and prescribing the duties of said department, its officers and employees, to provide the compensation of such officers and employees, to make an appropriation for the salaries and other expenses for the remainder of the fifty-eighth fiscal year, and making certain acts a felony, and repealing an Act entitled 'An Act creating a Commissioner of Public Works, defining his duties and powers, and fixing his compensation,'" approved February 9, 1900, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to create a Department of Highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employees thereof, and to provide for the compensation of said officers and employees, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year," approved April first, eighteen hundred and ninety-seven; also repealing an Act entitled "An Act providing for an auditing board to the Commissioner of Public Works, authorizing and directing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredges, and appliances therefor to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn lands and property for the purposes aforesaid, making certain acts a felony, and making an appropria-

tion of money for the purposes of this Act," approved March seventeenth, eighteen hundred and ninety-seven, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to provide for the appointment, duties and compensation of a Débris Commissioner, and to make an appropriation to be expended under his directions in the discharge of his duties as such commissioner," approved March twenty-fourth, eighteen hundred and ninety-three, and all Acts or parts of Acts amendatory thereof, also repealing an Act entitled "An Act to create the office of Lake Tahoe Wagon Road Commissioner, providing the term of office and compensation of such commissioner, defining his duties and making an appropriation for the salary and expenditures provided for and authorized by this Act," approved April first, eighteen hundred and ninety-seven, and all Acts and parts of Acts amendatory thereof," approved March eleventh, nineteen hundred and seven.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Coghlan: Assembly Bill No 1067—An Act to amend Section 702 of the Code of Civil Procedure, relating to the time within which property may be redeemed, and redemption money.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Hammon: Assembly Bill No. 1068—An Act to amend Section 25 of the Civil Code, defining who are minors.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 1069—An Act to amend Section 4231 of the Political Code of the State of California, relating to salaries of officers of counties of the second class, their deputies and assistants.

Bill read first time, and referred to Committee on County and Township Governments

By Mr. Hopkins: Assembly Bill No. 1070—An Act to add a new section to the Political Code of the State of California, to be known as Section 3251 thereof, providing pay for holidays for employees of the State of California or of any political subdivision thereof.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Butler: Assembly Bill No. 1071—An Act to amend Section 4258 of the Political Code (as amended in 1907, Statutes of 1907, pages 499 and 500 thereof), relating to the compensation of officers in counties of the twenty-ninth class.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Telfer: Assembly Bill No 1072—An Act making an appropriation of one thousand seven hundred and twenty-five dollars ($1,725), to be applied to the cost of building a concrete curb and gutter along the boundary of the grounds of the State Normal School at San Jose, and defining the duties of the Controller and Treasurer in reference thereto.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

By Mr. Pulcifer: Assembly Bill No. 1073—An Act to amend section nine of an Act entitled "An Act to provide for laying out, opening, extending, widening, straightening, or closing up in whole or in part any street, square, lane, alley, court, or any place within municipalities, and to condemn and acquire any and all land and property necessary or convenient for that purpose," approved March 6, 1889.

Bill read first time, and referred to Committee on Municipal Corporations

By Mr. Feeley: Assembly Bill No. 1074—An Act to amend section seven of an Act entitled "An Act providing for the organization and management of mutual fire insurance companies," approved March 19, 1907.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

By Mr. Hayes: Assembly Concurrent Resolution No. 9—Approving the charter of the city of Palo Alto, State of California, and the additional proposition submitted therewith, voted for and ratified by the qualified voters of said town of Palo Alto at a special municipal election held therein for that purpose on the 21st day of January, 1909.

Bill read first time, and referred to Committee on Municipal Corporations.

By Mr. Young: Assembly Concurrent Resolution No. 10—Approving the charter of the town of Berkeley, State of California, and the alternative proposition submitted therewith, voted for and ratified by the qualified voters of said town at a special municipal election held therein

Bill read first time, and referred to Committee on Municipal Corporations

MOTION.

Mr. Beardslee moved that Assembly Bill No 44 be taken up out of order for the purpose of amendment.

Motion carried

Mr. Beardslee moved further that the Speaker appoint a select committee of one to amend the bill as follows:

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

Motion carried.

The Speaker appointed Mr. Beardslee as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 44, with instructions, do now report that the instructions of the Assembly have been carried out.

BEARDSLEE, Select Committee.

Report of select committee and amendment adopted.

Bill ordered to reprint, reengrossment, and on file for passage.

SPECIAL ORDER SET.

On motion of Mr. Costar, the consideration of Assembly Constitutional Amendment No. 14 was made a special order for Thursday, February 11, 1909, at eleven o'clock and ten minutes A. M.

RECESS.

At twelve o'clock and thirty minutes P. M., on motion of Mr. Johnson of Sacramento, the Assembly was declared at recess until two o'clock P. M. of this day.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.

Speaker pro tem. Geo. M. Perine in the chair.

MOTION.

Mr. Young moved that the Journal of Thursday, February 4, 1909, be corrected, as follows:

In the roll call, on the passage of Assembly Bill No. 14, strike out the name "Young" in the list of "Ayes," and insert same name in the list of "Noes."

SPECIAL FILE—SECOND READING.

Assembly Bill No. 56—An Act appropriating one thousand dollars for the purchase of books and periodicals for the Whittier State School.

Assembly Bill No. 249—An Act making an appropriation of five thousand dollars to pay the traveling expenses and salary of a parole officer for the Whittier State School.

Mr. Mott moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bills.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Perine in the chair.

Assembly Bills Nos. 56 and 249 considered.

Mr. Mott moved that the committee do now rise and report in favor of the passage of the bills.

Motion carried.

IN ASSEMBLY.

Speaker pro tem. Perine in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 5, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bills Nos. 56 and 249, and do now report the same back, and recommend that they do pass.

PERINE, Chairman.

Bills read second time, and ordered to engrossment.

Assembly Bill No. 276—An Act to provide for the construction of a new laundry building at the Stockton State Hospital, and the purchase of such machinery and equipments as is necessary for the operation of the same, and for the expense incurred in the removal of machinery from the old building to the new, and to make appropriations therefor.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Perine in the chair.

Assembly Bill No. 276 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker pro tem. Perine in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 5, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 276—and do now report the same back, and recommend that it do pass.

PERINE, Chairman.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 88—An Act repealing an Act approved March 11, 1907, and entitled "An Act to increase the fixed annual appropriation for the Veterans' Home of California, located at Yountville, Napa County, State of California, from sixty-five thousand dollars per annum to seventy-five thousand dollars per annum for the fifty-ninth fiscal year, and for each and every year thereafter, and to that end to amend Section 1 of an Act approved March 20, 1905, entitled 'An Act to amend Section 1 of an Act entitled 'An Act to amend Section 1 of an Act approved March 20, 1899, entitled 'An Act to amend an Act entitled 'An Act to amend an Act approved February 28, 1887, entitled 'An Act to amend an Act to appropriate money for the support of aged persons in indigent circumstances residing in the home of the Veterans' Home Association, approved March 7, 1883, providing for an increase in the annual appropriation thereof, and changing the time for the payments thereof, approved March 23, 1893, reducing the amount of such appropriation per capita, approved March 12, 1901, by providing for a fixed annual appropriation of sixty-five thousand dollars in the place and stead of seventy-five dollars per annum for each and every aged and indigent United States ex-soldier, sailor, or marine admitted to or residing at said home.'"

Bill read second time, and ordered to engrossment.

Assembly Bill No. 831—An Act making an appropriation to pay for the rental and janitor service of quarters of the Second District Court of Appeal.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Perine in the chair.

Assembly Bill No. 831 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker pro tem. Perine in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 5, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 831, and do now report the same back, and recommend that it do pass.

PERINE, Chairman.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 167—An Act to amend Sections 1908, 1917, and 1923 of the Political Code of California, all relating to the enrolled militia.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 169—An Act to amend the Political Code of the State of California by adding two new sections thereto, to be known and designated as Section 1987 and Section 2107, both relating to the National Guard.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT NO. 1.

Amend Section 2, page 3, line 9, of the printed bill, by inserting after the word "armory" the words "or arsenal".

Amendment adopted.

AMENDMENT NO. 2.

Section 2, page 3, line 11, of the printed bill, by inserting after the word "armories" the words "or arsenal".

Amendment adopted.

AMENDMENT NO. 3.

Section 2, page 3, line 14, by inserting after the word "armory" the words "or arsenal".

Amendment adopted.

AMENDMENT NO. 4.

Section 2, page 3, line 19, by inserting after the word "armories" the words "or arsenals".

Amendment adopted.

AMENDMENT NO. 5.

Section 2, page 3, line 23, by inserting after the word "armories" the words "or arsenals".

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

SECOND-READING FILE.

Assembly Bill No. 275—An Act to prevent the introduction, and provide for the investigation and suppression of contagious or infectious diseases, and appropriating money to be used for such purpose.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Perine in the chair.

Assembly Bill No. 275 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker pro tem. Perine in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 5, 1909.

GENTLEMEN. The Committee of the Whole have had under consideration Assembly Bill No. 275, and do now report the same back, and recommend that it do pass.

PERINE, Chairman.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 171—An Act to furnish arms for the use of military academies in the State.

During second reading of bill, the following amendment was submitted by the committee:

Amend by adding a new section to the printed bill to be known as Section 2, as follows.

"SEC 2 The provisions of this Act shall be in force and effect from and after its passage and approval."

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 274—An Act to amend an Act entitled "An Act to protect domestic live stock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this Act, and to provide an appropriation therefor," which became a law March 18, 1899, and as amended March 20, 1905, and as further amended March 23, 1907, by amending Section 1 thereof as amended March 23, 1907, Section 2 thereof as amended March 23, 1907, Section 4 thereof, Section 5 thereof, Section 6 thereof, Section 7 thereof, and Section 8 thereof, and by adding a new section thereto, to be known and numbered as Section 7½, providing for additional officers and employees and fixing their salaries.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill

Motion carried.

IN COMMITTTEE OF THE WHOLE.

Speaker pro tem. Perine in the chair.

Assembly Bill No. 274 considered.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend title by striking out of line 14 the word "their".

Amendment adopted.

AMENDMENT No. 2.

Amend Section 2, line 3, by striking out the word "Section", and insert in lieu thereof the following: "Sec."

Amendment adopted.

AMENDMENT No. 3.

Amend Section 4, page 3, line 1, by striking out the figure "4", and insert in lieu thereof the figure "3".

Amendment adopted.

AMENDMENT No. 4.

Amend Section 4, page 3, line 3, by striking out the word "Section", and insert in lieu thereof the following: "Sec."

Amendment adopted.

AMENDMENT No. 5.

Amend Section 5, page 3, line 1, by striking out the figure "5", and insert in lieu thereof the figure "4".

Amendment adopted.

AMENDMENT No. 6.

Amend Section 5, page 3, line 3, by striking out the word "Section", and insert in lieu thereof the following: "Sec."

Amendment adopted.

AMENDMENT No. 7.

Amend Section 6, page 3, line 1, by striking out the figure "6", and insert in lieu thereof the figure "5".

Amendment adopted.

AMENDMENT No. 8.

Amend Section 6, page 3, line 3, by striking out the word "Section", and insert in lieu thereof the following: "Sec."

Amendment adopted.

AMENDMENT No. 9.

Amend Section 7, page 4, line 1, by striking out the figure "7", and insert in lieu thereof the figure "6".

Amendment adopted.

AMENDMENT No. 10

Amend Section 7, page 4, line 3, by striking out the word "Section", and insert in lieu thereof the following: "Sec."

Amendment adopted.

AMENDMENT No. 11.

Amend Section 8, page 4, line 1, by striking out the figure "8", and insert in lieu thereof the figure "7".

Amendment adopted.

AMENDMENT No. 12.

Amend Section 8, page 4, line 4, by striking out the word "Section", and insert in lieu thereof the following: "Sec."

Amendment adopted.

AMENDMENT No. 13.

Amend Section 7, page 4, line 10, by striking out the word "fifteen", and insert in lieu thereof the following: "sixteen".

AMENDMENT No. 14.

Amend Section 9, page 4, line 1, by striking out the figure "9", and insert in lieu thereof the figure "8".

Amendment adopted.

AMENDMENT No. 15.

Amend Section 9, page 5, line 3, by striking out the word "Section", and insert in lieu thereof the following: "Sec."

Amendment adopted.

AMENDMENT No. 16.

Amend Section 10, page 5, line 1, by striking out the figures "10", and insert in lieu thereof the figure "9"

Amendment adopted.

Mr Transue moved that the committee do now rise and report in favor of the passage of the bill as amended.

Motion carried.

IN ASSEMBLY.

Speaker pro tem. Perine in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 5, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 274, and do now report the same back, and recommend that it do pass as amended.

PERINE, Chairman.

Bill read second time, and ordered to reprint and engrossment.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read (unanimous consent having been obtained for their reception):

ON UNIVERSITIES.

ASSEMBLY CHAMBER, SACRAMENTO, February 5, 1909.

MR SPEAKER: Your Committee on Universities, to whom was referred Assembly Bill No. 674—An Act making an appropriation of six thousand five hundred and twenty-seven and twelve one hundredths dollars ($6,527.12), to repay the Regents of the University of California for moneys appropriated by them to make good losses by fire and disaster, and prescribing the duties of the Controller and Treasurer of State in relation thereto.

Also: Assembly Bill No. 675—An Act providing for investigations of plant diseases and pests, and making an appropriation therefor

Also: Assembly Bill No. 676—An Act to provide for the improvement of the cereal crops of California, and appropriating money therefor.

Also: Assembly Bill No. 677—An Act making an appropriation of eight hundred and six and twenty-three one hundredths dollars (806.23), to repay the Regents of the University of California for moneys appropriated by them to complete the light and power plant at the Lick Observatory.

Also: Assembly Bill No. 680—An Act to appropriate the sum of one hundred and one thousand three hundred and fourteen dollars ($101,314.00), for the use and benefit of the University of California, and specifying the duties of the Controller and Treasurer of the State in relation thereto

Also: Assembly Bill No. 681—An Act to appropriate the sum of two hundred thousand dollars ($200,000.00) toward the erection of an agricultural building for the University of California.

Also: Assembly Bill No 713—An Act to reimburse the University of California for money advanced for the use of the University Farm and Agricultural School.

Also. Assembly Bill No. 682—An Act making an appropriation of nineteen thousand dollars ($19,000.00) for the enlargement of the photographic laboratory and fireproof vault for astronomical photographs and plates at the Lick Observatory, in Santa Clara County, and for the provision of additional equipment for the Lick Observatory and for astronomical photographs

Also: Assembly Bill No 678—An Act making an appropriation of fifteen thousand dollars for viticultural investigation

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass, and be referred to the Committee on Ways and Means

SCHMITT, Chairman.

ON STATE HOSPITALS AND ASYLUMS.

ASSEMBLY CHAMBER, SACRAMENTO, February 5, 1909.

MR. SPEAKER: Your Committee on State Hospitals and Asylums, to whom was referred Senate Bill No. 8—An Act authorizing and directing the Board of Managers of the Agnews State Hospital to continue the reconstruction work of said hospital, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BEBAN, Acting Chairman.

The above reported bills ordered on file for second reading.

Assembly Bills Nos. 675, 676, 677, 680, 681, 713, 682, and 678 referred to Committee on Ways and Means.

INTRODUCTION OF BILLS.

The following bills were introduced, and referred as indicated:

By Mr. Baxter: Assembly Bill No. 1075—An Act to amend section 1321 of the Political Code relating to the compensation of presidential electors.

Bill read first time, and referred to Committee on Election Laws.

Also: Assembly Bill No. 1076—An Act to add a new section to the Penal Code, prohibiting the playing of football.

Bill read first time, and referred to Committee on Judiciary.

SECOND READING FILE (RESUMED).

Assembly Bill No. 102—An Act to amend Section 625 of the Code of Civil Procedure, relating to verdicts of juries in civil actions.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Strike out the words "in its discretion," in lines 7 and 8, of the printed bill.

Amendment adopted.

AMENDMENT No 2

Strike out the words "in its discretion," in line 10, of the printed bill

Amendment adopted

Bill read second time, and ordered to reprint and engrossment

Assembly Bill No. 704—An Act to amend Section 281 of the Code of Civil Procedure of the State of California, relating to penalty for practicing without a license.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Strike out the words "Penalty for practicing without license," in line 3, of the printed bill.

Amendment adopted.

AMENDMENT No. 2

Strike out the word "justice," in line 4, of the printed bill, and insert in lieu thereof the words "record, or in any justice or police or recorder's court in any incorporated city, or city and county."

Amendment adopted

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 259—An Act providing for the appointment of a secretary to boards of education in incorporated cities or towns, and adding a new section to the Political Code, to be known as Section 1616*a*.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out of Section 1, line 4, of printed bill, the word "shall" after the word "town", and insert in lieu thereof the word "may".

Amendment adopted

AMENDMENT No. 2.

Amend by striking out of Section 1, line 10, of printed bill, the word "high" after the word "the", and insert in lieu thereof the word "secondary".

Amendment adopted.

AMENDMENT NO 3.

Amend by striking out of Section 1, line 17, of printed bill, the word "high" after the word "the", and insert in lieu thereof the word "secondary".

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 284—An Act to add a new section to the Political Code, to be numbered 1671*b*, relating to enlarging, reconstructing or replacing county high schools or increasing the capacity and accommodations thereof, and the levying of a special tax

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT NO 1.

Amend by striking out of Section 1, line 3, of printed bill, the word "high" after the word "county," and insert in lieu thereof the word "secondary."

Amendment adopted.

AMENDMENT NO. 2.

Amend by striking out of Section 1, line 8, of printed bill, the word "high" after the word "county," and insert in lieu thereof the word "secondary."

Amendment adopted.

AMENDMENT NO. 3

Amend by striking out of Section 1, line 21, of printed bill, the word "high," and insert in lieu thereof the word "secondary."

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 234—An Act to provide for a school of library training.

Mr. Mott moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Perine in the chair.

Assembly Bill No. 234 considered.

During second reading of bill, the following amendment was submitted by the committee:

On page 1, Section 1, line 1, strike out the figures "700," and insert in lieu thereof the following: "seven hundred"

Amendment adopted.

Mr. Mott moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker pro tem. Perine in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 5, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 234, and do now report the same back, and recommend that it do pass as amended.

PERINE, Chairman.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 696—An Act appropriating money to be expended by and under the direction of the Department of Engineering for the purpose of dredging out sand deposits in Humboldt Bay, for the purpose of improving the navigability thereof.

Mr. Mott moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Perine in the chair.

Assembly Bill No. 696 considered.

During second reading of bill, the following amendment was submitted by the committee:

On page 1, Section 1, line 1, strike out the word "fifty," and insert in lieu thereof the following: "twenty-five."

Amendment adopted.

Mr. Mott moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker pro tem. Perine in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 5, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No 696, and do now report the same back, and recommend that it do pass as amended

PERINE, Chairman.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 444—An Act to amend Article V, Chapter VII, Title XI. Part III of the Code of Civil Procedure of the State of California, by amending Section 1577 thereof, and adding a new section thereto, to be numbered 1580, relating to the real property of decedents, minors, and incompetent persons

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No 1.

Strike out the word "may", in line 28, of Section 2, of the printed bill, and insert in lieu thereof the word "must"

Amendment adopted.

AMENDMENT No. 2.

Strike out the words "it may", in line 30, of Section 2, of the printed bill.

Amendment adopted.

AMENDMENT No. 3

Strike out the word "two", in line 31, of Section 2, of the printed bill, and insert in lieu thereof the word "four".

Amendment adopted.

AMENDMENT No 4.

Insert after the word "circulation", in line 32, of Section 2, of the printed bill, the word "published".

Amendment adopted.

AMENDMENT No. 5.

After the word "county", in line 32, of Section 2, of the printed bill, insert "if there be one, and if there is none then in some newspaper of general circulation in the county".

Amendment adopted.

AMENDMENT No. 6.

Strike out the word "or", in line 37, page 3, of the printed bill, and insert in lieu thereof the word "of".

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 243—An Act to amend Section 626*f* of the Penal Code, relating to the protection of deer.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 1, Section 1, line 4, of the printed bill, strike out the word "fifteen", and insert in lieu thereof the word "first".

Amendment adopted.

AMENDMENT No. 2.

On page 1, Section 1, line 5, of the printed bill, strike out the word "August", and insert in lieu thereof the word "July".

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 16—An Act to prevent any minor under the age of eighteen years to visit any race, racetrack, racecourse, prize fight, cock fight, or place where any race, prize fight or cock fight is advertised or represented to take place, and to provide a punishment therefor.

During second reading of bill, the following amendment was submitted by the committee:

On page 1, line 1, of the printed bill, strike out all after the words "An Act", and insert in lieu thereof as follows:

To prevent any minor under the age of eighteen years visiting any prize fight, cock fight, or place where any prize fight or cock fight is advertised or represented to take place, and to provide a punishment therefor.

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. It shall be unlawful for any minor under the age of eighteen years to visit or attend any prize fight, cock fight, or place where any prize fight, cock fight, or place where any prize fight or cock fight is advertised to take place.

SEC. 2. It shall be unlawful for the owner, lessee or proprietor, or the agent of any owner, lessee or proprietor, of any place where any prize fight or cock fight is advertised or represented to take place, to admit any minor under the age of eighteen years to such place where any prize fight or cock fight is advertised or represented to take place; or to admit, or to sell, or give away to any such minor a ticket or other paper by which said minor might be admitted to such place where such prize fight or cock fight is advertised to take place.

SEC. 3. Every person violating any of the provisions of the preceding sections is guilty of a misdemeanor, and shall be punished by a fine of not exceeding fifty dollars, to be imprisoned in the county jail not more than twenty-five days.

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 689—An Act to amend an Act entitled "An Act creating a fund for the benefit and support of high schools, and providing for its distribution by changing the term high school to secondary school, and apportioning six hundred dollars to each school in place of one third of the total amount," approved March 6, 1903.

Mr. Leeds moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Perine in the chair.

Assembly Bill No. 689 considered.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No 1.

Amend by striking out of Section 5, line 4, of printed bill, after the word "apportion" the following words: "six hundred dollars per school," and insert in lieu thereof the words: "two thirds of the annual amount"

Amendment adopted.

AMENDMENT No. 2.

Amend by inserting in Section 5, line 8, of the printed bill, after the word "remaining," the following words: "two thirds of the annual."

Amendment adopted.

Mr Mott moved that the committee do now rise, and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker pro tem. Perine in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 5, 1909

GENTLEMEN The Committee of the Whole have had under consideration Assembly Bill No. 689—and do now report the same back, and recommend that it do pass as amended.

PERINE, Chairman.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No 301—An Act to provide for work upon and the construction of sidewalks within municipalities.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1

Amend the title so that it shall read as follows: "An Act to provide for work upon and the construction of sidewalks and curbing within municipalities".

Amendment adopted.

AMENDMENT No. 2.

In Section 6, after the word "sidewalk", in line 5, strike out the word "be", and insert the word "is".

Amendment adopted.

AMENDMENT No. 3

In Section 11, line 2, strike out the word "warrants", and insert the word "warrant"

Amendment adopted.

AMENDMENT No. 4.

Renumber "Sec. 19," by calling it "Sec. 20," and insert a new section after "Sec. 18," to be known as "Sec. 19," and which shall read as follows:

SEC. 19. Whenever in the opinion of the city council it shall be convenient or proper so to do, said city council may in its discretion include under any proceedings taken under this Act the construction of curbing as well as the construction of sidewalks, or the city council may provide for the construction of curbing without the construction of sidewalks; and add the provisions of this Act whenever the city council shall elect to proceed thereunder to provide for the construction of curbing shall apply as fully to all such proceedings and to the work done thereunder and to

the assessments made for the expense of the work and to the lien therefor as fully as if this Act specifically and particularly related in each instance to the construction of curbing As to the construction of curbing within municipalities this Act shall be construed as a new, distinct and independent method of procedure and assessment from any provided in any Act or Acts in force at the time this Act shall take effect, which method of procedure and assessment so provided by this Act may as to the construction of curbing be followed by the city council if it elects so to do Nothing in this Act, however, shall be construed as preventing the construction of curbing and the levy and collection of assessments for the expense thereof under the provisions of "An Act to provide for work upon streets, lanes, alleys, places, courts and sidewalks and for the construction of sewers within municipalities," approved March 18, 1885, and the several Acts amendatory thereof and supplemental thereto"

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 240—An Act to provide for the consolidation of municipal corporations.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1

On page 9, Section 3, line 41, of the printed bill, strike out the words "or impair"

Amendment adopted

AMENDMENT No. 2.

On page 6, Section 2, line 175, of the printed bill, after the word "aforesaid", insert the word "and".

Amendment adopted

AMENDMENT No. 3

On page 5, Section 2, line 151, of the printed bill, after the word "body", strike out the small letter "t" in front of the word "the", and insert in lieu thereof a period and the capital letter "T".

Amendment adopted

AMENDMENT No. 4

On page 5, Section 2, line 151, of the printed bill, after the word "body", insert a period

Amendment adopted

AMENDMENT No. 5.

On page 5, Section 2, line 118, of the printed bill, strike out the words "legislative body", and insert in lieu thereof the words "joint convention".

Amendment adopted.

AMENDMENT No 6.

On page 5, Section 2, lines 116 and 117, of the printed bill, after the word 'event", strike out the words "as soon as practicable, avoiding adjournment or adjournments, if possible until said canvass is completed", and insert in lieu thereof the following: "within three days thereafter".

Amendment adopted

AMENDMENT No. 7.

On page 5, Section 2, line 130, of the printed bill, strike out the word "conventions", and insert in lieu thereof the word "convention".

Amendment adopted

AMENDMENT No. 8.

On page 4, Section 2, line 103, of the printed bill, strike out the word "receive", and insert in lieu thereof the word "received".

Amendment adopted

AMENDMENT No 9

On page 4, Section 2, line 89, of the printed bill, strike out the capital "T" in the word "the", and insert in lieu thereof the small letter "t".

Amendment adopted.

AMENDMENT No. 10.

On page 4, Section 2, line 89, of the printed bill, after the word "cast", strike out the period, and insert in lieu thereof a comma.

Amendment adopted.

AMENDMENT No. 11.

On page 3, Section 2, line 62, of the printed bill, strike out the word "board".

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 579—An Act amending Section 1856 of the Civil Code, relative to lien of depositary for hire on property.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

After the word "and", where it first occurs in line 4, of the printed bill, insert the word "for".

Amendment adopted.

AMENDMENT No. 2.

After the word "insurance", in line 4, of the printed bill, insert the words "incurred at the request of the bailor".

Amendment adopted.

AMENDMENT No. 3.

Strike out the words "pay freight or to", in line 7 of the printed bill.

Amendment adopted.

AMENDMENT No. 4.

Strike out the quotation marks at the beginning of line 9 and at the end of line 10 of the printed bill.

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No 580—An Act to amend Section 2144 of the Civil Code, relative to carrier's lien on property.

During second reading of bill, the following amendment was submitted by the committee:

Strike out the words "pay freight or", in line 6, of the printed bill.

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 231—An Act to amend Chapter II, Title IV, of Part III of the Code of Civil Procedure of the State of California, relating to liens of mechanics, laborers, persons furnishing material, and other persons, upon real property by adding a new section to said chapter to be numbered one thousand one hundred and eighty-three and one-half, providing for liens in favor of persons furnishing power in the construction, alteration, addition to, or repair, either in whole or in part of any building, wharf, bridge, ditch, flume, aqueduct, well, tunnel, fence, machinery, railroad, wagon road, or other structure, or in transporting the material furnished and to be used for such purposes, and declaring the rank of such liens.

During second reading of bill, the following amendment was submitted by the committee:

After the word "purposes", in line 12, of the printed bill, insert "and actually used therefor".

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment

Assembly Bill No. 138—An Act to regulate and license the conducting and operating of employment agencies and to provide a revenue therefrom, for the enforcement of the provisions of this Act and other Acts relating to employment agents and employment agencies.

During second reading of bill, the following amendment was submitted by the committee:

On page 2, Section 4, line 11, strike out the last word "twelve", and insert in lieu thereof the following: "six".

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 934—An Act to amend an Act entitled "An Act to continue in force school teachers' certificates, State educational diplomas, and life diplomas," approved February 5, 1880.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 136—An Act to amend an Act entitled "An Act to provide for the proper sanitary condition of factories and workshops, and the preservation of the health of the employees," approved February 6, 1889.

During second reading of bill, the following amendment was submitted by the committee:

On pages 2 and 3, Section 2, lines 1 to 49, strike out Section 2 and all of said section.

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 429—An Act authorizing municipal corporations, other than freeholder charter cities, to change their names, and providing the procedure therefor.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Section 1, page 1, line 11, of the printed bill, strike out the word "charged", and insert the word "changed".

Amendment adopted.

AMENDMENT No. 2.

Section 2, page 1, line 12, of the printed bill, strike out the word "questions", and insert the word "question".

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No 442—An Act to amend "An Act to provide for work upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by adding thereto a new section, to be numbered 5½, providing for the doing of sidewalk work by cities in the absence of bidders for doing the same.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In the title of the bill strike out the figures "5½", and insert in lieu thereof "5b".

Amendment adopted.

AMENDMENT No. 2.

In Section 1, line 5, of the printed bill, strike out the figures "5½", and insert in lieu thereof "5b".

Amendment adopted.

AMENDMENT No. 3.

In Section 1, line 7, of the printed bill, strike out the figures "5½", and insert in lieu thereof "5b".

Amendment adopted.

AMENDMENT No. 4.

In Section 1, line 8, of the printed bill, after the word "sidewalk" include "or curbing".

Amendment adopted.

AMENDMENT No. 5.

In Section 1, line 10, of the printed bill, insert after the word "walk" the words "or curbing".

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 730—An Act of the board of supervisors of the county of Shasta to audit and pay the claim of George W. Bush for services as Judge of the Superior Court of Shasta County.

During second reading of bill, the following amendment was submitted by the committee:

After the words "An Act", in the title of the bill, insert the word "authorizing", and strike out the word "of".

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 80—An Act to amend Section 4028 of the Political Code of the State of California.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 729—An Act to add a new section to the Code of Civil Procedure, to be known as Section 53*a*, relating to rehearings in the Supreme and Appellate Courts.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 756—An Act to amend Section 755 of the Political Code, relating to the salary of the Clerk of the Supreme Court.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 794—An Act to amend Section 2552 of the Political Code, relating to salaries of officers of the Board of State Harbor Commissioners.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 655—An Act to amend Section 2524 of the Political Code, relating to the jurisdiction, powers, and duties of the Board of State Harbor Commissioners.

During second reading of bill, the following amendment was submitted by the committee:

On page 3, Section 1, line 94, strike out the word "then", and insert in lieu thereof the following: "thence".

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 606—An Act to secure the safety of the public at bathing places upon the seacoast and lakes.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1

Strike out the words "boarding house", in lines 2 and 3, in Section 1, of the printed bill.

Amendment adopted.

AMENDMENT No. 2.

Strike out the word "may", in line 4, of Section 1, of the printed bill.

Amendment adopted.

AMENDMENT No. 3.

Insert after the word "shall", in line 3, of Section 2, of the printed bill, the words "be sentenced to".

Amendment adopted

AMENDMENT No. 4.

Strike out the word "fifty," in line 4, of Section 2, of the printed bill, and insert in lieu thereof the word "ten".

Amendment adopted.

AMENDMENT No. 5.

Strike out the word "thirty", in line 5, Section 2, of the printed bill, and insert in lieu thereof the word "ten".

Amendment adopted.

AMENDMENT No. 6.

Add to line 6, Section 2, of the printed bill, after the word "months", the following: "or by both such fine and imprisonment".

Amendment adopted.

AMENDMENT No. 7.

Insert after the word "carlocks", in Section 1, line 6, of printed bill, a comma and the following words. "not less than two life preservers".

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 656—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to amend an Act entitled 'An Act to amend section six of an Act entitled 'An Act concerning the water front of the city and county of San Francisco, approved March 15, 1878, and to confer further powers upon the Board of State Harbor Commissioners,' approved March 17, 1880,' approved March 19, 1889, conferring further powers upon said board,' approved March 26, 1895,' approved March 23, 1901,' approved March 18, 1905 "

During second reading of bill, the following amendment was submitted by the committee:

On page 1, Section 1, line 2, after the second word "entitled," add the words "An Act to amend an Act entitled".

On page 2, Section 1, line 12, add the words "approved March eighteenth nineteen hundred and five".

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 241—An Act providing for an assistant gardener for Sutter's Fort.

Mr. Leeds moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Perine in the chair.

Assembly Bill No. 241 considered.

Mr. Leeds moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker pro tem. Perine in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 5, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 241, and do now report the same back, and recommend that it do pass.

PERINE, Chairman.

Bill read second time, and ordered to engrossment.

Assembly Bill No 99—An Act allowing certain pensions and providing for the payment of the same, of employees of twenty-one years and upwards of service by the State of California in one or more of the public institutions of this State for the insane and those who shall become disabled while in the service of the State of California in one or more of the public institutions of this State for the insane, and providing for the payment thereof

Bill read second time, and ordered to engrossment.

Assembly Bill No. 410—An Act to amend Section 536 of the Penal Code, relating to false statements by consignees and others, and to add a new section to the Penal Code, to be numbered Section 536*a*, imposing certain duties upon consignees and others.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 576—An Act to amend Section 1312 of the Code of Civil Procedure, relating to contesting the probate of wills.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 813—An Act to amend Section 1579 of the Code of Civil Procedure, relating to and authorizing executors and administrators to make leases of the real estate of decedents

Bill read second time, and ordered to engrossment.

Assembly Bill No. 846—An Act to amend Section 1213 of the Civil Code of the State of California, relating to the recording of conveyances of real property, and providing for the recording of certified copies of such conveyances in cases where the same have been recorded in a wrong manner.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 153—An Act to define and regulate the business of banking.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 627—An Act to amend Section 3366 of an Act entitled "An Act to establish a Political Code," approved March 12, 1892, giving power to legislative bodies to fix a license tax and upon whom it may be imposed.

During second reading of bill, the following amendment was submitted by the committee:

On page 1, Section 1, line 1, of the printed bill, strike out all of said line 1, and insert in lieu thereof the following:

"SECTION 1 Section 3366 of the Political Code is hereby amended to read as follows."

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No 825—An Act to amend Section 4277 of the Political Code.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 782—An Act to amend Section 4243 of the Political Code of the State of California, relating to the compensation and expenses of officers in counties of the fourteenth class.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 183—An Act to amend Section 184 of an Act entitled "An Act to establish a uniform system of county and township government," relating to salaries and expenses of county and township officers in counties of the twenty-seventh class.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 955—An Act to amend Section 4241 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the twelfth class.

Bill read second time, and ordered to engrossment

Assembly Bill No. 572—An Act to amend Section 4041 of the Political Code, relating to the general, permanent powers of boards of supervisors.

During second reading of bill, the following amendment was submitted by the committee:

Amend on page 6, line 177, by inserting after the word "county" the following: "and the officers thereof"

Amendment adopted

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 583—An Act to amend sections one, two, and three of an Act entitled "An Act to provide for the formation, organization, and classification of new counties, for locating county seats, for the election and appointment of officers, and for the adjustment and the fulfillment of the rights and obligations arising between such new counties and other counties," approved March 15, 1907.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1

Amend by striking out of Section 1, line 12, of printed bill, the figures "25,000", and inserting in lieu thereof the following figures: "20,000".

Amendment adopted.

AMENDMENT No 2

Amend by striking out of Section 1, line 14, of printed bill, the figures "15,000", and inserting in lieu thereof the following figures: "10,000".

Amendment adopted.

AMENDMENT No 3.

Amend by striking out of Section 1, line 3, of printed bill, the words "from which such county or counties".

Amendment adopted.

AMENDMENT No 4.

Amend by striking out of Section 3, line 19, of printed bill, the word "containing", and inserting in lieu thereof the following: "contain".

Amendment adopted.

AMENDMENT No 5

Amend by striking out of Section 3, line 22, of printed bill, the word "by"

Amendment adopted.

AMENDMENT No 6

Amend by striking out of Section 2, line 146, of printed bill, the words "twenty five", and inserting in lieu thereof the following: "twenty".

Amendment adopted.

AMENDMENT No 7

Amend by striking out of Section 2, line 148, of printed bill, the word "fifteen", and inserting in lieu thereof the following "ten".

Amendment adopted.

AMENDMENT No. 8

Amend by striking out of Section 2, line 177, of printed bill, the word "fifteen", and inserting in lieu thereof the following "ten"

Amendment adopted.

AMENDMENT No 9

Amend by striking out of Section 3, line 6, of printed bill, the figures "25,000", and inserting in lieu thereof the following figures "20,000"

Amendment adopted.

AMENDMENT No 10.

Amend by striking out of Section 3, line 8, of printed bill, the figures "15,000", and inserting in lieu thereof the following figures: "10,000".

Amendment adopted.

AMENDMENT No. 11.

Amend by striking out of Section 3, line 76, of printed bill, the words "of the petition for the organization".

Amendment adopted.

AMENDMENT No. 12.

Amend by inserting in Sec. 3, line 77, after the word "county" where it first appears the following words: "as established by the board of supervisors".

Amendment adopted.

The following amendments were submitted by Mr. Johnson of San Diego:

AMENDMENT No. 1

Amend by striking out of Section 1, line 24, of printed bill, the figure "2", and inserting in lieu thereof the following: "two".

Amendment adopted.

AMENDMENT No 2.

Amend by striking out of Section 4, line 18, of printed bill, the words "described in the petition", and inserting in lieu thereof the following: "established by the board of supervisors".

Amendment adopted.

AMENDMENT No 3

Amend by striking out of Section 4, lines 56, 57, 58, of printed bill, the words "territory described in the petition for the organization of such new county", and inserting in lieu thereof the following: "territorial limits of the proposed new county as established by the board of supervisors"

Amendment adopted.

AMENDMENT No. 4

Amend by striking out of Section 4, line 64, of printed bill, the word "the" where it first appears

Amendment adopted.

AMENDMENT No 5.

In Section 4, line 64, of printed bill, after the word "said", insert the words "proposed new", and strike out the word "or" and insert the word "nor"

Amendment adopted.

AMENDMENT No. 6.

Amend by striking out of Section 4, line 65, of printed bill, the words "said county", and inserting in lieu thereof the following "Any county any portion of which was included within said proposed new county."

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No 137—An Act to amend sections two, three, and four of an Act entitled "An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation thereof," approved February 20, 1905.

Bill read second time, and ordered to engrossment.

SENATE BILLS—SECOND-READING FILE.

Senate Bill No. 46—An Act to amend section three hundred and sixty-four of the Political Code, relating to the Board of Examiners.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 533—An Act to make an appropriation to pay the per diem and mileage of the Lieutenant-Governor and Senators for the thirty-eighth session of the Legislature of the State of California, during the sixtieth fiscal year.

Mr. Leeds moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Perine in the chair.

Senate Bill No. 533 considered.

Mr. Leeds moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker pro tem. Perine in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 5, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 533, and do now report the same back, and recommend that it do pass.

PERINE, Chairman.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 35—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and relating to the powers of the board of trustees of cities of the sixth class.

During second reading of bill, the following amendments were submitted by the committee.

AMENDMENT No. 1.

On page 4, after line 99, of the printed bill, insert the following:

"17. To issue subpœnas for the attendance of witnesses, or the production of books or other documents, for the purpose of producing evidence or testimony in

any action or proceeding pending before the board of trustees, which subpœnas must be signed by the president of the board of trustees and attested by the city clerk, and may be served in the same manner as subpœnas are served in civil actions; *providing* that the board of trustees may also by ordinance prescribe the punishment for disobedience of a subpœna issued and served as authorized herein."

Amendment adopted.

AMENDMENT No. 2.

On page 4, Section 17, line 100, of the printed bill, strike out the numerals "17", and insert in lieu thereof the numerals "18".

Amendment adopted.

Bill read second time, and ordered to reprint and on file for third reading.

Senate Bill No. 54—An Act to amend section five of an Act entitled "An Act to amend sections four, five, six, ten, thirteen, and fourteen of an Act entitled 'An Act for the more effectual prevention of cruelty to animals,' approved March 20, 1874, and to add three new sections to said Act, to be known as sections twenty, twenty-one, and twenty-two, in relation to cruelty to animals, and the arrest, trial, and punishment of offenders against the provisions of said Act, and liens on property in certain cases arising under this Act." approved March 14, 1901.

Bill read second time, and ordered on file for third reading.

THIRD-READING FILE.

Assembly Bill No. 650—An Act to amend Section 637*a* of the Penal Code of California, and to add thereto three new sections, to be numbered 637*b*, 637*c*, and 637*d*, all relating to protection of wild birds other than game birds, and their nests and eggs.

During the third reading of the bill, Mr. Leeds moved that the Speaker appoint a select committee of one to amend the bill as follows:

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

Motion carried.

The Speaker appointed Mr. Leeds as such select committee

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 650, with instructions, do now report that the instructions of the Assembly have been carried out.

LEEDS, Select Committee.

Report of select committee and amendments adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 5, 1909.

MR SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Assembly Bill No. 162—An Act making an appropriation for the maintenance of the James Marshall monument grounds.

Assembly Bill No 657—An Act to provide for the transfer from the general fund of the State treasury to the San Francisco harbor improvement fund of the sum of twenty-two thousand nine hundred and thirty-seven dollars and forty-five cents, to reimburse said San Francisco harbor improvement fund for the costs of publishing

the "Second San Francisco Seawall Act," and the "India Basin Act," and directing the State Controller and State Treasurer to make such transfer.

Assembly Bill No. 440—An Act to amend Section 4237 of the Political Code, relating to county and township officers of counties of the eighth class.

Assembly Bill No 585—An Act to amend Section 4234 of the Political Code, relating to salaries and fees of officers of counties of the fifth class.

Assembly Bill No. 726—An Act to add a new section to the Penal Code, to be known as Section 537c, and relating to the unlawful use of horses and vehicles by the owner, manager and proprietors of livery and feed stables, and persons pasturing stock, and providing the punishment for the violation thereof.

Assembly Bill No. 647—An Act to amend Section 4280 of the Political Code, relating to counties of the fifty-first class.

Assembly Bill No. 431—An Act to amend section seven hundred and sixty-four of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and as amended March 23, 1901, and March 3, 1905, relating to the powers of boards of trustees of cities of the fifth class.

Assembly Bill No. 296—An Act to amend Section 4250 of the Political Code of the State of California, relating to the compensation and expenses of officers in counties of the twenty-first class

Assembly Bill No. 594—An Act to provide for the establishment and maintenance of public museums of natural and historical objects within municipalities.

Assembly Constitutional Amendment No. 14—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding a new section thereto to be numbered Section 25 of article one thereof, relating to the right of the people to fish.

YOUNG, Chairman

The above reported engrossed bills were ordered on file for third reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 5, 1909.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly reëngrossed.

Assembly Bill No. 228—An Act to amend Section 1543 of the Political Code, so as to provide for suspended school districts

Assembly Bill No. 146—An Act to amend Section 18 of an Act entitled, "An Act to provide for the establishment and quieting of title to real property in case of the loss or destruction of public records," approved June 16, 1906, by extending the time to commence actions thereunder, until July 1, 1911.

Assembly Bill No 445—An Act regulating the hours of employment in underground mines and in smelting and reduction works.

YOUNG, Chairman.

The above reported reëngrossed bills were ordered on file for third reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 5, 1909.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bill has been correctly enrolled:

Assembly Bill No. 808—An Act to make an appropriation to pay the per diem and mileage of Assemblymen for the thirty-eighth session of the Legislature of the State of California, during the sixtieth fiscal year—and was presented to the Governor February fourth at ten o'clock and thirty minutes A. M.

YOUNG, Chairman.

COMMUNICATION.

The following communication was filed:

SAN FRANCISCO, CAL., February 1, 1909.

HON. P. A STANTON:

The San Francisco Preachers' Meeting, at a meeting held this day, directed its President and Secretary to convey to the members of the Assembly who voted for anti-racetrack legislation our thanks and congratulations.

E. R. DILLE,
President San Francisco Preachers' Meeting
G M. RICHMOND, Secretary

ADJOURNMENT.

At three o'clock and thirty minutes P. M., the Assembly was declared adjourned until one o'clock P. M. of Monday, February 8, 1909.

ASSEMBLY CHAMBER, SACRAMENTO, CAL., Monday, February 8, 1909.

At one o'clock P. M., pursuant to adjournment, the Assembly was called to order.

Hon. Geo. M. Perine, Speaker pro tem. of the Assembly, in the chair.

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the roll call Mr. Transue moved a call of the House.

Motion carried.

Time, one o'clock and five minutes P. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll.

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

Messrs. Barndollar, Baxter, Bohnett, Butler, Callan, Cattell, Drew, Feeley, Flint, Gerdes, Gibbons, Hanlon, Hawk, Hewitt, Hinkle, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, McManus, Melrose, Mott, O'Neill, Perine, Polsley, Preston, Rutherford, Stuckenbruck, Telfer, Transue, and Wagner—31.

The Chief Clerk announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the House.

Messrs. Beatty, Collier, Dean, Johnson of San Diego, Otis, Sackett, Wyllie, and Young were brought before the bar of the House, and, on motion of Mr. Mott, excused.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At one o'clock and twenty minutes P. M., further proceedings under the call of the House were dispensed with, on motion of Mr. Transue.

The roll of absentees was called.

The final roll call showed the following members present, and answering to their names:

Messrs. Barndollar, Baxter, Beatty, Bohnett, Butler, Callan, Cattell, Collier, Cronin, Dean, Drew, Feeley, Flint, Gerdes, Gibbons, Gillis, Hanlon, Hawk, Hewitt, Hinkle, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, McClellan, McManus, Melrose, Mendenhall, Mott, Otis, O'Neill, Perine, Polsley, Preston, Rutherford, Sackett, Stuckenbruck, Telfer, Transue, Wagner, Wyllie, and Young—45

Quorum present.

LEAVES OF ABSENCE.

On motion, leave of absence for the day was granted to Messrs. Flavelle, Wyatt, Moore, Hopkins, Wilson, Griffiths, and Mr. Speaker.

PRAYER.

Prayer was offered by the Chaplain, Rev. Seren N. Marsh.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Preston its further reading was dispensed with, after having been corrected with reference to Assembly Bill No. 14.

APPROVAL OF JOURNAL.

On motion of Mr. Mott, the Journals of Monday, February 1, Tuesday, February 2, Wednesday, February 3, Thursday, February 4, and Friday, February 5, 1909, were approved, as corrected by the Minute Clerk.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1909.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 824—An Act to amend an Act entitled "An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for the appointment of the members of said commission, to be known as "The Commissioners for the Revision and Reform of Laws," and to prescribe their powers and duties; and to authorize the appointment of a secretary and stenographer therefor; and to provide for the compensation and expense of said commission, secretary and stenographer, and to appropriate money therefor," approved March 28, 1895, approved March 25, 1903, by amending Section 7 thereof.

Also: Assembly Bill No. 931—An Act to amend Section 444 of the Political Code, relating to transfers of money from one fund to another.

Also: Assembly Bill No. 989—An Act to amend Section 607*e* of the Civil Code of the State of California, relating to the disposition to be made of certain fines, penalties and forfeitures

Also: Assembly Bill No. 768—An Act to amend Section 452 of the Political Code, relating to the duties of the State Treasurer.

Also. Assembly Bill No 769—An Act to amend Section 3866 of the Political Code, relating to settlements with the Controller and payments into the State treasury.

Also: Assembly Bill No 771—An Act to amend Section 675 of the Political Code of the State of California, relating to the counting of the money in the State treasury and the duties of the Treasurer, Controller and Board of Examiners in connection therewith.

Also: Assembly Bill No. 802—An Act authorizing the payment into the general fund of the State treasury of moneys held for the redemption of certain coupons of the civil bonds of 1867 and providing for the redemption of said coupons.

Also Assembly Bill No 803—An Act authorizing the payment of moneys held for the redemption of certain coupons of the Central Pacific Railroad bonds of 1864, and providing for the redemption of said coupons.

Also. Assembly Bill No. 205—An Act to amend the Code of Civil Procedure of the State of California, by adding a new section thereto to be known as Section 542*a*, relating to attachments

Also: Asssembly Bill No 642—An Act to prevent false and incorrect representations and advertisements concerning articles offered for sale, and prescribing a punishment for the violation thereof.

Also Senate Bill No. 9—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 625 of said Code of Civil Procedure, relating to verdicts of juries.

Also. Senate Bill No 65—An Act to add a new section to the Code of Civil Procedure, to be known as Section 280*c*, relating to the admission to practice, without examination, of persons who shall have satisfactorily completed the three years' law course of the Department of Law of Leland Stanford Junior University

Also: Senate Bill No. 187—An Act to amend Section 3817 of the Political Code of the State of California, relating to redemptions of land sold the State of California for delinquent taxes.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass

JOHNSON OF SACRAMENTO, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1909.

MR SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 770—An Act to amend Section 435 of the Political Code, relating to the duties of the State Controller—report the same back, with one amendment, and recommend its passage as amended.

Also: Assembly Bill No 772—An Act to amend an Act approved February 28, 1907, entitled "An Act to authorize the deposit of State moneys in banks of this State, and to repeal all Acts and parts of Acts in conflict with this Act"—report the same back, with one amendment, and recommend that it do pass as amended

Also: Assembly Bill No 800—An Act to amend Section No. 433 of the Political Code, relating to the duties of the Controller—report the same back, with two amendments, and recommend that it do pass as amended.

Also: Assembly Bill No 203—An Act to amend Section 1491 of the Code of Civil Procedure of the State of California, relating to notice to creditors of deceased persons—report the same back, with two amendments, and recommend that it do pass as amended.

JOHNSON OF SACRAMENTO, Chairman.

ON REVISION AND REFORM OF LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1909.

MR. SPEAKER: Your Committee on Revision and Reform of Laws, to whom was referred Assembly Bill No. 552—An Act to repeal an Act entitled "An Act to regulate medical practice, to prevent blindness in infants," approved February 17, 1897—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and that it be re-referred to Committee on Public Health and Quarantine

RECH, Chairman

ON SWAMP AND OVERFLOWED LANDS AND LEVEES AND RIVER IMPROVEMENTS AND DRAINAGE.

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1909

MR SPEAKER: Your Committee on Swamp and Overflowed Lands and Levees and River Improvements and Drainage, to whom was referred Assembly Bill No 1009—An Act appropriating money to be expended by and under the direction of the Department of Engineering, for the purpose of rectifying the channels of the Sacramento, San Joaquin and Feather rivers, and other river channels of the State, and improving the navigability of such streams—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and that it be referred to the Committee on Ways and Means.

HEWITT, Chairman.

ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1909.

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 687—An Act to amend Section 1532 of Article II, of the Political Code by defining the duties of the Superintendent of Public Instruction.

Also: Assembly Bill No. 303—An Act to provide for health and development supervision in the public schools of the State of California.

Also: Senate Bill No. 94—An Act to amend Section 1576 of the Political Code, relating to the formation of school districts, providing for the addition of territory thereto and the taxation thereof.

Also: Senate Bill No 77—An Act to add a new section to the Political Code, to be numbered 1840, relating to the levy and collection of special district school funds.

Also: Senate Bill No. 747—An Act to provide for the union of two or more secondary school districts, the filing of a petition with the county superintendent of schools to submit the question of uniting union secondary school districts and calling for an election therefor, and the canvassing of the votes cast at said election

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

SACKETT, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1909

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 632—An Act entitled "An Act to amend Sections 1713 and 1714 of Article XIII, of the Political Code in regard to the apportionment of school library funds."

Also: Assembly Bill No. 633—An Act entitled "An Act to amend Section 1560 of Article IV of the Political Code of California by providing for joint institutes or conventions of teachers."

Also: Assembly Bill No. 686—An Act to amend Section 1663 of the Political Code by classifying the day and evening elementary and secondary schools of California, determining who may be employed to teach in said schools, and by defining the powers of county, and city and county boards of education with respect to courses of study and the examination and graduation of pupils.

Also: Assembly Bill No. 688—An Act to amend Section 1662 of the Political Code, by determining the number of years of instruction in the day and evening elementary schools; determining the age of admission to the day and evening elementary schools, and providing for separate schools for Indian, Mongolian and Chinese children, and authorizing the exclusion of children of filthy or vicious habits.

Also: Assembly Bill No 727—An Act to amend Section 1636 of the Political Code of the State of California, relating to taking the school census by providing for signature of patent or guardian to census, and by providing a fine for those refusing to give in the school census.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended

SACKETT, Chairman.

The above reported bills ordered on file for second reading.

Assembly Bill No. 552 referred to Committee on Public Health and Quarantine.

Assembly Bill No. 1009 referred to Committee on Ways and Means.

ON CONTINGENT EXPENSES AND ACCOUNTS

ASSEMBLY CHAMBER, SACRAMENTO, February 5, 1909.

MR. SPEAKER: Your committee on Contingent Expenses and Accounts, to whom was referred the claim of H. S. Crocker Company, have had the same under consideration, and recommend that the following resolution be adopted:

Resolved, That the Controller be, and is hereby, authorized and directed to draw his warrant on the contingent fund of the Assembly, and the State Treasurer is hereby directed to pay the same, for the sum of four hundred eighty-nine and fifty-five one-hundredths dollars ($489 55) in favor of J. T. Stafford, Sergeant-at-Arms of the Assembly, same being for the payment of the above claim

TELFER, Chairman.

Mr. Telfer moved the adoption of the report and resolution.

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

AYES—Messrs. Barndollar, Baxter, Beatty, Bohnett, Butler, Cattell, Collier, Cronin, Dean, Drew, Feeley, Flint, Gerdes, Gibbons, Greer, Hanlon, Hawk, Hewitt, Hinkle, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, McManus, Melrose, Mendenhall, Mott, Otis, O'Neill, Perine, Polsley, Preston, Rech, Rutherford, Sackett, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Wyllie, and Young—45

NOES—None.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 5, 1909.

MR SPEAKER: Your Committee on Contingent Expenses and Accounts, to whom was referred the claim of John Breuner Company, have had the same under consideration, and recommend that the following resolution be adopted:

Resolved, That the Controller be, and is hereby, authorized and directed to draw his warrant on the contingent fund of the Assembly, and the State Treasurer is hereby directed to pay the same, for the sum of two hundred and eight and 90-100 dollars ($208.90), in favor of J. T. Stafford, Sergeant-at-Arms of the Assembly, same being for the payment of the above claim.

TELFER, Chairman.

Mr Telfer moved the adoption of the report and resolution.

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

AYES—Messrs. Barndollar, Beatty, Bohnett, Butler, Callan, Cattell, Collier, Cronin, Dean, Drew, Feeley, Flint, Gerdes, Gibbons, Greer, Hanlon, Hawk, Hewitt, Hinkle, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, McClellan, McManus, Melrose, Mendenhall, Mott, Otis, O'Neill, Perine, Preston, Rech, Rutherford, Sackett, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Wyllie, and Young—44.

NOES—None

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 5, 1909.

MR. SPEAKER. Your Committee on Contingent Expenses and Accounts, to whom was referred the following resolution, have had the same under consideration, and recommend its adoption.

TELFER, Chairman.

Resolved, That the Controller of the State be, and he is hereby, authorized and directed to draw his warrant on the contingent fund of the Assembly in favor of the H. S. Crocker Company for the sum of $1,955 00, in payment of the bill attached hereto, for codes, supplements, etc., ordered by resolution of the Assembly, and the Treasurer is directed to pay the same.

Mr. Telfer moved the adoption of the report and resolution.

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

AYES—Messrs. Barndollar, Beatty, Bohnett, Butler, Callan, Collier, Cronin, Dean, Feeley, Flint, Gerdes, Gibbons, Greer, Hanlon, Hawk, Hewitt, Hinkle, Irwin, Johnson

of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juillard, Kehoe, McClellan, McManus, Melrose, Mendenhall, Mott, Otis, O'Neill, Perine, Preston, Rech, Rutherford, Sackett, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Wyllie, and Young—43.

NOES—None.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 5, 1909.

MR. SPEAKER: Your Committee on Contingent Expenses and Accounts, to whom was referred the following resolution, have had the same under consideration, and recommend its adoption.

TELFER, Chairman.

WHEREAS, The thirty-seventh session of the Legislature of the State of California, by a concurrent resolution authorized the appointment of a joint harbor committee of six, consisting of three Senators and a like number from the Assembly, to examine and report as to the needs of the several harbors of the State, and directed that the traveling and incidental expenses of the committee should be paid from the contingent expenses of the respective houses, now, therefore, be it

Resolved, That the State Controller be, and he is hereby, authorized to draw his warrant upon the contingent fund of the Assembly in favor of:

W. W. Shannon, State Printer, in the sum of (being one half of the expenses of the State Printer in publishing the report of said committee.)	$ 539 00
Assemblyman Percy A. Johnson	679 80
Assemblyman Walter Leeds	283 00
Assemblyman Louis Strohl	350 00
	$1,851 80

And the State Treasurer is hereby directed to pay said warrants.

Mr. Telfer moved the adoption of the report and resolution.

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

AYES—Messrs. Barndollar, Baxter, Beatty, Bohnett, Butler, Callan, Cattell, Collier, Costar, Cronin, Dean, Drew, Feeley, Flint, Gerdes, Gibbons, Greer, Hanlon, Hawk, Hewitt, Hinkle, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Julliard, Kehoe, McClellan, McManus, Melrose, Mendenhall, Mott, Otis, O'Neill, Perine, Preston, Rech, Rutherford, Sackett, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Wyllie, and Young—46

NOES—None.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 5, 1909.

MR. SPEAKER: Your Committee on Contingent Expenses and Accounts, to whom was referred the claim of Cunningham, Curtiss & Welch, have had the same under consideration, and recommend the adoption of the following resolution:

Resolved, That the Controller be, and is hereby, authorized and directed to draw his warrant on the contingent fund of the Assembly, and the State Treasurer is hereby directed to pay the same, for the sum of five hundred eighty-five and twenty-five one hundredths dollars ($585.25), in favor of the Sergeant-at-Arms of the Assembly, same being for the payment of the above claim.

TELFER, Chairman

Mr. Telfer moved the adoption of the report and resolution.

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

AYES—Messrs. Barndollar, Baxter, Beatty, Bohnett, Butler, Callan, Cattell, Collier, Costar, Cronin, Dean, Drew, Feeley, Flint, Gerdes, Gibbons, Greer, Hanlon, Hawk, Hewitt, Hinkle, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, McClellan, McManus, Melrose, Mendenhall, Mott, Otis, O'Neill, Perine, Preston, Rech, Rutherford, Sackett, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Wyllie, and Young—47.

NOES—None.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 5, 1909

MR. SPEAKER: Your Committee on Contingent Expenses and Accounts, to whom was referred resolution allowing claims of State Printing Office Investigation Com-

mittee, have had the same under consideration, and respectfully report same back, with the recommendation that the following accounts be allowed:

M. Estudillo	$205 00
N. W. Thompson	178 00
S. W. Beckett	115 00
George Root	108 50
R. H. Jury	115 00
Stamps	3 00
Stenographer S. D Pelton, per diem and transcript of testimony	1,098 60
Stenographer N. B. Andrews, per diem	30 00
Telephoning	5 00
Telegraphing	2 50
J. T. Stafford, per diem	84 00
J. T. Stafford, to moneys expended in subpœnaing witnesses and moneys advanced for supplies	127 80
Johnston Stationery Co.	55 00
Total	$2,127 40

And your committee respectfully recommends the adoption of the following resolution:

Resolved, That the State Controller be, and he is hereby, directed to draw his warrant in favor of M. Estudillo for the sum of $2,127.40, in payment of the said expenses incurred. The said sum of $2,127.40 to be paid out of the contingent fund of the Assembly, and the Treasurer is hereby directed to pay the same.

TELFER, Chairman.

Mr. Telfer moved the adoption of the report and resolution.

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

AYES—Messrs. Barndollar, Baxter, Beatty, Bohnett, Butler, Callan, Cattell, Collier, Costar, Cronin, Dean, Drew, Feeley, Flint, Gerdes, Gibbons, Greer, Hanlon, Hawk, Hewitt, Hinkle, Irwin, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, McClellan, McManus, Melrose, Mendenhall, Mott, Otis, O'Neill, Perine, Preston, Rech, Rutherford, Sackett, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Wyllie, and Young—45

NOES—Messrs. Johnson of Sacramento, Kehoe, and Polsley—3.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 5, 1909.

MR. SPEAKER: Your Committee on Contingent Expenses and Accounts, to whom was referred the claim of W. F. Purnell, have had the same under consideration, and recommend the adoption of the following resolution:

Resolved, That the Controller be, and is hereby, authorized and directed to draw his warrant on the contingent fund of the Assembly, and the State Treasurer is directed to pay the same, for the sum of four hundred nineteen and seventy one hundredths dollars ($419.70), in favor of the Sergeant-at-Arms of the Assembly, same being for the payment of the above claim

TELFER, Chairman.

Mr. Telfer moved the adoption of the report and resolution.

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

AYES—Messrs. Barndollar, Baxter, Beatty, Bohnett, Butler, Callan, Cattell, Collier, Costar, Cronin, Dean, Feeley, Flint, Gerdes, Gibbons, Greer, Hanlon, Hawk, Hewitt, Hinkle, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, McClellan, McManus, Melrose, Mendenhall, Otis, O'Neill, Perine, Preston, Rutherford, Sackett, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Wyllie, and Young—44.

NOES—Mr. Polsley—1.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 5, 1909.

MR. SPEAKER: Your Committee on Contingent Expenses and Accounts, to whom was referred the following resolution, have had the same under consideration and recommend its adoption.

TELFER, Chairman.

Resolved, That the Controller be, and he is hereby, authorized and directed to draw his warrant on the contingent fund of the Assembly, and the State Treasurer is hereby directed to pay the same, for the sum of eight hundred and fifty-five dollars ($855.00),

in favor of the H. S. Crocker Company, same being for the payment of the following bills attached:

TO H. S. CROCKER COMPANY, Dr.

SACRAMENTO, CAL., January 25, 1909.

Sergeant-at-Arms, Assembly, Sacramento, Cal.

240 Keystone Binders at $1.50	$360 00
200 Keystone Binders at $1.50	300 00
100 Keystone Binders at $1.50	150 00
	$810 00

TO H. S. CROCKER COMPANY, Dr.

SACRAMENTO, CAL., January 27, 1909.

Mr. Sergeant-at-Arms, Assembly, Sacramento, Cal

30 Keystone Binders at $1.50	$45 00

Mr. Telfer moved the adoption of the report and resolution.

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

AYES—Messrs Barndollar, Baxter, Beatty, Bohnett, Butler, Callan, Cattell, Collier, Costar, Cronin, Dean, Drew, Feeley, Flint, Gerdes, Gibbons, Greer, Hanlon, Hawk, Hewitt, Hinkle, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, McClellan, McManus, Melrose, Mendenhall, Mott, Otis, O'Neill, Perine, Preston, Rech, Rutherford, Sackett, Telfer, Transue, Wagner, Wheelan, Wyllie, and Young—46.

NOES—None.

SUBSTITUTION OF BILLS.

On motion of Mr. Sackett, Committee Substitute for Assembly Bill No. 271 was withdrawn, and Senate Bill No. 747 substituted therefor, they being identical.

SENATE MESSAGES.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, February 5, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 238—An Act to amend an Act entitled "An Act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness, and the distribution of their property," approved February 10, 1903, by adding thereto a new section, to be numbered 10½.

Also:

SENATE CHAMBER, SACRAMENTO, February 8, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted Senate Joint Resolution No. 4, relative to the establishment of a parcels post.

LEWIS A. HILBORN, Secretary.
By J. W. KAVANAGH, Assistant Secretary.

Senate Bill No. 238 read first time, and referred to Committee on Irrigation.

Senate Joint Resolution No. 4 read, and referred to Committee on Federal Relations.

INTRODUCTION OF BILLS.

The following bills were introduced, and referred as indicated:

By Mr. Melrose: Assembly Bill No. 1077—An Act to add a new section to the Code of Civil Procedure, to be numbered Section 1019, relating to the service of pleadings and papers in actions for divorce.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 1078—An Act to amend Section 411 of the Code of Civil Procedure, relating to the service of summons and complaint, and to add a new section to the Code of Civil Procedure, to be numbered Section 1018, relating to the service of pleadings and papers in action for divorce and annulment of marriage.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 1079—An Act to amend Section 387 of the Code of Civil Procedure, relating to intervention.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 1080—An Act to amend Section 4013 of the Political Code, and to add a new section to said code, to be known and numbered as Section 4152*a*, creating the office of divorce examiner in each county, and providing for his powers, duties and compensation.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Dean: Assembly Bill No. 1081—An Act to appropriate money for the payment of the claim of George W. Bush.

Bill read first time, and referred to Committee on Claims.

By Mr. Johnson of San Diego: Assembly Bill No. 1082—An Act to amend section four thousand and seven of the Political Code of the State of California, relating to the classification of counties.

Bill read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 1083—An Act to add a new section to the Political Code of the State of California, to be known as section four thousand two hundred and sixty-five *a*, relating to the compensation of the county officers of the thirty-sixth and one half class.

Bill read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 1084—An Act to amend section four thousand and five of the Political Code of the State of California, relating to the population of counties.

Bill read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 1085—An Act to amend section four thousand and six of the Political Code of the State of California, relating to the classification of counties, and creating a new class to be known as the thirty-sixth and one half class.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Hinkle: Assembly Bill No. 1086—An Act to amend section four thousand two hundred thirty-eight of the Political Code of the State of California, relating to the compensation of officers of counties of the ninth class.

Bill read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 1087—An Act to prevent fishing, or the taking of fish by means of weirs, dams, nets, traps or seines, in False Bay or in the entrance thereto.

Bill read first time, and referred to Committee on Fish and Game.

Also: Assembly Bill No. 1088—An Act making an appropriation to pay the claim of Montgomery M. Moulton.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Sackett: Assembly Bill No. 1089—An Act to add a new section to the Political Code, relating to school buildings, school sites and playgrounds, to be known and numbered as section one thousand eight hundred and ninety-four.

Bill read first time, and referred to Committee on Education.

Also: Assembly Bill No. 1090—An Act to protect the children of the

public schools by adding a new section to the Penal Code, to be known and numbered as Section 308.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 1091—An Act to add a new section to the Penal Code relating to the use of text-books, to be known and numbered as Section 308*b*.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 1092—An Act to amend Article XXX, section 4259, of an Act entitled "An Act to repeal Title II of Part IV of the Political Code, and to add a new Title II of Part IV of said Code in place thereof, relating to the establishment of a uniform system of county and township government.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Transue: Assembly Bill No. 1093—An Act to add a new section to Chapter II, Title XV, of the Penal Code, to be numbered 655, relating to trespass upon, or the unlawful relocation, or "jumping" of, mines, mining and mineral claims.

Bill read first time, and referred to Committee on Mines and Mining Interests.

By Mr. Preston: Assembly Bill No. 1094—An Act to amend the Political Code of the State of California by adding thereto a new section to be known as Section 3785*a*, relating to deeds to the State under sales made to the State, prior to March 28, 1895, for delinquent State and county taxes, and authorizing certain persons to represent the State in the giving of notices, and relating to the redemption of such property and also to the resale thereof.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 1095—An Act to amend section three thousand five hundred and eighteen of the Political Code, relating to duplicates for lost certificates of purchase of State lands.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 1096—An Act to amend Section 269 of the Code of Civil Procedure, relating to phonographic reporters for Superior Courts, and providing for their appointment and duties, and also providing for copies of proceedings by them in certain cases.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Wagner: Assembly Bill No. 1097—An Act to amend an Act entitled "An Act to prevent the propagation by the production of seed of that certain plant known as sorghum halepense, otherwise known as Johnson grass;" also that certain plant known as convolvulus, otherwise known as "morning-glory."

Bill read first time, and referred to Committee on Agriculture.

Also: Assembly Bill No. 1098—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto, to be numbered 359½, providing for the time when the statutes of limitations shall commence to run against the stockholders in all private corporations, and prescribing the time thereafter within which an action may be commenced against the stockholders of any insolvent private corporation.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Bohnett: Assembly Bill No. 1099—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as

Section 1191*a*, relating to liens upon real estate, where reputed owner, after notice from health officer, or governing board of any city, town or sanitary district, refuses, neglects, or fails to connect dwelling house and plumbing with sewer, and work and materials furnished to be held to have been done at the instance of such owner, or person claiming any interest therein.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 1100—An Act to add a new section to the Penal Code of the State of California, to be numbered 373*b*, making the refusal, neglect, or failure to connect dwelling houses and plumbing with sewers, after notice from the health officer or governing board of cities, town or sanitary districts, a misdemeanor, and punishable accordingly.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 1101—An Act to amend Section 121 of the Code of Civil Procedure of California, prescribing the powers and jurisdiction of the police courts.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 1102—An Act to amend Section 1696 of the Political Code of the State of California, relating to the duties of teachers.

Bill read first time, and referred to Committee on Education.

Also: Assembly Bill No. 1103—An Act to amend Section 652 of the Civil Code of the State of California, relating to the consolidation of colleges and institutions of higher education.

Bill read first time, and referred to Committee on Education.

Also: Assembly Bill No. 1104—An Act to add a new section to the Code of Civil Procedure of California, to be known as Section 1789*a*, relating to conveyances by guardians.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 1105—An Act to add a new section to the Code of Civil Procedure of California, to be known as Section 1810*a*, relating to conveyances by guardians.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 1106—An Act to amend Section 900 of the Code of Civil Procedure of California, relating to the recording in the recorder's office of abstracts of judgments rendered in the Justices' Courts.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Callan: Assembly Bill No. 1107—An Act to prohibit discrimination or rebates on premiums for policies of insurance companies.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

By Mr. Johnson of Sacramento: Assembly Bill No. 1108—An Act to amend Section 2302 of the Political Code, relating to the salary of the State Librarian.

Bill read first time, and referred to Committee on State Libraries.

Also: Assembly Bill No 1109—An Act to prohibit within certain limits the mooring and anchoring of houseboats in rivers and streams and the maintaining of privies, vaults, cesspools, sewer pipes and conduits on the banks of rivers and streams, and providing for punishment for violating thereof, declaring such acts to be public nuisances, and providing for the abatement of such nuisances.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Mr. Telfer: Assembly Bill No. 1110—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by adding thereto a new section, to be numbered 19½, providing for the completion of sidewalks in any block where a portion of the same has been constructed.

Bill read first time, and referred to Committee on Municipal Corporations.

By Mr. Perine: Assembly Bill No. 1111—An Act to authorize and empower the State Board of Prison Directors to insure jute and jute goods against either fire or marine loss, and to pay the cost of such insurance from the revolving fund for the purchase of jute.

Bill read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Also: Assembly Bill No. 1112—An Act to amend an Act entitled "An Act to add a new title to Part III of the Penal Code, to be known as Title I thereof, relating to the government and management of State prisons," approved March 18, 1907, by amending Sections 1572, 1574, 1577, 1578, and 1582, of the Penal Code, relating to the government and management of State prisons.

Bill read first time, and referred to Committee on State Prisons and Reformatory Institutions.

By Mr. Bohnett: Assembly Constitutional Amendment No. 24—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending section eleven thereof, relating to counties, cities, towns and sanitary districts, making and enforcing regulations.

Read, and referred to Committee on Constitutional Amendments.

By Mr. Johnson of Sacramento: Assembly Constitutional Amendment No. 25—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending section seven of article nine thereof, relating to boards of education and text-books, and providing for free text-books.

Read, and referred to Committee on Constitutional Amendments.

BILL TAKEN UP OUT OF ORDER.

On motion of Mr. Mott, Senate Bill No. 533 was taken up out of order and placed upon its final passage.

Senate Bill No. 533—An Act to make an appropriation to pay the per diem and mileage of the Lieutenant-Governor and Senators for the thirty eighth session of the Legislature of the State of California, during the sixtieth fiscal year.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 533 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Bohnett, Butler, Callan, Cattell, Collier, Costar, Cronin, Dean, Drew, Flint, Gerdes Gibbons, Greer, Hanlon, Hawk, Hewitt, Hinkle, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, McClellan, McManus, Melrose, Mendenhall, Mott, Otis, O'Neill, Perine, Polsley, Preston Rech Rutherford, Sackett, Stuckenbruck, Transue, Wagner, Wheelan, Wyllie, and Young—46.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

ASSEMBLY CODE BILLS—THIRD READING.

The hour of two o'clock and thirty minutes P. M. having arrived, Assembly Code bills were taken up for consideration.

Assembly Bill No. 321—An Act to repeal an Act entitled "An Act making a conspiracy to commit any crime against the person of, or an attempt to kill or commit any assault upon, the President or Vice-President of the United States, or Governor of any State or Territory, any United States Justice or Judge, or the Secretary of any executive department of the United States, a felony; and providing a penalty therefor," approved February 28, 1903.

During the third reading of the bill, Mr. Rech moved that the Speaker appoint a select committee of one to amend the bill as follows:

AMENDMENT No. 1.

In line 4, of the title of the printed bill, strike out the word "or", and insert in lieu thereof the word "the".

AMENDMENT No. 2

Add a new section to read as follows: "SEC. 2. This Act shall take effect June 1, 1909".

Motion carried.

The Speaker appointed Mr. Rech as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1909.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 321, with instructions, do now report that the instructions of the Assembly have been carried out

RECH, Select Committee.

Report of select committee, and amendments, adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No. 322—An Act to amend Section 183 of the Penal Code of the State of California, relating to a conspiracy to commit any crime against the person of the President or Vice-President of the United States, or Governor of any State or Territory, or any United States Justice or Judge, or the Secretary of any executive department of the United States, and providing a penalty therefor.

During the third reading of the bill, Mr. Rech moved that the Speaker appoint a select committee of one to amend the bill as follows:

AMENDMENT No. 1.

In line 1, of the title of the printed bill, strike the words "the State of".

AMENDMENT No. 2.

In line 1, of the title of the printed bill, strike out the comma after the word "California", and insert a period in lieu thereof.

AMENDMENT No. 3.

Strike out lines 2 to 7, inclusive, of the title of the printed bill.

AMENDMENT No. 4

In Section 1, line 3, of the printed bill, strike out the word "section".

AMENDMENT No. 5.

In line 1, Section 2, of the printed bill, strike out the word "immediately", and insert in lieu thereof the following: "June 1, 1909".

Motion carried.

The Speaker appointed Mr. Rech as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1909.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No 322 with instructions, do now report that the instructions of the Assembly have been carried out.

RECH, Select Committee.

Report of select committee, and amendments, adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No. 323—An Act to add a new section to the Penal Code of the State of California, to be known as Section 186, making an attempt to kill or commit any assault upon the President or Vice-President of the United States, the Governor of any State or Territory, or any United States Justice or Judge, or the Secretary of any executive department of the United States, a felony, and providing a penalty therefor.

During the third reading of the bill, Mr. Rech moved that the Speaker appoint a select committee of one to amend the bill as follows:

AMENDMENT No. 1.

In line 1 of the title of the printed bill, strike out the words "the State of".

AMENDMENT No. 2.

In line 2 of the title of the printed bill, strike out the following: "one hundred and eighty-six", and insert in lieu thereof the following: "two hundred and forty-seven".

AMENDMENT No. 3.

In line 2 of Section 1, of the printed bill, strike out the figures "186", and insert in lieu thereof the figures "247".

AMENDMENT No. 4.

In line 3, section 1, of the printed bill, strike out the following: "Section 186", and insert in lieu thereof the figures "247".

AMENDMENT No. 5.

Add a new section to read as follows: "Sec. 2. This act shall take effect June 1, 1909."

Motion carried.

The Speaker appointed Mr. Rech as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1909.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 323, with instructions, do now report that the instructions of the Assembly have been carried out.

RECH, Select Committee.

Report of select committee, and amendments, adopted.

Bill ordered to reprint, reengrossment, and on file for passage.

Assembly Bill No. 324—An Act to repeal an Act entitled "An Act making the cost of certain bonds of receivers, assignees, trustees, guardians, administrators and executors chargeable to a certain extent against the trust estate," approved March 20, 1905.

During the third reading of the bill, Mr. Rech moved that the Speaker appoint a select committee of one to amend the bill, as follows:

Add a new section to read as follows: "Sec. 2. This Act shall take effect June 1, 1909."

Motion carried.

The Speaker appointed Mr. Rech as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1909.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 324, with instructions, do now report that the instructions of the Assembly have been carried out.

RECH, Select Committee.

Report of select committee, and amendment, adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No. 325—An Act to add a new section of the Code of Civil Porcedure of the State of California, to be known as Section 1060, relating to bonds of receivers, assignees, trustees, guardians, administrators, and executors, against trust estates.

During the third reading of the bill, Mr. Rech moved that the Speaker appoint a select committee of one to amend the bill, as follows:

AMENDMENT No. 1.

In line 1, of the title of the printed bill, strike out the words, "of the State".

AMENDMENT No. 2.

In line 4, of Section 1, of the printed bill, strike out the word "Section".

AMENDMENT No. 3

In line 8, Section 1, of the printed bill, strike out the following: "½" and "1".

AMENDMENT No. 4.

In line 1, of Section 2, of the printed bill, strike out the following: "immediately", and insert in lieu thereof the following: "June 1, 1909".

Motion carried.

The Speaker appointed Mr. Rech as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1909.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 325, with instructions, do now report that the instructions of the Assembly have been carried out.

RECH, Select Committee.

Report of select committee, and amendments, adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No. 327—An Act to add a new section to the Political Code of the State of California, to be known as Section 2329, relating to forbidding the employment of the inmates of State institutions in the manufacture, or production of articles for the use of State officers, or the officers and employees of State institutions.

During the third reading of the bill, Mr. Rech moved that the Speaker appoint a select committee of one to amend the bill, as follows:

AMENDMENT No. 1.

In line 4, of the title of the printed bill, strike out the comma after the words "manufacture" and "articles".

AMENDMENT No. 2.

In line 5, of the title of the printed bill, strike out the word "and", and insert in lieu thereof the word "or".

AMENDMENT No. 3.

In line 3, of Section 1, of the printed bill, strike out the word "section".

AMENDMENT No. 4.

In line 4, of Section 1, of the printed bill, strike out the comma after the words "production" and "article".

AMENDMENT No. 5.

In line 1, of Section 2, of the printed bill, strike out the word "immediately", and insert in lieu thereof the following: "June 1, 1909"

Motion carried.

The Speaker appointed Mr. Rech as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1909.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 327, with instructions, do now report that the instructions of the Assembly have been carried out.

RECH, Select Committee.

Report of select committee, and amendments, adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No 328—An Act to repeal an Act entitled "An Act to provide for the payment by the State or counties, or cities, or cities and counties, of the premium or charge on offical bonds when given by surety companies," approved March 25, 1903.

During the third reading of the bill, Mr. Rech moved that the Speaker appoint a select committee of one to amend the bill, as follows:

Add a new section to read as follows: "SEC 2. This act shall take effect June 1, 1909."

Motion carried.

The Speaker appointed Mr. Rech as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1909.

MR SPEAKER: Your select committee of one, to whom was referred Assembly Bill No 328, with instructions, do now report that the instructions of the Assembly have been carried out.

RECH, Select Committee.

Report of select committee, and amendment, adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No. 329—An Act to add a new section to the Political Code of the State of California, to be known as Section 988, relating to the payment of premiums on official bonds.

During the third reading of the bill, Mr. Rech moved that the Speaker appoint a select committee of one to amend the bill as follows:

AMENDMENT No. 1.

On page 1, Section 1, line 3, of the printed bill, strike out the word "Section".

AMENDMENT No. 2.

On line 1, Section 2, of the printed bill, strike out the word "immediately", and insert in lieu thereof the following: "June 1, 1909."

Motion carried.

The Speaker appointed Mr. Rech as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1909.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 329, with instructions, do now report that the instructions of the Assembly have been carried out.

RECH, Select Committee.

Report of select committee, and amendments, adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No. 330—An Act to add a new section to the Penal Code of the State of California, to be known as Section 79, relating to school officers and teachers acting as agents.

During the third reading of the bill Mr. Rech moved that the Speaker appoint a select committee of one to amend the bill as follows:

AMENDMENT No. 1.

In line 11 of the title of the printed bill strike out the words "the State of".

AMENDMENT No. 2.

Add a new section to read as follows: "SEC. 2. This act shall take effect June 1, 1909."

Motion carried

The Speaker appointed Mr. Rech as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1909.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 330, with instructions, do now report that the instructions of the Assembly have been carried out.

RECH, Select Committee.

Report of select committee, and amendments, adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No. 326—An Act to repeal an Act entitled "An Act forbidding the employment of the inmates of State institutions in the manufacture, or production of articles for the use of State officers, or the officers and employees of State institutions," approved March 19, 1903.

During the third reading of the bill, Mr. Rech moved that the Speaker appoint a select committee of one to amend the bill as follows:

AMENDMENT No. 1.

In line 4, of the title of the printed bill, strike out the following: "employees".

AMENDMENT No. 2.

Add a new section to read as follows: "SEC. 2. This Act shall take effect June 1, 1909".

Motion carried.

The Speaker appointed Mr. Rech as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1909.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No 326, with instructions, do now report that the instructions of the Assembly have been carried out.

RECH, Select Committee.

Report of select committee, and amendments, adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No. 334—An Act to repeal an Act entitled "An Act to prevent the destruction of forests by fire on public lands," approved February 13, 1872.

During the third reading of the bill, Mr. Rech moved that the Speaker appoint a select committee of one to amend the bill as follows:

Add a new section to read as follows: "SEC. 2. This Act shall take effect June 1, 1909."

Motion carried.

The Speaker appointed Mr. Rech as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1909.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 334, with instructions, do now report that the instructions of the Assembly have been carried out.

RECH, Select Committee.

Report of select committee, and amendment, adopted.

Bill ordered to reprint, reengrossment, and on file for passage.

Assembly Bill No. 341—An Act to repeal an Act entitled "An Act to regulate the disposition of the hides of cattle killed or slaughtered in the State of California," approved March 23, 1893.

During the third reading of the bill, Mr. Rech moved that the Speaker appoint a select committee of one to amend the bill as follows:

Add a new section to read as follows: "SEC. 2. This Act shall take effect June 1, 1909."

Motion carried.

The Speaker appointed Mr. Rech as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1909.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly bill No. 341, with instructions, do now report that the instructions of the Assembly have been carried out.

RECH, Select Committee.

Report of select committee, and amendment, adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No. 342—An Act to repeal an Act entitled "An Act to provide for the registration of bonds issued by common school, high school, or union high school districts," approved March 18, 1905.

During the third reading of the bill, Mr. Rech moved that the Speaker appoint a select committee of one to amend the bill as follows:

Add a new section to read as follows: "SEC. 2. This Act shall take effect June 1, 1909."

Motion carried.

The Speaker appointed Mr. Rech as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1909.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 342, with instructions, do now report that the instructions of the Assembly have been carried out.

RECH, Select Committee

Report of select committee, and amendment, adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No. 343—An Act to add two new sections to the Political Code of the State of California, to be known as Sections 1893 and 1894, providing for the registration of bonds issued by common school, high school, or union high school districts.

During the third reading of the bill, Mr. Rech moved that the Speaker appoint a select committee of one to amend the bill as follows:

AMENDMENT No. 1.

In line 4, of the title, of the printed bill, strike out the following: "or Union High School Districts", and insert in lieu thereof the following: "Union High School or Joint Union High School Districts".

AMENDMENT No. 2.

On page 1, Section 1, line 3, of the printed bill, strike out the word "Section".

AMENDMENT No. 3.

On page 1, Section 1, line 5, of the printed bill, strike out the word "or".

AMENDMENT No. 4.

On page 1, Section 1, line 6, of the printed bill, strike out the comma after the word "school".

AMENDMENT No. 5.

On page 1, Section 1, line 6, of the printed bill, strike out the word "districts", and insert in lieu thereof the word "district".

AMENDMENT No. 6.

On page 2, Section 1, of the printed bill, strike out all the words contained in lines 39, 40 and 41.

AMENDMENT No. 7.

On page 2, Section 1, line 42, of the printed bill, insert the following: "Sec. 2" immediately before the words "a new section".

AMENDMENT No. 8.

On page 2, line 44, of the printed bill, strike out the word "Section".

AMENDMENT No. 9.

On page 3, line 56, of the printed bill, add after the words "the state", the following: "The provisions of section one thousand eight hundred ninety-three shall apply to coupon bonds so issued, as well as to other coupon bonds, or other bonds payable to bearer".

AMENDMENT No. 10.

On page 3, Sec. 3, line 1, strike out the word "immediately", and insert in lieu thereof the following: "June 1, 1909".

Motion carried.

The Speaker appointed Mr. Rech as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1909.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 343, with instructions, do now report that the instructions of the Assembly have been carried out.

RECH, Select Committee.

Report of select committee, and amendments, adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No. 344—An Act to repeal an Act entitled "An Act to prohibit the collection of accounts for liquors sold at retail," approved March 20, 1874.

During the third reading of the bill, Mr. Rech moved that the Speaker appoint a select committee of one to amend the bill as follows:

Add a new section to read as follows: "Sec. 2. This Act shall take effect June 1, 1909."

Motion carried.

The Speaker appointed Mr. Rech as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1909.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 344 with instructions, do now report that the instructions of the Assembly have been carried out.

RECH, Select Committee.

Report of select committee, and amendment, adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No. 345—An Act to add a new section to the Civil Code of the State of California, to be known as section thirty-four hundred and thirty-four, relating to the collection of accounts for liquors sold at retail.

During the third reading of the bill Mr. Rech moved that the Speaker appoint a select committee of one to amend the bill, as follows:

AMENDMENT No. 1.

In line 4 of the printed bill, strike out the word "Section".

AMENDMENT No. 2.

Add a new section to read as follows:
"SEC. 2. This Act shall take effect June 1, 1909."

Motion carried.

The Speaker appointed Mr. Rech as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1909.

MR SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 345, with instructions, do now report that the instructions of the Assembly have been carried out.

RECH, Select Committee.

Report of select committee, and amendments, adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No. 348—An Act entitled "An Act to declare valid writs, process, and certificates issued by the Superior Court of this State, or the clerks thereof, before such courts shall have been legally provided with seals," approved March 31, 1880.

During the third reading of the bill, Mr. Rech moved that the Speaker appoint a select committee of one to amend the bill as follows:

Add a new section to read as follows:
"SEC 2. This Act shall take effect June 1, 1909."

Motion carried.

The Speaker appointed Mr. Rech as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1909.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 348, with instructions, do now report that the instructions of the Assembly have been carried out.

RECH, Select Committee.

Report of select committee, and amendment, adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No. 349—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as Section 80, relating to the validity of writs, process, and certificates issued by the Superior Courts, or the clerks thereof, before such courts shall have been legally provided with seals.

During the third reading of the bill Mr. Rech moved that the Speaker appoint a select committee of one to amend the bill as follows:

AMENDMENT No. 1.

In line 1, of the title, of the printed bill, strike out the words "of the State".

AMENDMENT No 2.

In line 4, of the printed bill, strike out the word "Section".

AMENDMENT No. 3

Add a new section to read as follows:
"SEC. 2. This Act shall take effect June 1, 1909"

Motion carried.

The Speaker appointed Mr. Rech as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1909.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 349, with instructions, do now report that the instructions of the Assembly have been carried out.

RECH, Select Committee.

Report of select committee, and amendments, adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No 340—An Act to add a new section to the Penal Code of the State of California, to be known as section one hundred and thirty-nine, relating to keeping the hides of animals killed or slaughtered, and providing a penalty for the violation thereof.

During the third reading of the bill, Mr. Rech moved that the Speaker appoint a select committee of one to amend the bill as follows:

AMENDMENT No. 1.

In line 1, of the title, of the printed bill, strike out the words "the State of".

AMENDMENT No. 2.

In line 3, of the title, of the printed bill, strike out the word "Section".

AMENDMENT No. 3.

In lines 6 and 7, of the printed bill, strike out the following: "Any alterations or disfigurations", and insert in lieu thereof the following: "alteration or disfiguration".

AMENDMENT No. 4.

Add a new section to read as follows:
"SEC. 2. This Act shall take effect June 1, 1909."

Motion carried.

The Speaker appointed Mr. Rech as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1909.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill

No 340, with instructions, do now report that the instructions of the Assembly have been carried out.

RECH, Select Committee.

Report of select committee, and amendments, adopted.

Bill ordered to reprint, reengrossment, and on file for passage.

Assembly Bill No. 333—An Act to repeal Sections 1868, 1869, and 1870 of the Political Code of the State of California.

During the third reading of the bill, Mr. Rech moved that the Speaker appoint a select committee of one to amend the bill as follows:

Add a new section to read as follows: "Sec. 2. This Act shall take effect June 1, 1909"

Motion carried.

The Speaker appointed Mr. Rech as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1909.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No 333, with instructions, do now report that the instructions of the Assembly have been carried out.

RECH, Select Committee.

Report of select committee, and amendment, adopted.

Bill ordered to reprint, reengrossment, and on file for passage.

Assembly Bill No. 331—An Act to add a new section to the Penal Code of the State of California, to be known as Section 78, relating to the prevention of irregular issuance of teachers' certificates.

During the third reading of the bill, Mr. Rech moved that the Speaker appoint a select committee of one to amend the bill as follows:

AMENDMENT No. 1.

In line 1, of the title, of the printed bill, strike out the words "the State of".

AMENDMENT No. 2.

Strike out the word "Section", in line 3, of the printed bill.

AMENDMENT No. 3.

Add a new section to read as follows:
"SEC. 2. This Act shall take effect June 1, 1909."

Motion carried.

The Speaker appointed Mr. Rech as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1909.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 331, with instructions, do now report that the instructions of the Assembly have been carried out.

RECH, Select Committee.

Report of select committee, and amendments, adopted.

Bill ordered to reprint, reengrossment, and on file for passage.

Assembly Bill No. 346—An Act to repeal an Act entitled "An Act relative to the non-insurance of property belonging to the State against risk of damage or destruction by fire," approved March 10, 1891.

During the third reading of the bill, Mr. Rech moved that the Speaker appoint a select committee of one to amend the bill as follows:

Add a new section to read as follows: "Sec. 2. This act shall take effect June 1, 1909."

Motion carried.

The Speaker appointed Mr. Rech as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1909.

MR SPEAKER: Your select committee of one, to whom was referred Assembly Bill No 346, with instructions, do now report that the instructions of the Assembly have been carried out.

RECH, Select Committee.

Report of select committee, and amendment, adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No. 347—An Act to add a new section to the Political Code of the State of California, to be known as Section 3236, relating to insurance on public buildings.

During the third reading of the bill, Mr. Rech moved that the Speaker appoint a select committee of one to amend the bill as follows:

AMENDMENT No. 1.

Strike out the words "public buildings", in the third line of the title, of the printed bill, and insert in lieu thereof the following. "property belonging to the State".

AMENDMENT No. 2.

In line 3, of the printed bill, strike out the word "Section".

AMENDMENT No. 3.

In line 7, of the printed bill, strike out the period after the word "contents" and add the following: "and the property of the State on the water front of the city and county of San Francisco under the jurisdiction of the Board of State Harbor Commissioners"

AMENDMENT No. 4.

In line 1, of Section 2, of the printed bill, strike out the word "immediately," and insert in lieu thereof the following: "June 1, 1909".

Motion carried.

The Speaker appointed Mr. Rech as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1909.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 347, with instructions, do now report that the instructions of the Assembly have been carried out.

RECH, Select Committee.

Report of select committee, and amendments, adopted.

Bill ordered to reprint, reengrossment, and on file for passage.

Assembly Bill No. 332—An Act to add a new section to the Penal Code of the State of California, to be known as Section 422, relating to disturbing schools or school meetings.

During the third reading of the bill, Mr. Rech moved that the Speaker appoint a select committee of one to amend the bill as follows:

AMENDMENT No. 1.

Strike out the word "Section", in line 3, of the printed bill.

AMENDMENT No. 2

Add the following section:
"SEC. 2. This Act shall take effect June 1, 1909."

Motion carried.

The Speaker appointed Mr. Rech as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1909.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 332, with instructions, do now report that the instructions of the Assembly have been carried out.

RECH, Select Committee

Report of select committee, and amendments, adopted.

Bill ordered to reprint, reëngrossment. and on file for passage.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON RULES AND REGULATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1909

MR. SPEAKER: Your Committee on Rules and Regulations, to whom was referred Senate Concurrent Resolution No 5—Relative to joint rules for Senate and Assembly—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

JOHNSTON OF CONTRA COSTA, Chairman.

On motion of Mr. Johnston, Senate Concurrent Resolution No. 5 was taken up for consideration.

The question being on the adoption of Senate Concurrent Resolution No. 5.

The roll was called, and Senate Concurrent Resolution No. 5 adopted by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Bohnett, Butler, Callan, Cattell, Collier, Costar, Cronin, Dean, Drew, Feeley, Flint, Gerdes, Greer, Hanlon, Hawk, Hewitt, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, McManus, Melrose, Mendenhall, Mott, Otis, O'Neill, Perine, Polsley, Preston, Rech, Rutherford, Sackett, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Wyllie, and Young—45.

NOES—None

SENATE CONCURRENT RESOLUTION No. 5.

Resolved by the Senate, the Assembly concurring, That the following be and are hereby adopted as the joint rules of the Senate and Assembly of the Legislature of the State of California:

JOINT ADDRESS TO GOVERNOR

1. When the Senate and Assembly shall judge it proper to make a joint address to the Governor, it shall be presented to him in his audience chamber by the President of the Senate in the presence of the Speaker of the House and a select committee of nine (9) members appointed for that purpose from each house

BILL OR RESOLUTION IN ONE HOUSE, REJECTED IN THE OTHER, REQUIRES NOTICE.

2. When a bill or resolution which shall have passed one house is rejected by the other, notice thereof shall be given immediately to the house in which the same shall have passed.

EACH HOUSE TO TRANSMIT PAPERS.

3. Each house shall transmit to the other papers on which any bill or resolution shall be founded.

JOINT AND CONCURRENT RESOLUTIONS.

4. Joint resolutions are those which relate to matters connected with the Federal Government All other resolutions relating to matters to be treated by both houses of the Legislature are concurrent resolutions.

JOINT RESOLUTIONS TREATED AS BILLS.

5. All joint resolutions shall be treated in all respects as bills; except that all joint resolutions shall be read but one time in each house.

AMENDMENTS TO AMENDED BILLS MUST BE ATTACHED.

6. Whenever a bill or resolution which shall have been passed in one house shall be amended in the other, such amendment or amendments shall be attached to the bill or

resolution so amended, and endorsed "Adopted," and such amendment or amendments, if concurred in by the house in which such bill or resolution originated, shall be endorsed "Concurred in," and such endorsement shall be signed by the Secretary or Assistant Secretary of the Senate, or the Clerk or Assistant Clerk of the Assembly, as the case may be.

BILLS READ AND REFERRED TO COMMITTEE

7. When a Senate bill has been received by the Assembly, or an Assembly bill by the Senate, with a message announcing that the same has passed the Senate or Assembly such bill shall be read the first time by the Secretary or Clerk and referred to a standing committee.

SPECIAL FILE

8. After the 4th day of February, 1909, the Senate and Assembly shall adopt and provide a special file upon which shall be placed: In Senate only Assembly bills that have passed the Assembly; and in the Assembly, only Senate bills that have passed the Senate. Such special file shall be taken up at two o'clock P. M., of each day, and be considered at least one hour and a half after being so taken up. This rule shall not be suspended in either house except by a three-fourths vote of such house.

BILLS NOT TO BE PRINTED FOR ENGROSSMENT UNLESS AMENDED.

9. Unless bills have been amended they shall not be again printed for engrossment, but the Engrossing Clerk shall use a copy or original printed bill in an engrossed bill cover and report same back immediately after comparing same.

AFTER A BILL HAS BEEN PASSED BY THE SENATE OR ASSEMBLY

10. When a bill (if it be a Senate bill) has been received from the Senate by the Assembly, after its passage, or (if it be an Assembly bill) has been received from the Assembly by the Senate, after its passage, it shall be taken up by the Senate or Assembly, as the case may be, under the regular order of business ("Senate Messages" or "Assembly Messages"), read the first time, and shall then be assigned to the proper committee, who shall act upon the same as soon as practicable, and report the same back to the Senate or Assembly forthwith, and the chairman of each committee is charged with the observance of this rule; *provided*, that the Senate or the Assembly may, at any time, order such bill reported back from any committee by a majority vote.

TO CONCUR OR REFUSE TO CONCUR IN AMENDMENTS.

11. In case the Senate amend and pass an Assembly bill, or the Assembly amend and pass a Senate bill, the Senate, (if it be a Senate bill), or the Assembly (if it be an Assembly bill), must either "concur" or "refuse to concur" in the amendments.

WHEN AMENDMENTS ARE CONCURRED IN.

12. If the Senate concur (if it be a Senate bill), or the Assembly concur (if it be an Assembly bill), the Secretary or Clerk shall notify the house making the amendments and the bill shall be ordered to enrollment.

WHEN SENATE OR ASSEMBLY REFUSE TO CONCUR.

13 If the Senate refuse to concur (if it be a Senate bill), or the Assembly refuse to concur (if it be an Assembly bill), the Secretary or Clerk shall notify the house making the amendments of the action taken, and ask that they recede from their amendments. If they refuse to recede, a committee on conference shall be appointed, consisting of six members, three to be appointed by the President of the Senate, and three by the Speaker of the Assembly. The committee on conference shall report to both the Senate and Assembly.

COMMITTEE ON CONFERENCE.

14 In every case of an amendment of a bill agreed to in one house and dissented from in the other, if either house shall request a conference and appoint a committee to confer, the other house shall appoint a like committee; and such committee shall meet at a convenient hour to be agreed upon by the respective committees

COMMITTEE ON FREE CONFERENCE.

15 If the committee on conference fail to agree, or either the Senate or Assembly refuse to adopt the report of the committee, it shall then be in order to appoint a committee on free conference.

A committee on free conference shall consist of six members, to be appointed in the same manner as a committee on conference.

The committee on free conference are hereby empowered to suggest in their report any new amendments which they may adopt as a committee, and such amendments made by such committee shall be attached to the bill.

The report of the committee on free conference shall not be subject to amendment in either house, and in case of non-agreement no further proceedings shall be had.

WHEN CONFERENCE COMMITTEE REPORT IS IN ORDER.

16. The presentation of report of committee on conference, or free conference, shall always be in order, except when the Journal is being read, or a question of order or a motion to adjourn is pending, or while the Senate or Assembly is dividing, or during roll call; and when received, the question of proceeding to the consideration of the report, if raised, shall be immediately passed upon, and shall be determined without debate

MESSAGE MUST BE ANNOUNCED BY THE ASSISTANT SERGEANT-AT-ARMS.

17. When a message shall be sent from either house it shall be announced at the door by the Assistant Sergeant-at-Arms, and shall be respectfully communicated to the chair by the person by whom it may be sent.

SECRETARY, CLERK, ETC., TO CARRY MESSAGES

18. Messages shall be sent by the Secretary, Clerk, or by such person as a sense of propriety of each house may determine to be proper.

NOTICES TO BE ON PAPER, UNDER PROPER SIGNATURE.

19 Notice of the action of either house to the other shall be on paper, and under the signature of the Secretary or Clerk of the house from which such notice is to be conveyed.

ENROLLED BILLS TO RECEIVE SIGNATURE OF PROPER OFFICER.

20. After a bill shall have passed both houses, it shall be duly enrolled and carefully compared by the enrolling clerk and enrolling committee of the Assembly or of the Senate as the bill may be originated, and shall first receive the signature of the presiding officer and Clerk or Secretary of the house in which it emanated before it shall be presented to the Governor of the State.

ENROLLING COMMITTEE TO COMPARE.

21. When bills are enrolled they shall be reëxamined by the enrolling committee of the house in which they originated, who shall compare the enrollment with the engrossed bill as passed in the two houses, and, correcting any errors that may be discovered in the enrolled bill, make their report forthwith to the house in which the bill originated, stating by whom such bill was examined.

PRESIDENT AND SPEAKER TO SIGN BILLS.

22. After examination and report, each bill shall be signed in the respective houses, first by the Speaker of the Assembly, then by the President of the Senate.

ENROLLING COMMITTEE TO PRESENT BILLS TO GOVERNOR

23. After a bill shall have been thus signed in each house, it shall be presented by the enrolling committee of the house in which it originated to the Governor of the State for his approval (it being first endorsed on the back of the bill by the Secretary or Clerk, as the case may be, certifying in which house the bill originated) The said committee shall report the day of presentation to the Governor, which time shall be carefully entered on the Journal of the house in which the bill originated

DAILY HISTORY OF BILLS, ETC.

24. There shall be printed daily, by both the Senate and the Assembly, a history of all bills, joint and concurrent resolutions, and constitutional amendments, which shall show the action taken by the house up to the day preceding the publication of such history. A regular form shall be prescribed, and no other form shall be used

SECRETARY AND CLERK TO KEEP REGISTER.

25. The Secretary of the Senate, and Clerk of the Assembly, shall keep a register in which shall be recorded every action taken by the Senate and Assembly on every bill, concurrent or joint resolution, or constitutional amendment.

SECRETARY AND CLERK SHALL ENDORSE BILLS.

26 The Secretary of the Senate and Clerk of the Assembly shall endorse on every original bill a statement of any action taken by the Senate and Assembly

ADJOURNMENT SINE DIE

27. An adjournment *sine die* shall only be made by concurrent resolution.

DISPENSING WITH JOINT RULES.

28. No joint rule shall be dispensed with except by vote of two thirds of each house, and if either house shall violate a joint rule a question of order shall be raised in the other house and decided in the same manner as in the case of the violation of the rules of such house; and if it shall be decided that the joint rules have been violated, the bill involving such violation shall be returned to the house in which it originated, without

further action. Or, at the option of such house, the President or Speaker may direct the Secretary or Clerk to mark the section or sections in conflict with the rules as non-concurred in or negatived.

ADJOURNMENT.

At three o'clock and ten minutes P. M., on motion of Mr. Transue, the Assembly was declared adjourned.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL., Tuesday, February 9, 1909.

At nine o'clock and thirty minutes A. M., pursuant to adjournment, the Assembly was called to order.

Hon. Geo. M. Perine, Speaker pro tem. of the Assembly, in the chair.

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

Messrs. Barndollar, Baxter, Beardslee, Beatty, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Collier, Costar, Cronin, Dean, Drew, Feeley, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hans, Hawk, Hewitt, Hinkle, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Mott, Nelson, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Rutherford, Sackett, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, and Young—64.

Quorum present.

LEAVES OF ABSENCE.

On motion, leave of absence for the day was granted to Messrs. Flavelle, Wyatt, and Mr. Speaker.

PRAYER.

Prayer was offered by the Chaplain, Rev. Seren N. Marsh.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Sackett, its further reading was dispensed with.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1909.

MR SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 786—An Act to amend Section 647 of the Code of Civil Procedure of the State of California relating to what is deemed excepted to

Also: Assembly Bill No. 952—An Act to amend Section 3 of an Act entitled 'An Act requiring the recording of maps of subdivisions of land into lots for the purpose of sale, and prescribing the conditions on which such maps may be recorded and prohibiting the selling or offering for sale of land by reference to said maps unless the same are recorded"

Also: Assembly Bill No. 577—An Act to amend Section 135 of the Civil Code, relating to interlocutory divorce judgments

Also: Assembly Bill No. 812—An Act authorizing the investment and reinvestment and disposition of any moneys in any sinking fund of any county, city and county, or incorporated city or town.

Also: Assembly Bill No 833—An Act to add a new section to the Penal Code, to be numbered 402*e*, making it a misdemeanor for any practitioner of veterinary medicine who fails to report to the State Veterinarian certain diseases among animals

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No 245—An Act entitled "An Act to amend Sections 3109 and 3110 of the Political Code of the State of California, relating to public cemeteries, sale of lots, keeping same in order, and jurisdiction over the same," report the same back, with seven amendments and recommend that it do pass as amended.

Also: Assembly Bill No. 754—An Act to create a State Board of Accountancy, and prescribing its duties and power—report the same back, with two amendments, and recommend that it do pass as amended.

Also: Assembly Bill No. 790—An Act to amend Section 1259 of the Penal Code of the State of California, relating to what may be reviewed upon appeal by the defendant—report the same back, with one amendment and recommend that it do pass as amended.

Also: Assembly Bill No. 996—An Act to add a new section to the Penal Code, to be numbered 409*c*, relating to the taking, hiring, running, driving, or using of an automobile, or taking or removing therefrom any part thereof, by the owner, or the manager of an automobile garage his agent or employee, or any other person, without the consent of the owner of such automobile, and providing the punishment for the violation thereof—report the same back, with two amendments, and recommend that it do pass as amended.

JOHNSON OF SACRAMENTO, Chairman.

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1909.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No 302—An Act to amend Sections 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934, 1935, 1951, 1953, 1954, 1956, 1957, 1958, 1962, 1966, 1985, 2020, 2026, 2076, 2078, 2079, 2081, 2086, 2102, 2011, and 2112, all of the Political Code of the State of California, relating to the National Guard—have had the same under consideration, and respectfully report the same back, without recommendation

Also: Assembly Bill No 751—An Act to amend Section 2572 of the Political Code of the State of California, relating to the Board of Harbor Commissioners of the Port of Eureka, and to add a new section to the Political Code, to be known as Section 2568½ also relating to the Board of Harbor Commissioners of the Port of Eureka

Also: Assembly Bill No. 776—An Act to amend Section 3700 of the Political Code, relating to salaries of the members of the State Board of Equalization.

Also: Assembly Bill No 801—An Act authorizing the State Treasurer to purchase a bond filing case, and making an appropriation therefor.

Also: Senate Bill No 309—An Act making an appropriation to pay the expenses of certain district attorneys in foreclosing delinquent school land purchases.

Also: Senate Bill No 583—An Act to amend Section 534 of the Political Code.

Also: Assembly Bill No. 151—An Act making an appropriation to pay the deficiency in the appropriation for postage and contingent expenses of the Clerk of the Supreme Court for the fifty-ninth and sixtieth fiscal years.

Also: Assembly Bill No. 166—An Act making an appropriation of $2,500 for restoring certain records in the office of the Clerk of the Supreme Court in the city of San Francisco.

Also: Senate Bill No 106—An Act making an appropriation for the purchase and installment of improved material and machinery, and improvements for the State Printing Office and Bindery, and specifying the duties of the Superintendent of State Printing, Board of Examiners, State Controller, and State Treasurer in relation thereto

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass

Also: Senate Bill No. 8—An Act authorizing and directing the Board of Managers of the Agnews State Hospital to continue the reconstruction work at said hospital, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and be made a matter of urgency.

TRANSUE, Vice-Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 4, 1909.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No 165—An Act making an appropriation to pay the deficiency in the appropriation for postage and contingent expenses of the Clerk of the Supreme Court for the fifty-ninth and sixtieth fiscal years

Also: Assembly Bill No 180—An Act making an appropriation of two thousand five hundred dollars for restoring certain records in the office of the Clerk of the Supreme Court in the city of San Francisco.

Have had the same under consideration, and respectfully report the same back, and recommend that they be withdrawn, being identical with Assembly Bills Nos. 151 and 166

TRANSUE, Vice-Chairman.

ON PUBLIC PRINTING.

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1909.

MR SPEAKER: Your Committee on Public Printing, to whom was referred Assembly Bill No. 1030—An Act to amend Section 528 of the Political Code, relating to the printing of the Journals and Appendices of the Senate and the Assembly– have had the same under consideration, and respectfully report the same back, with recommendation that it do pass.

HAWK, Chairman.

ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1909.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 827—An Act authorizing any incorporated town city or municipal corporation to permit the construction and maintenance of any State or county highway or boulevard over highways or streets in its incorporated limits, or any portion thereof, by the supervisors or highway commissioners of the county—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

Also: Senate Bill No. 206—An Act authorizing municipal corporations, other than freeholder charter cities, to change their names, and providing the procedure therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass

Also: Assembly Bill No. 665—An Act to amend section twenty-two and one-half of an Act entitled, "An Act to provide for the formation, government, operation and dissolution of sanitary districts in any part of the State for the constructing of sewers and other sanitary purposes, the acquisition of the property thereof; the calling of election in such district, the assessment, levy, collection, custody and disbursement of taxes therein, the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1891.

Also: Assembly Bill No. 1060—An Act to validate the organization and incorporation of municipal corporations

Have had the same under consideration, and respectfully report the same back, and recommend that the author be allowed to withdraw same.

FEELEY, Chairman.

LOS ANGELES DELEGATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 5, 1909.

MR. SPEAKER: The Los Angeles Delegation, to whom was referred Senate Bill No. 50—An Act to amend Section 103 of the Code of Civil Procedure, relating to Justices' Courts—have had the same under consideration, and respectfully report the same back, with one amendment, and recommend that it do pass as amended.

LEEDS, Chairman.

The above reported bills, with the exception of Assembly Bills Nos. 165, 180, 665, and 1060, ordered on file for second reading.

WITHDRAWAL OF BILLS.

By unanimous consent Assembly Bills Nos. 165, 180, 665, and 1060 were withdrawn, and ordered stricken from the file.

INTRODUCTION OF BILLS.

The following bills were introduced, and referred as indicated:

By Mr. Melrose: Assembly Bill No. 1113—An Act to amend Sections 3 and 11 of an Act entitled "An Act creating a Bureau of Building and Loan Supervision; providing for the appointment of administration officials therefor, to be known as the building and loan commissioners; prescribing their duties, powers and compensation; providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the bureau and for traveling and office expenses; providing for a system of licensing building and loan and other associations, and for assessing and collecting license fees necessary to meet the salaries and other expenses, providing a course of procedure where violations of law, or unsafe practices are found to exist or are reported by the commissioners to the Attorney General; providing for the involuntary liquida-

tion by trustees, and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions and liens pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioners; providing for succession in office, and repealing all Acts and parts of Acts in conflict herewith," approved March 21, 1905, relating to the powers and duties and salaries of the State Building and Loan Commissioners.

Bill read first time, and referred to Committee on Building and Loan Associations.

By Mr. Cogswell: Assembly Bill No. 1114—An Act to provide for the formation, organization and government of storm water districts, for the purpose of protecting the land therein from damage from storm water and from the waters of any innavigable stream, water course, canyon or wash, for the construction of the necessary works and protection by said district, and for the levying of taxes and assessments to pay for the cost of constructing, repairing and maintaining such improvements.

Bill read first time, and referred to Committee on Agriculture.

By Mr. Rech: Assembly Bill No. 1115—An Act to amend an Act entitled "An Act to define trusts, and to provide for criminal penalties and civil damages, and punishment of corporations, persons, firms and associations, or persons connected with them, and to promote free competition in commerce and all classes of business in this State," approved March 23, 1907.

Bill read first time, and referred to Committee on Judiciary

By Mr. Polsley: Assembly Bill No. 1116—An Act to promote education regarding the laws of nature, governing the parents during reproduction, and making an appropriation therefor.

Bill read first time, and referred to Committee on Public Morals.

By Mr. Mendenhall: Assembly Bill No. 1117—An Act to add a new section to the Political Code, to be numbered 4271*a*, authorizing boards of supervisors in counties of the forty-second class to appoint assistants to the county surveyor.

Bill read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 1118—An Act to amend section four thousand two hundred and seventy-six of the Political Code, relating to the compensation of officers of counties of the forty-seventh class.

Bill read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 1119—An Act to provide for the presentation to, and approval by the board of supervisors, registration, interest upon, time of payment and receipt in payment of assessment of warrants of Reclamation District No. 108, situated in Colusa and Yolo counties.

Bill read first time, and referred to Committee on Swamp and Overflowed Lands and Levees and River Improvements and Drainage.

By Mr. Fleisher: Assembly Bill No. 1120—An Act to amend Section 198 of the Civil Code, relating to the care, custody, education, and control of minors.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Hanlon: Assembly Bill No. 1121—An Act to amend Section

69 of the Civil Code and to add two new sections thereto, to be numbered Sections 69*a* and 69*b*, relating to the issuance of marriage licenses.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 1122—An Act to amend Sections 90, 91, 92, and 131 of the Civil Code, relating to dissolution of marriage and legal separation.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Beardslee: Assembly Bill No. 1123—An Act to amend Section 417 of the Political Code of the State of California, relating to the salary of the Secretary of State.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 1124—An Act to amend an Act entitled "An Act to prevent the sale of dairy products from unhealthy animals and produced under unsanitary conditions; to provide for the inspection of dairy stock, dairies, factories for the production of dairy products, and places where dairy products are handled and sold; to improve the quality of dairy products of the State; to prevent deception in the sale of dairy products and to appropriate money for enforcing its provision," approved March 20, 1905, by amending Section 7 thereof, relating to the duties of the State Dairy Bureau and the appointment and qualifications of assistant agents as inspectors.

Bill read first time, and referred to Committee on Live Stock, Dairies and Dairy Products.

CONSIDERATION OF SENATE BILL.

By unanimous consent. Senate Bill No. 346 was taken up for consideration..

Senate Bill No. 346—An Act to provide for the accomplishment of the work of the direct enforcement of the navigation of the Sacramento, San Joaquin, and Feather rivers of the State of California, as recommended in the special report of the California Débris Commission, dated June 30, 1907, and made jointly by Brigadier General A. Mackenzie, Chief Engineer, C. H. McKinstry, Major, Corps of Engineers, and Thomas H. Jackson, Captain, Corps of Engineers, of the United States Army, printed with the annual report of the Chief of Engineers of the United States Army, for the fiscal year ending June 30, 1907, and making an appropriation for such work.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 346 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Black, Bohnett, Callan, Cattell, Collier, Costar, Cronin, Dean, Drew, Feeley, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hans, Hawk, Hewitt, Hinkle, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard Kehoe, Leeds, Lightner, Maher, McManus, Mendenhall, Mott, Nelson, Otis, O'Neill, Perine, Polsley, Preston, Rech, Sackett, Stuckenbruck, Wagner, Wheelan, Whitney, Wilson, Wyllie, and Young—53

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SPECIAL FILE—THIRD READING.

Assembly Bill No. 574—An Act to amend Sections 10 and 14 of "An Act creating a State commission on voting or balloting machines,

defining their powers, and providing for the use at the option of indicated local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result at such elections; and providing for the punishment of all violations of the provisions of this Act," approved March 20, 1903.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 574 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Bohnett, Callan, Cattell, Coghlan, Collier, Costar, Dean, Feeley, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hawk, Hewitt, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Lightner, Maher, McManus, Melrose, Mendenhall, Mott, Nelson, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Rutherford, Sackett, Stuckenbruck, Telfer, Wagner, Wheelan, Whitney, Wilson, Wyllie, and Young—53

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 657—An Act to provide for the transfer from the general fund of the State treasury to the San Francisco harbor improvement fund of the sum of $22,937.45, to reimburse said San Francisco harbor improvement fund for the costs of publishing the "Second San Francisco Seawall Act," and the "India Basin Act," and directing the State Controller and State Treasurer to make such transfer.

Bill referred to Committee on Ways and Means, and to retain its place on file.

Assembly Bill No. 162—An Act making an appropriation for the maintenance of the James Marshall monument grounds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 162 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Black, Bohnett, Butler, Callan, Coghlan, Collier, Costar, Cronin, Dean, Drew, Feeley, Fleisher, Flint, Gerdes, Gillis, Greer, Griffiths, Hanlon, Hawk, Hewitt, Hinkle, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McManus, Melrose, Mendenhall, Mott, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Rutherford, Sackett, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, and Young—59

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

THIRD-READING FILE

Assembly Bill No. 229—An Act to amend Section 637*a* of the Penal Code of the State of California, relating to the protection and preservation of birds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 229 refused passage by the following vote:

AYES—Messrs. Beardslee, Black, Bohnett, Cronin, Dean, Feeley, Gerdes, Gibbons, Hawk, Hewitt, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Lightner, Macauley, Maher, McManus, Mendenhall, O'Neill,

Polsley, Pugh, Rutherford, Stuckenbruck, Telfer, Wagner, Wheelan, Whitney, Wilson, and Wyllie—32.

NOES—Messrs. Barndollar, Beatty, Butler, Callan, Cattell, Coghlan, Collier, Drew, Fleisher, Flint, Gillis, Greer, Griffiths, Hanlon, Hans, Johnson of San Diego, Leeds, McClellan, Melrose, Mott, Nelson, Otis, Perine, Pulcifer, Rech, Sackett, Transue, and Young—28.

NOTICE OF MOTION TO RECONSIDER.

Mr. Greer gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 229 was this day refused passage.

Assembly Bill No. 146—An Act to amend Section 18 of an Act entitled "An Act to provide for the establishment and quieting of title to real property in case of the loss or destruction of public records," approved June 16, 1906, by extending the time to commence actions thereunder until July 1, 1912.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No 146 passed by the following vote:

AYES—Messrs. Barndollar, Black, Callan, Cattell, Coghlan, Collier, Costar, Cronin, Dean, Drew, Feeley, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hans, Hawk, Hewitt, Hinkle, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner Macauley, McClellan McManus, Melrose, Mendenhall, Mott, Nelson, Otis, O'Neill, Perine, Polsley, Preston, Pugh Rech, Rutherford, Sackett, Stuckenbruck, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, and Young—56.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 139—An Act to aid the enforcement of an Act entitled "An Act to enforce the educational rights of children," approved March 24, 1903.

Bill read third time, and passed on file.

Assembly Bill No. 294—An Act for the better protection of persons employed in mines; providing for the appointment of an inspector of mines and defining his duties and fixing his compensation, and providing for the payment thereof.

During the third reading of the bill, Mr. Baxter moved that the Speaker appoint a select committee of one to amend the bill, as follows:

In line 2, Section 10, after the word "of," strike out "six thousand dollars", and insert in lieu thereof the following "two thousand four hundred"

Motion lost.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 294 passed by the following vote:

AYES—Messrs. Barndollar, Beatty, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Collier, Costar, Cronin, Dean, Drew, Feeley, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hanlon, Hawk, Hewitt, Hinkle, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe Leeds, Lightner, Macauley, Maher, McClellan, Melrose, Mendenhall, Mott, Nelson, Otis, O'Neill, Perine Polsley, Pugh, Pulcifer, Rech, Rutherford, Stuckenbruck, Telfer Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, and Young—57

NOES—Messrs. Baxter and Preston—2

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 174—An Act providing for the eradication of the disease known as scabies in sheep; providing for the duties of the

State Veterinarian in relation thereto; making certain Acts in relation to sheep infected with such disease a misdemeanor; providing for a lien against such sheep for expenses and costs in the extermination of such disease; making certain persons liable for a violation of this Act, and providing for the enforcement of said lien.

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 174 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Black, Bohnett, Callan, Cattell, Collier, Cronin, Dean, Drew, Feeley, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hanlon, Hawk, Hewitt, Hinkle, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McManus, Melrose, Mendenhall, Mott, Nelson, Otis, O'Neill Perine, Poisley, Preston, Rech, Rutherford, Sackett, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Wilson, and Wylie—53.
NOES—None

Title read and approved

Bill ordered transmitted to the Senate.

Assembly Bill No. 175—An Act to amend an Act entitled "An Act providing for the extermination of the boophilus annulatus tick, defining certain crimes and providing for certain civil and criminal actions," approved March 21, 1907, by amending sections one, two, three, and four thereof, and by adding a new section thereto, to be known and numbered as section one and one half.

Bill read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 175 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee Beatty, Black, Bohnett, Butler, Callan, Collier, Dean, Drew, Fleisher, Flint, Gerdes, Gibbons, Gillis, Hanlon, Hawk, Hewitt, Hinkle, Irwin Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McManus, Melrose, Mendenhall, Mott, Nelson, Otis, O'Neill, Perine, Preston, Pugh, Rech, Rutherford, Sackett, Stuckenbruck, Transue, Wagner, Whitney, Wilson, Wylie, and Young—51.
NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 428—An Act to amend an Act entitled "An Act to provide for the appointment of pilots, and defining their duties and compensation at the port of Wilmington, and bay of San Pedro," approved March 19, 1889.

Bill read third time

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 428 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Black, Bohnett, Butler, Callan, Cattell, Collier, Cronin, Dean, Drew, Feeley, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hawk, Hewitt, Hinkle, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Mott, Nelson, Otis, O'Neill, Perine, Poisley, Preston, Pugh, Rech, Rutherford, Sackett, Transue Wagner, Wheelan, Whitney, Wilson, and Young—55
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 226—An Act to amend an Act entitled "An Act authorizing the judges of the Superior Court in all counties, and cities

and counties, having a population of two hundred thousand or over, to appoint a secretary."

Bill read third time.

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 226 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Black, Cattell, Collier, Cronin, Dean, Drew, Feeley, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hawk, Hinkle, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Kehoe, Leeds, Lightner, Macauley, McClellan, McManus, Mendenhall, Mott, Nelson, Otis, O'Neil, Perine, Preston, Pugh, Pulcifer, Rech, Rutherford, Sackett, Stuckenbruck, Transue, Wagner, Wheelan, Wilson, and Wyllie—48.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Concurrent Resolution No. 4—Relative to approving the amendments of the charter of the city of Grass Valley adopted by the electors of said city at a special election held on the 8th day of October, 1908.

The question being on the passage of the concurrent resolution.

The roll was called, and Assembly Concurrent Resolution No. 4 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Black, Bohnett, Butler Cattell, Collier, Cronin, Dean, Feeley, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hans, Hawk, Hewitt, Hinkle, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Nelson, Otis, Polsley, Preston, Pugh, Pulcifer, Rech, Rutherford, Sackett, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, and Wyllie—55

NOES—None

Assembly concurrent resolution ordered transmitted to the Senate.

ASSEMBLY CONCURRENT RESOLUTION NO. 4.

Approving certain amendments to the charter of the city of Grass Valley, adopted by the electors of said city at a special election held on the eighth day of October, A. D. 1908.

WHEREAS, The city of Grass Valley has a population of upwards of three thousand five hundred inhabitants, and ever since the year 1893 has been and is now organized under a freeholders' charter, adopted under section eight of Article XI of the Constitution; and

WHEREAS, It appears from the certificate of J. C. Conaway, Mayor of the said city of Grass Valley, which certificate is attached to this resolution and made a part thereof, that the electors of said city, at a special election held on the eighth day of October, A. D. 1908, adopted certain amendments to said charter, which amendments are more fully set forth in the said certificate; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring thereon, a majority of the members elected to each house of this Legislature voting thereon. That the amendments to the charter of the city of Grass Valley, as set forth in the certificate of the Mayor of said city, which certificate is hereunto attached and made a part of this resolution, be and the same is hereby approved as a whole.

In re amendments to the charter of the city of Grass Valley, Nevada County, Cal.

This certifies: That the board of trustees of the city of Grass Valley, Nevada County, California being the legislative authority of said city, did by an order and proclamation duly adopted, to wit: August 4th, 1908, purpose and submit to the electors of said city, certain amendments hereinafter set forth to the charter of said city, adopted March 13th, 1903, to be voted upon at a special election then, and in said order and proclamation called and fixed for that purpose to be held on October 8th, 1908.

That said amendments were published for twenty consecutive days, to wit: from August 6, 1908, to August 26, 1908, both days inclusive in the Daily Morning Union, a daily newspaper of general circulation in said city, printed, published and generally circulated therein.

That more than forty days elapsed between the last publication of said amendments, and the day fixed for said special election.

That on said October 8, 1908, at said special election the said proposed amendments were submitted to the electors of said city for their adoption or rejection; that the said

election was lawfully and regularly conducted in every respect, and at the same a majority of the votes cast were in favor of the said amendments.

That the returns of said election were duly and regularly made to the said board of trustees of said city, and the latter on October 9, 1908, duly and regularly canvassed the same, and then and there declared the result, viz: That said amendment No 1, received 190 votes in favor of its adoption and 74 were cast against its adoption, and that said amendment had a majority of 116 votes in favor of adoption, and was therefore declared adopted.

No. 2, received 162 votes in favor of its adoption, and 103 were cast against its adoption, and that said amendment had a majority of 99 votes in favor of adoption, and was therefore declared adopted.

No. 3, received 146 votes in favor of its adoption, and 121 were cast against its adoption, and that said amendment had a majority of 25 votes in favor of adoption, and was therefore declared adopted.

No. 4, received 149 votes in favor of its adoption, and 115 were cast against its adoption, and that said amendment had a majority of 34 votes in faver of adoption, and was therefore declared adopted

No 5, received 178 votes in favor of its adoption, and 84 were cast against its adoption, and that said amendment had a majority of 94 votes in favor of adoption, and was therefore declared adopted.

No. 6, received 174 votes in favor of its adoption, and 89 were cast against its adoption, and that said amendment had a majority of 85 votes in favor of adoption, and was therefore declared adopted.

No 7, received 145 votes in favor of its adoption, and 122 were cast against its adoption, and that said amendment had a majority of 23 votes in favor of adoption, and was therefore declared adopted

No 8, received 157 votes in favor of its adoption, and 109 were cast against its adoption, and that said amendment had a majority of 48 votes in favor of adoption, and was therefore declared adopted

No 9, received 174 votes in favor of its adoption, and 91 were cast against its adoption, and that said amendment had a majority of 83 votes in favor of adoption, and was therefore declared adopted.

No 10, received 176 votes in favor of its adoption, and 90 were cast against its adoption, and that said amendment had a majority of 86 votes in favor of adoption, and was therefore declared adopted.

No 11, received 146 votes in favor of its adoption, and 128 were cast against its adoption, and that said amendment had a majority of 18 votes in favor of adoption, and was therefore declared adopted

No. 13, received 137 votes in favor of its adoption, and 132 were cast against its adoption, and that said amendment had a majority of 5 votes in favor of adoption, and was therefore declared adopted

No 14, received 150 votes in favor of its adoption, and 120 were cast against its adoption, and that said amendment had a majority of 30 votes in favor of adoption, and was therefore declared adopted.

That said amendments so proposed, submitted and adopted, were and are as follows, viz:

AMENDMENT No. 1.

SEC. 6. The school district of the city of Grass Valley shall consist of all the territory within the same and such outside territory annexed or which may be annexed thereto by the board of supervisors of Nevada County under and subject to the present provisions of the Political Code of California

AMENDMENT No 2.

A new clause (*n*) to be added to Sec 2 of Art II, viz:

(*n*) The board of trustees must employ a competent, disinterested expert accountant, and have him examine the books, accounts, records, condition and affairs of every department, board and officer at least once annually

AMENDMENT No. 3.

Sec 8, Art II, to be amended to read:

Sec 8 The clerk of the board shall be denominated the city clerk and shall act as auditor and ex officio assessor and perform such other duties as the board of trustees may from time to time require He shall maintain an office at the city hall and attend there during office hours to be fixed by said board. He shall be authorized to administer oaths, without charge, in all matters concerning city affairs.

AMENDMENT No. 4

Sec 2, Art. II, to be amended to read:

Sec 2. The board of trustees shall not contract indebtedness on the credit of the city in excess of five thousand dollars without the consent of two thirds of the qualified electors voting thereon

AMENDMENT No. 5.

Sec 13, Art. II, is to be amended to read:

Sec 13 The city board of education shall consist of one member for each general election precinct now or which may be established by the supervisors of Nevada County, within the corporate limits of the city and one for the outside territory now or which may be annexed for school purposes, whose term of office shall be two years Such board shall select one of its members as president

AMENDMENT No 6.

Sec 15, Art II, to be amended to read:

Sec 15. Notice of all school elections shall be given for at least ten days by direction of the board of education which shall appoint the election officers therefor and may provide but one polling place for the entire district, but shall provide a separate ballot box for each precinct. In all other respects such election shall conform to the general laws of the State of California. The first election hereafter for members from odd numbered precincts shall take place in 1909 and biennially thereafter. The first election hereafter for members from the even numbered precincts shall take place in 1910 and biennially thereafter, and for the member from the outside territory shall take place in 1910 and biennially thereafter

AMENDMENT No. 7.

Sec 20, Art. II, to be amended to read·

Sec 20. In addition to the board of trustees there shall be elected a marshal, who shall be chief of police, ex officio superintendent of streets, collect all taxes, licenses and assessments not otherwise provided for, levied by lawful authority; a water collector, who shall be ex officio superintendent of the water system and whose duties shall be prescribed by the board of trustees, and a treasurer

All officers shall be under the supervision, direction and control of the board of trustees, who may from time to time prescribe their duties.

The board of trustees may, whenever necessary, place any street work under the direction and control of the engineer or other qualified person

All officers shall take office at noon on the second Monday of July next succeeding their election and hold the same for the term of two years.

The first election under this amendment shall be held on the third Monday of May, 1911, and the officers elected in November, 1908, shall hold office till the second Monday of July, 1911.

AMENDMENT No 8.

Sec. 24, of Art. II, is amended as follows

Sec. 24 All elections for members of the board of trustees and other officers of the city except members of the board of education shall, after 1909, be held on the third Monday in May of each odd numbered year; the board of trustees shall select for the various precincts boards of election to conduct all elections provided for in this charter; *provided*, that till said board otherwise ordains, all elections held in compliance with the election laws of California as existing January 1st, 1889, including the provisions relating to nominations, election proclamations and ballots, shall be sufficient; *provided*, that said board shall give previous notice of every election, other than school elections for not less than ten days; that the returns of all except school elections, shall be made to said board, which shall canvass the returns, declare the result and issue certificates of election to the persons having the highest number of votes for each office voted for. All ballots shall be uniform and printed on paper furnished by said board, at cost.

All officers shall qualify within ten days after issuance to them of the certificate of election and in case of failure to do so, said board may declare their offices vacant and appoint an incumbent thereto

AMENDMENT No. 9

A new section, designated "Sec. 26*a*", is added to Art. II.

Sec. 26*a*. Instead of making his semi-annual reports on the first days of April and October as provided in Sec 26 of this article, the mayor shall within ten days after the first day of January and July of each year, make and file as provided in Sec. 26, his semi-annual reports covering the half year next preceding each report

AMENDMENT No 10.

Sec 28, Art II, is amended to read.

Sec 28 Any justice of the peace of Grass Valley Township shall have jurisdiction to try all cases arising under any ordinance adopted under this charter and shall have all the authority in relation thereto given him by the Penal Code of the State in relation to misdemeanor and an appeal will lie in all cases from his decision, to the Superior Court of Nevada County, in like manner and grounds as in criminal causes arising under the state law. Such fees shall be received therefor as the board of trustees may ordain. Every sheriff, constable and policeman residing in the city may make arrests and serve process under said ordinances and shall receive such fees therefor as said board may ordain

AMENDMENT No. 11

Sec. 35, Art II, is amended to read.

Sec. 35 The city clerk shall receive such salary, for all the duties performed by him, as the board of trustees may determine, not exceeding the sum of one hundred dollars per month.

AMENDMENT No. 13

Sub (*b*) Sec 1, Art. III, to be amended to read:

(*b*) A property tax, to be levied by the board of trustees upon all property within said city at twelve o'clock M of the first Monday of March of each year, which may equal, but shall never exceed, seventy-five cents on each one hundred dollars of the assessed valuation of such property.

AMENDMENT No. 14.

A new subdivision (*d*) to be added to Sec 1, Art. III, viz:

(*d*). All property and poll taxes shall be levied by an order of the board of trustees adopted and entered upon the minutes and need not be levied by ordinance.

Grass Valley, January 13, 1909.

J. C. CONAWAY, Mayor.

Attest:

W D. HARRIS, City Clerk.

[SEAL].

STATE OF CALIFORNIA,
COUNTY OF NEVADA } ss.
CITY OF GRASS VALLEY.

I, J C. Conaway, hereby certify that I am the Mayor and Chief Executive Officer of the City of Grass Valley, a municipal corporation of Nevada County, Cal.

That the statements contained in the foregoing certificate are true and correct, and the foregoing are true and correct copies of the amendments to the charter of said city of Grass Valley, adopted at the special election held in said city, on October 8, 1908

Witness my hand this January 13, 1909, and the official seal of said municipality.

[SEAL.] J C. CONAWAY, Mayor.

Attest:

W. D. HARRIS, City Clerk

Assembly Bill No. 228—An Act to amend Section 1543 of the Political Code so as to provide for suspended districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 228 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Black, Butler, Callan, Cattell, Collier, Cronin, Dean, Drew, Feeley, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hans, Hewitt, Hinkle, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe Leeds, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Mott, Nelson, Otis Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Rutherford, Sackett, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, and Young—56.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 585—An Act to amend Section 4234 of the Political Code, relating to salaries and fees of officers of counties of the fifth class.

During the third reading of the bill, Mr. Greer moved that the Speaker appoint a select committee of one to amend the bill as follows:

On page 3, line 66, insert the word "dollars" after the word "hundred".

Also: On page 3, line 75, insert the word "dollars" after the word "hundred".

Also: On page 4, line 96, after the word "provided" insert the words "that the assessor".

Also: On page 5 line 157, after the word "upon", strike out the word "the" and insert the word "said,"

Also: On page 4, line 121, after the word "other" insert the word "county".

Motion carried.

The Speaker appointed Mr. Greer as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1909.

MR SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 585, with instructions, do now report that the instructions of the Assembly have been carried out.

GREER, Select Committee.

Report of select committee, and amendments, adopted.

Bill ordered to reprint, reengrossment, and on file for passage.

Assembly Bill No. 141—An Act to amend Section 3617 of the Political Code, relating to the definition of terms and words.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 141 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Black, Bohnett, Butler, Callan, Cattell, Collier, Costar, Cronin, Dean, Drew, Feeley, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hans, Hawk, Hewitt, Hinkle, Irwin, Johnson of Sacramento, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Maher, Melrose, Mendenhall, Nelson, Otis, Perine, Polsley, Preston, Pulcifer, Rech, Rutherford, Sackett, Stuckenbruck, Wagner, Wilson, Wyllie, and Young—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 235—An Act amending Section 2300 of the Political Code, relating to the State Library fund.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 235 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Black, Bohnett, Cattell, Coghlan, Collier, Costar, Cronin, Dean, Drew, Feeley, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hanlon, Hans, Hawk, Hewitt, Hinkle, Irwin, Johnson of Sacramento, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, Maher, McManus, Melrose, Mendenhall, Mott, Nelson, Otis, Perine, Polsley, Preston, Pugh, Rech, Rutherford, Sackett, Stuckenbruck, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, and Young—54

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1909.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bill correctly reengrossed:

Assembly Bill No 44—An Act to amend an Act entitled "An Act to create a firemen's relief, health, life insurance and pension fund, in the several counties, cities and counties, cities and towns, of the State," approved March 20, 1905.

YOUNG, Chairman

The above reported bill ordered on file for third reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1909.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Assembly Bill No. 171—An Act to repeal an Act entitled "An Act to furnish arms for the use of military academies in the State," approved February 20, 1872.

Assembly Bill No. 704—An Act to amend Section 281 of the Code of Civil Procedure of the State of California, relating to penalty for practicing without a license

Assembly Bill No 243—An Act to amend Section 626 of the Penal Code, relating to the protection of deer.

Assembly Bill No 16—An Act to prevent any minor under the age of eighteen years of visiting any prize fight or cock fight, or place where any prize fight or cock fight is advertised or represented to take place, and to provide a punishment therefor.

Assembly Bill No 730—An Act authorizing the board of supervisors of the county of Shasta to audit and pay the claim of Geo W. Bush for services as Judge of the Superior Court of Shasta County.

Assembly Bill No. 137—An Act to amend sections two, three and four of an Act entitled "An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics and providing penalties for the violation hereof" (Approved February 20, 1905.)

Assembly Bill No 955—An Act to amend Section 4241 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the twelfth class

Assembly Bill No. 183—An Act to amend Section 184 of an Act entitled "An Act to establish a uniform system of county and township government," relating to salaries and expenses of county and township officers in counties of the twenty-seventh class

Assembly Bill No 782—An Act to amend Section 4243 of the Political Code of the State of California, relating to the compensation and expenses of officers in counties of the fourteenth class.

Assembly Bill No 825—An Act to amend Section 4277 of the Political Code

Assembly Bill No 846—An Act to amend section twelve hundred and thirteen of the Civil Code of the State of California, relating to the recording of conveyances of real property, and providing for the recording of certified copies of such conveyances in cases where the same have been recorded in a wrong county.

Assembly Bill No 813—An Act to amend section fifteen hundred and seventy-nine of the Code of Civil Procedure, relating to and authorizing executors and administrators to make leases of the real estate of decedents

Assembly Bill No 576—An Act to amend Section 1312 of the Code of Civil Procedure, relating to contesting of probate of wills.

Assembly Bill No. 410—An Act to amend Section 536 of the Penal Code, relating to false statements by consignees and others, and to add a new section to the Penal Code, to be numbered Section 536*a*, imposing certain duties upon consignees and others.

Assembly Bill No 99—An Act allowing certain pensions and providing for the payment of the same, of employees of twenty-one years and upwards of service by the State of California in one or more of the public institutions of this State for the insane, and those who shall become disabled while in the service of the State of California in one or more of the public institutions of this State for the insane, and providing for the payment thereof.

Assembly Bill No 241—An Act providing for an assistant gardener for Sutter's Fort

Assembly Bill No 794—An Act to amend Section 2552 of the Political Code, relating to salaries of officers of the Board of State Harbor Commissioners.

Assembly Bill No 756—An Act to amend Section 755 of the Political Code, relating to the salary of the Clerk of the Supreme Court

Assembly Bill No 729—An Act to add a new section to the Code of Civil Procedure, to be known as section fifty-three *a* (53*a*), relating to rehearings in the Supreme and Appellate Courts.

Assembly Bill No 80—An Act to amend Section 4028 of the Political Code of the State of California.

Assembly Bill No. 934—An Act to amend an Act entitled "An Act to continue in force school teachers' certificates, state educational diplomas, and life diplomas," approved February 5, 1880.

Assembly Bill No 275—An Act to prevent the introduction, and provide for the investigation and suppression of contagious or infectious diseases, and appropriating money to be used for such purpose.

Assembly Bill No 167—An Act to amend sections one thousand nine hundred and eight, one thousand nine hundred and seventeen, and one thousand nine hundred and twenty-three of the Political Code of California, all relating to the enrolled militia.

Assembly Bill No 831—An Act making an appropriation to pay for the rental and janitor service of quarters for the Second District Court of Appeal

Assembly Bill No 88—An Act repealing an Act approved March 11, 1907, and entitled "An Act to increase the fixed annual appropriation for the Veterans' Home of California, located at Yountville, Napa County, State of California, from sixty-five thousand dollars per annum to seventy-five thousand dollars per annum for the forty-ninth fiscal year and for each and every year thereafter, and to that end to amend section one of an Act approved March 20th, nineteen hundred and five, entitled 'An Act to amend section one of an Act entitled 'An Act to amend section one of an Act approved March 20th, eighteen hundred and ninety-nine, entitled 'An Act to amend an Act entitled 'An Act to amend an Act approved February 28th, eighteen hundred and eighty-seven, entitled 'An Act to amend an Act to appropriate money for the support of aged persons in indigent circumstances residing in the Home of the Veterans' Home

Association, approved March 7th, eighteen hundred and eighty-three, providing for an increase in the annual appropriation thereof, and changing the time for the payment thereof,' approved March 23d, eighteen hundred and ninety-three, reducing the amount of such appropriation per capita, approved March 12th, nineteen hundred and one, by providing for a fixed annual appropriation of sixty-five thousand dollars in the place and stead of seventy-five dollars per annum for each and every aged and indigent United States ex-soldier, sailor, or marine admitted to or residing at said home' "

Assembly Bill No 276—An Act to provide for the construction of a new laundry building at the Stockton State Hospital, and the purchase of such machinery and equipments as is necessary for the operation of the same, and for the expense incurred in the removal of machinery from the old building to the new, and to make appropriation therefor.

YOUNG, Chairman.

The above reported bills ordered on file for third reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1909.

MR SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following constitutional amendment correctly engrossed:

Assembly Constitutional Amendment No. 2—Amending Article XX of the Constitution by adding a new section thereto, to be known as Section 21, relating to a day of rest.

YOUNG, Chairman.

Assembly Constitutional Amendment No. 2 ordered on file for adoption.

RECESS.

At twelve o'clock and thirty minutes P. M., the Assembly was declared at recess until two o'clock P. M. of this day.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.

Speaker pro tem. Perine in the chair.

INTRODUCTION OF BILLS.

The following bills were introduced, and referred as indicated:

By Mr. Young: Assembly Bill No. 1125—An Act to amend Section 1195 of the Political Code, relating to constitutional amendments, now submitted.

Bill read first time, and referred to Committee on Elections and Election Laws.

Also: Assembly Bill No. 1126—An Act to add a new section to the Political Code of the State of California, relating to entry of amendments and propositions on ballots.

Bill read first time, and referred to Committee on Elections and Election Laws.

By Mr. Johnson of Sacramento: Assembly Bill No. 1127—An Act to legalize, confirm, and validate assessments of real estate made between the years 1880 and 1908 inclusive, which real estate, under such assessments, has been struck off and sold to the State of California.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Otis (by request): Assembly Bill No. 1128—An Act to amend sections one, three, and eight of an "Act to insure the better education of practitioners of veterinary medicine, and to regulate the practice of veterinary medicine in the State of California, to provide for the creation of a board of five members, who shall act under and in accordance with the provisions of this Act, to provide for their appointment

and define their powers, duties, and compensation, to define offenses committed by acts done contrary to the provisions of this Act, and providing penalties for the violation thereof; providing for the revocation or suspension, in certain cases. of licenses issued hereunder, and to repeal an Act entitled "An Act to regulate the practice of veterinary medicine and surgery in the State of California, approved March 20, 1903, and all other laws in conflict herewith," approved March 23, 1907.

Bill read first time, and referred to Committee on Live Stock, Dairies, and Dairy Products.

By Mr. Johnson of Placer: Assembly Bill No. 1129—An Act to appropriate the sum of twenty thousand dollars for the general improvement of Lake Tahoe wagon road, and for constructing, erecting, and operating a sprinkling plant and appurtenances thereon.

Bill read first time, and referred to Committee on Roads and Highways.

RE-REFERENCE OF BILLS.

On motion of Mr. Johnson of Sacramento, Assembly Bill No. 1054—An Act to provide for the medical treatment of indigent residents afflicted with insipient pulmonary tuberculosis; to create a fund therefor; to prescribe the duties of the State Board of Health and other public officials with relation thereto, and making an appropriation for the purposes of this Act—was recalled from the Committee on Public Morals and referred to Committee on Public Health and Quarantine.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON FISH AND GAME.

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1909.

MR SPEAKER: Your Committee on Fish and Game, to whom was referred Assembly Bill No 443—An Act to amend an Act entitled "An Act to regulate and license the hunting of game birds and animals, and to provide revenue therefrom, for game reservation and restoration, and to make an appropriation for the purpose of carrying out the objects of this Act," approved March 13, 1907, by amending Section 3 thereof

Also: Assembly Bill No. 785—An Act amending an Act to provide for the transfer to the State of California by owners of patented lands therein of the right to preserve and protect wild game on such patented lands; to define the duties of the State Board of Fish Commissioners in relation to the control of such rights, and to declare the hunting of wild game within the exterior boundaries of the land to which such right attaches a misdemeanor, approved March 21, 1907.

Also: Assembly Bill No 948—An Act to create a preserve for crabs within Humboldt and Trinidad bays and the waters of the Pacific Ocean adjacent thereto, and to regulate the taking of crabs from such preserve for commercial purposes.

Also: Assembly Bill No. 1035—An Act to add a new section to the Penal Code, to be numbered 626o, to prohibit the hunting of ducks in sneak, decoy or sculling boats.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended.

COSTAR, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1909.

MR. SPEAKER: Your Committee on Fish and Game, to whom was referred Assembly Bill No 706—An Act to add a new section to the Penal Code, to be numbered 626n, to prohibit the hunting of ducks in motor boats—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

COSTAR, Chairman.

ON STATE HOSPITALS AND ASYLUMS.

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1909.

MR. SPEAKER: Your Committee on State Hospitals and Asylums, to whom was referred Assembly Bill No 280—An Act to provide for the erection of a water tower, tanks, pumps boring of wells, and all necessary equipments of the same at Stockton State Hospital, for domestic use and fire purposes, and to make appropriations therefor.

Also: Assembly Bill No. 278—An Act to provide for the digging and construction of a tunnel connecting the hydrotherapeutic building with the engine room of the female department of the Stockton State Hospital, for the purpose of conducting water pipes, heating pipes, electric wires, etc., and to make appropriations therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass, and be referred to the Committee on Ways and Means.

GRIFFITHS, Acting Chairman.

The above reported bills ordered on file for second reading.

Assembly Bills Nos. 278 and 280 referred to Committee on Ways and Means.

THIRD-READING FILE—(RESUMED).

Committee Substitute for Assembly Bill No. 233—An Act amending an Act approved March 23, 1901, "An Act to provide for the establishment and maintenance of public libraries within municipalities."

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Assembly Bill No 233 passed by the following vote:

AYES—Messrs Barndollar, Beardslee, Bohnett, Callan, Cattell, Collier, Cronin, Dean, Drew, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Hanlon, Hawk, Hewitt, Hinkle, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, Maher, Melrose, Mendenhall, Mott, Otis, Perine, Preston, Pulcifer, Rech, Rutherford, Sackett, Stuckenbruck, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, and Young—46.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SENATE BILLS—THIRD-READING FILE.

Senate Bill No. 316—An Act to amend Sections 10 and 11 of the Code of Civil Procedure of the State of California, relating to holidays.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 316 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Cattell, Collier, Costar, Cronin, Dean, Drew, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hawk, Hewitt, Hinkle, Irwin, Johnson of Sacramento, Johnson of Placer, Kehoe, Leeds, Macauley, Maher, McClellan, McManus, Mendenhall, Mott, Otis, Perine, Pugh, Pulcifer, Rech, Rutherford, Sackett, Transue, Wheelan, Whitney, and Wilson—43

NOES—Messrs Bohnett, Callan, Johnston of Contra Costa, Juilliard, Polsley, Preston, Stuckenbruck, Telfer, Wagner, Wyllie, and Young—11.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 317—An Act to amend Sections 10 and 11 of the Political Code of the State of California, relating to holidays.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No 317 finally passed by the following vote:

AYES—Messrs. Barndollar, Beardslee Beatty, Bohnett Callan, Cattell Collier, Costar, Cronin, Dean Drew, Feeley, Fleisher, Flint, Gibbons, Gillis, Griffiths, Hanlon, Hawk, Hewitt, Hinkle, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Kehoe, Leeds, Macauley, Maher, McManus, Mott, Otis, Perine, Pugh, Pulcifer, Rech, Sackett, Transue, Wagner, Wheelan, Whitney, and Young—42.

NOES—Messrs Johnston of Contra Costa, Juilliard, and Mendenhall—3.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 318—An Act to amend Section 7 of the Civil Code of the State of California, relating to holidays.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 318 finally passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Bohnett, Callan, Cattell, Collier, Costar, Cronin, Dean Drew, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hanlon, Hawk, Hewitt, Hinkle, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Kehoe, Leeds, Macauley, Maher, McManus, Mott, Nelson, Otis, Perine, Preston, Pugh, Pulcifer, Rech, Rutherford, Sackett, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, and Young—49.

NOES—Messrs. Johnston of Contra Costa, Juilliard, Mendenhall, and Wyllie—4.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No 51—An Act to amend Section 6 of an Act entitled "An Act for preventing the manufacture, sale, and transportation of adulterated, mislabeled or misbranded foods and liquors, and regulating the traffic therein providing penalties, establishing a State laboratory for foods, liquors, and drugs, and making an appropriation therefor," approved March 11, 1907.

Bill read third time.

On motion of Mr. Johnson of Sacramento, Senate Bill No. 51 was re-referred to Committee on Public Health and Quarantine, with request that the committee act as soon as possible.

Senate Bill No. 29—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto Title XXI, of Part IV, of Division First of said Act, relating to and providing for the incorporation, organization, management, and coöperation of agricultural and horticultural non-profit coöperative associations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 29 finally passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Bohnett, Butler, Callan, Cattell, Collier, Costar, Cronin, Dean Drew, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hanlon Hans, Hawk, Hewitt, Hinkle, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Macauley, Maher, McManus, Mendenhall, Mott, Nelson, Otis, Perine, Polsley, Preston, Pugh, Rech, Rutherford, Sackett, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, and Young—55.

NOES—Mr. Johnston of Contra Costa—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 121—An Act to amend an Act entitled "An Act providing for the sale of street railroad and other franchises in counties and municipalities, and providing conditions for the granting of such franchises by legislation or other governing bodies, and repealing conflicting Acts," approved March 22, 1905, statutes of 1905, page 777 thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 121 finally passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Bohnett, Butler, Callan, Cattell, Collier, Costar, Cronin, Dean, Drew, Feeley, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hawk, Hewitt, Hinkle, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Macauley, Maher, McManus,

Mendenhall, Mott, Otis, Perine, Polsley, Preston, Rech, Rutherford, Sackett, Stuckenbruck, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, and Young—51

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 88—An Act to amend Section 855 of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, and relating to compensation of members of the board of trustees and to the officers of municipalities of the sixth class.

Bill read third time, and passed on file.

Senate Concurrent Resolution No. 3—Relative to approving three certain amendments to the charter of the city of San Bernardino.

Senate concurrent resolution read.

The question being on the passage of the resolution.

The roll was called, and Senate Concurrent Resolution No. 3 finally passed by the following vote:

AYES—Messrs. Barndollar, Beatty, Butler, Callan, Cattell, Collier, Costar, Cronin, Drew, Feeley, Fleisher, Flint, Gerdes, Gillis, Greer, Griffiths, Hanlon, Harris, Hawk, Hewitt, Hinkle, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, McManus, Melrose, Mendenhall, Mott, Nelson, Otis, Perine, Polsley, Preston, Pugh, Rech, Rutherford, Sackett, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, and Young—50.

NOES—None.

Senate concurrent resolution ordered transmitted to the Senate.

SENATE CONCURRENT RESOLUTION No. 3,

Approving three certain amendments of the charter of the city of San Bernardino, county of San Bernardino, State of California, voted for and ratified by the electors of said city of San Bernardino, at a special election held therein for that purpose on the twenty-eighth day of December, 1908.

WHEREAS, The city of San Bernardino, a municipal corporation of the county of San Bernardino, State of California, now is and was at all times herein referred to, a city containing a population of more than three thousand five hundred inhabitants, and has been, since the year 1905, and now is organized and acting under a freeholders' charter adopted under and pursuant to section eight of article eleven of the Constitution of the State of California which charter was duly ratified by a majority of the qualified electors of said city, at a special election held for that purpose on the 30th day of July, 1904, and approved by the Legislature of the State of California on the 30th day of January, 1905 (Stat 1905, p. 940); and,

WHEREAS, The mayor and common council of the city of San Bernardino did by ordinance number 399, adopted by said mayor and common council on the 19th day of October, 1908, and approved by the mayor of said city on the 19th day of October, 1908, and pursuant to section eight of article eleven of the Constitution of the State of California, duly propose to the qualified electors of said city certain amendments to the charter of said city to be submitted to said qualified electors at a special municipal election to be held for that purpose, in said city, on the 28th day of December, 1908; and,

WHEREAS, said proposed amendments were, and each of them was, published for twenty days, in a daily newspaper printed and published in said city and of general circulation therein, to wit: The Evening Index, said publication ending on the 16th day of October, 1908; and

WHEREAS, The mayor and common council of said city did, by an ordinance known as Ordinance No 401, which was duly adopted on the 23d day of November, 1908, call and order the holding of a special election in said city of San Bernardino, on the 28th day of December, 1908 (at least forty days after the publication of said proposed amendments for twenty days, in said daily newspaper of general circulation in said city of San Bernardino, to wit: The Evening Index), and did provide in said ordinance for the submission of said proposed amendments to the said charter at said special election, which said ordinance was approved by the mayor of said city on the 23d day of November, 1908, and was published, for at least ten days prior to the time appointed for the holding of said election, in The Evening Index, a daily newspaper printed and published in said city; and,

WHEREAS, At said election a majority of the qualified electors voting thereon voted in favor of the ratification of and did ratify three of said proposed amendments to said charter; and,

WHEREAS, The common council of said city of San Bernardino, pursuant to said charter did, at a special meeting thereof, held at 7:30 o'clock P. M. on the second day

after said election, duly canvass the returns of said election and duly found, determined, and declared that a majority of such qualified electors voting thereon, had voted for and ratified three of said proposed amendments to said charter; and,

WHEREAS, Said three amendments to said charter, so ratified by a majority of the qualified electors of said city voting at said election are in words and figures as follows, to wit:

It is hereby proposed that subdivision thirteen of Section 195 of said charter be amended so as to read as follows:

Thirteenth:—In their discretion to admit nonresident school children to any of the departments of the public schools of the city, upon such terms and conditions as the board may deem just.

It is hereby proposed that Section 182 of the charter of said city be amended so as to read as follows, to wit:—

Section 182 On or after twelve o'clock noon of the second Monday in May next succeeding his election the mayor shall appoint a chief of police, subject to the confirmation of the common council The chief of police for the suppression of any riot, public tumult, disturbance of the public peace, or any organized resistance against the laws or public authorities in the lawful execution of their functions, shall have the powers that are now or that may hereafter be conferred upon sheriffs by the laws of the State, and shall in all respects be entitled to the same protection; and his lawful orders shall be promptly executed by deputies, police officers and watchmen of the city, and every citizen shall render aid when required for the arrest of offenders and maintenance of public order He shall execute and return a process issued and directed to him by any legal authority; and shall enforce all ordinances of the city, and arrest all persons guilty of the violation of the same. He shall prosecute before the competent tribunal all breaches or violations of city ordinances.

He shall also have charge of the city prison and prisoners confined therein, and of all those who are sentenced to labor upon the public streets of the city, or public works of the city, and shall see that all orders and sentences in reference thereto are fully executed and complied with, and shall perform such other duties as may be prescribed by the mayor and common council

The chief of police shall be ex officio tax collector, ex officio license tax collector, and a member of the board of health. He shall collect all taxes and license taxes as prescribed by law and the ordinances of the city As tax collector and license collector the mayor and common council shall have power to fix extra compensation for the chief of police not to exceed one per cent of the amount actually collected, which shall be in addition to his salary otherwise fixed in this charter.

It is hereby proposed to amend the charter of said city by adding a new section thereto to be known as Section 238*a* and to read as follows:

Section 238*a*. The time of service of any laborer, workman, or mechanic employed in or upon any of the public works of the city of San Bernardino, or in or upon any work done by or for said city is hereby limited and restricted to eight hours during any one calendar day, and no person shall be employed in or upon such works except he be a native born or naturalized citizen of the United States, and the minimum wages of laborers employed in the execution of any such works shall be $2.00 per day; and there shall be inserted in every contract entered into for such work a stipulation that no person shall be employed in the execution of such contract who is not a native born or naturalized citizen of the United States, and that in the performance of such work eight hours shall be the maximum number of hours that any laborer, workman or mechanic shall be required or permitted to work on any calendar day, and that $2.00 per day shall be the minimum wages paid to any person employed by the contractor in the execution of his contract; *provided*, that this section shall not apply to cases of extraordinary emergency, caused by fire, flood or danger to life or property, or to work upon any public, military or naval defenses or works in time of war.

STATE OF CALIFORNIA,
COUNTY OF SAN BERNARDINO, } ss.
City of San Bernardino.

This is to certify that we, J J Hanford, mayor, and Harry Allison, clerk, of said city of San Bernardino, have compared the foregoing proposed and ratified amendments to the charter of the city of San Bernardino with the original ordinance proposing such amendments and submitting the same to the qualified electors of said city at a special municipal election called for that purpose on the 28th day of December, 1908, and find that the foregoing is a full, true and correct and exact copy thereof, and we further certify that all facts set forth in the preamble preceding said amendments are, and each of them is true.

IN WITNESS WHEREOF, We have hereunto set our hands and caused the official seal of the city of San Bernardino to be hereto attached this 20th day of January, 1908

J J. HANFORD,
Mayor of the City of San Bernardino.

Attest: HARRY ALLISON,
City Clerk.

Now, therefore, be it

Resolved by the Senate of the State of California the Assembly thereof concurring (a majority of all members elected to each house voting for the adoption of this resolution and concurring herein), that the said amendments to the charter of the said city of San Ber-

nardino hereinbefore set forth as presented and submitted to and adopted and ratified by the qualified electors of said city be and the same are hereby approved as a whole for and as amendments to the charter of the city of San Bernardino.

Senate Bill No. 35—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, and relating to the powers of the board of trustees of cities of the sixth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 35 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Bohnett, Butler, Callan, Cattell, Collier, Costar, Cronin, Dean, Drew, Feeley, Fleisher Flint, Gerdes, Gillis, Greer, Griffiths, Hanlon, Hans, Hawk, Hinkle, Irwin, Johnson of San Diego, Juilliard, Kehoe, Leeds, Macauley, Maher, Melrose, Mendenhall, Mott, Nelson, Perine, Preston, Pugh, Rech, Rutherford, Sackett, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie and Young—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 54—An Act to amend section five of an Act entitled "An Act to amend sections four, five, six, ten, thirteen, and fourteen of an Act entitled 'An Act for the more effectual prevention of cruelty to animals,' approved March 20, 1874, and to add three new sections to said Act to be known as sections twenty, twenty-one, and twenty-two, in relation to cruelty to animals, and the arrest, trial, and punishment of offenders against the provisions of said Act, and liens on property in certain cases arising under this Act," approved March 14, 1901.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 54 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Bohnett, Callan, Cattell, Collier, Cronin, Dean, Drew, Feeley, Fleisher, Flint, Gillis, Greer Griffiths, Hanlon, Hans, Hawk, Hewitt, Hinkle, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Nelson, Otis, Perine, Polsley, Preston, Pugh, Rech, Rutherford, Sackett, Wagner, Wheelan, Whitney, Wilson, Wyllie, and Young—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 46—An Act to amend section three hundred and sixty-four of the Political Code, relating to the Board of Examiners.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 46 finally passed by the following vote:

AYES—Messrs Barndollar, Beardslee, Beatty, Bohnett, Butler, Callan, Cattell, Collier, Costar Cronin, Dean, Drew, Feeley, Fleisher, Flint, Gillis, Greer, Griffiths, Hanlon, Hans, Hawk, Hewitt, Hinkle, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Macauley, Maher, McManus, Melrose Mendenhall, Mott, Nelson, Otis, Perine, Preston, Pugh, Rech, Rutherford, Sackett, Wagner, Wheelan, Whitney, Wilson, Wyllie, and Young—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

CASES OF URGENCY.

The following resolution was offered:

By Mr. Beardslee:

Resolved, That Senate Bills Nos. 285 and 8 present cases of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bills shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the first, second, and third times, and placed upon their passage.

Mr. Beardslee moved the adoption of the resolution.

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

AYES—Messrs Barndollar, Baxter, Beatty, Bohnett, Butler, Callan, Cattell, Collier, Costar, Cronin, Dean, Drew, Feeley, Fleisher, Flint, Gerdes, Gillis, Greer, Griffiths, Hanlon, Hans, Hawk, Hewitt, Hinkle, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, Maher, McManus, Melrose, Mendenall, Mott, Nelson, Otis, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Rutherford, Sackett, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, and Young—55.

NOES—None

Senate Bill No. 285—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1907, by amending section two thereof.

Bill read second time, and ordered to third reading.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 285 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Bohnett, Butler, Callan, Cattell, Coghlan, Collier, Costar, Cronin, Drew, Feeley, Fleisher, Flint, Gerdes, Gillis, Griffiths, Hanlon, Hawk, Hewitt, Hinkle, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, Maher, McManus, Melrose, Mendenhall, Mott, Otis, Perine, Polsley, Preston, Pugh, Rech, Rutherford, Sackett, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Wilson, and Young—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 8—An Act authorizing and directing the board of managers of the Agnews State Hospital to continue the reconstruction work at said hospital, and making an appropriation therefor.

Mr. Beardslee moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Perine in the chair.

Senate Bill No. 8 considered.

Mr. Beardslee moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker pro tem. Perine in the chair.

REPORT OF THE COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 8, and do now report the same back, and recommend that it do pass.

PERINE, Chairman.

Bill read second time, and ordered to third reading.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 8 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Bohnett, Butler, Cattell, Coghlan, Collier, Costar, Dean, Drew, Feeley, Fleisher, Flint, Gerdes, Gillis Griffiths, Hanlon, Hans, Hawk, Hewitt, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, Maher, McManus, Melrose, Mendenhall, Mott, Otis, Perine, Polsley, Preston, Pugh, Pulcifer, Rutherford, Sackett, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, and Young—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

ASSEMBLY BILLS—THIRD-READING FILE—(RESUMED).

Assembly Bill No. 573—An Act to amend Section 161*a* of the Penal Code of California, relating to falsely advertising as an attorney.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 573 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Bohnett, Callan, Cattell, Coghlan, Collier, Costar, Cronin, Dean, Drew, Feeley, Fleisher, Flint, Gerdes, Gillis, Griffiths, Hanlon Hans, Hawk, Hewitt Hinkle, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, McManus Melrose, Mendenhall, Nelson, Otis, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Rutherford, Sackett, Stuckenbruck, Telfer, Wagner, Wheelan, Whitney, Wilson and Young—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 604—An Act to amend Section 1492 of the Political Code of the State of California, relating to the duties of the joint board of State Normal School Trustees.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 604 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Butler, Callan, Cattell, Coghlan, Costar, Dean, Drew, Fleisher, Gerdes, Gillis, Griffiths, Hans, Hawk, Hewitt, Hinkle, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, Maher, McManus, Mendenhall, Mott, Otis, Perine, Polsley, Preston, Pulcifer, Rech, Sackett, Stuckenbruck, Telfer, Wagner, Whitney, and Young—43.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

ADJOURNMENT.

At four o'clock and five minutes P. M., on motion of Mr. Baxter, the Assembly was declared adjourned.

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, CAL., Wednesday, February 10, 1909.

At nine o'clock and thirty minutes A. M., pursuant to adjournment, the Assembly was called to order.

Hon. P. A. Stanton, Speaker of the Assembly, in the chair.

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

Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Costar, Cronin, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pulcifer, Rutherford, Sackett, Schmitt Stuckenbruck, Telfer, Transue, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—69.

Quorum present.

LEAVES OF ABSENCE.

On motion, leave of absence for the day was granted to Mr. Wyatt.

PRAYER.

Prayer was offered by the Chaplain, Rev Seren N. Marsh.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Sackett, its further reading was dispensed with.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON COMMERCE AND NAVIGATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1909

MR. SPEAKER: Your Committee on Commerce and Navigation, to whom was referred Assembly Bill No 784—An Act amending section two thousand three hundred forty-nine of the Political Code, relating to certain streams and waters declared public ways—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

McMANUS, Chairman.

ON OIL INDUSTRIES AND OIL MINING INTERESTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1909.

MR. SPEAKER: Your Commitee on Oil Industries and Oil Mining Interests, to whom was referred Assembly Bill No. 405—An Act to provide for the inspection of petroleum oils, kerosene, gasoline, benzole, naphtha and all fluids which are the product of petroleum or into which any product of petroleum enters, and to provide for a State inspector thereof, and deputies, and to define and provide for their duties and salaries, and to prescribe penalties for violation thereof—have had the same under consideration, and respectfully report the same back, with four amendments, and recommend that it do pass as amended

HOLMQUIST, Chairman.

ON PUBLIC HEALTH AND QUARANTINE

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1909.

MR. SPEAKER: Your Committee on Public Health and Quarantine, to whom was referred Assembly Bill No 388—An Act to repeal an Act entitled "An Act to encourage and provide for a general vaccination in the State of California," approved February 20, 1889.

Also: Assembly Bill No. 339—An Act to add five new sections to the Political Code

of the State of California, to be known as Sections 2995, 2996, 2997, 2998, and 2999, relating to vaccination

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass

BARNDOLLAR, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1909.

MR. SPEAKER. Your Committee on Public Health and Quarantine, to whom was referred Assembly Bill No 992—An Act to amend sections one, two, three, and four of an Act entitled "An Act to encourage and provide for a general vaccination in the State of California," approved February 20, 1889.

Also: Senate Bill No 51—An Act to amend Section 6 of an Act entitled "An Act for preventing the manufacture, sale and transportation of adulterated mislabeled or misbranded foods and liquors, and regulating the traffic therein, providing penalties, establishing a state laboratory for foods, liquors and drugs, and making an appropriation therefor," approved March 11, 1907.

Also: Senate Bill No. 130—An Act to amend Section 2979 of the Political Code, relating to the powers and duties of the State Board of Health.

Also: Senate Bill No 131—An Act to amend Section 4225 of the Political Code, relating to the appointment, powers, duties and compensation of health officers in counties and unincorporated towns.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

BARNDOLLAR, Chairman.

ON COUNTIES AND COUNTY BOUNDARIES.

ASSEMBLY CHAMBER, SACRAMENTO, January 10, 1909.

MR. SPEAKER: Your Committee on Counties and County Boundaries to whom was referred Assembly Bill No 618—An Act to amend Sections 3921 and 3923, of the Political Code, relating to and defining the boundaries of Sierra and Nevada counties—have had the same under consideration, and respectfully report the same back, with two amendments, and recommend that it do pass

JOHNSON OF SAN DIEGO, Chairman.

ON IMMIGRATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1909

MR. SPEAKER: Your committee on Irrigation, to whom was referred Senate Bill No. 273—An Act to amend section thirty-nine of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897—have had the same under consideration, and respectfully report the same back, with one amendment, and recommend that it do pass, as amended.

WAGNER, Chairman

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1909

MR. SPEAKER Your Committee on Ways and Means, to whom was referred Assembly Bill No. 388—An Act to provide for the erection of a training school building for the use of the State Normal School at Chico, California, to equip the same, and to make an appropriation therefor.

Also: Assembly Bill No 620—An Act to appropriate money to protect the banks of the Eel River, from erosion by means of jetty work and riprap along the banks thereof.

Also: Assembly Bill No 657—An Act to amend Section 647 of the Code of Civil Procedure of the State of California, relating to what is deemed excepted to

Also: Assembly Bill No 1009—An Act appropriating money to be expended by and under the direction of the department of engineering for the purpose of rectifying the channels of the Sacramento, San Joaquin and Feather rivers, and other river channels of the state, and in improving the navigability of such streams

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass

BEARDSLEE, Chairman.

ON PUBLIC LANDS AND FORESTRY

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1909

MR SPEAKER. Your Committee on Public Lands and Forestry, to whom was referred Assembly Bill No 723—An Act to amend Section 3546 of the Political Code of the State of California, relating to what must be contained in the statement by the Register of State Lands to the district attorney.

Also: Assembly Bill No 1006—An Act to appropriate money for better protection against forest and field fires

Also: Assembly Bill No. 1031—An Act to amend Section 3514 of the Political Code of the State of California, relative to the issuance of certificates of purchase for State land.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass, and that Assembly Bill No. 1006 be referred to Committee on Ways and Means

Also: Assembly Bill No 406—An Act regulating the sale of those parts of the beds of the navigable streams of the State, which parts have been abandoned by the State, and governmental authority for navigable purposes

Have had the same under consideration, and respectfully report the same back, and recommend that it do not pass

FLINT, Chairman

ON COUNTY AND TOWNSHIP GOVEENMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1909.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Senate Bill No 352—An Act to amend Section 4041 of the Political Code relating to the general permanent powers of boards of supervisors—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

HANS, Chairman.

ON ROADS AND HIGHWAYS

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1909.

MR SPEAKER: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 1027—An Act to appropriate the sum of ten thousand dollars, for the purpose of partly changing the line of road and making permanent culverts on the Sonora and Mono road, a state highway—have had the same under consideration, and respectfully report the same back, with recommendation that it do pass.

GREER, Chairman.

FISH AND GAME.

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1909.

MR. SPEAKER: Your Committee on Fish and Game, to whom was referred Assembly Concurrent Resolution No. 8—Relative to appointment of a committee of five by the Governor to investigate the possibility of dividing the State into fish and game districts—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted

COSTAR, Chairman

The above reported bills ordered on file for second reading.
Assembly Bill No. 1006 referred to Committee on Ways and Means.

SENATE MESSAGES.

The following messages from the Senate were taken up and read·

SENATE CHAMBER, SACRAMENTO, February 8, 1909.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 47—An Act providing for the sanitation of food producing establishments, places where food is stored or distributed; and vehicles in which food is placed for transportation; regulating the health of persons by whom the materials from which food is prepared or the finished product is handled; providing for the inspection of such places, persons and things; declaring places and things in violation of this Act to be nuisances dangerous to health and providing for the abatement of the same, making violations of this Act misdemeanors, and providing for the punishment of the same.

Also: Senate Bill No 343—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 3788 thereof as amended March 28, 1895, said section being a part of Chapter VII, Title IX, Part III of the Political Code of the State of California, said Title IX relating to revenue, said Chapter VII relating to the collection of property taxes and said section hereby amended relating to the resale of State lands upon which taxes have accrued, but which have not been paid and repealing Section 15 of an Act entitled "An Act to amend section thirty-seven hundred and sixty-five, section thirty-seven hundred and seventy-three, section thirty-seven hundred and seventy-eight, section thirty-seven hundred and eighty, section thirty-seven hundred and eighty-one, section thirty seven hundred and eighty five, section thirty-seven hundred and eighty-eight, section thirty-eight hundred and thirteen, section thirty-eight hundred and sixteen and section thirty eight hundred and seventeen; and to repeal section thirty-seven hundred and seventy-four, section thirty-seven hundred and seventy-five, section thirty-seven hundred and seventy-six, section thirty-seven hundred and seventy-seven, section thirty-seven hundred and seventy-nine, section thirty-seven hundred and eighty-two, section thirty-seven hundred and eighty-three, section thirty-seven hundred and eighty-four and section thirty eight hundred and eighteen of an Act of the Legislature of the State of California entitled 'An Act to establish a Political Code,' approved March 12, 1872, relating to the sale of real property for delinquent taxes, and the redemption and resale of such property; and to add a

new section thereto, to be known and designated as section thirty-eight hundred and one, also relating to the sale of real property for delinquent taxes," approved February 25, 1895, all relating to the sale of state lands.

Also: Senate Bill No 526—An Act to amend Section 22½ of an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State for the construction of sewers and other sanitary purposes, the acquisition of the property thereof; the calling of election in such district; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provisions for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1891.

Also: Senate Bill No. 32—An Act to amend the Civil Code of California by adding a new title thereto, to be numbered Title X, in Part IV, of Division Second, consisting of Sections 1426, 1426*a*, 1426*b*, 1426*c*, 1426*d*, 1426*e*, 1426*f*, 1426*g*, 1426*h*, 1426*i*, 1426*j*, 1426*k*, 1426*l*, 1426*m*, 1426*n*, 1426*o*, 1426*p*, 1426*q*, and 1426*r*, providing for the manner of locating lode and placer mining claims, tunnel rights, mill sites, and prescribing the character and amount of assessment work on mining claims and providing for proofs of such work, and for the recordation of location notices, and proof of labor, and for the enforcement of contributions from delinquent co-owners of mining claims, and prescribing the duties of county recorders respecting the recording of location notices of, and proofs of labor on, mining claims, tunnel rights, and mill sites, and the fees to be charged therefor, and repealing an Act entitled "An Act entitled an Act relating to the working, rights of way, easement and drainage of mines within the State of California," approved March 31, 1891.

Also: Senate Bill No. 69—An Act to amend Section 1622 of the Political Code, relating to State and county school moneys being used for the payment of teachers and superintendents of schools.

Also: Senate Bill No 623—An Act to amend Section 607*e* of the Civil Code of the State of California, relating to the disposition to be made of certain fines, penalties, and forfeitures

Also: Assembly Bill No. 512—An Act to amend an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," as approved March 20, 1905 as amended, approved June 13, 1906, as amended, approved March 19, 1907, as amended, approved March 20, 1907, by amending Section 2 thereof adding a new section, to be numbered 2*a*, and repealing Section 7 and Section 10*b* of said Act.

Also: Senate Bill No. 587—An Act to amend an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 20, 1905, amended, approved June 13, 1906; amended, approved March 19, 1907 amended, approved March 20, 1907, by providing certain terms and conditions whereby corporations which have failed to pay the license tax mentioned in said Act may pay same and be restored to their former rights.

Also. Senate Bill No 56—An Act to amend Section 536 of the Penal Code, relating to false statements by consignees and others, and to add a new section to the Penal Code, to be numbered Section 536*a*, imposing certain duties upon consignees and others.

Also: Senate Bill No. 655—An Act to amend Sections 3197, 3198, and 3199 of the Political Code.

Also: Senate Bill No. 734—An Act to amend Section 1557 of the Penal Code of the State of California, relating to the accounts of persons employed in bringing back fugitives from justice arrested in other States or foreign countries.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, February 8, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No 67—An Act authorizing suits against the State concerning real property and regulating the procedure therein.

Also: Assembly Bill No. 73—An Act to amend sections one, three, four, five, six, seven, nine, ten, thirteen, fourteen and twenty of an Act entitled "An Act to promote drainage," approved March 18, 1885.

Also: Assembly Bill No. 390—An Act to amend Sections 2136, 2137, 2138, 2140, 2141, 2142, 2145, 2153, 2154, 2161, 2162, 2163, 2167*a*, 2168 2170, 2171, 2172, 2176, 2177, 2179, 2180, 2181, 2187, 2189 2192, 2193, and 2195 of the Political Code, relating to the powers and duties of the State Commission in Lunacy, to the government and management of State hospitals for the insane and other incompetent persons, and to the care, custody, apprehension, commitment, and maintenance of insane and other incompetent persons.

LEWIS A HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary

Also:

SENATE CHAMBER, SACRAMENTO, February 8, 1909

MR. SPEAKER—I am directed to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 145—An Act to amend Section

1876 of the Political Code of the State of California, referring to contracts by school trustees.

Also: Assembly Bill No. 52—An Act to amend Section 649 of the Civil Code of the State of California, relating to the number of trustees of colleges and seminaries of learning

And respectfully request that your honorable body concur in said amendments

LEWIS A HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Senate Bill No. 47 read first time, and referred to Committee on Public Health and Quarantine.

Senate Bill No 343 read first time, and referred to Committee on Judiciary.

Senate Bill No. 526 read first time, and referred to Committee on Public Health and Quarantine.

Senate Bill No. 32 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 69 read first time, and referred to Committee on Education.

Senate Bill No. 623 read first time, and referred to Committee on Judiciary.

Senate Bill No. 512 read first time, and referred to Committee on Corporations.

Senate Bill No. 587 read first time, and referred to Committee on Corporations.

Senate Bill No. 56 read first time, and referred to Committee on Judiciary.

Senate Bill No. 655 read first time, and referred to Committee on Judiciary.

Senate Bill No. 734 read first time, and referred to Committee on Judiciary.

Assembly Bills Nos. 67, 73, and 390 ordered to enrollment.

Mr. Polsley moved that the Assembly concur in Senate amendments to Assembly Bill No. 145.

Motion duly seconded.

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 145?"

On page 1, Section 1876, line 6, of the printed bill, after the word "void" strike out the "period (.")", and insert a "colon (:)"

Also: On page 1, Section 1876, line 6, of the printed bill strike out the word "except," and insert in lieu thereof the word "provided."

Also: On line 1 of the printed amended bill, before the word "section", insert the following "Section 1."

Also: In line 3, of the printed amended bill, strike out the word "Section"

Also: In line 7, of the printed amended bill, strike out the word "seventy", and insert in lieu thereof the word "forty"

Also: In line 12, of the printed amended bill, after the word "supplies," strike out the "period", and insert in lieu thereof a comma, and the following: "but in all such cases the requisition drawn in his favor in payment for services or supplies must be signed by the other two trustees before it shall be subject to approval by the superintendent of schools."

The roll was called, and Senate amendments to Assembly Bill No. 145 were refused concurrence in by the following vote:

AYES—Messrs Beatty, Beban, Collum, Cronin, Cullen, Gillis, Hewitt, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Macauley, Maher, Mendenhall, Pugh, Rutherford, Silver, Stuckenbruck, Webber Wheelan, and Wyllie—25.

NOES—Messrs. Barndollar, Beardslee, Callan, Cattell, Cogswell, Collier, Dean, Drew, Feeley Flavelle, Fleisher, Flint, Gerdes, Gibbons, Griffiths, Hammon, Hanlon, Hans,

Hawk, Hayes, Leeds, McClellan, Melrose, Mott, Nelson, Odom, Otis, Preston, Pulcifer, Telfer, Transue, Wagner, Whitney, and Mr. Speaker—34.

Assembly Bill No. 145 ordered retransmitted to the Senate, with the request that the Senate recede from its amendments.

Mr Cogswell moved that the Assembly concur in Senate amendment to Assembly Bill No. 52.

Motion duly seconded

The question being put: "Shall the Assembly concur in the following amendment to Assembly Bill No. 52?"

On page 1, amend the title in line 3, by striking out the words "number of trustees", and insert in lieu thereof the word "incorporation".

The roll was called, and Senate amendment to Assembly Bill No. 52 was concurred in by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Bohnett, Callan, Cattell, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento Johnson of San Diego, Johnson of Placer Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Mott, Nelson, Odom, Otis, Polsley, Preston, Pugh, Pulcifer, Rutherford, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—68.

NOES—None.

Assembly Bill No. 52 ordered to enrollment.

INTRODUCTION OF BILLS.

The following bills were introduced, and referred, as indicated:

By Mr. Greer: Assembly Bill No. 1130—An Act to provide for the completion of the hospital for insane at Folsom State Prison, and making an appropriation therefor.

Bill read first time, and referred to Committee on State Prisons and Reformatory Institutions.

By Mr. Hanlon: Assembly Bill No. 1131—An Act to add a new section to the Civil Code, to be numbered Section 133, relating to service of summons and complaint in divorce actions.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No 1132—An Act to add a new section to the Civil Code, to be numbered 108, relating to conviction of felony as ground for divorce.

Bill read first time, and referred to committee on Judiciary.

Also: Assembly Bill No. 1133—An Act to add a new section to the Penal Code, to be numbered Section 139, relating to deceit, fraud, connivance and collusion in divorce actions and providing punishment therefor.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 1134—An Act to add a new section to the Civil Code, to be numbered 134, relating to actions for divorce where the cause of action arose out of the State.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Beardslee: Assembly Bill No. 1135—An Act to provide for the equipping and furnishing of the building now in process of erection at Stockton State Hospital under the provisions of Chapter 172 of the Statutes of 1907, and making an appropriation therefor.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

By Mr Wyllie: Assembly Bill No. 1136—An Act to amend an Act

entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Sections 22 and 57 of said Act.

Bill read first time, and referred to Committee on Irrigation.

By Mr. Mendenhall: Assembly Bill No. 1137—An Act to amend Section 4274 of the Political Code of the State of California, relating to the compensation of officers of counties of the forty-fifth class.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Beban: Assembly Bill No. 1138—An Act to amend Section 1552 of the Political Code of the State of California, relating to the traveling expenses of county and city and county superintendents.

Bill read first time, and referred to Committee on Education.

By Mr. Kehoe: Assembly Bill No. 1139—An Act to provide for the parole of prisoners confined in county jails and city prisons, and authorizing and empowering boards of supervisors and the governing bodies of municipalities to make rules and regulations in relation thereto.

Bill read first time, and referred to Committee on State Prisons and Reformatory Institutions.

By Mr Polsley: Assembly Constitutional Amendment No. 26—Proposed amendment to Article IV of the Constitution, relative to the time of holding sessions of the Legislature.

Read first time, and referred to Committee on Constitutional Amendments.

By Mr. Kehoe: Assembly Bill No. 1140—An Act to appropriate money to protect the banks of Mad River from erosion by means of riprap or jetty work, or both, along the banks thereof.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Cattell: Assembly Bill No. 1141—An Act to add a new section to the Penal Code, to be numbered Section 269*c*, relating to adultery, and providing punishment therefor.

Bill read first time, and referred to Committee on Judiciary.

By Mr Fleisher: Assembly Bill No. 1142—An Act to amend Section 4246 of the Political Code of the State of California, relating to salarie and fees of officers in counties of the seventeenth class.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Flint: Assembly Bill No. 1143—An Act to appropriate forty-four dollars to pay the claim of W. S. Kingsbury.

Bill read first time, and referred to Committee on Claims.

Also (by request): Assembly Bill No. 1144—An Act to amend Section 3498 of the Political Code of the State of California, relating to approvals of applications for State lands.

Bill read first time, and referred to Committee on Public Lands and Forestry.

Also (by request): Assembly Bill No. 1145—An Act to amend Section 3495 of the Political Code of the State of California, relating to school lands belonging to the State and the affidavit on application to purchase the same.

Bill read first time, and referred to Committee on Public Lands and Forestry.

Also (by request): Assembly Bill No. 1146—An Act to add a new section to the Political Code of the State of California, to be known as Section 3495*a*, and relating to applications to purchase State lands, requiring a deposit of money to accompany the application and providing for the filing of additional applications.

Bill read first time, and referred to Committee on Public Lands and Forestry.

By Mr Leeds: Assembly Bill No 1147—An Act to amend Section 2 of an Act entitled "An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation thereof," approved February 20, 1905, and all amendments thereto.

Bill read first time, and referred to Committee on Public Charities and Corrections.

Also: Assembly Bill No 1148—An Act to amend sections nineteen hundred and eighty-six and nineteen hundred and ninety-one of the Code of Civil Procedure, both relating to subpœna.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 1149—An Act to repeal Section 22 of an Act entitled "An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, to provide for its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act for suits to quiet title against claims of lien arising hereunder; to repeal an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for the collection, and to direct the disposition of the proceeds," approved March 22, 1893, and all amendments thereto, and all Acts and parts of Acts in conflict with this Act, approved March 20, 1905.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 1150—An Act to amend section six hundred and forty-nine of the Civil Code, relating to articles of incorporation of colleges and seminaries of learning.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No 1151—An Act to amend section six hundred and fifty of the Civil Code, relating to the powers of boards of trustees of colleges and seminaries of learning.

Bill read first time, and referred to committee on Judiciary.

By Mr. Johnston of Contra Costa: Assembly Bill No 1152—An Act to amend an Act entitled "An Act to insure the better education of practitioners of veterinary medicine, and to regulate the practice of veterinary medicine in the State of California, to provide for the creation of a board of five members who shall act under and in accordance with the provisions of this Act; to provide for their appointment, and define their powers, duties and compensation; to define offenses committed by acts done contrary to the provisions of this Act, and providing penalties for the violation thereof, providing for the revocation or suspension, in certain cases, of licenses issued hereunder, and to repeal an Act entitled "An Act to regulate the practice of veterinary medicine and surgery in the State of California," approved March 23, 1893, amended and

approved March 20, 1903, and all other laws in conflict herewith, by amending Section 7 of this Act.

Bill read first time, and referred to committee on Live Stock, Dairies, and Dairy Products.

By Mr. Pulcifer: Assembly Bill No. 1153—An Act to provide for the incorporation, organization, and management of municipal water districts.

Bill read first time, and referred to Committee on Municipal Corporations.

By Mr. Wilson: Assembly Bill No. 1154—An Act to amend section 1272 of the Penal Code of California, relating to admission to bail pending appeal.

Bill read first time, and referred to Committee on Judiciary.

By Mr Maher: Assembly Bill No. 1155—An Act to amend Section 4 of an Act entitled "An Act for preventing the manufacture, sale or transportation of adulterated, mislabeled or misbranded foods and liquors and regulating the traffic therein, providing penalties, establishing a State laboratory for foods, liquors and drugs, and making an appropriation therefor," approved March 11, 1907, relating to the adulteration of food.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Mr. Butler: Assembly Bill No. 1156—An Act to amend an Act entitled "An Act to provide for the formation of boulevard districts and the construction, maintenance and use of boulevards and defining the term boulevard," approved March 22, 1905, by amending Sections 5, 6, 7, 8, and 9, in relation to the issuing of bonds, and by amending Section 11 thereof, in relation to gifts and donations, and by amending Section 12 thereof in relation to reconstruction of county roads and public highways within boulevard districts.

Bill read first time, and referred to Committee on Roads and Highways.

By Mr. Pugh: Assembly Bill No. 1157—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known and numbered as Section 526*a*, relating to actions by taxpayers against officers and agents of the county, town, city, or city and county, in said State.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Webber: Assembly Bill No. 1158—An Act to amend section four thousand two hundred and sixty-six of the Political Code of the State of California, relating to salaries and fees of officers of counties of the thirty-seventh class.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Dean: Assembly Bill No. 1159—An Act to decrease the number of judges of the Superior Court of the county of Shasta, State of California, from two to one.

Bill read first time, and referred to Committee on Judiciary.

RESOLUTION.

The following resolution was offered:

By Mr. Transue:

WHEREAS, Assembly Bill No: 14, introduced by Mr. Johnson of Sacramento, and reading as follows:

An Act to amend Section 1662 of the Political Code.

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

SECTION 1. Section 1662 of the Political Code is hereby amended so as to read as follows:

1662 Every school, unless otherwise provided by law, must be open for the admission of all children between six and twenty-one years of age residing in the district, and the board of school trustees, or city board of education, have power to admit adults and children not residing in the district, whenever good reasons exist therefor. Trustees shall have the power to exclude children of filthy or vicious habits, or children suffering from contagious or infectious diseases, and also to establish separate schools for Indian children and for children of Mongolian, or Japanese, or Chinese descent. When such separate schools are established, Indian, Chinese, Japanese or Mongolian children must not be admitted into any other school; *provided*, that in cities and towns in which the kindergarten has been adopted or may hereafter be adopted as part of the public primary schools, children may be admitted to such kindergarten classes at the age of four years; *and provided further*, that in cities or school districts in which separate classes have been or may hereafter be established, for the instruction of the deaf, children may be admitted to such classes at the age of three years.

Is now pending before this Assembly; and

WHEREAS, It has been represented by the President of the United States that the passage of this bill will, in some manner undisclosed, disturb the relations now existing between the government of the United States and the government of Japan; and

WHEREAS, The President of the United States has made known to this Assembly, through the Governor of this State and through the Speaker of this Assembly, his wish that said bill be not passed; and

WHEREAS, The President of the United States has caused it to be represented to this body that it is his judgment that said bill would conflict with the treaty now existing between the government of the United States and the government of Japan, and because of such conflict the passage of such bill would be beyond the power of the Legislature of this State; and

WHEREAS, The Governor of this State and the Speaker of this Assembly have conveyed to this body their desire that this bill be not passed; and

WHEREAS It is the desire of this body to accede to the wishes of the Chief Executive of this State, and the Speaker of this Assembly; therefore, be it

Resolved That it is fitting and proper that a statement of the position of this Assembly upon this question be made, to the end that a mistaken impression do not result from the failure of the Assembly to pass this bill; be it further

Resolved, That such position is as follows:

1. The school system of the State of California is an institution of the State alone, maintained, supported, conducted and controlled wholly under and in accordance with the powers reserved to the State.

2. That the power to maintain, conduct and control the State school system has not been granted to the Federal Government.

3. That the Legislature of California may properly pass any law relative to the school system of this State that in its judgment may seem best.

4 That by said Assembly Bill No. 14 it is not designed to deprive children of Indian, Mongolian, Chinese, or Japanese descent of equal school privileges and opportunities, but, on the contrary, to these there shall be given, and for these there shall be provided, the same privileges and opportunities as are given to and provided for all other children.

5 That Assembly Bill No 14 contemplates the establishment and maintenance of separate schools for different races, but all schools so established and maintained shall afford equal and the same facilities for instruction

6. That this Assembly recognizes it to be a duty resting upon the State to furnish to children of Indian, Mongolian, Chinese, or Japanese descent the same facilities and opportunities as are furnished to children of other races, and affirm that no more can be required and that nothing different is contemplated by said Act. That said Act gives to children of Indian, Mongolian Chinese, or Japanese descent who are subjects of other countries the same rights and privileges as are given to native born citizens of California, and no power has the right to demand more That this Assembly is disposed to accede to the wishes of the Federal Government, as conveyed to us by the Governor of this State and the Speaker of this Assembly, but while doing so we reaffirm and reassert that the subject-matter of Assembly Bill No. 14 is purely and exclusively a matter of State concern, falling within the reserve powers of the State, and violates no provision of the Federal Constitution

7. That it is the judgment of this Assembly that said bill does not conflict with the treaty existing between the government of the United States and the government of

Japan, and that we recognize the authority to make treaties is by the Federal Constitution, vested in the President and Senate of the United States; we affirm that the right to administer our State school system can not be controlled by treaty made by the President and the Senate of the United States, nor by action of the President alone

8 And finally, while we recognize that Assembly Bill No. 14 is drawn and could be passed by the Legislature of this State in full conformity with the powers reserved to the State and vouchsafed to it by the Federal Constitution, we are unwilling to do aught which may disturb the relations existing between this Government and a friendly power, and for this reason alone, we recommend that Assembly Bill No. 14 be reconsidered and withdrawn.

Resolution read.

MOTION.

Mr. Beardslee moved that the Assembly consider the resolution in executive session.

Motion duly seconded.

Motion lost.

RECESS.

At twelve o'clock and thirty minutes P. M., Mr. Juilliard speaking upon the resolution, the Assembly was declared at recess until two o'clock P. M. of this day.

REASSEMBLED.

At two o'clock P. M the Assembly reconvened.

Speaker Stanton in the chair.

Mr. Juilliard on the floor.

RESOLUTION WITHDRAWN.

By unanimous consent, Mr. Transue was permitted to withdraw the resolution.

SPECIAL ORDER.

The time for the consideration of special orders having arrived, the special order heretofore set was taken up for reconsideration—Assembly Bill No. 14—An Act to amend Section 1662 of the Political Code.

The question being upon the motion to reconsider the vote whereby Assembly Bill No 14 was passed.

The roll was called, and the same was reconsidered by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Bohnett, Cattell, Coghlan, Cogswell, Collier Costar, Dean Drew, Feeley Flavelle, Fleisher Flint, Greer, Griffiths, Hammon, Hanlon Hans Hawk, Hewitt Hinkle, Holmquist, Johnson of San Diego, Leeds, McClellan, Melrose, Moore, Perine, Preston, Pulcifer, Rech, Rutherford, Sackett, Schmitt Silver, Transue, Wagner, Whitney, Wyllie, Young, and Mr Speaker—43

NOES—Messrs Beatty Black Butler Callan, Collum, Cronin, Cullen, Gerdes, Gibbons, Gillis, Hayes Hopkins, Irwin Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Lightner Macauley, Maher, McManus, Mendenhall, Mott, Nelson, Odom, Otis, Polsley, Pugh Stuckenbruck, Telfer, Webber, Wheelan, and Wilson—34.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 14 refused passage by the following vote:

AYES—Messrs Baxter Beatty, Black, Butler, Callan, Collum, Cronin Cullen Gerdes, Gibbons Gillis Hayes, Hopkins Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard Kehoe, Lightner, Macauley, Maher, McManus, Mendenhall, Mott Nelson, Odom Otis O'Neill, Polsley, Pugh, Stuckenbruck, Telfer, Webber, Wheelan Whitney, and Wilson—37

NOES—Messrs. Barndollar, Beardslee, Beban, Bohnett Cattell, Coghlan, Cogswell, Collier, Costar, Dean, Feeley, Flavelle, Fleisher, Flint, Greer, Griffiths, Hammon

Hanlon, Hans, Hawk, Hewitt, Hinkle Holmquist, Johnson of San Diego, Leeds, McClellan Melrose, Moore, Perine, Preston, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Transue, Wagner, Wyllie, Young, and Mr. Speaker—41.

RECONSIDERATION.

In compliance with his notice given on a previous day, Mr. Johnson of Sacramento moved that the vote whereby Assembly Bill No. 32 was refused passage be reconsidered.

The roll was called, and the same was refused reconsideration by the following vote:

AYES—Messrs Baxter, Beardslee, Beatty, Black, Callan, Coghlan, Collum, Costar, Cronin, Cullen Drew, Gerdes, Gibbons, Gillis, Hayes, Hopkins, Irwin, Johnson of Sacramento Johnson of Placer, Juilliard, Kehoe, Lightner, Macauley, Maher, McManus, Mendenhall Mott, Nelson, Odom, Otis, O'Neill, Polsley, Pugh, Stuckenbruck, Telfer, Webber, Wheelan, Whitney, and Wilson—39

NOES—Messrs Barndollar, Beban, Bohnett, Butler, Cattell, Cogswell Collier, Dean, Feeley, Flavelle, Fleisher, Flint, Greer, Hammon, Hanlon, Hans, Hawk, Hewitt, Hinkle, Holmquist, Johnson of San Diego, Johnston of Contra Costa, Leeds, Melrose, Moore Perine, Preston, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Transue, Wagner, Wyllie, Young, and Mr Speaker—38.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON REVISION AND REFORM OF LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1909.

MR. SPEAKER: Your Committee on Revision and Reform of Laws, to whom was referred Assembly Bill No 350—An Act to repeal an Act entitled "An Act forfeiting to the State of California all payments for State lands where fraudulent title was sought to be obtained thereto," approved March 20, 1905.

Also: Assembly Bill No. 351—An Act to add a new section to the Political Code of the State of California, to be known as Section 3575, relating to forfeiture of title to lands sold by the State

Also: Assembly Bill No 353—An Act to repeal an Act entitled "An Act to regulate the use of illuminating gas," approved March 20, 1903

Also: Assembly Bill No 354—An Act to add a new section to the Penal Code of the State of California, to be known as six hundred and fifty three *e*, regulating the use of illuminating gas and providing a penalty for the violation thereof.

Also: Assembly Bill No 355—An Act to repeal an Act entitled "An Act to provide for the change of name of school districts, and the manner of making such change," approved March 16, 1903

Also: Assembly Bill No 356—An Act to add a new section to the Political Code of the State of California, to be known as Section 1575*a*, providing for the change of name of school districts, and the manner of making such change.

Also: Assembly Bill No. 357—An Act to repeal an Act entitled "An Act to provide for the disposal of moneys remaining in the building fund of any school district, after all bonds and indebtedness shall have been paid and liquidated, arising from the construction of school buildings," approved March 14, 1883.

Also: Assembly Bill No 358—An Act to add a new section to the Political Code of the State of California, to be known as Section 1892, providing for moneys remaining in the building fund of any school district, after all bonds and indebtedness shall have been paid and liquidated, arising from the construction of school buildings

Also: Assembly Bill No. 359—An Act to add a new section to the Political Code of the State of California, to be known as Section 4221, relating to the markings of government survey.

Also: Assembly Bill No. 360—An Act to repeal an Act entitled "An Act to further perpetuate the markings of the government survey," approved March 18, 1905

Also: Assembly Bill No 519—An Act to repeal an Act entitled "An Act to prevent hunting and shooting on private inclosed grounds, and the destruction of growing timber on private grounds in certain counties in this State," approved March 8, 1872

Also: Assembly Bill No 661—An Act to amend Section 717 of the Civil Code of the State of California, relating to the time that agricultural lands may be leased for agricultural or horticultural purposes.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that they do pass as amended.

RECH, Chairman.

The above reported bills ordered on file for second reading.

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1909.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bill has been correctly enrolled: Assembly Bill No. 63—An Act to add a new section to the Penal Code to be known as section three hundred and thirty-seven *a* thereof and relating to gambling by pool selling, bookmaking, bets and wagers, and providing the punishment for the violation thereof—and was presented to the Governor, February 10th, at eleven o'clock and thirty minutes A. M

YOUNG, Chairman.

RESOLUTIONS.

The following resolutions were offered:

By Committee on Rules and Regulations:

WHEREAS, On the 1st day of February, 1909, the Committee on Universities visited the State University at Berkeley; therefore, be it

Resolved, That the following named are entitled to the sums set opposite their names: Messrs. Schmitt, $11.04; Bohnett, $11.04; Young, $11.04; Otis, $11.04; Hanlon, $11.04; Hans, $11.04; Wilson $11.04

That the Controller be, and he is hereby directed to draw his warrant for said sum of $77.28, in favor of M. L. Schmitt, chairman of said committee, and the Treasurer is directed to pay the same and said Schmitt is directed to pay the members of the said committee the amounts due each.

Mr. Johnston of Contra Costa, moved the adoption of the resolution.

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

AYES—Messrs. Baxter, Beardslee, Beatty, Black, Butler, Callan, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Hammon, Hans, Hawk, Hayes, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnston of Contra Costa, Juilliard, Leeds, Macauley, Maher, McManus, Melrose, Moore, Nelson, Odom, O'Neill, Perine, Preston, Pugh, Rutherford, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wilson, Wyllie, and Mr. Speaker—55.

NOES—None.

By Mr. Leeds:

Resolved, That the Controller be, and he is hereby, authorized to draw his warrant on the contingent fund of the Assembly, and the State Treasurer is hereby authorized to pay the same, for the sum of four hundred and nine and ten hundredths ($409.10) dollars in favor of J. F. Stafford, Sergeant-at-Arms of the Assembly, same being for the payment of the following bills attached:

Scott, Lyman & Stack	$131 85
Wasserman, Gattman & Co.	22 80
Whisky Hill Water Co.	45 00
William Carragher	32 00
F. R. Pulford	54 45
Mrs C. Mackall	16 00
John Brenner Co.	12 50
W. P. Fuller Co.	3 50
W. F. Purnell	91 00
	$409 10

Resolution read, and referred to Committee on Contingent Expenses and Accounts.

By Mr. Hans:

Resolved, That a standing committee be appointed, to be known as the Alameda County Delegation, to whom may be referred matters of interest in particular to Alameda County, but not to the exclusion of the jurisdiction of other committees.

Resolution read, and referred to Committee on Rules and Regulations, with instructions to report the same back on the next legislative day.

SPECIAL ORDERS RESET.

On motion of Mr. Greer, the time for moving to reconsider the vote on Assembly Bill No. 229 was continued until the next legislative day.

On motion of Mr. Preston, the time for moving to reconsider the vote on Committee Substitute for Assembly Bill No. 233 was continued until the next legislative day.

SENATE BILL CONSIDERED.

On motion of Mr. Transue, Senate Bill No. 18 was taken up for the purpose of amendment.

Senate Bill No. 18—An Act to define and regulate the business of banking.

Mr. Transue moved that a select committee of one be appointed to amend Senate Bill No. 18, as follows:

On page 4, Section 10, line 8, of the engrossed bill, insert after the period, the following: "If a bank be organized without capital stock, no person shall be eligible as a director thereof unless he is both a member and a depositor of such bank."

Also: On page 8, Section 19, line 9, of the engrossed bill, strike out, after the word "dollars" the period, and insert the following: 'or if organized without a capital stock, a reserve fund of more than one million dollars"

Also: On page 18, Section 60, line 2, of the engrossed bill, insert after the word "dollars" the following: "or, if organized without capital stock, a reserve fund of at least one million dollars."

Also: On page 18, Section 60, line 3, of the engrossed bill, insert after the word "dollars" the following: "or said sum of one million dollars."

Also: On page 36, Section 127, line 7, of the engrossed bill, strike out after the word "cash" the period, and insert the following: 'or, if organized without capital stock, that it has accumulated the requisite surplus or reserve fund"

Also: On page 36 Section 127, line 11, of the engrossed bill, strike out after the word "cash' the period, and insert the following: "or the requisite reserve or surplus fund has been accumulated."

Also: On page 36, Section 127, line 15, of the engrossed bill, insert after the word "cash" the following: "or that the requisite surplus or reserve fund has been accumulated or paid in in cash"

Motion carried.

The Speaker appointed Mr. Transue as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 18, with instructions, do now report that the instructions of the Assembly have been carried out.

TRANSUE, Select Committee.

Report of select committee, and amendments, adopted.

Bill ordered to reprint, with rush order, and on file for passage.

SPECIAL ORDER SET.

On motion of Mr. Transue, the consideration of Senate Bill No. 18 was made a special order for Friday, February 12, 1909, at ten o'clock A. M.

WITHDRAWAL OF BILLS.

Mr. Rech asked for and was granted unanimous consent to withdraw Assembly Bills Nos. 369, 370, 517, and 520.

Bills withdrawn and ordered stricken from the file.

RE-REFERENCE OF BILLS.

On motion of Mr. Beardslee, Assembly Bill No. 276—An Act to provide for the construction of a new laundry building at the Stockton State Hospital, and the purchase of such machinery and equipments as is

necessary for the operation of the same and for the expense incurred in the removal of machinery from the old building to the new, and to make appropriations therefor, was referred to Committee on Ways and Means.

INTRODUCTION OF BILLS.

The following bills were introduced, and referred as indicated:

By Mr. Transue: Assembly Bill No. 1160—An Act authorizing the State Surveyor General to furnish his office and vault therein, and making an appropriation therefor.

Bill read first time, and referred to Committee on Ways and Means.

By Johnson of Sacramento: Assembly Bill No. 1161—An Act to pay the claim of Herman Steinman against the State of California.

Bill read first time, and referred to Committee on Claims.

Also: Assembly Bill No. 1162—An Act making an appropriation to complete the westerly section of the Mono Lake Basin state highway, in Mono County.

Bill read first time, and referred to Committee on Ways and Means.

By Mr McClellan: Assembly Bill No. 1163—An Act fixing a bounty on coyote scalps.

Bill read first time, and referred to Committee on Fish and Game.

By Mr Maher: Assembly Bill No. 1164—An Act to amend an Act approved March 6, 1889, entitled "An Act to provide for laying out, opening, widening, extending, straightening, or closing up in whole or in part of any street, square, lane, alley, court, or place within the bounds of such city, and to condemn and acquire any and all land and property necessary or convenient for that purpose."

Bill read first time, and referred to Committee on Municipal Corporations.

By Mr. Dean: Assembly Bill No. 1165—An Act to amend Section 626 of the Penal Code of the State of California, relating to the protection and preservation of game.

Bill read first time, and referred to Committee on Fish and Game.

By Mr. Stanton: Assembly Bill No. 1166—An Act to regulate contracts on behalf of the State in relation to the erection, construction, alteration, repair or improvement of any State structure, building, road, or other State improvement of any kind and to repeal an Act entitled "An Act to regulate contracts on behalf of the State in relation to erections and buildings," approved March 28, 1906.

Bill read first time, and referred to Committee on Commissions and Public Expenditures.

By Mr. Flavelle: Assembly Bill No. 1167—An Act to amend Sections 2, 3, and 4 of an Act entitled "An Act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness, and the distribution of their property," approved February 10, 1903, and relating to the dissolution of irrigation districts and the ascertainment and discharge of their indebtedness.

Bill read first time, and referred to Committee on Irrigation.

By Mr. Johnston: Assembly Concurrent Resolution No. 11—Approving the charter of the city of Richmond, State of California, voted for and ratified by the qualified voters of said city at a special municipal election held therein for that purpose on the 9th day of February, 1909.

Assembly concurrent resolution read first time, and referred to Committee on Municipal Corporations.

By Mr. Leeds: Assembly Concurrent Resolution No. 12—Relative to certain amendments to the charter of the city of Los Angeles.

Assembly concurrent resolution read first time, and referred to Committee on Municipal Corporations.

ADJOURNMENT.

At four o'clock and forty-five minutes P. M., on motion of Mr. Transue, the Assembly was declared adjourned until ten o'clock A. M. of Thursday, February 11, 1909.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL.,
Thursday, February 11, 1909.

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. P. A. Stanton, Speaker of the Assembly, in the chair.

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

Messrs Barndollar, Baxter, Beardslee, Bohnett, Callan, Cattell, Cogswell, Collier, Collum, Costar, Cronin, Dean, Drew, Flavelle, Fleisher, Flint, Gibbons, Gillis, Griffiths, Hammon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento Johnson of Placer, Johnston of Contra Costa, Kehoe, Leghmer, Macauley, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, Perine, Polsley, Preston, Pugh Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—58.

Quorum present.

LEAVES OF ABSENCE.

On motion, leave of absence for the day was granted to Messrs. Wyatt and Odom.

PRAYER.

Prayer was offered by the Chaplain, Rev. Seren N. Marsh.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Cattell, its further reading was dispensed with.

PETITION.

The following petition was presented:

By Mr. Cogswell:

Petition in favor of the passage of Sunday rest law.
Signed: J. E. McCOMAS (and others).

COMMUNICATION.

The following communication was filed:

By Mr. Speaker:

WASHINGTON, D. C., February 10, 1909.

HON. P A STANTON, *Speaker of the Assembly, Sacramento, Cal.*

Accept my heartiest thanks and congratulations for the great service you have

rendered on behalf of the people of the United States. I thank the people of California and their representatives in the Legislature.

THEODORE ROOSEVELT.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 11, 1909.

MR. SPEAKER: Your Committee on Judiciary, to whom was re-referred Assembly Bill No. 273—An Act to amend Section 692 of the Code of Civil Procedure, relating to the notice of sale of property on execution—have had the same under consideration, and respectfully report the same back, without recommendation

Also: Report back with a committee substitute Assembly Bill No. 648—An Act establishing a legal rate of interest; prohibiting the taking of greater interest and providing that persons paying greater interest may recover same within one year; providing when district attorney may recover excess; declaring contracts for greater sums void; compelling offenders to answer bills of discovery; exonerating from further penalty after discovery and return of excess, exempting parties filing bill in chancery after discovery from depositing the principal sum or interest; providing how months and days are to be considered in casting interest, and providing that interest shall be calculated by the year when no time for that purpose is stated.

And: Assembly Bill No 649—An Act to prevent usury—and recommend the passage of the substitute for both bills, herewith reported, and recommend that it do pass.

Also: Assembly Bill No 961—An Act to amend Section 8 of an Act entitled "An Act to provide for the organization and government of drainage districts for the drainage of agricultural lands other than swamp and overflowed lands, and to provide for the acquisition or construction thereby of works for the drainage of the lands embraced within such district," approved March 20, 1903—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

JOHNSON OF SACRAMENTO, Chairman.

INTRODUCTION OF BILL.

The following bill was introduced:

By Committee on Judiciary: Committee Substitute for Assembly Bills Nos. 648 and 649—An Act to amend section one thousand nine hundred and eighteen of the Civil Code, relating to a maximum rate of interest and providing for forfeitures for violations thereof.

Bill read first time, and ordered on file for second reading, without reference.

WITHDRAWAL OF BILLS.

Mr. Mott asked for and was granted unanimous consent to withdraw Assembly Bills Nos. 648 and 649.

Bills withdrawn, and ordered stricken from the file.

ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 11, 1909.

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No 842—An Act to amend section ten of an Act entitled "An Act to create and administer a public school teachers' annuity and retirement fund in the several counties, and cities and counties in the State," approved March 26, 1895, and amended March 29, 1897, and amended March 23, 1901, and amended March 20, 1903.

Also: Assembly Bill No. 956—An Act to amend Section 650 of the Civil Code of the State of California, relating to the powers of boards of trustees of colleges and seminaries of learning

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

SACKETT, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 11, 1909.

MR SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No 766—An Act to establish the Northern California Polytechnic School in the county of Shasta, and making an appropriation therefor.

Also: Assembly Bill No. 783—An Act to appropriate $3,000.00 for the purchase of

additional furniture and equipment for the use of the State Normal School at Los Angeles and to make necessary repairs and improvements in the buildings of said normal school

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass, and be referred to Committee on Ways and Means

SACKETT, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1909

MR SPEAKER: Your Commiteee on Education, to whom was referred Assembly Bill No. 253—An Act for the relief of aged teachers—have had the same under consideration, and respectfully report the same back, without recommendation.

SACKETT, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 11, 1909.

MR SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 735—An Act to amend Section 1576a of the Political Code of the State of California, relating to clerks of school districts.

Also: Assembly Bill No 938—An Act to amend Section 1563 of the Political Code of the State of California, relating to teachers' salaries during attendance at institutes.

Also: Senate Bill No. 160—An Act to establish a bird and arbor day.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended.

SACKETT, Chairman.

ON LABOR AND CAPITAL.

ASSEMBLY CHAMBER, SACRAMENTO, February 11, 1909.

MR. SPEAKER: Your Committee on Labor and Capital, to whom was referred Assembly Bill No 639—An Act governing and regulating plumbing, providing a State plumbing board, local boards of examiners and a State inspector of plumbing, and defining their duties, and providing for the licensing of plumbers—have had the same under consideration, and respectfully report the same back with seven amendments, and recommend that it do pass as amended.

NELSON, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1909.

MR. SPEAKER: Your Committee on Labor and Capital, to whom was referred Assembly Bill No 190—An Act to provide compensation for injuries to employees—have had the same under consideration, and respectfully report the same back, and recommend that it be referred to the Committee on Judiciary.

NELSON, Chairman.

ON IRRIGATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 11, 1909.

MR. SPEAKER: Your Committee on Irrigation, to whom was referred Senate Bill No 248—An Act to amend an Act entitled "An Act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness, and the distribution of their property," approved February 10, 1903, by adding thereto a new section to be numbered 10½—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WAGNER, Chairman.

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, February 11, 1909.

MR SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 848—An Act to provide for the gathering, compiling, printing and distribution of statistics and information regarding the Japanese of the State, and making an appropriation therefor

Also: Senate Bill No 258—An Act appropriating money to pay the claim of J. B. Curtin against the State of California.

Also: Senate Bill No. 263—An Act appropriating money to pay the claim of E. F. Treadwell against the State of California.

Also: Senate Bill No. 288—An Act appropriating money to pay the claim of M. L Ward against the State of California.

Also: Senate Bill No. 289—An Act appropriating money to pay the claim of H S. G. McCartney against the State of California.

Also: Senate Bill No 361—An Act making an appropriation to pay the claim of F. W Leavitt against the State of California.

Also: Senate Bill No 25—An Act repealing an Act approved March 11, 1907, and entitled "An Act to increase the fixed annual appropriation for the Veterans' Home of California, located at Yountville, Napa County, State of California, from sixty-five thousand dollars per annum to seventy-five thousand dollars per annum for the fifty-ninth fiscal year and for each and every year thereafter, and to that end to amend Section 1 of an Act approved March 20, 1905, entitled 'An Act to amend Section 1 of an Act

entitled 'An Act to amend Section 1 of an Act approved March 20, 1899, entitled 'An Act to amend an Act entitled 'An Act to amend an Act approved February 28, 1887, entitled 'An Act to amend an Act to appropriate money for the support of aged persons in indigent circumstances residing in the home of the Veterans' Home Association, approved March 7, 1883, providing for an increase in the annual appropriation thereof and changing the time for the payment thereof,' approved March 25, 1893, reducing the amount to such appropriation per capita, approved March 12, 1901, by providing for a fixed annual appropriation for sixty-five thousand dollars in the place and stead of seventy five dollars per annum for each and every aged and indigent United States ex-soldier, sailor or marine admitted to or residing at said home'"

Also: Assembly Bill No. 173—An Act authorizing the State Veterinarian to employ during the balance of the sixtieth and throughout the sixty-first and sixty-second fiscal years such inspectors as he may deem necessary to inspect and supervise the dipping of sheep infected with the disease known as scabies, providing for the compensation and expenses of said inspectors, and making an appropriation therefor

Also: Assembly Bill No 419—An Act making an appropriation of one thousand dollars ($1,000 00) to pay the claim of Edward W. Lehner against the State of California.

Also: Assembly Bill No. 69—An Act to make an appropriation for the location, survey and construction of a state highway from Emigrant Gap, Placer County, in an easterly direction through what is known as Truckee Pass, to the west end of Donner Lake, in Nevada County.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

BEARDSLEE, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 11, 1909.

MR. SPEAKER: Your committee on Ways and Means, to whom was referred Assembly Bill No 391—An Act making an appropriation to pay the deficiency in the appropriation for the support of the Veterans' Home of California for the fifty-ninth and sixtieth fiscal years.

Also: Assembly Bill No 392—An Act making an appropriation to pay the deficiency in the appropriation for contingent and traveling expenses of the State Veterinarian and Assistant for the fifty-ninth fiscal year

Also: Assembly Bill No 393—An Act making an appropriation to pay the deficiency in the appropriation for aid to the State Agricultural Society for the fifty-ninth fiscal year.

Also: Assembly Bill No 394—An Act making an appropriation to pay the deficiency in the appropriation for contingent and traveling expenses of the Department of Engineering for the fifty ninth and sixtieth fiscal years

Also: Assembly Bill No 395 An Act making an appropriation to pay the expenses of certain district attorneys in foreclosing delinquent school land purchases

Also: Assembly Bill No 396 - An Act making an appropriation to pay the deficiency in the appropriation made by Chapter 8, Statutes of 1905, relative to payment of rental, cost of moving, and other necessary expenses incurred by different state officials

Also: Assembly Bill No 397—An Act making an appropriation to pay the deficiency in the appropriation made by Chapter 212, Statutes 1905, relative to improvements at the State Printing Office

Also: Assembly Bill No 398 - An Act making an appropriation to pay the deficiency in the appropriation for support and expenses of the State Board of Horticulture for the fifty-ninth fiscal year.

Also: Assembly Bill No 399—An Act making an appropriation to pay the deficiency in the appropriation for transportation of prisoners and insane and delinquent and feeble-minded children for the fifty-ninth and sixtieth fiscal years.

Also: Assembly Bill No 400—An Act making an appropriation to pay the deficiency in the appropriation for arresting criminals without the State for the fifty-eighth, fifty-ninth, and sixtieth fiscal years

Also: Assembly Bill No. 401—An Act making an appropriation to pay the deficiency in the appropriation for support of the Preston School of Industry for the sixtieth fiscal year.

Also: Assembly Bill No 402—An Act making an appropriation to pay the deficiency in the appropriation for salaries of officers and employees of the Preston School of Industry for the sixtieth fiscal year

Also: Assembly Bill No 403—An act making an appropriation to pay the claim of J. E Clause against the State of California

Also: Assembly Bill No 404—An Act making an appropriation to pay the claim of the Southern Construction Company against the State of California.

Also: Assembly Bill No. 718—An Act to amend section 784 of the Political Code.

Have had the same under consideration, and respectfully report the same back and recommend that they be withdrawn, being identical with Senate Bills Nos 310, 311, 312, 313, 309. 308, 307, 306, 305, 304, 302, 301, 300, and 583, respectively

BEARDSLEE, Chairman

Also:

ASSEMBLY CHAMBER SACRAMENTO, February 11, 1909.

MR SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Concurrent Resolution No 5—Appointing a committee to represent the State at the Alaska-Yukon-Pacific Exposition at Seattle, Wash.

Also: Assembly Bill No 699—An Act to amend Section 384 of an Act entitled "An Act to establish a Political Code" approved March 12 1872, and to add a new section thereto, to be numbered 387, relating to the powers of the Governor, his salary, and the salaries of certain appointees.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

BEARDSLEE, Chairman.

WITHDRAWAL OF BILLS.

Mr. Beardslee asked for and was granted unanimous consent to withdraw Assembly Bills Nos. 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, and 718, they being identical with Senate Bills Nos. 310, 311, 312, 313, 309, 308, 307, 306, 305, 304, 303, 302, 301, 300, and 583, respectively.

Assembly bills withdrawn, and ordered stricken from the file.

CONCURRENT RESOLUTION CONSIDERED.

By unanimous consent Assembly Concurrent Resolution No. 5 was taken up for consideration.

The following amendment was submitted by the committee:

Amend by striking out of line 11, of printed resolution, the word "five", and insert in lieu thereof the word "seven".

The question being on the adoption of the Assembly concurrent resolution as amended.

The roll was called, and Assembly Concurrent Resolution No. 5, as amended, adopted by the following vote:

AYES—Messrs Barndollar, Beardslee, Beatty, Beban, Black, Butler, Callan, Cattell, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Griffiths, Hammon, Hanlon, Hans, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Lightner, Macauley, McClellan, McManus, Melrose, Moore, Mott, Nelson, Otis, O'Neill, Perine, Preston, Pulcifer, Sackett, Schmitt, Silver, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie and Mr Speaker—57

NOES—Messrs Bohnett, Gillis, Irwin, Juilliard, Kehoe, Mendenhall, Polsley, Stuckenbruck, Telfer, and Young—10.

ASSEMBLY CONCURRENT RESOLUTION No 5.

WHEREAS, The Alaska-Yukon-Pacific Exposition is intended to commemorate an event of great importance in the history of the United States and more particularly of the entire Pacific coast, and

WHEREAS, It is fit and proper that the State of California shall be officially represented in the exercises incidental to the formal opening of such exposition in the city of Seattle, Washington, June 1 1909, therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring, That, as part of such celebration, the Lieutenant Governor shall appoint seven members of the Senate, and the Speaker of the Assembly shall name a like number of members of the Assembly, who, with the Governor, Lieutenant-Governor, the President pro tem. of the Senate, and the Speaker and the Speaker pro tem of the Assembly, shall represent the State of California at the time and place and the occasion mentioned

Resolved, That, for the purposes aforesaid the sum of five thousand dollars, or as much thereof as may be necessary, is hereby appropriated, one half from the contingent fund of the Senate, and one half from the contingent fund of the Assembly, the same to be expended under the supervision and direction of the select committee authorized, and in the manner herein set forth

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON FISH AND GAME

ASSEMBLY CHAMBER, SACRAMENTO, February 11, 1909.

MR SPEAKER: Your Committee on Fish and Game, to whom was referred Assembly Bill No 590 An Act to provide for the establishment and maintenance of a fish hatchery at or near Lemon Cove in Tulare County, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass and be re-referred to the Committee on Ways and Means.

COSTAR, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1909.

MR SPEAKER: Your Committee on Fish and Game, to whom was referred Assembly Bill No 1047—An Act to add a new section to the Penal Code, to be numbered section six hundred and twenty-eight e, to prevent the catching of surf fish, yellow fin or spot-fin croaker, and providing penalties therefor

Also: Assembly Bill No 1051—An Act to amend Section 642 of the Political Code of the State of California, relating to the Fish Commissioners and their assistants, and prescribing their power and duties.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

COSTAR, Chairman.

ON SWAMP AND OVERFLOWED LANDS AND LEVEES AND RIVER IMPROVEMENTS AND DRAINAGE.

ASSEMBLY CHAMBER, SACRAMENTO, February 11, 1909.

MR SPEAKER: Your Committee on Swamp and Overflowed Lands and Levees and River Improvements and Drainage, to whom was referred Assembly Bill No 5—An Act to repeal an Act entitled "An Act to create a drainage district to be called Sacramento Drainage District, to promote drainage therein; to provide for the election and appointment of officers of said drainage district; defining the powers, duties and compensations of such officers and providing for the creation, division and management of reclamation, swamp land, levee, drainage and protection districts within said Sacramento drainage district, and providing for levying and collecting assessments upon the lands within said drainage district," approved March 20, 1905—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 919—An Act to create a reclamation district to be called American River Reclamation District No. 1, and providing for the control and management thereof—have had the same under consideration, and respectfully report the same back with one amendment, and recommend that it do pass as amended

HEWITT, Chairman.

ON AGRICULTURE.

ASSEMBLY CHAMBER, SACRAMENTO, February 11, 1909.

MR SPEAKER: Your Committee on Agriculture, to whom was referred Assembly Bill No 746—An Act to provide for the purchase of farm machinery, tools, wagons, and harness for the University Farm and Agricultural School at Davis, and appropriating money therefor

Also: Assembly Bill No. 747—An Act to provide for the construction of buildings and structures, and repairs to the same, on the University Farm at Davis, and appropriating money therefor.

Also: Assembly Bill No. 778—An Act to provide for the purchase of live stock for and for the use of the University Farm and Agricultural School at Davis, and appropriating money therefor.

Also: Assembly Bill No. 779—An Act to provide for the purchase of supplies, apparatus, equipment and furnishings of buildings, class rooms and laboratories on the University Farm at Davis, and appropriating money therefor.

Also: Assembly Bill No. 780—An Act to provide for the extension of the lighting, power, water and sewer systems of the University Farm and Agricultural School at Davis, and appropriating money therefor.

Also: Assembly Bill No 807—An Act to amend section one, section three, section eight, section nine and section ten of an Act entitled "An Act to promote the agricultural interests of the State of California by providing county inspectors of apiaries and defining their duties, and providing for their compensation, and repealing the Act entitled 'An Act to authorize a board of supervisors of the several counties of the State to appoint inspectors of apiaries and provide for their compensation, and define their duties and for the further protection of bee culture, approved March 13, 1883,'" said first named Act having been approved February 20 1901, and adding to said Act seven new sections to be numbered and designated as sections twelve, thirteen, fourteen, fifteen, sixteen, seventeen, and eighteen.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass, and that Assembly Bills Nos. 746, 747, 778, 779, and 780 be referred to Committee on Ways and Means

COGSWELL, Chairman.

ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 11, 1909.

MR SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Concurrent Resolution No 9—Approving the charter of the city of Palo Alto, State of California, and the additional proposition submitted therewith, voted for and ratified by the qualified voters of said town of Palo Alto at a special municipal election held therein for that purpose on the 21st day of January, 1909.

Also: Assembly Concurrent Resolution No 10—Approving the charter of the town of Berkeley, State of California, and the alternative proposition submitted therewith,

voted for and ratified by the qualified voters of said town at a special municipal election held therein for that purpose on the 30th day of January, 1909.

Have had the same under consideration, and respectfully report the same back, and recommend that they be adopted.

FEELEY, Chairman.

The above reported bills, with the exception of Assembly Bill No. 848, and those withdrawn, ordered on file for second reading.

Assembly Bills Nos 766, 783, 746, 747, 778, 779, 780, and 807, referred to Committee on Ways and Means.

Assembly Bills Nos. 190 and 590 referred to Committee on Judiciary.

Assembly Concurrent Resolutions Nos. 9 and 10 ordered on file for passage.

ON RULES AND REGULATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 11, 1909.

MR. SPEAKER: Your Committee on Rules and Regulations, to whom was referred resolutions by Messrs. McManus, Flavelle, and Pugh, have had the same under consideration, and recommend the following, as committee substitutes, and that they be adopted.

JOHNSTON, Chairman.

COMMITTEE SUBSTITUTE.

WHEREAS, There are numerous bills before the Committee on Commerce and Navigation calling for the expenditure of large sums of money; and

WHEREAS, In order to properly judge of the value of said bills it will be necessary for the members of said committee to visit the various harbors of San Francisco and San Diego; therefore, be it

Resolved, That leave of absence is hereby granted to Messrs. McManus, Johnson of San Diego, Leeds, Kehoe, Feeley, Otis, Flint, O'Neill, and Black, on the 12th 13th, 14th, 15th and 16th days of February, 1909, for the purpose of visiting the said harbors, and that they be allowed six cents per mile mileage, in both directions, for expenses.

Mr. Johnston of Contra Costa moved the adoption of the resolution.. The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Barndollar, Beardslee, Bohnett, Callan, Cattell, Cogswell, Collier, Collum, Costar, Cronin, Dean, Feeley, Flavelle, Fleisher, Flint, Gerdes Gibbons, Griffiths, Hammon, Hanlon, Hawk, Hayes, Hinkle, Holmquist, Hopkins, Irwin, Johnston of Contra Costa, Leeds, Lightner, Macauley, McClellan, McManus, Melrose, Moore, Mott, Nelson, Otis, O'Neill, Perine, Preston, Pugh, Rutherford, Schmitt, Silver, Telfer, Transue, and Webber—47

NOES—Messrs Drew, Johnson of Sacramento, Kehoe, Mendenhall, Polsley, Pulcifer, Sackett, Stuckenbruck, Wagner, Whitney, and Wyllie—11.

COMMITTEE SUBSTITUTE.

WHEREAS, There are numerous bills before the Committee on State Hospitals and Asylums calling for the expenditure of large sums of money; and

WHEREAS, In order to properly judge of the value of said bills it will be necessary for the members of said committee to visit the various State hospitals and asylums; therefore, be it

Resolved, That leave of absence is hereby granted to Messrs Flavelle, Beban, Beardslee, Cullen, Cattell, Hayes, Griffiths, Schmitt, Collum, Juilliard, and Webber on the 13th, 14th, 15th, and 16th days of February, 1909, for the purpose of visiting State hospitals at Napa and Mendocino, and that they be allowed six cents per mile mileage, in both directions, for expenses.

Mr. Johnston of Contra Costa moved the adoption of the resolution. The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Beban, Bohnett, Butler Callan, Cattell, Cogswell, Collier, Collum, Costar, Cutler, Dean, Drew, Feeley Flavelle Fleisher Flint, Gerdes, Gibbons, Griffiths, Hammon Hanlon, Hayes, Hewitt Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, O'Neill Perine, Preston, Pugh, Pulcifer, Rutherford, Schmitt, Silver, Telfer, Transue, Wagner, Wheelan, Whitney, Wyllie, and Mr Speaker—58

NOES—Messrs. Gillis, Kehoe, Polsley, Sackett, and Stuckenbruck—5.

COMMITTEE SUBSTITUTE.

WHEREAS, There are numerous bills before the Committee on Public Buildings and Grounds calling for the expenditure of large sums of money; and

WHEREAS, In order to properly judge of the value of said bills it will be necessary for the members of said committee to visit the various State institutions; therefore, be it

Resolved That leave of absence is hereby granted to Messrs Pugh, Barndollar, Cohglan, Fleisher, Hinkle, Macauley, Nelson, Telfer, Costar, Baxter, and Gibbons on the 12th, 13th, 14th, 15th and 16th days of February, 1909, for the purpose of visiting the State institutions at San Diego and Los Angeles, and that they be allowed six cents per mile mileage, in both directions, for expenses.

Mr. Johnston of Contra Costa moved the adoption of the resolution.

The roll was called, and the re-olution adopted by the following vote:

AYES—Messrs Barndollar Beardslee, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Collum, Costar Cronin, Cullen Dean, Drew Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Griffiths, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnston of Contra Costa, Lightner, Macauley, McClellan, McManus Melrose, Moore, Mott, Nelson, Otis, O'Neill, Perine, Preston, Pugh, Rutherford, Schmitt Silver, Telfer, Transue, Wheelan, and Mr Speaker—53.

NOES—Messrs Johnson of Sacramento, Juilliard, Kehoe, Mendenhall, Polsley, Sackett, Stuckenbruck, Wagner, Whitney, and Wyllie—10.

CASE OF URGENCY.

The following resolution was offered:

By Mr. Transue:

Resolved, That Assembly Bill No 848 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is orderd that said bill be read the second and third times, and placed upon its passage.

Mr. Transue moved the adoption of the resolution.

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

AYES—Messrs Barndollar, Beardslee, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Collum, Costar, Cronin Cullen Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes Gibbons, Gills, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes Hewitt, Holmquist, Hopkins Irwin, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Kehoe Leeds, Lightner, Macauley, McManus, Melrose, Moore, Mott, Nelson, Otis, O'Neill, Perine, Pugh Pulcifer, Rutherford, Sackett, Silver, Telfer, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr Speaker—62

NOES—Messrs Black, Johnson of Placer, Juilliard, Maher, Mendenhall, Polsley, Preston, Stuckenbruck, and Wheelan—9.

Assembly Bill No. 848—An Act to provide for the gathering, compiling, printing and distribution of statistics and information regarding the Japanese of the State, and making an appropriation therefor.

Mr. Beardslee moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Assembly Bill No. 848 considered.

Mr. Beardslee moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 11, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No 848, and do now report the same back, and recommend that it do pass

STANTON, Chairman.

Bill read second time, considered engrossed, and ordered on file for third reading

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 848 passed by the following vote:

AYES—Messrs Barndollar, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Kehoe, Leeds, Lightner, Macauley, McClellan, McManus, Melrose, Moore Mott, Nelson, Otis, O'Neill, Perine, Preston, Pugh, Pulcifer, Rutherford, Sackett, Silver, Telfer, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr Speaker—65

NOES—Messrs. Johnson of Placer, Juilliard, Mendenhall, Polsley, Stuckenbruck, and Wheelan—6.

Title read and approved

Bill ordered transmitted to the Senate.

SPECIAL ORDERS.

The hour of eleven o'clock A. M. having arrived, the special orders heretofore set for this hour were taken up for consideration.

Assembly Constitutional Amendment No. 2—Amending Article XX of the Constitution by adding a new section thereto, to be known as Section 21, relating to a day of rest.

SPECIAL ORDER RESET.

On motion of Mr. Johnson of Sacramento the consideration of Assembly Constitutional Amendment No 2 was made a special order for Thursday, February 18, 1909, at eleven o'clock A. M.

Assembly Constitutional Amendment No. 14—Proposed amendment to Article I of the Constitution, relating to the right of the people to fish.

The question being upon the adoption of the constitutional amendment.

The roll was called, and Assembly Constitutional Amendment No. 14 adopted by the following vote:

AYES—Messrs Barndollar, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Dean, Feeley, Flavelle, Flint, Gerdes, Gibbons, Greer, Griffiths, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Kehoe, Leeds, Lightner, Macauley, Maher, McManus, Melrose, Mendenhall Moore, Mott, Nelson Otis, O'Neill Perine, Polsley, Preston, Pugh, Pulcifer, Rutherford, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Wyllie, and Mr. Speaker - 63

NOES—Messrs Fleisher, Gillis, Juilliard, Sackett, Wheelan, and Young—6.

Assembly constitutional amendment ordered transmitted to the Senate.

RECONSIDERATION.

In compliance with his notice given on a previous day, Mr. Greer moved that the vote whereby Assembly Bill No. 229 was refused passage be reconsidered.

The roll was called, and the same was reconsidered by the following vote:

AYES—Messrs. Baxter, Beardslee, Beban, Butler, Callan, Cattell, Coghlan, Collum, Cronin, Cullen, Dean, Flavelle, Gerdes, Gibbons, Gillis, Greer, Hawk, Hayes, Hewitt, Hopkins Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Lightner, Maher, McManus Mendenhall, Moore, Nelson, Otis, O'Neill, Polsley, Preston, Pugh, Pulcifer, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Wagner, Webber, Wheelan, Whitney, Wilson, and Wyllie—49.

NOES—Messrs. Barndollar, Beatty, Cogswell, Collier, Drew, Fleisher, Flint, Griffiths, Hammon, Hanlon, Hinkle, Holmquist, Leeds, Macauley, Mott, Perine, Transue, Young, and Mr Speaker—19.

RECESS.

At twelve o'clock and thirty minutes P. M., the Assembly was declared at recess until two o'clock P. M. of this day.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.

Speaker Stanton in the chair.

SPECIAL ORDERS—(CONTINUED).

Assembly Bill No. 229—An Act to amend Section 637*a* of the Penal Code of the State of California, relating to the protection and preservation of birds.

The question being on the passage of the bill.

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Greer moved a call of the House.

Motion carried.

Time, two o'clock and twenty minutes P. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll.

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

Messrs Barndollar, Baxter, Beardslee, Beatty, Black, Butler, Cattell, Cogswell, Collier, Cronin, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gibbons, Gillis, Greer, Griffiths, Hammon, Hans, Hayes, Hewitt, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, O'Neill, Perine, Polsley, Preston, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr Speaker—65

The Chief Clerk announced the absentees.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them before the bar of the House.

Messrs. Hanlon, Hawk, and Coghlan were brought before the bar of the House, and on motion excused.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At two o'clock and thirty minutes P. M., further proceedings under the call of the House were dispensed with, on motion of Mr. Greer.

The roll of absentees was called, and Assembly Bill No. 229 passed by the following vote:

AYES—Messrs Baxter, Beardslee, Beatty, Black, Butler, Callan, Coghlan, Cronin, Cullen, Dean, Feeley, Gibbons, Gillis, Greer, Hawk, Hewitt, Hopkins, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Lightner, Maher, Mendenhall, Moore, Nelson, O'Neill, Polsley, Preston, Pulcifer, Rutherford, Stuckenbruck, Wagner, Webber, Wheelan, Whitney, Wilson, and Wyllie—41

NOES—Messrs. Barndollar, Cattell, Cogswell, Collier, Drew, Flavelle, Fleisher, Flint, Griffiths, Hammon, Hanlon, Hans, Hayes, Holmquist, Leeds, McClellan, Melrose, Mott, Otis, Perine, Rech, Sackett, Schmitt, Silver, Telfer, Transue, Young, and Mr. Speaker—28

Title read and approved.

Bill ordered transmitted to the Senate.

SENATE BILLS—THIRD READING FILE.

Senate Bill No. 50—An Act to amend section one hundred and three of the Code of Civil Procedure, relating to Justices' Courts and Justices of the Peace.

During the third reading of the bill, Mr. Leeds moved that the Speaker appoint a select committee of one to amend the bill, as follows:

On page 2, Section 1, line 44, of the printed bill, strike out the word "and", where it appears the second time, and insert in lieu thereof the following: "shall receive a salary of three thousand dollars per annum, and every city justice of the peace in any city or town of".

Motion carried.

The Speaker appointed Mr. Leeds as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 50, with instructions, do now report that the instructions of the Assembly have been carried out

LEEDS, Select Committee.

Report of select committee, and amendment, adopted.

Bill ordered to reprint, and on file for passage.

Senate Bill No. 51—An Act to amend Section 6 of an Act entitled "An Act for preventing the manufacture, sale, and transportation of adulterated, mislabeled or misbranded foods and liquors, and regulating the traffic therein providing penalties, establishing a State laboratory for foods, liquors, and drugs, and making an appropriation therefor," approved March 11, 1907.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 51 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Black, Butler, Callan, Cattell, Cogswell, Collier, Costar, Cullen, Dean, Feeley, Flavelle, Fleisher, Flint, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Holmquist, Irwin, Johnson of Sacramento, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Otis, Perine, Preston, Rech, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, and Mr. Speaker—58.

NOES—Mr. Coghlan—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 88—An Act to amend Section 855 of an Act entitled "An Act to provide for the organization, incorporation and government

of municipal corporations," approved March 13, 1883. and relating to compensation of members of the board of trustees and to the officers of municipalities of the sixth class.

During the third reading of the bill, Mr. Preston moved that the Speaker appoint a select committee of one to amend the bill, as follows:

Amend by striking out all that part thereof beginning with the word "having", in line 7, of section 1. of printed bill, and ending with word "board', being the first word of line 10 thereof, the part stricken out reads as follows: "having a population of more than three thousand inhabitants, as established by the last preceding census, or established and determined in such manner as may be directed by said board."

Motion carried.

The Speaker appointed Mr. Preston as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 88, with instructions, do now report that the instructions of the Assembly have been carried out.

PRESTON, Select Committee.

Report of select committee, and amendment, adopted.

Bill ordered to reprint, and on file for passage.

SENATE BILLS—SECOND-READING FILE.

Senate Bill No. 106—An Act making an appropriation for the purchase and installment of improved material and machinery, and improvements for the State Printing Office and Bindery, and specifying the duties of the Superintendent of State Printing, Board of Examiners, State Controller, and State Treasurer in relation thereto.

Mr. Hewitt moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Senate Bill No. 106 considered.

Mr. Hewitt moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 11, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 106, and do now report the same back, and recommend that it do pass.

STANTON, Chairman.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 191—An Act to amend an Act entitled "An Act to provide for the proper sanitary condition of factories and workshops, and

the preservation of the health of the employees," approved February 6, 1889.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 273—An Act to amend Section 39 of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

During second reading of bill, the following amendment was submitted by the committee:

On pages 1 and 2, Section 39, of No. 1, lines 13, 14, and 15, strike out the words "Judgment for money against the district, with the interest thereon, which shall before said time have become final," and insert in lieu thereof the following: "Other contract or obligation of the district which shall have been reduced to judgment."

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No. 193—An Act to amend Section 8 of an Act entitled "An Act defining the duties and liabilities of employment agents, making the violation thereof a misdemeanor, and fixing the penalties thereof," approved February 12, 1903; approved March 18, 1905.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 9—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 625 of said Code of Civil Procedure, relating to verdicts of juries.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 65—An Act to add a new section to the Code of Civil Procedure, to be known as Section 280*c*, relating to the admission to practice, without examination, of persons who shall have satisfactorily completed the three years' law course of the department of law of Leland Stanford Junior University.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 187—An Act to amend Section 3817 of the Political Code of the State of California, relating to redemptions of lands sold the State of California for delinquent taxes.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 94—An Act to amend Section 1576 of the Political Code, relating to the formation of school districts, providing for the addition of territory thereto and the taxation thereof.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 77—An Act to add a new section to the Political Code to be numbered 1840, relating to the levy and collection of special district school funds.

Bill read second time, and ordered on file for third reading.

Senate Bill No 747—An Act to provide for the union of two or more secondary school districts, the filing of a petition with the county superintendent of schools to submit the question of uniting union secondary school districts and calling for an election therefor, and the canvassing of the votes cast at said election.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 309—An Act making an appropriation to pay the

expenses of certain district attorneys in foreclosing delinquent school land purchases.

Mr. Mott moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Senate Bill No. 309 considered.

Mr. Mott moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read

ASSEMBLY CHAMBER, SACRAMENTO, February 11, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No 309, and do now report the same back, and recommend that it do pass.

STANTON, Chairman.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 583—An Act to amend Section 534 of the Political Code.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 130—An Act to amend Section 2979 of the Political Code, relating to the powers and duties of the State Board of Health.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 131—An Act to amend Section 4225 of the Political Code, relating to the appointment, powers, duties and compensation of health officers in counties and unincorporated towns.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 352—An Act to amend Section 4041 of the Political Code, relating to the general permanent powers of boards of supervisors.

During second reading of bill, the following amendments were submitted by Mr. Sackett.

Amend by inserting on line 278, of printed bill, the following:

"To levy a special sanitary tax, not to exceed one-half (½) mill on the one dollar of assessed valuation, on all the property in such counties, outside of any incorporated city or town. Such tax shall be in addition to all taxes otherwise provided for, and the fund so created shall be used to prevent the introduction of dangerous, infectious or communicable diseases and to eradicate them if introduced and for the purpose of general sanitation"

Also: On line 278 amend by changing the figures "36" to "37", and on line 285 change "37" to "38"; on line 292 change "38" to "39"; on line 300 change "39" to "40".

Amendments adopted.

Bill read second time, and ordered to reprint and on file for third reading.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 11, 1909.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Assembly Bill No 56—An Act appropriating one thousand dollars for the purchase of books and periodicals for the Whittier State School.

Assembly Bill No. 249—An Act making an appropriation of five thousand dollars to pay the traveling expenses and salary of a parole officer for the Whittier State School.

YOUNG, Chairman.

The above reported bills ordered on file for third reading.

ON COUNTIES AND COUNTY BOUNDARIES.

ASSEMBLY CHAMBER, SACRAMENTO, February 11, 1909.

MR SPEAKER: Your Committee on Counties and County Boundaries, to whom was referred Assembly Bill No. 979—An Act to definitely establish and permanently locate the boundary line between the county of Lake and the county of Glenn, State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

JOHNSON OF SAN DIEGO, Chairman.

The above reported bill ordered on file for second reading.

ON RULES AND REGULATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 11, 1909.

MR SPEAKER: Your Committee on Rules and Regulations, to whom was referred resolution by Mr. Hans:

Resolved, That a standing committee be appointed to be known as the Alameda County Delegation, to whom may be referred matters of interest in particular to Alameda County, but not to the exclusion of the jurisdiction of other committees—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

JOHNSTON, Chairman.

Mr. Johnston of Contra Costa moved the adoption of the report and resolution.

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

AYES—Messrs. Barndollar, Beatty, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Costar, Cullen, Drew, Feeley, Flavelle, Fleisher Flint, Gibbons Gillis, Griffiths, Hammon, Hanlon, Hans, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of San Diego, Johnson of Placer, Kehoe, Leeds, Lightner, Macauley, Maher, Mendenhall, Moore, Nelson, Otis, Perine, Polsley, Preston, Pulcifer, Rech, Rutherford, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr Speaker—58.

NOES—Mr. Mott—1

SENATE MESSAGES.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, February 9, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 552—An Act to amend Section 852 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883

Also: Senate Bill No 636—An Act to amend Section 2274 of the Civil Code of the State of California, relative to the compensation of trustees.

Also: Senate Bill No 635—An Act to amend Section 1618 of the Code of Civil Procedure of the State of California, relative to the compensation of executors and administrators

Also: Senate Bill No 685—An Act to add a new section to the Political Code of the State of California, to be numbered four thousand two hundred and forty-three *a*, relating to the compensation of jurors in counties of the fourteenth class.

Also: Senate Bill No. 495—An Act to amend Section 4240 of the Political Code, relating to the salaries, fees and mileage of officers and jurors in counties of the eleventh class

Also: Senate bill No. 694—An Act to amend Section 4255 of the Political Code of the State of California, relating to the salaries of officers in counties of the twenty-sixth class, and creating the office of deputy district attorney therein.

Also: Senate Bill No. 270—An Act declaring property infested with certain rodents to be a public nuisance; requiring owners, occupants, and persons having possession of or dominion over such property to endeavor to exterminate and destroy such rodents; providing for the inspection of property by boards of health and health officers; authorizing boards of supervisors and other governing bodies to purchase materials and

employ inspectors to prosecute such work of extermination, authorizing State and local health authorities to prosecute such work in certain cases; providing for the payment of the expense thereof; making the amount of such expense a lien on the property; providing for the collection of such amount by foreclosure of such lien, and declaring any violation of the provisions thereof to be a misdemeanor.

Also: Senate Bill No. 364—An Act to amend an Act entitled "An Act to establish a School of Industry, to provide for the maintenance and management of the same, and to make an appropriation therefor," approved March 11, 1889.

Also: Senate Bill No. 752—An Act making an appropriation to pay the deficiency in the appropriation for traveling expenses, etc., of the Railroad Commission for the fifty-ninth and sixtieth fiscal years.

Also: Senate Bill No. 634—An Act to amend Section 594 of the Civil Code, relating to the formation of corporations for purposes other than profit.

Also: Senate Bill No. 217—An Act to amend the Political Code of the State of California by adding a new section thereto, to be numbered section four thousand one hundred and thirty-five *a*, validating defectively recorded instruments, and providing for the imparting of notice by the same to subsequent purchasers or encumbrancers.

Also: Senate Bill No. 696—An Act to amend Section 1579 of the Code of Civil Procedure, relating to and authorizing executors and administrators to make leases of the real estate of decedents

Also: Senate Bill No. 548—An Act to amend Section 399 of the Code of Civil Procedure of the State of California, relative to the payment of costs in transferring actions or proceedings.

Also: Senate Bill No 735—An Act to amend Sections 3553 and 3555 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to proceedings against delinquent purchasers of State school lands and costs and attorney's fees in such proceedings

Also: Senate Bill No. 182—An Act to amend Section 648 of the Code of Civil Procedure, relating to bills of exceptions

Also: Senate Bill No. 328—An Act to provide for work upon and construction of sidewalks within municipalities.

Also: Senate Bill No. 708—An Act authorizing the investment and reinvestment and disposition of any moneys in any sinking fund of any county, city and county, or incorporated city or town

Also: Senate Bill No. 143—An Act providing for an appropriation of $1,800.00 for the purchase of a cylinder printing press for Whittier State School.

Also: Senate Bill No 144—An Act providing for an appropriation of $3,500 00 for the purchase of a Mergenthaler linotype and equipment for the Whittier State School.

Also: Senate Bill No. 145—An act providing for an appropriation of $1,000 00 for the purchase of books and periodicals for the Whittier State School

Also: Senate Bill No 146—An Act providing for an appropriation of $3,500 00 for repairs on the main building of the Whittier State School.

Also: Senate Bill No 147—An Act providing for an appropriation of $5 000 00 for the erection of a manual training building on the grounds of the Whittier State School.

Also: Senate Bill No 149—An Act providing for an appropriation of $2,500 00 for the purchase of a boiler for the Whittier State School.

Also: Senate Bill No 113—An Act appropriating money for a pressed brick machine for the Preston School of Industry

Also: Senate Bill No 189—An Act appropriating money for the building and furnishing of a refectory building at the Preston School of Industry.

Also: Senate Bill No. 520—An Act authorizing and directing the directors of the State Agricultural Society to have wells bored on the ground of the State Agricultural Society, near the city of Sacramento, State of California; to install suitable pumping machinery and erect tanks for pressure for irrigation and fire protection purposes and to furnish and equip a complete pumping plant for the use of said State Agricultural Society, and making an appropriation therefor.

Also: Senate Bill No 521—An Act authorizing and directing the directors of the State Agricultural Society to make arrangements by day's work or by contract, for leveling and planting the grounds, and painting and repairing the buildings, at the State Agricultural Park, near the city of Sacramento, State of California, and making an appropriation therefor.

Also: Senate Bill No. 522—An Act authorizing and directing the Directors of the State Agricultural Society to erect a new building at Agricultural Park, near the city of Sacramento, State of California, to be known and designated Machinery Hall, fixing the requirements thereof and making an appropriation therefor.

Also: Senate Bill No 523—An Act making an appropriation for the completion of two buildings on the grounds of the State Agricultural Society, near the city of Sacramento, State of California, known as Agricultural Pavilion and Manufacturers' Pavilion.

Also: Senate Bill No. 21—An Act concerning dependent and delinquent minor children, providing for their care, custody and maintenance until twenty-one years of age; providing for their trial and commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom, establishing a probation committee and probation officers to deal with such children and fixing the salaries of probation officers; providing for detention homes for said children; providing for the punishment of persons responsible for or contribu-

ting to, the dependency or delinquency of children; and giving to the Superior Court jurisdiction of such offenses and repealing inconsistent acts.

Also: Senate Bill No 164—An Act appropriating money for the building and furnishing of four cottages at the Preston School of Industry

Also: Senate Bill No. 272—An Act making an appropriation of one thousand dollars ($1,000 00) to pay the claim of Edward W Lehner against the State of California.

Also: Senate Bill No. 510—An Act to purchase from the heirs of William Cogswell deceased, two paintings, one of ex-President Abraham Lincoln, and the other of ex-President William McKinley, the same to be hung in the State Capitol building, and to appropriate the sum of two thousand dollars therefor.

LEWIS A. HILBORN, Secretary of Senate
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, February 10, 1909

MR. SPEAKER. I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 450—An Act to amend Section 4263 of the Political Code as amended in 1907, Statutes of 1907 pages 509, 510, and 511 thereof, relating to the compensation of officers in counties of the thirty-fourth class.

Also: Senate Bill No 12—An Act to authorize the establishment of the California State Trades and Training School for dependent orphans, half orphans, abandoned children, and children committed by court and placed under guardianship of the board of trustees, the appointment of a board of trustees, the purchase of a site, the preparation of plans and specifications for grounds and buildings, and to make the necessary appropriation therefor

Also Senate Bill No. 698—An Act to amend Section 1392 of the Penal Code of the State of California, relating to service of summons on corporations in criminal proceedings

Also: Senate Bill No. 814—An Act to add a new section to the Political Code, to be numbered 1580, relating to joining school districts upon the organization of new counties or change in county boundaries.

Also: Senate Bill No. 726—An Act to amend Section 928 of the Penal Code of the State of California, relating to the duties of grand juries.

Also: Senate Bill No. 801—An Act to amend the Code of Civil Procedure of the State of California, by adding a new section thereto, to be known as Section 1559, relating to the payment of commissions upon sales of real property, under order of court.

LEWIS A HILBORN, Secretary of Senate
By J. W KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, February 10, 1909.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted Senate Joint Resolution No 15, relating to the changing of old names of the United States forest reserves

Also: Senate Joint Resolution No. 2—Relative to purchase by Federal Government of Henry ranch at Atascadero, California, for military camps, maneuvers and rifle ranges, for regular troops and National Guard

LEWIS A. HILBORN, Secretary of Senate
By J. W. KAVANAGH, Assistant Secretary

Senate Bill No. 552 read first time, and referred to Committee on Municipal Corporations.

Senate Bill No. 636 read first time, and referred to Committee on Judiciary.

Senate Bill No. 635 read first time, and referred to Committee on Judiciary.

Senate Bill No. 685 read first time, and referred to Committee on County and Township Governments.

Senate Bill No. 495 read first time, and referred to Committee on County and Township Governments.

Senate Bill No. 694 read first time, and referred to Committee on County and Township Governments.

Senate Bill No. 270 read first time, and referred to Committee on Live Stock, Dairies, and Dairy Products.

Senate Bill No. 364 read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Senate Bill No. 752 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 634 read first time, and referred to Committee on Judiciary.

Senate Bill No. 217 read first time, and referred to Committee on Judiciary.

Senate Bill No. 696 read first time, and referred to Committee on Judiciary.

Senate Bill No 548 read first time, and referred to Committee on Judiciary.

Senate Bill No. 735 read first time, and referred to Committee on Judiciary.

Senate Bill No. 182 read first time, and referred to Committee on Judiciary.

Senate Bill No. 328 read first time, and referred to Committee on Municipal Corporations.

Senate Bill No 708 read first time, and referred to Committee on Judiciary.

Senate Bill No. 143 read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Senate Bill No. 144 read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Senate Bill No. 145 read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Senate Bill No. 146 read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Senate Bill No. 147 read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Senate Bill No. 149 read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Senate Bill No 113 read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Senate Bill No. 169 read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Senate Bill No. 520 read first time, and referred to Committee on Agriculture.

Senate Bill No. 521 read first time, and referred to Committee on Agriculture.

Senate Bill No. 522 read first time, and referred to Committee on Agriculture.

Senate Bill No. 523 read first time, and referred to Committee on Agriculture.

Senate Bill No. 21 read first time, and referred to Committee on Public Charities and Corrections.

Senate Bill No. 164 read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Senate Bill No. 272 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 510 read first time, and referred to Committee on Public Works, State Capitol, and Parks.

Senate Bill No. 450 read first time, and referred to Committee on County and Township Governments.

Senate Bill No. 12 read first time, and referred to Committee on Public Charities and Corrections

Senate Bill No. 698 read first time, and referred to Committee on Judiciary.

Senate Bill No. 814 read first time, and referred to Committee on Education.

Senate Bill No. 726 read first time, and referred to Committee on Judiciary.

Senate Bill No. 801 read first time, and referred to Committee on Judiciary.

Senate Joint Resolution No. 15 read first time, and referred to Committee on Federal Relations.

Senate Joint Resolution No. 2 read first time, and referred to Committee on Federal Relations.

Also:

SENATE CHAMBER, SACRAMENTO, February 9, 1909.

MR. SPEAKER. I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No 172—An Act to allow unincorporated towns and villages to establish, equip, and maintain public libraries, to provide for the formation, government, and operation of library districts; the acquisition of property thereby, the calling and holding of elections in such districts; the assessment, collection, custody, and disbursement of taxes therein, and to create boards of library trustees.

LEWIS A. HILBORN, Secretary of Senate
By J. W. KAVANAGH, Assistant Secretary

Assembly Bill No. 172 ordered to enrollment

Also:

SENATE CHAMBER, SACRAMENTO, February 10, 1909.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 161—An Act to amend an Act to provide for work on streets, lanes, and alleys

Also: Assembly Bill No. 314—An Act to repeal an Act entitled "An Act supplementary to and amendatory of an Act entitled 'An Act concerning common schools in the city of Placerville, approved April first, eighteen hundred and sixty-four,'" to provide ways and means for building, furnishing, and repairing schoolhouses in said city and for other purposes, approved March 16, 1874

Also: Assembly Bill No 316—An Act to repeal an Act entitled "An Act concerning common schools in the city of Placerville," approved April 1, 1864.

LEWIS A. HILBORN, Secretary of Senate.
By J. W KAVANAGH, Assistant Secretary.

The above reported bills ordered to enrollment

Also:

SENATE CHAMBER, SACRAMENTO, February 10, 1909

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to Senate Bill No 316—An act to amend Sections 10 and 11 of the Code of Civil Procedure of the State of California, relating to holidays

Also Senate Bill No 317—An Act to amend Sections 10 and 11 of the Political Code of the State of California, relating to holidays.

Also: Senate Bill No. 318—An Act to amend Section 7 of the Civil Code of the State of California, relating to holidays.

Also: Senate Bill No. 35—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, and relating to the powers of the board of trustees of cities of the sixth class

LEWIS A. HILBORN, Secretary of Senate.
By J. W KAVANAGH, Assistant Secretary

Also:

SENATE CHAMBER, SACRAMENTO, February 9, 1909.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendment to Senate Bill No. 346—An Act to provide for the accomplishment of the work of the direct enforcement of the navigation of the Sacramento, San Joaquin, and Feather rivers of the State of California, as recommended in the special report of the California Débris Commission, dated June 30, 1907, and made jointly by Brigadier General A. Mackenzie, Chief Engineer, C. H. McKinstry, Major, Corps of Engineers, and Thomas H Jackson, Captain, Corps of Engineers, of the United States Army, and printed with the annual report of the Chief of Engineers the United

States Army for the fiscal year ending June 30, 1907, and making an appropriation for such work

LEWIS A. HILBORN, Secretary of Senate
By J. W. KAVANAGH, Assistant Secretary

Also:

SENATE CHAMBER, SACRAMENTO, February 10, 1909

MR. SPEAKER: I am directed to inform your honorable body that the Senate amended, and on this day passed as amended, Assembly Bill No 232—An Act to amend Section 3457 of the Political Code, relating to reclamation districts, the warrants thereof, the payment of assessments with warrants, extension of warrants and the commencement of actions thereon, and respectfully request that your honorable body concur in said amendments

LEWIS A HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary

Mr Johnson of Sacramento moved that the Assembly concur in the Senate amendment to Assembly Bill No 232

The question being put: "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 232?"

Amend by inserting the figures "3457" at the beginning of the sentence and before the word "The", in line 3, page 1, of the bill.

The roll was called, and Senate amendment to Assembly Bill No. 232 was concurred in by the following vote:

AYES—Messrs Barndollar, Beban, Black, Bohnett, Butler, Callan, Cattell, Coghlan Cogswell, Collier, Cronin, Cullen, Dean, Drew, Flavelle, Fleisher, Flint, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Leeds, Lightner, Macauley, McClellan, Mendenhall, Moore, Mott, Otis, Perine, Polsley, Preston, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Transue, Wagner, Webber Wheelan, Whitney, Wilson, Wyllie, Young, and Mr Speaker—57

NOES—None.

Assembly Bill No. 232 ordered to enrollment

INTRODUCTION OF BILLS.

The following bills were introduced, and referred, as indicated:

By Mr. Pulcifer: Assembly Bill No. 1168—An Act to appropriate the sum of sixty and fifty-one one hundredths dollars, to pay the claim of the Security Mutual Life Insurance Company against the State of California.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Assembly Bill No. 1169—An Act to appropriate the sum of eleven and thirty-hundredths dollars, to pay the claim of the Life Association of America against the State of California.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Assembly Bill No. 1170—An Act to appropriate the sum of nine hundred and three and seventy-two one hundredths dollars, to pay the claim of the Massachusetts Mutual Life Insurance Company, of Springfield, against the State of California.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Assembly Bill No. 1171—An Act to appropriate the sum of three hundred forty-nine and sixty one hundredths dollars, to pay the claim of Minnesota Mutual Life Insurance Company against the State of California.

Bill read first time, and referred to Committee on Insurance and Insurance Laws

Also: Assembly Bill No. 1172—An Act to appropriate the sum of three thousand four hundred sixty-two and eleven one hundredths dollars, to pay the claim of the New England Mutual Life Insurance Company against the State of California.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Assembly Bill No. 1173—An Act to appropriate the sum of two hundred twenty-two and eighty-five one hundredths dollars, to pay the claim of the Northwestern National Life Insurance Company against the State of California.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Assembly Bill No. 1174—An Act to appropriate the sum of one thousand five hundred thirty-one and ninety-one one hundredths dollars, to pay the claim of the Prudential Insurance Company of America against the State of California.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Assembly Bill No. 1175—An Act to appropriate the sum of eight hundred eighty-nine and ninety-five one hundredths dollars, to pay the claim of the Bankers' Life Association of Des Moines, Iowa, against the State of California.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Assembly Bill No. 1176—An Act to appropriate the sum of one thousand seven hundred sixty-two and seventy-nine one hundredths dollars, to pay the claim of the Germania Life Insurance Company of New York against the State of California.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Assembly Bill No. 1177—An Act to appropriate the sum of two thousand five hundred thirty-six and seventy-six one hundredths dollars, to pay the claim of the Ætna Life Insurance Company, of Hartford, Conn., against the State of California.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Assembly Bill No. 1178—An Act to amend Section 605 of the Political Code, as to filing fees in the Insurance Commissioner's office.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Assembly Bill No. 1179—An Act to amend Section 607 of the Political Code, as to papers to be filed in the office of the Insurance Commissioner by insurance companies.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Assembly Bill No. 1180—An Act to add a new section to the Political Code of the State of California, to be known as and numbered Section 633*a*, relating to insurance agents, solicitors and brokers.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Assembly Bill No. 1181—An Act to repeal Section 600*a* of the Political Code, and to reënact same as Section 603*a* of the Political Code.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Assembly Bill No. 1182—An Act to amend Section 623 of the Political Code, as to bonds of insurance companies.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Assembly Bill No. 1183—An Act to amend Section 596 of the Political Code of the State of California, relating to the transaction of insurance business.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Assembly Bill No. 1184—An Act to amend Section 602 of the Political Code, as to what constitutes insolvency of an insurance company.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Assembly Bill No. 1185—An Act to amend Section 594*a* of the Political Code, as to deposits of insurance companies not organized under the laws of this State.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Assembly Bill No. 1186—An Act to amend Section 618 of the Political Code, as to deposits required of insurance companies organized under the laws of this State.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Assembly Bill No. 1187—An Act to amend Section 604 of the Political Code, as to proceedings concerning insolvent insurance corporations

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Assembly Bill No. 1188—An Act to amend Section 594 of the Political Code, classifying insurance business and specifying required capital stock and available cash assets.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Assembly Bill No. 1189—An Act to add a new section to the Political Code of the State of California, to be known and numbered as Section 633*b*, relating to resident agents for insurance companies.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Assembly Bill No. 1190—An Act to amend Section 608 of the Political Code, as to transfers from State to Federal Court

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Assembly Bill No. 1191—An Act to amend Section 439 of the Penal Code, relating to the soliciting, negotiating or procuring by agents or brokers of insurance by or with companies or other insurers not authorized to transact insurance business in this State.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Assembly Bill No. 1192—An Act regulating the conditions and provisions to be contained in policies of life insurance companies by domestic companies or issued in this State.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Assembly Bill No. 1193—An Act permitting the retirement of capital stock of mutual life insurance corporations in certain cases

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Assembly Bill No. 1194—An Act defining the status of persons soliciting life insurance.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Assembly Bill No. 1195—An Act providing for an annual apportionment and accounting of surplus of certain life insurance companies on policies heretofore issued.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Assembly Bill No. 1196—An Act to require an annual apportionment and accounting of surplus of certain life insurance companies.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Assembly Bill No. 1197—An Act relating to vouchers for certain disbursements by life insurance companies in this State.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Assembly Bill No 1198—An Act prohibiting the use for political purposes of property of certain life insurance companies

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Assembly Bill No. 1199—An Act relating to the compensation of and contracts with officers, trustees, directors and employees of life insurance companies.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Assembly Bill No. 1200—An Act providing that life insurance policies shall constitute the entire contract.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Assembly Bill No. 1201—An Act relating to annual reports of life insurance companies.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Assembly Bill No. 1202—An Act to repeal Chapter VI of Title II of Part IV of Division First of the Civil Code, relating to life, health, accident, and annuity or endowment insurance on the assessment plan, and each and every section of said chapter, and to repeal the Act approved March 20, 1905, adding said chapter to said Civil Code, and to repeal Act approved March 19, 1891, and entitled "An Act relating to life, health, accident, and 'Annuity or endowment insurance on the assessment plan, and the 'conduct of the business of such insurance.'"

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Assembly Bill No. 1203—An Act to repeal an Act approved March 19, 1907, and entitled "An Act providing for the organization and management of mutual fire insurance companies."

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Assembly Bill No. 1204—An Act to repeal an Act approved March 23, 1907, and entitled "An Act relating to life, health, and accident insurance of live stock on the assessment plan and the conduct of the business of such insurance."

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

By Mr. Coghlan: Assembly Bill No. 1205—An Act to provide for the registration and licensing of teachers of music in the State of California, providing for a State board of examiners in music, fixing fees and compensation.

Bill read first time, and referred to Committee on Education.

Also: Assembly Bill No. 1206—An Act to amend Sections 1068 and 1069 of the Code of Civil Procedure, relating to the writ of review.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 1207—An Act to pay the claim of S. B. Summer, and making an appropriation therefor.

Bill read first time, and referred to Committee on Claims.

By Mr. Hammon: Assembly Bill No. 1208—An Act authorizing and directing the State Board of Prison Directors to make an investigation and report to the Governor, of and relating to the cost, management and government of a reformatory institution in this State, and making an appropriation therefor.

Bill read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Also: Assembly Bill No. 1209—An Act to amend sections one thousand six hundred thirty-four and one thousand six hundred and thirty-nine of the Political Code, relating to the duties of the school census marshal and his compensation.

Bill read first time, and referred to Committee on Education.

Also: Assembly Bill No. 1210—An Act to amend Section 2 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, relating to street improvements.

Bill read first time, and referred to Committee on Municipal Corporations

Also: Assembly Bill No. 1211—An Act to provide for changing or modifying the grade of public streets, lanes, alleys, courts, or other places, within municipalities.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Assembly Bill No. 1212—An Act dedicating to public use for street purposes certain lands of the city of Los Angeles, owned by the State of California

Bill read first time, and referred to Committee on Municipal Corporations.

By Mr. Hanlon: Assembly Bill No. 1213—An Act to amend Section 791 of the Political Code, relating to the number of notaries public, approved March 18, 1905.

Bill read first time, and referred to Los Angeles Delegation.

Also: Assembly Bill No. 1214—An Act to amend Section 198 of the Code of Civil Procedure of California, relating to jurors.

Bill read first time, and referred to Committee on Judiciary

Also: Assembly Bill No. 1215—An Act to amend Section 200 of the Code of Civil Procedure of the State of California, relating to persons exempt from jury service.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 1216—An Act to amend section one thousand six hundred and ninety-nine of the Code of Civil Procedure, relating to settlement of accounts of trustees after distribution of estates and compensation of trustees.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 1217—An Act to amend section one thousand four hundred sixty-five of the Code of Civil Procedure, relating to the setting apart of property exempt from execution for use of the family.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 1218—An Act to amend section one thousand seven hundred twenty-three of the Code of Civil Procedure, relating to the disposition of life estates and homestead property on owner's death in certain cases.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 1219—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as number one thousand four hundred sixty-five and one half, relating to notices to be given of petitions to set aside exempt property for the use of the family.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Perine: Assembly Bill No. 1220—An Act to amend Section 928 of the Penal Code of the State of California, relating to the duties of grand juries.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Wheelan (by request): Assembly Bill No. 1221—An Act to appropriate the sum of fifty (50) dollars, to pay the claim of Captain Alexander McCullough.

Bill read first time, and referred to Committee on Claims

Also (by request): Assembly Bill No. 1222—An Act to amend subdivision twenty-nine of section twenty-five of an Act entitled "An Act to establish a uniform system of county and township governments," approved April first, eighteen hundred and ninety-seven, relating to jurisdiction and power of boards of supervisors to provide for the useful and appropriate employment on public enterprises, at hard labor and subject to corporeal punishment of prisoners confined in the county jail under judgment of conviction for misdemeanor, and making it mandatory for such boards to pass and approve as weekly urgency claims against the general fund of the county compensation for such employment to prisoners having depending upon them minor children for support, and also providing for the direct payment of the compensation to the legal custodian or guardian of the children.

Bill read first time, and referred to Committee on County and Township Governments.

Also (by request): Assembly Bill No. 1223—An Act to amend Section 4302 of the Political Code.

Bill read first time, and referred to Committee on County and Township Governments.

Also (by request): Assembly Bill No. 1224—An Act to amend Section 4300*a* of the Political Code.

Bill read first time, and referred to Committee on County and Township Governments.

Also (by request): Assembly Bill No. 1225—An Act to amend section one hundred and seventy-seven of the Code of Civil Procedure of the State of California, relating to the power of judicial officers and courts of record.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Assembly Bill No. 1226—An Act making an appropriation to pay the claim of S. B. Sumner against the State of California.

Bill read first time, and referred to Committee on Claims.

By Mr. Collum (by request): Assembly Bill No. 1227—An Act to appropriate the sum of one thousand dollars, to pay the claim of Sergeant Major Eugene De Sparr.

Bill read first time, and referred to Committee on Claims.

By Mr. McClellan: Assembly Bill No. 1228—An Act to amend Sections 385 and 386 of the Political Code, relating to the salaries of the Private Secretary and the Executive Secretary of the Governor.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 1229—An Act to amend Sections 3495 and 3496 of the Political Code, relative to applications to purchase State lands and requiring proof of character and settlement.

Bill read first time, and referred to Committee on Public Lands and Forestry.

Also: Assembly Bill No. 1230—An Act to amend Section 3398 of the Political Code, relating to the authority of the Surveyor General as agent of the State to locate lands in the United States land offices.

Bill read first time, and referred to Committee on Public Lands.

Also: Assembly Bill No. 1231—An Act to add a new section to the Political Code, relating to certificates of purchase.

Bill read first time, and referred to Committee on Public Lands and Forestry.

By Mr. Polsley: Assembly Bill No. 1232—An Act to amend Section 60 of the Civil Code.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 1233—An Act to amend Section 4265 of the Political Code of the State of California, relating to compensation of officers of counties of the thirty-sixth class and their deputies and assistants.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Fleisher: Assembly Bill No. 1234—An Act for the establishment in the city of Santa Barbara of a State normal school of manual arts and home economics, and making an appropriation therefor.

Bill read first time, and referred to Committee on Education.

Also: Assembly Bill No. 1235—An Act to provide for a state highway from Rincon Creek, at a point near the Pacific Ocean, to the city of Ventura, and to make an appropriation therefor.

Bill read first time, and referred to Committee on Roads and Highways.

By Mr. Macauley: Assembly Bill No. 1236—An Act to amend sections one, three, and eight of an Act entitled "An Act to insure the better education of practitioners of veterinary medicine, and to regulate the practice of veterinary medicine in the State of California, to provide for the creation of a board of five members who shall act under and in accordance with the provisions of this Act, to provide for their appointment, and define their powers, duties, and compensation, to define offenses committed by acts done contrary to the provisions of this Act, and providing penalties for the violation thereof; providing for the revocation or suspension, in certain cases, of licenses issued hereunder, and to repeal an Act entitled 'An Act to regulate the practice of veterinary medicine and surgery in the State of California,' approved March 23, 1893, amended and approved March 20, 1903, and all other laws in conflict herewith," approved March 23, 1907.

Bill read first time, and referred to Committee on Live Stock, Dairies, and Dairy Products.

By Mr. Melrose: Assembly Bill No. 1237—An Act to amend Section 4244 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the fifteenth class, and their deputies.

Bill read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 1238—An Act to prohibit the wanton, wasteful, and unnecessary cutting and destruction of small trees and chaparral growing upon private uncultivated land in this State situated upon the mountains and catchment basins from which cities, towns, and communities receive their water supply, and to regulate the business of lumbering and cutting such trees and chaparral upon said lands, and to provide for the appointment of inspectors for said lands, and making an appropriation to provide for the expenses in connection therewith.

Bill read first time, and referred to Committee on Public Lands and Forestry.

By Mr. Cogswell (by request): Assembly Bill No. 1239—An Act to amend section eight hundred ninety of the Code of Civil Procedure of the State of California, relating to judgments of dismissal in civil actions in Justices' Courts

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Assembly Bill No. 1240—An Act to amend section eight hundred fifty of the Code of Civil Procedure of the State of California, relating to the setting of the hearing of issues of law and of fact in Justices' Courts

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Assembly Bill No. 1241—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as section eight hundred ninety *a*, relating to dismissals of civil actions in Justices' Courts.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Assembly Bill No. 1242—An Act to add three new sections to the Code of Civil Procedure of the State of California, to be known as sections nine hundred twenty-seven, nine hundred twenty-eight, and nine hundred and twenty-eight *a*, all relating to notices in civil actions in Justices' Courts.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Cattell: Assembly Bill No. 1243—An Act to amend Sections 3746 and 3756 of the Political Code of the State of California, relating to the publication of notice by the tax collector of the time when taxes become due, and when unpaid taxes become delinquent and to the penalty on delinquent taxes.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Mr. Hans: Assembly Bill No. 1244—An Act to amend Section 4300*a* of the Political Code, relating to fees to be charged and collected by the county clerk.

Bill read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 1245—An Act to amend Section 1 of an Act entitled "An Act to establish law libraries," approved March 1, 1891, amended March 1, 1907, and relating to the creation of a law library fund.

Bill read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 1246—An Act to amend subdivision 30 of Section 4041 of the Political Code of the State of California

Bill read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 1247—An Act to amend Section 6 of an Act entitled "An Act to regulate and license the hunting of game birds and animals and to provide revenue therefrom, for game preservation and restoration, and to make appropriation for the purpose of carrying out the object of this Act," approved March 13, 1907.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Beban: Assembly Bill No. 1248—An Act appropriating money to pay the claim of the United States Fidelity and Guaranty Company against the State of California.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Gerdes: Assembly Bill No. 1249—An Act to amend Section 1618 of the Code of Civil Procedure of the State of California, relating to commissions of executors and administrators.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 1250—An Act to repeal Sections 940 and 941 of the Code of Civil Procedure, relating to the method of taking an appeal in civil cases.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Beatty: Assembly Bill No. 1251—An Act to amend section six hundred and two of the Code of Civil Procedure, relating to jury trial.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 1252—An Act to amend Section 1240 of the Code of Civil Procedure of the State of California, relating to the taking of private property for public use.

Bill read first time, and referred to Committee on Corporations.

By Mr. Transue: Assembly Bill No. 1253—An Act to authorize the State of California to release and convey to the United States such portions of the sixteenth and thirty-sixth sections of land contained in

the Cleveland National Forest, formerly San Jacinto Forest Reserve (and referred to in that certain Act entitled "An Act to authorize the settlement of an existing controversy between the United States of America and the State of California, and making an appropriation to carry out the provisions of said Act," approved March 21, 1907) as may remain after the settlement referred to in said Act has been consummated, for the purpose of reimbursing the United States for lands surrendered to it by the State, and which said lands so surrendered were thereafter sold and patented by said State.

Bill read first time, and referred to Committee on Public Lands and Forestry.

By Mr. Beardslee: Assembly Bill No. 1254—An Act to authorize the deposit of certain newspaper files kept in recorders' offices, in free public libraries.

Bill read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 1255—An Act to amend the Political Code of the State of California by adding a new section thereto, to be known and numbered as Section 415½, relating to the office of the Secretary of State.

Bill read first time and referred to Committee on Ways and Means.

Also: Assembly Bill No. 1256—An Act to amend section three of an Act entitled "An Act for the registration of deaths, the issuance and registration of burial and disinterment permits, and the establishment of registration districts in counties, cities and counties, cities and incorporated towns, under the superintendence of the State Bureau of Vital Statistics, and prescribing the powers and duties of registrars, coroners, physicians, undertakers, sextons, and other persons in relation to such registration, and fixing penalties for the violation of this Act," approved March 18, 1905.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Mr. Drew: Assembly Bill No. 1257—An Act amending an Act entitled "An Act providing for the issuing of bonds by reclamation districts, and the disposal thereof for reclamation and other purposes and for the payment by taxation upon the property situated in such reclamation districts, approved March 27, 1895, by amending Sections 1, 2, 3, 4, 5, and 7.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 1258—An Act to amend sections thirty-four hundred and forty-six, thirty-four hundred and fifty, thirty-four hundred and fifty-two, thirty-four hundred and fifty-three, thirty-four hundred and fifty-four, thirty-four hundred and fifty-five, thirty-four hundred and fifty-six, thirty-four hundred and fifty-nine, thirty-four hundred and sixty-three, thirty-four hundred and sixty-four, thirty-four hundred and sixty-seven, thirty-four hundred and seventy, thirty-four hundred and seventy-one, thirty-four hundred and seventy-four, thirty-four hundred and seventy-six, thirty-four hundred and eighty-one, thirty-four hundred and ninety-one of the Political Code of the State of California, relating to reclamation districts.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Leeds: Assembly Bill No. 1259—An Act to amend section ten

hundred and eighty-four of the Political Code, relating to the qualifications and disabilities of an elector.

Bill read first time, and referred to Committee on Election Laws.

Also: Assembly Bill No. 1260—An Act to amend sections twelve hundred and thirty, twelve hundred and thirty-five, and twelve hundred and thirty-eight of the Political Code, relating to the challenging of persons offering to vote at elections.

Bill read first time, and referred to Committee on Election Laws.

Also: Assembly Bill No. 1261—An Act to amend section twelve of an Act entitled "An Act to establish police courts in the cities of the first and one-half class, to fix their jurisdiction and to provide for officers of said courts and fix the compensation of certain officers thereof," approved March 5, 1901, relating to the imprisonment of persons convicted in Police Courts of cities of the first and one-half class.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Assembly Bill No. 1262—An Act authorizing municipal corporations to permit other municipal corporations to construct and maintain sewers, water mains and other conduits therein, also to construct and maintain sewers, water mains and other conduits for their joint benefit and at their joint expense, and to make and enter into contracts for said purposes.

Bill read first time, and referred to Committee on Municipal Corporations.

By Mr. Johnson of Sacramento: Assembly Bill No. 1263—An Act to amend Section 4290 of the Political Code, relating to salaries and fees of county officers.

Bill read first time and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 1264—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 1203 thereof, relating to the probation of persons arrested for crime after a plea or verdict of guilty and the suspending of the imposition or execution of sentence during the term of probation, and the disposition of such accusation after full compliance with the terms of probation.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 1265—An Act to amend Section 457 of the Political Code.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Mott: Assembly Bill No. 1266—An Act to amend Section 340 of the Penal Code of the State of California, relating to the charging of unlawful rates of interest.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Gerdes: Assembly Constitutional Amendment No. 27—To propose to the people of the State of California an amendment to the Constitution of this State, by amending section three of article four thereof, relating to the election of Assemblymen.

Assembly constitutional amendment read, and referred to Committee on Constitutional Amendments.

By Mr. Cronin: Assembly Bill No. 1267—An Act making an appropriation for the Department of Engineering for the purpose of making

necessary preliminary surveys, borings, plans, and estimates for a suspension or other bridge across the Straits of Carquinez, between the counties of Contra Costa and Solano, and fixing the requirements to be made in designing such bridge.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Gibbons: Assembly Bill No. 1268—An Act appropriating money to pay the claim of the county of San Luis Obispo against the State of California.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Gillis: Assembly Bill No. 1269—An Act to amend Section 653*d* of the Penal Code of the State of California, relating to the retaining of wages of employees.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 1270—An Act to amend Section 2802 of the Political Code of the State of California, relating to toll roads.

Bill read first time, and referred to Committee on Roads and Highways.

By Mr. Maher: Assembly Bill No. 1271—An Act to amend Section four thousand two hundred and forty-two of the Political Code, relating to the compensation of officers of counties of the thirteenth class.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Silver: Assembly Bill No. 1272—An Act to amend an Act entitled "An Act to regulate and license the hunting of game birds and animals, and to provide revenue therefrom for game preservation and restoration, and to make an appropriation for the purposes of carrying out the objects of this Act," approved March 13, 1907, by amending section two thereof.

Bill read first time, and referred to Committee on Fish and Game.

By Mr. Holmquist: Assembly Bill No. 1273—An Act to provide for the disincorporation and discontinuance of five districts where the same become wholly or partly within the corporate limits of a town or city incorporated subsequently to the organization thereof, and providing for the disposal of the property of such districts.

Bill read first time, and referred to Committee on Municipal Corporations.

By Mr. McManus (by request): Assembly Bill No. 1274—An Act for the protection and propagation of shrimps.

Bill read first time, and referred to Committee on Fish and Game

By Mr. Otis: Assembly Joint Resolution No. 8—Relating to the assent of the State of California to grants, purposes, and conditions of the Act of Congress entitled "An Act to provide for an increased appropriation for agricultural experiment stations, and regulating the expenditures thereof," approved March 16, 1906.

Assembly joint resolution read, and referred to Committee on Federal Relations

By Mr. Young, Assembly Bill No. 1275—An Act to amend section eleven hundred and ninety-six of the Political Code, relating to ballots for election of public officers.

Bill read first time, and referred to Committee on Election Laws

Also: Assembly Bill No. 1276—An Act to amend Section 1197 of the Political Code, relating to ballots for election of public officers.

Bill read first time, and referred to Committee on Election Laws.

Also: Assembly Bill No. 1277—An Act to amend Section 1205 of the Political Code, relating to the manner of voting at elections.

Bill read first time, and referred to Committee on Election Laws.

Also: Assembly Bill No. 1278—An Act to amend Section 1211 of the Political Code, relating to the canvassing of ballots at elections.

Bill read first time, and referred to Committee on Election Laws.

By Mr. Otis: Assembly Bill No. 1279—An Act to amend section two of an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for carrying out the objects of this Act," approved March 20, 1905, and amended by an Act approved March 19, 1907.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Mr. Flavelle: Assembly Bill No. 1280—An Act to provide for the refurnishing of the offices of the Board of Railroad Commissioners of the State of California, and to make appropriation therefor.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 1281—An Act to amend Section 4239 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the tenth class

Bill read first time, and referred to Committee on County and Township Governments

By Mr. Black: Assembly Bill No. 1282—An Act to add a new section to the Penal Code of the State of California, to be known and numbered Section 402*e*.

Bill read first time, and referred to Committee on Labor and Capital.

By Mr. Lightner: Assembly Bill No. 1283—An Act to add a new section to the Political Code, to be known as Section 1665*a*, providing for the establishment and maintenance in cities of the first class of one or more public schools called cosmopolitan schools, in which shall be taught the French, Italian, and German languages in connection with the English branches.

Bill read first time, and referred to Committee on Education.

By Mr. Rech: Assembly Bill No. 1284—An Act validating the title to lands selected by the State in lieu of surveyed school sections situated within the exterior boundaries of national reservations created by proclamation of the President of the United States, and vesting the title of the State to such surveyed school sections in the United States.

Bill read first time, and referred to Committee on Public Lands and Forestry.

Also: Assembly Bill No. 1285—An Act to amend section nine hundred and seventy-eight of the Code of Civil Procedure of California, relating to undertakings on appeal from judgments of Justices' or Police Courts.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 1286—An Act to add a new section to the Code of Civil Procedure of California, to be known as section nine hundred and seventy-eight *a*, relating to the undertaking on appeal from judgments of Justices' or Police Courts.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 1287—An Act to amend sections six hundred and eight, six hundred and ten, six hundred and eleven, six hun-

dred and twelve, of the Civil Code of the State of California, and to add a new section to said Code, to be numbered six hundred and seventeen, all relating to the organization and management of cemetery corporations, and for the procurement and maintenance of cemeteries.

Bill read first time, and referred to Committee on Revision and Reform of Laws

Also: Assembly Bill No. 1288—An Act to repeal an Act entitled "An Act authorizing boards of supervisors or other governing bodies of municipalities to declare holidays," approved March 23, 1901.

Bill read first time, and referred to Committee on Revision and Reform of Laws

Also: Assembly Bill No. 1289—An Act to repeal an Act entitled "An Act to enforce the collection of license taxes," approved March 21, 1872.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1290—An Act to add a new section to the Political Code of the State of California, to be known as section twenty-eight hundred and fifty-nine, relating to the collection of license taxes on ferry bridges.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1291—An Act to repeal an Act entitled "An Act fixing the rate of tare on baled hops," approved March 31, 1891.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1292—An Act to add a new section to the Political Code of the State of California, to be known as section five hundred and twenty-four, relating to the rate of tare on baled hops.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1293—An Act to add a new section to the Political Code of the State of California, to be known as section forty-three hundred and three, relating to fees of justices, constables, city recorder, and city marshal against county.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1294—An Act to amend section fourteen hundred and fifty-four of the Code of Civil Procedure of California, relating to the collection of money belonging to estates of deceased persons, and on deposit in banks.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1295—An Act to repeal an Act entitled "An Act to authorize the husband or wife, or next of kin of a deceased person, to collect and receive of any savings bank any deposit in such bank, when the same does not exceed the sum of three hundred dollars," approved February 18, 1874.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1296—An Act to amend section thirty-nine hundred and seventy-five of the Political Code of the State of California,

relating to the collection of taxes levied previous to the organization of new counties.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1297—An Act to repeal an Act entitled "An Act to provide for the transfer of certain moneys from one county to another, when a new county has been formed and organized," approved March 23, 1893.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1298—An Act to add three new sections to the Political Code of the State of California, to be known as Sections 3065, 3066, and 3067, relating to the disinterment of dead bodies.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1299—An Act to add a new section to the Penal Code of California, protecting public health from infection caused by exhumation and removal of the remains of deceased persons, and to be known as Section 378*b*.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1300—An Act to repeal an Act entitled "An Act to protect public health from infection caused by exhumation and removal of the remains of deceased persons," approved April 1, 1878

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1301—An Act to add a new section to Chapter VI, Title XIV, Part II of the Code of Civil Procedure of California, to be known as section ten hundred and twenty, relating to costs in civil actions.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1302—An Act to repeal an Act entitled "An Act concerning the costs in civil actions for serving summons and subpœnas," approved March 10, 1891.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1303—An Act to repeal an Act entitled "An Act to prevent the introduction of contagious or infectious diseases into the State of California," approved March 15, 1893.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No 1304—An Act to add three new sections to the Political Code of the State of California, to be known as sections twenty-nine hundred and eighty-five, twenty-nine hundred and eighty-six, and twenty-nine hundred and eighty-seven, relating to the prevention of contagious and infectious diseases.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1305—An Act to repeal an Act entitled "An Act to organize swamp land district number seventy of Sutter County,

and to provide for the construction, maintenance, and repairs of levees therein," approved March 27, 1878.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1306—An Act to repeal an Act entitled "An Act to provide a state hospital and asylum for miners," approved March 14, 1881.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1307—An Act to repeal sections two and three of an Act entitled "An Act regulating the sale of mineral lands belonging to the State," approved March 28, 1874, and the Acts amendatory thereof, and to provide for the sale of mineral lands under United States laws, approved April 1, 1897.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1308—An Act to repeal an Act entitled "An Act to abolish commissions or fees paid by the State for the assessment, equalization, auditing, and collection of ad valorem taxes," approved February 23, 1893.

Bill read first time, and referred to Committee on Revision and Reform of Laws

Also: Assembly Bill No. 1309—An Act to add a new section to the Political Code of the State of California, to be known as section thirty-eight hundred and eighty-six, relating to charges, costs, commissions or fees paid by the State for the assessment, equalization, auditing and collection of ad valorem taxes.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

By Mr. Otis: Assembly Constitutional Amendment No. 28—Resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending section nine of article nine thereof, relating to the University of California, and its organization and government by so increasing the number of its Regents that the President of the Alumni Association of the University of California shall be ex officio a Regent.

Assembly constitutional amendment read, and referred to Committee on Constitutional Amendments.

By Mr. Sackett: Assembly Bill No 1310—An Act to amend the Political Code by adding thereto two new articles to be designated and numbered Articles XIV of Chapter III of Title III of Part III of said Code, to consist of sections numbered 1720, 1721, 1722, 1723, 1724, 1725 1726, 1727, 1728, 1729, 1730 1731, 1732, 1733, 1734, 1735, 1736, 1737, 1738, 1739, 1740, 1741, 1742, 1743, 1744, 1745, 1746, 1747, 1748, 1749, 1750, and 1751, and Article XV of said chapter to consist of sections numbered 1755, 1756, 1757, 1758, 1759, 1760, 1761, 1762, and 1763, and to repeal Sections 1669, 1670, 1671, 1671*a*, and 1681 of said Code, all relating to high schools, and to repeal an Act entitled "An Act to provide for the change of name of high school districts and union high school districts, and the manner of making such change," approved March 23, 1907, and an Act entitled "An Act relating to the meeting place of high school boards within the municipal corporations," which

became a law without the Governor's signature March 15, 1901, and an Act entitled "An Act creating a fund for the benefit and support of high schools and providing for its distribution," and repealing an Act entitled "An Act creating a fund for the benefit and support of high schools and providing for its distribution," approved March 2, 1903, approved March 6, 1905, and all Acts amendatory thereof.

Bill read first time, and referred to Committee on Education.

Also: Assembly Bill No. 1311—An Act to amend sections one thousand five hundred ninety-six, one thousand five hundred ninety-seven, one thousand five hundred ninety-eight, one thousand five hundred ninety-nine, one thousand six hundred, one thousand six hundred one, and one thousand six hundred two of the Political Code, all relating to elections for school trustees.

Bill read first time, and referred to Committee on Education.

Also: Assembly Bill No 1312—An Act to provide for a state highway from the west bank of the Rincon Creek, Santa Barbara County, at a point near the Pacific Ocean, to the east of the Ventura River, in the city of San Buenaventura, Ventura County, and to make an appropriation therefor.

Bill read first time, and referred to Committee on Roads and Highways.

By Mr. Wilson: Assembly Bill No. 1313—An Act providing for topographic surveys and investigations of the water resources of the State, and making an appropriation therefor.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Hayes: Assembly Bill No. 1314—An Act to authorize and empower the board of managers of the Agnews State Hospital to sell and convey a portion of real property situated in Santa Clara County, in the State of California, and belonging to said State, to the Western Distilling Company.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

By Mr. Hewitt: Assembly Bill No. 1315—An Act restricting the powers of boards of supervisors in the matter of imposing licenses upon the business of raising, grazing, herding, and pasturing sheep

Bill read first time, and referred to Committee on Revenue and Taxation.

By Mr. Moore: Assembly Bill No. 1316—An Act to amend Sections 2 and 3 of an Act entitled "An Act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other Acts or parts of Acts now in force relating to estrays, approved March 23, 1901."

Bill read first time, and referred to Committee on Live Stock, Dairies, and Dairy Products.

By Mr. Kehoe: Assembly Bill No 1317—An Act to amend Sections 653*c*, 653*d*, and 653*i*, of the Civil Code of the State of California, all relating to coöperative business associations.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 1318—An Act to amend Section 322 of the Civil Code, relating to liability of stockholders.

Bill read first time, and referred to Committee on Judiciary.

RESOLUTION.

The following resolution was offered by Mr. Drew:

Resolved, That the use of the Assembly Chamber be granted to the Preston School Band, Friday evening, February 12, 1909, for a musical entertainment to be given by said band.

Resolution read and adopted

RECONSIDERATION.

In compliance with his notice given on a previous day, Mr. Preston moved that the vote whereby committee substitute for Assembly Bill No 233 was passed, be reconsidered.

The roll was called, and the same was reconsidered by the following vote:

AYES—Messrs. Barndollar, Beatty, Beban, Bohnett, Callan, Cattell, Cogswell, Collier, Cronin, Cullen, Drew, Flavelle, Fleisher, Gibbons, Gillis, Greer, Griffiths, Hans, Hawk, Hayes, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Lightner, Maher, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, Perine, Polsley, Preston, Pulcifer, Rech, Rutherford, Schmitt, Silver, Stuckenbruck, Wagner, Webber, Wilson, Wyllie, and Mr. Speaker—50

NOES—None.

Committee Substitute for Assembly Bill No. 223—An Act amending an Act approved March 23, 1901, "An Act to provide for the establishment and maintenance of public libraries within municipalities."

The question being on the passage of the bill.

Mr. Preston moved that the Speaker appoint a select committee of one to amend the bill as follows:

AMENDMENT No 1.

Amend by inserting after word "municipality", in line 91, page 3, Section 7, of printed bill, the following: "*provided*, that after two years from the establishment of new libraries thereunder, where a maintenance corresponding thereto, has not been otherwise provided, in municipalities of the first, second, and third classes, such tax levy shall not exceed two mills on the dollar of assessed valuation, and in municipalities of the fourth, fifth, and sixth classes such levy shall not exceed three mills on the dollar of assessed valuation"

AMENDMENT No 2.

Strike out the word "may", in line 136, page 5, Section 13, of printed bill, and insert in lieu thereof the word "must".

AMENDMENT No. 3.

Strike out words "one fourth", in line 138, page 5, Section 13, of printed bill, and insert in lieu thereof words "fifty-one per cent".

AMENDMENT No. 4

Insert after word "corporations", in line 138, page 5, Section 13, of printed bill, the words "as shown by the great register then in force."

AMENDMENT No. 5

Strike out words "in the manner provided by Section 2 of this Act", in line 139, of Section 13, page 5.

Motion carried.

The Speaker appointed Mr Preston as such select committee

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 11, 1909.

MR. SPEAKER Your select committee of one, to whom was referred Committee

Substitute for Assembly Bill No 233, with instructions, do now report that the instructions of the Assembly have been carried out

PRESTON, Select Committee

Report of select committee, and amendments, adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

COMMUNICATION.

The Speaker filed the following communication:

ASSEMBLY CHAMBER, SACRAMENTO, February 11, 1909

MR. SPEAKER: We, the undersigned members of the Committee on Public Buildings and Grounds, will not be able to accompany said committee on its visit to the public institutions on February 12th, 13th, 14th, 15th, and 16th, and respectfully request that Messrs. Dean, Wheelan, and Hanlon be substituted in our places.

CHAS. A. NELSON
OSCAR GIBBONS.
W J COSTAR

SUBSTITUTION.

The Speaker made the following announcement:

Messrs. Dean, Wheelan, and Hanlon are hereby substituted for Messrs. Nelson, Gibbons, and Costar on the Committee on Public Buildings and Grounds, for the purpose of visiting public institutions on February 12th, 13th, 14th, 15th, and 16th, 1909

APPOINTMENT OF COMMITTEE.

The Speaker announced the appointment of the following committee:

On Introduction of Bills After the Fortieth Day—Messrs. Leeds (Chairman), Beardslee, and Johnson of Sacramento

ASSEMBLY CODE BILLS—SECOND READING

Assembly Bill No. 350—An Act to repeal an Act entitled "An Act forfeiting to the State of California all payments for State lands where fraudulent title was sought to be obtained thereto," approved March 20, 1905.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1

On line 1, of the title of the printed bill, strike out the first two words, to wit: "An Act"

Amendment adopted

AMENDMENT No. 2

Add a new section to read as follows:
"Sec. 2. This Act shall take effect June 1, 1909."

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 351—An Act to add a new section to the Political Code of the State of California, to be known as Section 3575, relating to forfeiture of title to lands sold by the State.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On line 2, of the title of the printed bill, strike out the figures "3575", and insert in lieu thereof the following: "three thousand five hundred and seventy-five".

Amendment adopted.

AMENDMENT No 2

On line 3, of the printed bill, strike out the word "Section".

Amendment adopted.

AMENDMENT No 3

On line 1, Section 2, of the printed bill, strike out the word "immediately", and insert in lieu thereof the following: "June 1, 1909"

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 353—An Act to repeal an Act entitled "An Act to regulate the use of illuminating gas," approved March 20, 1903.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On line 1, of the printed bill, insert after the word "the" the following: "use of".

Amendment adopted

AMENDMENT No 2

Add a new section to read as follows:
"Sec. 2. This Act shall take effect June 1, 1909"

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 354—An Act to add a new section to the Penal Code of the State of California, to be known as six hundred and fifty-three *c*, regulating the use of illuminating gas, and providing a penalty for the violation thereof.

During second reading of bill the following amendments were submitted by the committee:

AMENDMENT No. 1

On line 1, of the title of the printed bill, strike out the words "the State of".

Amendment adopted.

AMENDMENT No. 2

On line 3, of the printed bill, strike out the word "Section".

Amendment adopted.

AMENDMENT No 3

Add a new section to read as follows:
"Sec 2. This Act shall take effect June 1, 1909

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 355—An Act to repeal an Act entitled "An Act to provide for the change of name of school districts, and the manner of making such change," approved March 16, 1903.

During second reading of bill, the following amendment was submitted by the committee:

Add a new section to read as follows:
"Sec. 2. This Act shall take effect June 1, 1909"

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 356—An Act to add a new section to the Political Code of the State of California, to be known as Section 1575*a*, providing for the change of name of school districts, and the manner of making such change.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On line 2, of the title, of the printed bill, strike out the figures "1575", and insert in lieu thereof the following: "one thousand five hundred and seventy-five."

Amendment adopted.

AMENDMENT No. 2.

On line 3, of the printed bill, strike out the word "Sec."

Amendment adopted.

AMENDMENT No. 3.

On line 4, of the printed bill, strike out the following: "at least fifteen", and insert in lieu thereof the following "a majority of the".

Amendment adopted.

AMENDMENT No. 4

Add a new section to read as follows:
"Sec. 2. This Act shall take effect June 1, 1909."

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 357—An Act to repeal an Act entitled "An Act to provide for the disposal of moneys remaining in the building fund of any school district, after all bonds and indebtedness shall have been paid and liquidated, arising from the construction of school buildings," approved March 13, 1883.

During second reading of bill, the following amendment was submitted by the committee:

Add a new section to read as follows:
"Sec. 2. This Act shall take effect June 1, 1909."

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 358—An Act to add a new section to the Political Code of the State of California, to be known as Section 1892, providing for moneys remaining in the building fund of any school district, after all bonds and indebtedness shall have been paid and liquidated, arising from the construction of school buildings.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On line 3, of the title of the printed bill, strike out the words "ninety-two", and insert in lieu thereof the following: "eighty-nine *a*".

Amendment adopted.

AMENDMENT No. 2.

On line 2, of the printed bill, strike out the figures "1892", and insert in lieu thereof the following: "1889*a*".

Amendment adopted.

AMENDMENT No. 3

On line 3, of the printed bill, strike out the following: "Section 1892", and insert in lieu thereof the following "1889*a*".

Amendment adopted.

AMENDMENT No. 4

Add a new section to read as follows:
"Sec. 2. This Act shall take effect June 1, 1909."

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 359—An Act to add a new section to the Political Code of the State of California, to be known as Section 4221, relating to the markings of government survey.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1

On line 2, of the title of the printed bill, strike out the figures "4221", and insert in lieu thereof the following: "Four thousand two hundred and twenty-one *a*".

Amendment adopted.

AMENDMENT No. 2.

On line 2, of the printed bill, insert after the figures "4221" the letter "*a*".

Amendment adopted.

AMENDMENT No. 3

On line 3, of the printed bill, strike out the word "Section".

Amendment adopted.

AMENDMENT No 4.

On line 3, of the printed bill, insert after the figures "4221" the letter "*a*".

Amendment adopted.

AMENDMENT No. 5.

On page 2, Section 2, of the printed bill, strike out the word "immediately," and insert in lieu thereof the following "June 1, 1909."

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 360—An Act to repeal an Act entitled "An Act to further perpetuate the markings of the government survey," approved March 18, 1905

During second reading of bill, the following amendment was submitted by the committee:

Add a new section to read as follows:
"Sec. 2. This Act shall take effect June 1, 1909."

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 519—An Act to repeal an Act entitled "An Act to prevent hunting and shooting on private inclosed grounds, and the destruction of growing timber on private grounds in certain counties in this State." approved March 8, 1872.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On line 2, of the title of the printed bill, insert a comma after the word "grounds".

Amendment adopted.

AMENDMENT No. 2.

On line 2, of the printed bill, insert a comma after the word "grounds".

Amendment adopted.

AMENDMENT No. 3.

Add a new section to read as follows:
"Sec. 2. This Act shall take effect June 1, 1909."

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 661—An Act to amend Section 717 of the Civil

Code of the State of California, relating to the time that agricultural lands may be leased for agricultural or horticultural purposes.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On line 1, of the title of the printed bill, strike out the figures "717", and insert in lieu thereof the words "seven hundred and seventeen".

Amendment adopted.

AMENDMENT No. 2.

On line 2, of the printed bill, strike out the word "be", and insert in lieu thereof the following: "is hereby".

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 185—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as Section 67*a*, relating to extra sessions of the Superior Court.

During the third reading of the bill Mr. Beatty moved that the Speaker appoint a select committee of one to amend the bill as follows:

AMENDMENT No. 1.

Page 1, of printed bill, line 3, strike out the letter "*a*" after 67, and insert in lieu thereof the letter "*b*"

AMENDMENT No. 2.

Page 1, of printed bill, line 4, strike out the letter "*a*" after 67, and insert in lieu thereof the letter "*b*"

AMENDMENT No. 3.

Page 1, of printed bill, line 15, strike out the words "begin and close", and insert in lieu thereof the words "be held".

AMENDMENT No. 4.

Page 1, of printed bill, line 17, strike out the word "begins", and insert in lieu thereof the words "is established".

AMENDMENT No. 5.

Page 2, of printed bill, line 41, strike out the word "or", after the word "court".

AMENDMENT No. 6.

Page 1, of printed bill, line 2 of the title of said bill, strike out the letter "*a*" after 67, and insert in lieu thereof the letter "*b*".

AMENDMENT No. 7

Page 3, of printed bill, strike out Section 2.

Motion carried.

The Speaker appointed Mr. Beatty as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 11, 1909.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 185, with instructions, do now report that the instructions of the Assembly have been carried out.

BEATTY, Select Committee.

Report of select committee and amendments adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No. 441—An Act to add a new section to the Code of Civil Procedure, to be numbered Section 103½, authorizing city justices in cities and towns of the third class to appoint a clerk.

During the third reading of the bill, Mr. Beardslee moved that the Speaker appoint a select committee of one to amend the bill as follows:

Amend by inserting in line 6, of Section 1, of printed bill, the following: ", subject to the approval of the board of supervisors of the county".

Motion carried.

The Speaker appointed Mr. Beardslee as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 11, 1909.

MR SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 441, with instructions, do now report that the instructions of the Assembly have been carried out.

BEARDSLEE, Select Committee.

Report of select committee and amendment adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

ADJOURNMENT.

At four o'clock and thirty minutes P. M., the Assembly was declared adjourned.

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, CAL.,
Friday, February 12, 1909

At nine o'clock and thirty minutes A. M., pursuant to adjournment, the Assembly was called to order.

Hon. P. A. Stanton, Speaker of the Assembly, in the chair.

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

Messrs Barndollar, Baxter, Beardslee, Beatty, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Drew, Flavelle, Gibbons, Gillis, Greer, Griffiths, Hammon, Hans, Hawk, Hewitt, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Maher, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, Perine, Polsley, Preston, Pulcifer, Rech, Rutherford, Sackett, Silver, Stuckenbruck, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr Speaker—56

Quorum present.

LEAVES OF ABSENCE.

On motion, leave of absence for the day was granted to Messrs. Wyatt and Odom

PRAYER.

Prayer was offered by the Chaplain, Rev. Seren N. Marsh.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Hans, its further reading was dispensed with

REPORTS OF STANDING COMMITTEES

The following reports of standing committees were received and read:

ON PUBLIC HEALTH AND QUARANTINE.

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1909.

MR. SPEAKER: Your Committee on Public Health and Quarantine, to whom was referred Assembly Bill No. 1109—An Act to prohibit within certain limits the mooring and anchoring of house-boats in rivers and streams, and the maintaining of privies, vaults, cesspools, sewer pipes and conduits on the banks of rivers and streams, and providing for punishment for violation thereof, declaring such acts to be public nuisances, and providing for the abatement of such nuisances—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 47—An Act providing for the sanitation of food producing establishments, places where food is stored or distributed; and vehicles in which food is placed for transportation; regulating the health of persons by whom the materials from which food is prepared or the finished product is handled; providing for the inspection of such places, persons and things; declaring places and things in violation of this Act to be nuisances dangerous to health, and providing for the abatement of the same, making violations of this Act misdemeanors, and providing for the punishment of the same.

Also: Senate Bill No. 524—An Act to provide for public cemetery districts.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

BARNDOLLAR, Chairman.

ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1909.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 7—An Act to amend an Act entitled "An Act to repeal Title II of Part IV of the Political Code and to add a new title II of Part IV of said Code in place thereof, relating to the establishment of a uniform system of county and township governments," approved March 18, 1907, by adding a new article and section to Chapter VI of said Act, to be known as Article XI, Section 4205, relating to the registration of voters, and the selection and election of a registrar of voters in counties of the fifth class, and prescribing his powers, duties, and compensation—have had the same under consideration, and respectfully report the same back, with a committee substitute, and recommend that the substitute bill do pass; this being at the request of the author of the bill

HANS, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1909

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 1032—An Act to add a new section to the Political Code, to be numbered four hundred and twenty-six—have had the same under consideration, and as it does not deal with county government, recommend that it be referred to the Committee on Ways and Means.

HANS, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1909.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 1022—An Act to amend Section 4236 of the Political Code, relating to county and township officers of counties of the seventh class—have had the same under consideration, and respectfully report the same back, with six amendments, and recommend that it do pass as amended.

HANS, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1909.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 951—An Act to amend Section 4027 of the Political Code of California, relating to the organization of boards of supervisors.

Also: Assembly Bill No. 1059—An Act pertaining to the establishment of a uniform system of county and township governments, and amending Section 4273 of the Political Code, relating to the salaries and fees of officers of counties of the forty-fourth class.

Also Assembly Bill No. 1033—An Act to amend section forty-two hundred and sixty-four of the Political Code, relating to salaries and fees of officers of counties of the thirty-fifth class.

Also: Assembly Bill No. 755—An Act to add a new section to the Political Code of the State of California, to be numbered four thousand two hundred and forty-three *a*, relating to the compensation of jurors in counties of the fourteenth class.

Also: Assembly Bill No. 1050—An Act to amend Section 4256 of the Political Code of the State of California, relating to salaries and fees of county and township officers in counties of the twenty-seventh class.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass

HANS, Chairman

ON PUBLIC WORKS, STATE CAPITOL, AND PARKS.

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1909.

MR SPEAKER. Your Committee on Public Works, State Capitol, and Parks, to whom was referred Assembly Bill No 767—An Act to amend Section 425 of the Political Code of the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

HAYES, Chairman

ON UNIVERSITIES

ASSEMBLY CHAMBER, SACRAMENTO, February 11, 1909.

MR. SPEAKER Your Committee on Universities, to whom was referred Assembly Bill No. 683—An Act to provide for the permanent support and improvement of the University of California by the levy of a rate of taxation and the creation of a fund therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended

SCHMITT, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 11, 1909

MR. SPEAKER: Your Committee on Universities, to whom was referred Assembly Bill No 679—An Act making an appropriation for the purchase and acquisition of lands for the University of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended, and be referred to the Committee on Ways and Means

SCHMITT, Chairman

ON CLAIMS

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1909.

MR. SPEAKER Your Committee on Claims, to whom was referred Assembly Bill No. 1016—An Act for the relief of J. S Godeau, and appropriating the sum of $500 00 to reimburse him for horses and harness taken and used by State officials.

Also: Assembly Bill No. 1052—An Act appropriating three hundred two dollars and thirty cents to pay the claim of Anthony Loon

Also: Assembly Bill No 1064—An Act appropriating eighty-five dollars for the payment of claim of Regal Shoe Company.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass, and be re-referred to Committee on Ways and Means

CULLEN, Chairman.

ON MEDICAL AND DENTAL LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, February 11, 1909.

MR SPEAKER. Your Committee on Medical and Dental Laws, to whom was referred Assembly Bill No 722—An Act to amend an Act entitled "An Act to regulate the practice of optometry and for the appointment of a board of examiners in the matter of said regulation," approved March 20, 1903, by amending sections one, two, five, eight, eleven, twelve, thirteen, fifteen and sixteen thereof.

Also: Assembly Bill No 1045—An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relating to the same, approved March 23, 1901, except section two thereof, and amended March 20, 1903, March 20, 1905, March 6, 1907.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended.

SILVER, Chairman

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1909.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Senate Bill No. 15—An Act to amend Section 607 of the Civil Code of the State of California, relating to societies for the prevention of cruelty to children and animals.

Also: Senate Bill No 152—An Act to amend Section 317 of the Civil Code, relating to waiver of notice by stockholders or members of corporate meetings.

Also: Senate Bill No. 153—An Act to amend Section 393 of the Civil Code, relating to the election of directors of corporations, and notice of stockholders' meetings held therefor.

Also: Senate Bill No. 259—An Act to amend Section 1207 of the Civil Code of the State of California, relating to the recordation of certain instruments and certificates of acknowledgment, the notice such recordation shall impart, and to the effect as evidence of certified copies of the records of same.

Also: Senate Bill No. 343—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 3788 thereof, as amended March 28, 1895, said section being a part of Chapter VII, Title IX, Part III of the Political Code of the State of California, said Title IX relating to revenue, said Chapter VII relating to the collection of property taxes and said section hereby amended relating to the resale of State lands upon which taxes have accrued, but which have not been paid, and repealing Section 15 of an Act entitled "An Act to amend section thirty-seven hundred and sixty-five, section thirty-seven hundred and seventy-three, section thirty-seven hundred and seventy-eight, section thirty-seven hundred and eighty, section thirty-seven hundred and eighty-one, section thirty-seven hundred and eighty-five, section thirty-seven hundred and eighty-eight, section thirty-eight hundred and thirteen, section thirty-eight hundred and sixteen, and section thirty-eight hundred and seventeen; and to repeal section thirty-seven hundred and seventy-four, section thirty-seven hundred and seventy-five, section thirty-seven hundred and seventy-six, section thirty-seven hundred and seventy-seven, section thirty-seven hundred and seventy-nine, section thirty-seven hundred and eighty-two, section thirty-seven hundred and eighty-three, section thirty-seven hundred and eighty-four, and section thirty-eight hundred and eighteen of an Act of the Legislature of the State of California entitled, 'An Act to establish a Political Code,' approved March 12, 1872, relating to the sale of real property for delinquent taxes, and the redemption and resale of such property; and to add a new section thereto, to be known and designated as section thirty-eight hundred and one, also relating to the sale of real property for delinquent taxes," approved February 25, 1895, all relating to the sale of State lands.

Also: Assembly Bill No. 563—An Act to amend Section 1793 of the Code of Civil Procedure of the State of California, relating to guardians.

Also: Assembly Bill No. 732—An Act to amend Section 1207 of the Civil Code, relating to the validating of instruments affecting real property.

Also: Assembly Bill No. 1002—An Act to amend Section 650 of the Code of Civil Procedure, relating to bills of exceptions

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

JOHNSON OF SACRAMENTO, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1909

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 598—An Act to amend Section 1365 of the Code of Civil Procedure of the State of California, relating to the order of persons entitled to administer to an estate, and providing that a partner shall not be appointed as administrator—report the same back, with five amendments, and recommend that it do pass as amended.

Also: Assembly Bill No. 304—An Act to add two new sections to the Civil Code, to be numbered 2932*a* and 2932*b*, relating to trust deeds and other conveyances securing the payment of money—report the same back, with eleven amendments and recommend that it do pass as amended.

Also: Assembly Bill No. 305—An Act to add four new sections to the Code of Civil Procedure, to be numbered 549*a*, 549*b*, 549*c*, and 549*d*, all relating to the trial of the right to personal property when levied upon under attachment or execution—report the same back, with two amendments, and recommend that it do pass as amended.

Also: Assembly Bill No. 917—An Act to amend Section 1763 of the Code of Civil Procedure of California, relating to guardians of insane or other incompetent persons—report the same back, with one amendment, and recommend that it do pass as amended.

Also: Senate Bill No. 655—An Act to amend Sections 3197, 3198, and 3199 of the Political Code—have had the same under consideration, and respectfully report the same back, with one amendment, and recommend that it do pass as amended

JOHNSON OF SACRAMENTO, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1909

MR SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 937—An Act to amend Section 4232 of the Political Code of the State of California—report the same back, and recommend that it be referred to the Alameda Delegation.

Also: Assembly Bill No. 597—An Act to amend section thirteen hundred and forty-nine of the Code of Civil Procedure of the State of California, relating to the person or persons to whom letters testamentary on proven will may be issued—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass

JOHNSON OF SACRAMENTO, Chairman.

ON LIVE STOCK, DAIRIES, AND DAIRY PRODUCTS

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1909

MR. SPEAKER: Your Committee on Live Stock, Dairies, and Dairy Products, to whom was referred Assembly Bill No. 1124—An Act to amend an Act entitled "An Act to prevent the sale of dairy products from unhealthy animals and produced under unsanitary conditions; to provide for the inspection of dairy stock, dairies, factories for the production of dairy products, and places where dairy products are handled and sold; to improve the quality of dairy products of the State; to prevent deception in the sale of dairy products and to appropriate money for enforcing its provision," approved March 20, 1905, by amending Section 7 thereof, relating to the duties of the State Dairy Bureau and the appointment and qualifications of assistant agents as inspectors—have had the same under consideration, and respectfully report the same back, with four amendments, and recommend that it do pass.

McCLELLAN, Chairman.

ON STATE HOSPITALS AND ASYLUMS.

ASSEMBLY CHAMBER, SACRAMENTO February 12, 1909

MR. SPEAKER Your Committee on State Hospitals and Asylums, to whom was referred Assembly Bill No. 212—An Act providing for the enlarging and re-roofing of the laundry building at the Southern California State Hospital at Patton, and providing for additional machinery and remodeling, and making an appropriation for the same.

Also: Assembly Bill No. 213—An Act appropriating money for the building and equipping of a hospital at the Preston School of Industry.

Also: Assembly Bill No. 214—An Act to provide for the construction and furnishing of a one-story bungalow for the use of the first assistant physician at the Southern California State Hospital at Patton, and to make appropriation for the same.

Also: Assembly Bill No. 215—An Act to provide for the construction of storm drains and the completion of storm drains on the grounds of the Southern California State Hospital at Patton, and to make appropriation for the same.

Also: Assembly Bill No. 217—An Act to provide for the improvement of the roads, gutters, and curbs on the grounds of the Southern California State Hospital at Patton, and to make appropriation for the same.

Also: Assembly Bill No. 1056—An Act to make an additional appropriation for the purpose of carrying out the provisions of an Act entitled "An Act to provide for the erection, equipping and furnishing of two receiving cottages, one for males and one for females, and a hydrotherapeutic building in connection therewith, with all necessary equipment and furnishings, at the Southern California State Hospital, and to make appropriations for the same," approved March 11, 1907.

Also: Assembly Bill No. 279—An Act to provide for the erection, equipping, and furnishing of two convalescent cottages, one for males and one for females at the Stockton State Hospital Farm, and to make appropriations for the same.

Also: Assembly Bill No. 809—An Act to provide for the wiring of hospital buildings and other buildings in and about the grounds of the Stockton State Hospital, together with the installation of a telephone system in said buildings, consisting of all necessary equipments and fixtures, and making an appropriation therefor.

Also: Assembly Bill No. 810—An Act to provide for the wiring of hospital buildings and all other buildings situated in and about the grounds of the Stockton State Hospital, together with the installation of an electric light plant consisting of all necessary fixtures and equipments, and to make an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass, and be referred to the Committee on Ways and Means

FLAVELLE, Chairman.

ON INSURANCE AND INSURANCE LAWS

ASSEMBLY CHAMBER, SACRAMENTO, February 11, 1909

MR. SPEAKER Your Committee on Insurance and Insurance Laws, to whom was referred Assembly Bill No 913—An Act to establish a standard form of fire insurance policy, and to prevent variations therefrom, excepting under certain stated conditions and restrictions—have had the same under consideration, and respectfully report the same back, with seventeen amendments, and recommend that it do pass as amended

PULCIFER, Chairman

ON WAYS AND MEANS

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1909

MR SPEAKER: Your Committee on Ways and Means, to whom way referred Senate Bill No. 451—An Act appropriating money to pay the claim of Leroy A. Wright against the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BEARDSLEE, Chairman.

ON MINES AND MINING INTERESTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1909

MR. SPEAKER Your Committee on Mines and Mining Interests, to whom was referred Assembly Bill No. 1036—An Act to add a new section to the Penal Code, relating to recording notices of location of mining claims—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

RUTHERFORD, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1909.

MR. SPEAKER Your Committee on Mines and Mining Interests, to whom was referred Assembly Bill No. 1093—An Act to add a new section to Chapter II, Title XV, of the Penal Code, to be numbered 655, relating to trespass upon, or the unlawful relocation, or "jumping" of, mines, mining and mineral claims—have had the same under consideration, and respectfully report the same back, with one amendment, and recommend that it do pass as amended

RUTHERFORD, Chairman.

The above reported bills, with the exception of Assembly Bill No 7, ordered on file for second reading.

Assembly Bill No. 7 withdrawn with consent of author.

Assembly Bills Nos. 1032, 1016, 1052, 1064, 679, 212, 213, 214, 215, 217, 1056, 279, 809, and 810 referred to Committee on Ways and Means.

MESSAGES FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, February 11, 1909.

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day passed Senate Bill No 712—An Act making an appropriation to pay for furnishing, painting, repairing, renovating and improving the Governor's residence.

Also: Senate Bill No 703—An Act to add a new section to the Penal Code of the State of California, to be numbered 498*a*, relating to the possession of any contrivance for preventing the correct registration of any gas or electric meter.

Also: Senate Bill No. 704—An Act to amend Section 498 of the Penal Code of the State of California, relating to the stealing or unauthorized use of gas and the injury, obstruction or alteration of gas meters

Also: Senate Bill No. 564—An Act legalizing the formation and organization of reclamation district number seven hundred and thirty, in the county of Yolo, State of California

LEWIS A HILBORN, Secretary of Senate
By J W KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, February 11, 1909.

MR. SPEAKER. I am directed to inform your honorable body that the Senate on this day passed Senate Bill No 667—An Act to amend Section 3671 of the Political Code, relating to taxes.

Also: Senate Bill No. 649—An Act to amend Sections 2322, 2322*a*, 2322*b*, 2322*c*, 2322*d*, and 2322*e* of the Political Code, relating to county boards of horticulture

Also: Senate Bill No 320—An Act providing for a biennial appropriation in the general appropriation bill for the support and maintenance of the Bureau of Criminal Identification of the State of California

Also: Senate Bill No. 321—An Act to amend Section 8 of an Act entitled "An Act to create a State Bureau of Criminal Identification, providing for the appointment of a director of said bureau, defining his duties, qualifications and powers, providing for the appointment of a clerk of said bureau, and fixing his qualifications, fixing the compensation of said director and clerk, and providing for the manner of paying the same, and providing for the expense of conducting the office, approved March 20, 1905."

LEWIS A. HILBORN, Secretary of Senate
By J. W. KAVANAGH, Assistant Secretary

Also:

SENATE CHAMBER, SACRAMENTO, February 11, 1909

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day adopted Assembly Joint Resolution No. 6—Relative to irrigation by the United States Reclamation Service in California.

Also: Passed Assembly Bill No. 47—An Act making an appropriation to assist the State Board of Equalization in gathering data in the several counties for equalization purposes, and for the employment of expert accountants to verify reports of railroad companies made to said board

Also: Assembly Bill No. 176—An Act providing for a biennial appropriation in the general appropriation bill for the benefit of the Governor's residence and grounds.

Also: Assembly Bill No. 611—An Act making an appropriation to pay the deficiency in the appropriation for the contingent expenses of the Bureau of Labor Statistics for the sixtieth fiscal year.

Also: Assembly Bill No. 731—An Act making an appropriation for the maintenance of the Governor's residence from January 1, 1909, to June 30, 1909.

Also: Assembly Bill No. 124—An Act to provide for the investment of the moneys in the estates of deceased persons fund, and also to provide for the payment of interest received into the state school fund.

Also: Assembly Bill No. 125—An Act transferring the sum of $80,000 from the general fund to the estates of deceased persons fund.

LEWIS A. HILBORN, Secretary of Senate
By J. W. KAVANAGH, Assistant Secretary.

Senate Bill No. 712 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 703 read first time, and referred to Committee on Judiciary.

Senate Bill No. 704 read first time, and referred to Committee on Judiciary.

Senate Bill No. 564 read first time, and referred to Committee on Swamp and Overflowed Lands and Levees and River Improvements and Drainage.

Senate Bill No. 667 read first time, and referred to Committee on Revenue and Taxation.

Senate Bill No 649 read first time, and referred to Committee on Agriculture.

Senate Bill No. 320 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 321 read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Assembly Joint Resolution No. 6 ordered to enrollment.

Assembly Bills Nos 47, 176, 611, 731, 124 and 125 ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, February 11, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day refused to recede from Senate amendments to Assembly Bill No. 145—An Act to amend Section 1876 of the Political Code of the State of California, referring to contracts by school trustees—and have appointed as a conference committee Senators Black, Birdsall, and Thompson, and respectfully request that your honorable body appoint a like committee to consider said amendments.

LEWIS A. HILBORN, Secretary of Senate
By J. W. KAVANAGH, Assistant Secretary.

COMMITTEE OF CONFERENCE.

The Speaker announced the appointment of Messrs. Polsley, Sackett, and Bohnett as a committee on conference, to meet with a like committee of the Senate to consider amendments to Assembly Bill No. 145.

INTRODUCTION OF BILLS.

The following bills were introduced and referred as indicated:

By Mr. Barndollar: Assembly Bill No. 1319—An Act creating a State Highway Commission, prescribing its duties, and providing for their compensation.

Bill read first time, and referred to Committee on Roads and Highways.

By Mr. Perine: Assembly Bill No. 1320—An Act to amend Sections 1 and 2 of an Act entitled "An Act to provide for the regulation of fires on, and the protection and management of, public and private forest lands within the State of California, creating a State Board of Forestry and certain officers subordinate to said board, prescribing the duties of such officers, creating a forestry fund, and appropriating the moneys in said fund, and defining and providing for the punishment of certain offenses for violations of the provisions of this Act, and making an appropriation therefor."

Bill read first time, and referred to Committee on Public Lands and Forestry.

By Mr. Nelson: Assembly Bill No. 1321—An Act to amend the Civil Code of the State of California by adding a new section thereto, to be numbered 2472, relating to appointment of agent and service of summons

Bill read first time, and referred to Committee on Judiciary.

By Mr. Johnston: Assembly Bill No. 1322—An Act to amend Section 4248 of the Political Code as amended in 1907, Statutes of 1907, pages 476 and 479, relating to the compensation of officers in counties of the nineteenth class.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Rech: Assembly Bill No. 1323—An Act to add a new section to the Code of Civil Procedure of the State of California to be known as Section 1465½, relating to notices to be given on petitions to set aside exempt property for the use of the family

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No 1324—An Act to amend Section 1465 of the Code of Civil Procedure, relating to the setting apart of property exempt from execution for the use of the family

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No 1325—An Act to amend Section 1699 of the Code of Civil Procedure, relating to settlement of accounts of trustees after distribution of estates and compensation of trustees.

Bill read first time, and referred to Committee on Judiciary

Also: Assembly Bill No. 1326—An Act to amend Section 1723 of the Code of Civil Procedure, relating to the disposition of life estates and homestead property on owner's death in certain cases

Bill read first time, and referred to Committee on Judiciary.

By Mr. Collier: Assembly Bill No. 1327—An Act to amend Section 626*a* of the Penal Code of the State of California, relating to game and fish

Bill read first time, and referred to Committee on Fish and Game

By Mr. Odom: Assembly Bill No. 1328—An Act to amend Section 4236 of the Political Code, relating to county and township officers of counties of the seventh class

Bill read first time, and referred to Committee on County and Township Governments.

By Mr Flavelle: Assembly Bill No. 1329—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 401*b*, relating to cubic air in places of amusement.

Bill read first time, and referred to Committee on Judiciary

By Mr. Butler: Assembly Bill No. 1330—An Act to amend an Act entitled "An Act to prevent deception in the manufacture and sale of butter and cheese, to secure its enforcement and to appropriate money therefor." approved March 4, 1897, by amending Section 17 of said Act.

Bill read first time, and referred to Committee on Live Stock, Dairies, and Dairy Products.

By Mr. Silver: Assembly Bill No. 1331—An Act to amend an Act for the regulation of practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulations, by amending Section 16.

Bill read first time, and referred to Committee on Medical and Dental Laws.

By Mr. Pulcifer: Assembly Bill No. 1332—An Act to amend Section 622*a* of the Political Code, relating to taxes on insurance premiums.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Assembly Bill No. 1333—An Act for the regulation and control of fraternal benefit societies.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

By Mr. Hammon: Assembly Bill No 1334—An Act to provide for the acquisition by municipalities of land for public park or public playground purposes by condemnation, and for the establishment of assessment districts, and the assessment of property therein to pay the expense of acquiring such land.

Bill read first time, and referred to Committee on Municipal Corporations

By Mr. Transue: Assembly Bill No. 1335—An Act forbidding the manufacture or sale of falsely or spuriously stamped articles of merchandise made of gold or silver or their alloys, and prescribing a penalty therefor.

Bill read first time, and referred to Committee on Judiciary

By Mr. Gillis: Assembly Bill No. 1336—An Act to amend Section 4253 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the twenty-fourth class.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Gibbons: Assembly Bill No. 1337—An Act to amend Section 3780 of the Political Code as amended by an Act approved March 28, 1895, relating to the redemption of property sold for delinquent taxes

Bill read first time, and referred to Committee on Judiciary.

By Mr. Wagner: Assembly Bill No. 1338—An Act entitled "An Act to add a new section to the Civil Code, to be known and numbered as Section 1423, relating to appropriations of water by irrigation districts and other municipal corporations.

Bill read first time, and referred to Committee on Irrigation

By Messrs. Preston and Coghlan: Assembly Bill No. 1339—An Act providing for submitting to electors the question of calling a convention to revise the Constitution of the State of California.

Bill read first time, and referred to Committee on Constitutional Amendments.

By Mr. Johnson of Sacramento: Assembly Bill No. 1340—An Act to pay the claim of Archibald McIntire against the State of California.

Bill read first time, and referred to Committee on Claims.

By Mr. Beardslee: Assembly Bill No 1341—An Act to appropriate three hundred thousand dollars for the purpose of locating, surveying, and constructing such levees, ditches, and other works as may be necessary to protect the city of Stockton from the flood waters of the Calaveras River and Mormon Slough.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Hawk: Assembly Bill No. 1342—An Act making an appropriation to provide for painting the exterior of the Capitol, including labor and expenses contingent thereto.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Leeds: Assembly Bill No. 1343—An Act to amend Section 10 of an Act entitled "An Act to establish a school for the discipline, education, reformation, and protection of juvenile delinquents in the State of California, to be known as the Whittier State School," approved March 11, 1889, and amended March 23, 1893, and March 7, 1905, and February 7, 1907, all relating to the said Whittier State School.

Bill read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Also: Assembly Bill No. 1344—An Act to amend Section 626*d* of the Penal Code, relating to game.

Bill read first time, and referred to Committee on Fish and Game.

By Mr. Whitney (by request): Assembly Bill No. 1345—An Act to renumber Section 4300*k* of the Political Code as it now exists, and to add a new section thereto, to be numbered 4300*k*, both relating to fees of county officers.

Bill read first time, and referred to Committee on County and Township Governments.

Also (by request): Assembly Bill No. 1346—An Act to amend Section 4290 of the Political Code, relating to salaries and fees of county officers.

Bill read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 1347—An Act making an appropriation to pay the claim of Sonoma County against the State of California.

Bill read first time, and referred to Committee on Claims.

By Mr. Whitney: Assembly Bill No. 1348—An Act to permit asexualization of inmates of the State hospitals and the California Home for the Care and Training of Feeble-Minded Children, and of convicts in the State prisons.

Bill read first time, and referred to Committee on Public Charities and Corrections.

Also: Assembly Bill No. 1349—An Act to amend section sixteen hundred and seventy of the Political Code of the State of California, relating to high schools

Bill read first time, and referred to Committee on Education

By Mr. Bohnett: Assembly Bill No. 1350—An Act providing for issuing licenses to practice medicine to physicians licensed in certain other States.

Bill read first time, and referred to Committee on Medical and Dental Laws.

By Mr. Wilson: Assembly Bill No. 1351—An Act providing for the formation of Yolo basin drainage district, and providing for its management.

Bill read first time, and referred to Committee on Swamp and Overflowed Lands and Levees and River Improvements and Drainage.

Also: Assembly Bill No. 1352—An Act to empower the State Board of Charities and Corrections to investigate the presence of vagrants in the State of California, and appropriating money therefor.

Bill read first time, and referred to Committee on Charities and Corrections.

Also: Assembly Bill No. 1353—An Act to amend an Act which became effective February 26, 1901, entitled "An Act to provide for local improvements upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities, such Act to be known as "The Local Improvement Act of 1901," by adding thereto a new section to be numbered 20*a*.

Bill read first time, and referred to Committee on Municipal Corporations.

By Mr. Johnson of Sacramento: Assembly Bill No. 1354—An Act to provide for separate sewer districts within municipalities.

Bill read first time, and referred to Committee on Municipal Corporations.

By Mr. Hewitt: Assembly Bill No. 1355—An Act to amend Section 4275 of the Political Code of the State of California, relating to the compensation of officers of counties of the forty-sixth class.

Bill read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 1356—An Act to amend Section 4270 of the Political Code of the State of California, relating to the compensation of officers of counties of the forty-first class.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Costar: Assembly Bill No. 1357—An Act to amend Section 4252 of the Political Code of the State of California, relating to salaries, fees and compensation of officers of counties of the twenty-third class

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Callan: Assembly Bill No. 1358—An Act to amend Section 1444 of the Code of Civil Procedure, relating to appraisement of estates and pay of appraisers.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 1359—An Act to amend section seven hundred and seventy-four and section seven hundred and seventy-five of the Political Code, relating to the preparation and printing of the reports of decisions of the Supreme Court.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 1360—An Act to prevent the sale of thread of cotton, linen and silk, where such lot is not labeled as to its correct yardage and weight.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 1361—An Act to add a new section to the Civil Code by adding a new section thereto to be numbered 290*b*, regulating the increase of the capital stock of corporations.

Bill read first time, and referred to Committee on Corporations.

By Mr. Melrose (by request): Assembly Bill No. 1362—An Act concerning actions for divorce and annulment of marriage and the trial and costs thereof; providing for the investigation and contest of such actions by the State; providing for the appointment of divorce examiners and deputy divorce examiners, and prescribing their qualifications, duties, powers, terms of office and compensation, and providing for the powers of courts and judges with respect to the appointment of divorce examiners and deputy divorce examiners and removal of same.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Hans: Assembly Bill No. 1363—An Act authorizing the purchase of portraits of Speakers of the Assembly, and appropriating money therefor.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 1364—An Act to amend Section 1622 of the Political Code, relating to teachers' salaries and fixing a minimum amount to be paid.

Bill read first time, and referred to Committee on Education.

Also: Assembly Bill No. 1365—An Act to amend Section 4232 of the Political Code of the State of California.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Leeds: Assembly Bill No. 1366—An Act authorizing municipal corporations to acquire and hold lands by lease or otherwise, for a term of years, for the purpose of developing and encouraging agricultural, horticultural, and botanical products and exhibiting the same, and repealing all Acts and parts of Acts in conflict with this Act.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Assembly Bill No. 1367—An Act authorizing district agricultural associations organized under the laws of the State of California to lease lands owned, managed or controlled, in trust or otherwise, to municipal corporations in which such lands are situated, and repealing all Acts and parts of Acts in conflict herewith.

Bill read first time, and referred to Committee on Agriculture.

By Mr. Juilliard: Assembly Bill No. 1368—An Act to amend section one of an Act entitled "An Act authorizing and directing the completion of the main buildings at the California Home for the Care and Training of Feeble-Minded Children, near Eldridge, Cal., and making an appropriation therefor," approved March 11, 1907.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

By Mr. Greer: Assembly Bill No. 1369—An Act authorizing property owners or their grantees or assignees to sue the State of California for damages done to real property situated at Wood Island, County of Sacramento, by reason of the construction and maintenance of jetties in the Sacramento River, known as Newtown jetties, making an appropriation therefor, and repealing an Act entitled "An Act to authorize the Lauritzen Company of San Francisco, a corporation, to sue the State of California," approved March 23, 1907.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Johnson of Sacramento: Assembly Bill No. 1370—An Act

providing for the government of consolidated swamp land, levee, or reclamation districts.

Bill read first time, and referred to Committee on Swamp and Overflowed Lands and Levees and River Improvements and Drainage.

Also: Assembly Bill No. 1371—An Act to amend section one of an Act entitled "An Act to create a drainage district to be called 'Sacramento Drainage District,' to promote drainage therein; to provide for the election and appointment of officers of said drainage district; defining the powers, duties, and compensation of such officers, and providing for the creation, division, and management of reclamation, swamp land, levee, drainage, and protection districts within said Sacramento Drainage District, and providing for levying and collecting assessments upon the lands within said drainage district,' approved March 20, 1905.

Bill read first time, and referred to Committee on Swamp and Overflowed Lands and Levees and River Improvements and Drainage.

By Mr. Coghlan: Assembly Bill No. 1372—An Act to amend section seven hundred and thirty-nine of the Political Code of the State of California.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Feeley: Assembly Bill No. 1373—An Act granting certain lands and salt marsh and tide lands of the State of California to the city of Oakland.

Bill read first time and referred to Committee on Public Lands and Forestry.

By Mr Beatty: Assembly Bill No. 1374—An Act to license the use of the unsold tide lands of the State for oyster cultivation.

Bill read first time, and referred to Committee on Fish and Game.

Also: Assembly Bill No. 1375—An Act to amend Section 1496 of the Code of Civil Procedure, relating to presentation, allowance, and rejection of claims against the estates of deceased persons

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 1376—An Act to add a new section to the Code of Civil Procedure, to be known as Section 455*a*, relating to the pleading of written instruments.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No 1377—An Act appropriating money to pay the claim of Russell, Vail Engineering Company, Roebling Construction Company, James Campbell, Palm Iron Works, Byron Elevator Company, A. Merle Company, and Columbus Marble Company against the State of California.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Gerdes: Assembly Bill No. 1378—An Act to amend Section 850 of the Code of Civil Procedure, relating to notice of hearing of proceedings in Justices' Court actions.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Beardslee: Assembly Bill No. 1379—An Act to amend section six hundred and ninety of the Code of Civil Procedure, relating to property exempt from execution.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Leeds: Assembly Bill No. 1380—An Act to amend an Act entitled "An Act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places within municipalities, for the condemna-

tion of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expenses of such improvement." approved March 24, 1903, by amending Sections 6, 8, 9, 10, 11, 12, 14, and 16 of this Act, and relating to the bringing of actions for the condemnation of property necessary or convenient for the laying out, opening, extending, widening, or straightening of public streets, squares, lanes, alleys, courts, and places within municipalities; to the appointment, powers, duties, and compensation of referees; to the assessing of compensation and damages for the taking of property for said purposes; to the hearing of reports or referees; to trial and dismissal of such actions, and to the making and completion of assessments for said improvements.

Bill read first time, and referred to Committee on Municipal Corporations

Also: Assembly Bill No. 1381—An Act to amend Section 2021 of the Code of Civil Procedure, relating to the taking by deposition of the testimony of witnesses in the State.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 1382—An Act to amend section one thousand six hundred and ninety-nine of the Code of Civil Procedure, relating to the settlement of accounts of trustees after distribution of estates and compensation of trustees.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 1383—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as number one thousand four hundred sixty-five and one half, relating to notices to be given of petitions to set aside exempt property for the use of the family.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 1384—An Act to amend section one thousand four hundred sixty-five of the Code of Civil Procedure, relating to the setting apart of property exempt from execution for the use of the family.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 1385—An Act to amend section one thousand seven hundred twenty-three of the Code of Civil Procedure, relating to the disposition of life estates and homestead property on owner's death in certain cases.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Hammon: Assembly Bill No. 1386—An Act to provide for the improvement of public streets, lanes, alleys, courts, and places in municipalities, in cases where any damage to the private property would result from such improvement, and for the assessment of the costs, damages, and expense thereof upon the property benefited thereby.

Bill read first time, and referred to Committee on Municipal Corporations.

By Mr. Young: Assembly Bill No. 1387—An Act to amend Section 1164 of the Political Code of the State of California, relating to proclamations at closing the polls.

Bill read first time, and referred to Committee on Election Laws

Also: Assembly Bill No. 1388—An Act to amend Section 1160 of the

Political Code of the State of California, relating to the time of opening and closing the polls.

Bill read first time, and referred to Committee on Election Laws.

Also (by request): Assembly Bill No. 1389—An Act to provide for the use by the State of California of its credit for the establishment of a currency or an exchange medium.

Bill read first time, and referred to Committee on Revenue and Taxation.

Also (by request): Assembly Bill No. 1390—An Act relative to estray, and making it unlawful to allow any animal or animals to run at large upon the public highway, or to be staked or tied thereon.

Bill read first time, and referred to Committee on Live Stock, Dairies, and Dairy Products.

By Mr. Callan: Assembly Bill No 1391—An Act to add a new section to the Penal Code, to be known as Section 337*b* thereof, and relating to the publishing of tips or advance information on horse racing, and providing the punishment for the violation thereof.

Bill read first time, and referred to Committee on Public Morals

By Mr. Johnson of Sacramento: Assembly Bill No. 1392—An Act to amend Sections 3493*m* and 3493*n* of the Political Code, relating to the sale of lands uncovered by the rescession or drainage of waters of inland lakes, or heretofore or hereafter uncovered as a result of any artificial change in the channel of any navigable water course, and unsegregated swamp and overflowed lands, the said sections being a part of Chapter I of Title VIII of Part III of the Political Code, and being known as Article II*a*.

Bill read first time, and referred to Committee on Swamp and Overflowed Lands and Levees and River Improvements and Drainage.

By Mr. Juilliard: Assembly Bill No. 1393—An Act to amend Section 540 of the Code of Civil Procedure of the State of California, relating to whom the writ must be directed and what it shall contain.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No 1394—An Act providing for the compensation of grand and trial jurors in courts of record in this State.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No 1395—An Act to amend Section 868 of the Code of Civil Procedure of the State of California, relating to writ of attachment, the officers to whom the writ may be addressed, the substance of, and the undertaking upon attachment.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 1396—An Act appropriating money to be expended by and under the direction of the Department of Engineering for the purpose of doing all preliminary work in the surveying, platting, and profiling of Russian River in Sonoma County, and for preparing and making plans, specifications and estimates for the protection of the banks of said river and for the removal of trees, brush and other obstructions from the channel of the same.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 1397—An Act to amend Section 1697 of the Code of Civil Procedure, relating to the decree of final discharge of executors and administrators.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Polsley (by request): Assembly Bill No. 1398—An Act to prohibit any person from treating another to beer, whisky, wine, or intoxicating liquor of any kind whatever.

Bill read first time, and referred to Committee on Public Morals.

By Mr. Hammon (by request): Assembly Bill No. 1399—An Act providing for separation of certain territory from cities of the fourth, fifth, and sixth class.

Bill read first time, and referred to Committee on Municipal Corporations.

By Mr. Hans: Assembly Bill No. 1400—An Act to amend the Political Code, relating to salaries of officers of the counties of the third class.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Mott: Assembly Bill No. 1401—An Act to prevent the giving or offering to give or acceptance from any fire insurance company, agent or representative, by any person, of any rebate, allowance or reduction from any premium of fire insurance.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

By Mr. Feeley: Committee substitute for Assembly Bill No. 920—An Act granting certain lands and salt marsh and tide lands of the State of California to the city of Oakland.

Bill read first time, and ordered on file without reference

By Mr. Polsley: Assembly Constitutional Amendment No. 29—A resolution proposing to add a new section to Article 13 of the Constitution, relating to taxes on live stock.

Introduced, and referred to Committee on Revenue and Taxation.

By Mr. Wilson: Assembly Constitutional Amendment No. 30—A resolution to amend the Constitution of the State of California by adding a new section, to be known as Section 7½ of Article II of the Constitution.

Introduced, and referred to Committee on Constitutional Amendments.

Committee substitute for Assembly Bill No. 7—Introduced by Committee on County and Township Governments—An Act to amend an Act entitled "An Act to repeal Title II of Part IV of the Political Code, and to add a new Title II of Part IV to said Code, in place thereof, relating to the establishment of a uniform system of county and township governments," approved March 18, 1907, by adding a new article and section to chapter six of said Act, to be known as Article XI, Section 4205, relating to the registration of voters, and the selection and appointment of a registrar of voters, in counties of the fifth class, and prescribing his powers, duties and compensation.

Bill read first time, and ordered on file without reference.

By Mr. Melrose: Assembly Joint Resolution No. 9—Resolution relating to Federal improvement of Newport Bay, in Orange County

Introduced, and referred to Committee on Federal Relations.

RESOLUTIONS.

The following resolutions were offered:

By Mr. Young:

WHEREAS, Rule thirty-one (31) of the standing rules of the Assembly in reciting the duties of the Committee on Engrossment provides that "said committee shall see

that all bills are reported back in the order in which they were ordered engrossed"; and

WHEREAS, It is manifestly not desirable that a bill found by the committee to be incorrectly engrossed, and consequently sent to the printer for correction, should hold up the report of other bills correctly engrossed; now, therefore, be it

Resolved, That the Committee on Engrossment be instructed to so interpret this rule as to require it to report back to the Assembly all correctly engrossed bills in the order in which they were ordered engrossed, and to report back all bills incorrectly engrossed and sent to the printer for correction, as soon as such bills have been received from the printer correctly engrossed.

Resolution read, and on motion adopted.

By Mr. Drew:

Resolved, That the name of J. M. Alexander, heretofore appointed as an Assistant Sergeant-at-Arms, at a per diem of $5 00, be stricken from the rolls, and the name of W. J. Whitney be submitted therefor as Assistant Sergeant-at-Arms, at a per diem of $5 00. Said per diem to be paid out of appropriations for the contingent expenses of the Assembly. Said appointment to date from and include the 14th day of February, 1909, and the State Controller is hereby authorized and directed to draw his warrants upon the said fund in favor of the said named person for the said per diem, and the State Treasurer is hereby authorized and directed to pay the same.

Resolution read, and on motion adopted.

RE-REFERENCE OF BILL.

On motion of Mr. Mott, Assembly Bill No. 843—An Act to amend Section 4048 of the Political Code, relating to the purchase of county supplies and advertising for bids therefor—was re-referred to Committee on County and Township Governments

SPECIAL FILE—THIRD READING.

Assembly Bill No. 56—An Act appropriating one thousand dollars for the purchase of books and periodicals for the Whittier State School.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 56 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Costar, Cronin, Drew, Feeley, Flavelle, Gibbons, Gillis, Greer, Griffiths, Hammon, Hans, Hawk, Hayes, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Maher, McClellan, Melrose, Moore, Nelson, Otis, Perine, Polsley, Preston, Pulcifer, Rutherford, Sackett, Silver, Stuckenbruck, Transue, Wagner, Webber, Whitney, Wilson, and Mr. Speaker—51.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 249—An Act making an appropriation of five thousand dollars to pay the traveling expenses and salary of a parole officer for the Whittier State School.

Bill read third time

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 249 passed by the following vote:

AYES—Messrs Barndollar, Beardslee, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Drew, Feeley, Flavelle, Gibbons, Gillis, Greer, Griffiths, Hammon, Hawk, Hewitt, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa,

Juilliard, Kehoe, Leeds, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, Perine, Polsley, Preston, Pulcifer, Rutherford, Sackett, Silver, Stuckenbruck, Transue, Wagner, Webber, Whitney, Wilson, and Mr Speaker—55

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 831—An Act making an appropriation to pay for the rental and janitor service of quarters of the Second District Court of Appeal.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 831 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Drew, Feeley, Gibbons, Gillis, Griffiths, Hammon, Hans, Hawk, Hayes, Hewitt, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnston of Contra Costa, Juilliard, Leeds, Maher, Melrose, Mendenhall, Mott, Nelson, Otis, Perine, Polsley, Preston, Pulcifer, Rutherford, Sackett, Silver, Stuckenbruck, Transue, Wagner, Webber, Whitney, Wilson, and Mr. Speaker—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 657—An Act to provide for the transfer from the general fund of the State treasury to the San Francisco harbor improvement fund of the sum of $22,937.45, to reimburse said San Francisco harbor improvement fund for the costs of publishing the "Second San Francisco Seawall Act," and the "India Basin Act," and directing the State Controller and State Treasurer to make such transfer.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 657 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Collum, Costar, Cronin, Drew, Feeley, Flavelle, Gibbons, Gillis, Greer, Griffiths, Hammon, Hans, Hawk, Hayes, Hewitt, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Maher, Melrose, Mendenhall, Moore, Nelson, Otis, Perine, Preston, Rutherford, Sackett, Silver, Stuckenbruck, Transue, Wagner, Whitney, Young, and Mr Speaker—49

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 167—An Act to amend Sections 1908, 1917, and 1923 of the Political Code of California, all relating to the enrolled militia.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 167 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Collum, Costar, Cronin, Drew, Feeley, Flavelle, Gillis, Greer, Griffiths, Hammon, Hans, Hawk, Hayes, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Juilliard, Kehoe, Leeds, Maher, Melrose, Mendenhall, Nelson, Otis, Perine, Polsley, Rutherford, Sackett, Silver, Stuckenbruck, Transue, Wagner, Webber, Whitney, Wyllie, Young, and Mr Speaker—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 585—An Act to amend Section 4234 of the Political Code, relating to salaries and fees of officers of counties of the fifth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 585 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Costar, Cronin, Drew, Feeley, Flavelle, Gibbons, Gillis, Greer, Griffiths, Hammon, Hans, Hawk, Hayes, Hewitt, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, Perine, Polsley, Preston, Puleifer, Rech, Rutherford, Sackett, Stuckenbruck, Transue, Wagner, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—56

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

WITHDRAWAL OF BILL.

Mr Griffiths asked for, and was granted, unanimous consent to withdraw Assembly Bill No. 88, it being identical with Senate Bill No. 25 now in this House.

Assembly Bill No. 88 withdrawn and ordered stricken from the file

Assembly Bill No. 88—An Act repealing an Act approved March 11, 1907, and entitled "An Act to increase the fixed annual appropriation for the Veterans' Home of California, located at Yountville, Napa County, State of California, from sixty-five thousand dollars per annum to seventy-five thousand dollars per annum for the fifty-ninth fiscal year, and for each and every year thereafter, and to that end to amend Section 1 of an Act approved March 20, 1905, entitled 'An Act to amend Section 1 of an Act entitled 'An Act to amend Section 1 of an Act approved March 20, 1899, entitled 'An Act to amend an Act entitled 'An Act to amend an Act approved February 28, 1887, entitled 'An Act to amend an Act to appropriate money for the support of aged persons in indigent circumstances residing in the home of the Veterans' Home Association, approved March 7, 1883, providing for an increase in the annual appropriation thereof, and changing the time for the payments thereof, approved March 23, 1893, reducing the amount of such appropriation per capita, approved March 12, 1901, by providing for a fixed annual appropriation of sixty-five thousand dollars in the place and stead of seventy-five dollars per annum for each and every aged and indigent United States ex-soldier, sailor, or marine admitted to or residing at said home.'"

SUBSTITUTION OF BILLS.

On motion of Mr. Griffiths, Senate Bill No. 25 was substituted for Assembly Bill No. 88, they being identical.

Senate Bill No. 25—An Act repealing an Act approved March 11, 1907, and entitled "An Act to increase the fixed annual appropriation for the Veterans' Home of California, located at Yountville, Napa County, State of California, from sixty-five thousand dollars per annum to seventy-five thousand dollars per annum for the fifty-ninth fiscal year and for each and every year thereafter, and to that end to amend Section 1 of an Act approved March 20, 1905, entitled 'An Act to amend

Section 1 of an Act entitled 'An Act to amend Section 1 of an Act approved March 20, 1899, entitled 'An Act to amend an Act entitled 'An Act to amend an Act approved February 28, 1887, entitled 'An Act to amend an Act to appropriate money for the support of aged persons in indigent circumstances residing in the home of the Veterans' Home Association, approved March 7, 1883, providing for an increase in the annual appropriation therefor, and changing the time for the payment thereof,' approved March 23, 1893, reducing the amount to such appropriation per capita, approved March 12, 1901, by providing for a fixed annual appropriation of sixty-five thousand dollars in the place and stead of seventy-five dollars per annum for each and every aged and indigent United States ex-soldier, sailor or marine admitted to or residing at said home.' ''

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 699—An Act to amend Section 384 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, and to add a new section thereto, to be numbered 387, relating to the powers of the Governor, his salary, and the salaries of certain appointees.

During the third reading of the bill Mr. Transue moved that the Speaker appoint a select committee of one to amend the bill, as follows:

AMENDMENT No. 1.

In lines 5 and 6, Section 1, of the printed bill, strike out the words "required, or which may be by law hereafter devolved upon him," and insert in lieu thereof the words "or hereafter prescribed by law,".

AMENDMENT No. 2

In Section 2, line 5, of the printed bill, strike out the words "to serve during and immediately"; also all of lines 6, 7, and 8 of such section, and also in line 9 the words "the Legislature", and insert in lieu thereof the following: "at an annual salary of twelve hundred dollars".

AMENDMENT No 3

In Section 2, line 9, of the printed bill, insert before the word "messenger" the words "filing clerk, who shall also act as".

AMENDMENT No 4.

In Section 2, line 11, of the printed bill, strike out the word "messenger", and insert in lieu thereof "filing clerk"

Motion carried.

The Speaker appointed Mr. Transue as such select committee

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1909.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 699, with instructions, do now report that the instructions of the Assembly have been carried out

TRANSUE, Select Committee

Report of select committee, and amendments, adopted

Bill ordered to reprint, reëngrossment, and on file for passage.

THE SILENT TRIBUTE

Friday, 12 o'clock, February 12, 1909.

In honor of the birth of the Great Emancipator, ABRAHAM LINCOLN, the Speaker's gavel fell, and profound silence rested upon the Assembly Chamber, broken only by the ticking of the clock

The affairs of State, the ring of hammer on anvil, the rattle of shuttle and loom, the rush in the marts of trade, joined in "SILENCE! coeval with eternity," a tribute more eloquent than tongue or pen.

SPECIAL ORDER

The time for considering special orders having arrived, the special order heretofore set for this time was taken up for consideration.

Senate Bill No. 18—An Act to define and regulate the business of banking.

HON. J. W. MOTT IN THE CHAIR.

At ten o'clock and fifty-five minutes A. M., Hon. J. W. Mott in the chair.

Senate Bill No. 18 considered.

SPECIAL ORDER RESET.

On motion of Mr. Drew, the further consideration of Senate Bill No. 18 was made a special order for Thursday, February 18, 1909, at ten o'clock A. M.

SPEAKER STANTON IN THE CHAIR.

At twelve o'clock and fifteen minutes P. M., Speaker Stanton in the chair.

HOUR OF ADJOURNMENT EXTENDED.

At twelve o'clock and thirty minutes, the hour of adjournment having arrived, upon motion the Speaker declared the same extended until twelve o'clock and forty-five minutes P. M. of this day.

RESOLUTION.

The following resolution was offered:

By Mr. Polsley:

WHEREAS, It is a matter of common report that the Fish Commission of California has been derelict in its official duties and wasteful of public moneys; that it has neglected the development of the State fisheries, devoting its time instead largely to pernicious political activities; and

WHEREAS, The law provides that "all officers, boards of officers, commissioners, trustees, regents, and directors, required by law to make reports to the Governor or Legislature, except the Controller of State, must send the original draft of such reports to the Governor before the fifteenth day of September, in the year eighteen hundred and ninety-two, and in every second year thereafter"; and

WHEREAS, It appears that the said Fish Commission failed to obey the plain provisions of the law in the respect noted, rendering no report of its transactions, so far as the public is aware, until the second week in February, nineteen hundred and nine, when a so-called "preliminary report" of eight pages only, evidently prepared in great haste for the purpose of forestalling legislative inquiry into the affairs of said Commission, was made; and

WHEREAS, Said report contains little, if any, information showing where, to whom, or how the large sums of money appropriated for and collected by said Fish Commission have been disbursed; therefore, be it

Resolved, That the Speaker of the Assembly be, and he hereby is, authorized and directed to appoint a special committee of seven members of the Assembly, whose duty it shall be to make a full and complete investigation into the affairs of said

Fish Commission, for the purpose of ascertaining what disposition has been made of the funds appropriated for and collected by said Commission during the two fiscal years ending September, nineteen hundred and eight; and for the further purpose of inquiring fully and completely into the official work of said Commission, its officers, employés and attachés; that said committee shall have full power to and is hereby directed to send for all necessary persons and papers, to subpœna witnesses and compel their attendance, to take the testimony of witnesses under oath, to the end that the fullest inquiry may be had; to employ in such investigation a stenographic reporter, to prepare a report of such investigation at the earliest possible date and to have such report transmitted to the members of the Assembly, in order to enable the Assembly to act intelligently upon requests for appropriations for the use of said Fish Commission; and be it further

Resolved, That if the committee appointed pursuant to this resolution shall find that the gross abuses alleged to exist in the management of the affairs of the Fish Commission do so exist, the committee shall recommend that action be taken by the Legislature looking to the abolishment of said Fish Commission

Mr. Polsley moved that the resolution be adopted.

Motion seconded.

Mr. Leeds moved as a substitute that the resolution be referred to Committee on Fish and Game.

Motion seconded.

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

Motion seconded.

Motion lost.

Mr. Juilliard moved as a substitute that the resolution be referred to Committee on Commissions and Public Expenditures

Motion seconded.

Motion lost

RULING BY SPEAKER.

The Speaker ruled that unless otherwise instructed by the Assembly the resolution would be referred to Committee on Fish and Game.

So referred.

WITHDRAWAL OF BILLS.

Mr. Feeley asked for and was granted unanimous consent to withdraw Assembly Bills Nos. 572 and 920.

Bills withdrawn and ordered stricken from the file.

REPORT OF STANDING COMMITTEE

The following report of standing committee was received and read·

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1909

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Assembly Bill No 169—An Act to amend the Political Code of the State of California by adding two new sections thereto, to be known and designated as section one thousand nine hundred and eighty-seven, and section two thousand one hundred and seven, both relating to the National Guard.

Also: Assembly Bill No. 274—An Act to amend an Act entitled "An Act to protect domestic live stock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this Act, and to provide an appropriation therefor," which became a law March 18, 1899, and as amended March 20, 1905, and as further amended March 23, 1907, by amending section one thereof as amended March 23, 1907, section two thereof as amended March 23, 1907, section four thereof, section five thereof, section six thereof, section seven thereof, and section eight thereof, and by adding a new section thereto, to be known and numbered as section seven and one half, providing for additional officers and employees and fixing their salaries

Also· Assembly Bill No. 102—An Act to amend section six hundred and twenty-five of the Code of Civil Procedure, relating to verdicts of juries in civil actions.

Also: Assembly Bill No 259—An Act providing for the appointment of a secre-

tary to boards of education in incorporated cities or towns, and adding a new section to the Political Code to be known as Section 1616*a*.

Also: Assembly Bill No. 284—An Act to add a new section to the Political Code, to be numbered 1671*b*, relating to enlarging, reconstructing, or replacing county high schools or increasing the capacity and accommodations thereof, and the levying of a special tax for such purposes.

Also: Assembly Bill No. 234—An Act to provide for a school of library training.

Also: Assembly Bill No. 696—An Act appropriating money to be expended by and under the direction of the Department of Engineering for the purpose of dredging out sand deposits in Humboldt Bay, for the purpose of improving the navigability thereof.

Also: Assembly Bill No. 606—An Act to secure the safety of the public at bathing places upon the seacoast and lakes.

Also: Assembly Bill 444—An Act to amend Article V, Chapter VII, Title XI, Part III of the Code of Civil Procedure of the State of California by amending Section 1577 thereof and adding a new section thereto to be numbered 1580, relating to the real property of decedents, minors, and incompetent persons.

Also: Assembly Bill No. 689—An Act to amend an Act entitled "An Act creating a fund for the benefit and support of high schools and providing for its distribution, by changing the term high school to secondary school and apportioning six hundred dollars to each school in place of one third of the total amount," approved March 6, 1903.

Also: Assembly Bill No. 240—An Act to provide for the consolidation of municipal corporations.

Also: Assembly Bill No. 579—An Act amending Section 1856 of the Civil Code, relative to lien of depositary for hire on property.

Also: Assembly Bill No. 580—An Act to amend Section 2144 of the Civil Code, relative to carrier's lien on property.

Also: Assembly Bill No. 231—An Act to amend Chapter II, Title IV of Part III of the Code of Civil Procedure of the State of California, relating to liens of mechanics, laborers, persons furnishing material, and other persons, upon real property by adding a new section to said chapter, to be numbered one thousand one hundred and eighty-three and one half, providing for liens in favor of persons furnishing power in the construction, alteration, addition to, or repair, either in whole or in part of any building, wharf, bridge, ditch, flume, aqueduct, well, tunnel, fence, machinery, railroad, wagon road, or other structure, or in transporting the material furnished and to be used for such purposes, and declaring the rank of such liens.

Also: Assembly Bill No. 138—An Act to regulate and license the conducting and operating of employment agencies and to provide a revenue therefrom, for the enforcement of the provisions of this Act and other Acts relating to employment agents and employment agencies.

Also: Assembly Bill No. 136—An Act to amend an Act entitled "An Act to provide for the proper sanitary condition of factories and workshops, and the preservation of the health of the employees," approved February 6, 1889.

Also: Assembly Bill No. 429—An Act authorizing municipal corporations, other than freeholder charter cities, to change their names, and providing the procedure therefor.

Also: Assembly Bill No. 442—An Act to amend "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities, approved March 18, 1885, by adding thereto a new section numbered 56, providing for the doing of sidewalk work by cities in the absence of bidders for doing the same.

Also: Assembly Bill No. 655—An Act to amend Section 2524 of the Political Code, relating to the jurisdiction, powers, and duties of the Board of State Harbor Commissioners.

Also: Assembly Bill No. 656—An Act to amend an Act entitled "An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to amend section six of an Act entitled "An Act concerning the water front of the city and county of San Francisco," approved March 15, 1878, and to confer further powers upon the Board of State Harbor Commissioners,' approved March 17, 1880," approved March 19, 1889, conferring further powers upon the said board,' approved March 26, 1895," approved March 23, 1901,' approved March 18, 1905."

Also: Assembly Bill No. 627—An Act to amend Section 3366 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, giving power to legislative bodies to fix a license tax and upon whom it may be imposed.

Also: Assembly Bill 583—An Act to amend sections one, two, and three of an Act entitled "An Act to provide for the formation, organization, and classification of new counties, for locating county seats, for the election and appointment of officers and for the adjustment and the fulfillment of the rights and obligation arising between such new counties and other counties," approved March 15, 1907.

Also: Assembly Bill No. 301—An Act to provide for work upon the construction of sidewalks and curbing within municipalities.

YOUNG, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1909.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly reengrossed:

Assembly Bill No. 650—An Act to amend Section 637*a* of the Penal Code of California and to add thereto three new sections to be numbered 637*c*, 637*d*, and 637*e*, all relating to protection of wild birds other than game birds, and their nests and eggs

Assembly Bill No. 585—An Act to amend Section 4234 of the Political Code relating to salaries and fees of officers of counties of the fifth class.

Also: Assembly Bill 321—An Act to repeal an Act entitled "An Act making a conspiracy to commit any crime against the person of, or an attempt to kill or commit any assault upon, the President, the Vice-President of the United States, or Governor of any State or Territory, any United States Justice or Judge, or the Secretary of any executive department of the United States, a felony; and providing a penalty therefor," approved February 28, 1903.

Also: Assembly Bill No. 322—An Act to amend Section 183 of the Penal Code of California.

Also. Assembly Bill 323—An Act to add a new section to the Penal Code of California, to be known as section two hundred and forty-seven, making an attempt to kill or commit any assault upon, the President or Vice-President of the United States, the Governor of any State or Territory, or any United States Justice or Judge, or the Secretary of any executive department of the United States, a felony, and providing a penalty therefor.

Also. Assembly Bill No 324—An Act to repeal an Act entitled "An Act making the cost of certain bonds of receivers, assignees, trustees, guardians, administrators and executors chargeable to a certain extent against the trust estate," approved March 20, 1905.

Also Assembly Bill No. 325—An Act to add a new section to the Code of Civil Procedure of California, to be known as Section 1060, relating to bonds of receivers, assignees, trustees, guardians, administrators and executors against trust estates

Also: Assembly Bill No. 327—An Act to add a new section to the Political Code of the State of California, to be known as Section 2329, relating to forbidding the employment of the inmates of State institutions in the manufacture or production of articles for the use of State officers, or the officers or employees of State institutions

Also: Assembly Bill No. 328—An Act to repeal an Act entitled "An Act to provide for the payment by the State or counties, or cities, or cities and counties, of the premium or charge on official bonds when given by surety companies," approved March 25, 1903

Also Assembly Bill No. 329—An Act to add a new section to the Political Code of the State of California, to be known as Section 988, relating to the payment of premiums on official bonds.

Also: Assembly Bill No 330—An Act to add a new section to the Penal Code of California, to be known as Section 79, relating to school officers and teachers acting as agents.

Also: Assembly Bill No. 326—An Act to repeal an Act entitled "An Act forbidding the employment of inmates of State institutions in the manufacture or production of articles, for the use of State officers, or the officers and employers (employees) of State institutions, approved March 19, 1903

Also Assembly Bill No 334—An Act to repeal an Act entitled "An Act to prevent the destruction of forests by fire on public lands," approved February 13, 1872

Also: Assembly Bill No. 341—An Act to repeal an Act entitled "An Act to regulate the disposition of the hides of cattle killed or slaughtered in the State of California," approved March 23, 1893

Also: Assembly Bill No 342—An Act to repeal an Act entitled "An Act to provide for the registration of bonds issued by common school, high school, or union high school districts," approved March 18th, 1905.

Also: Assembly Bill No 344—An Act to repeal an Act entitled "An Act to prohibit the collection of accounts for liquors sold at retail," approved March 20, 1874.

Also: Assembly Bill No 348—An Act to repeal an Act entitled "An Act to declare valid writs, process, and certificates issued by the Superior Courts of this State, or the clerks thereof, before such courts shall have been legally provided with seals," approved March 31, 1880.

Also: Assembly Bill No. 349—An Act to add a new section to the Code of Civil Procedure of California, to be known as section eighty, relating to the validity of writs, process and certificates issued by the Superior Courts or the clerks thereof, before such courts shall have been legally provided with seals.

Also: Assembly Bill No 343—An Act to add two new sections to the Political Code of the State of California, to be known as Sections 1893 and 1894, providing for the registration of bonds issued by common school, high school, union high school or joint union high school districts

Also: Assembly Bill No 345—An Act to add a new section to the Civil Code of the State of California, to be known as section thirty-four hundred and thirty-four, relating to the collection of accounts for liquors sold at retail.

Also: Assembly Bill No. 340—An Act to add a new section to the Penal Code of California, to be known as section one hundred and thirty-nine, relating to keeping

the hides of animals killed or slaughtered, and providing a penalty for the violation thereof.

Also: Assembly Bill No. 333—An Act to repeal sections eighteen hundred and sixty-seven, eighteen hundred sixty-eight, eighteen hundred sixty-nine and eighteen hundred and seventy of the Political Code of the State of California.

Also: Assembly Bill No. 331—An Act to add a new section to the Penal Code of California, to be known as section seventy-eight, relating to the prevention of irregular issuance of teachers' certificates.

Also: Assembly Bill No 346—An Act to repeal an Act entitled "An Act relative to the non-insurance of property belonging to the State against risk of damage or destruction by fire," approved March 10, 1891.

Also: Assembly Bill No. 347—An Act to add a new section to the Political Code of the State of California, to be known as Section 3236, relating to insurance on property belonging to the State.

Also Assembly Bill No 332—An Act to amend Section 653b of the Penal Code of California.

YOUNG, Chairman

The above reported bills ordered on file for third reading.

COMMUNICATIONS.

The following communications were filed by the Speaker:

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1909.

MR. SPEAKER: Will you please substitute Mr J. W. Preston in my stead on Committee on Public Hospitals and Asylums, temporarily, in order that he may visit some of above referred to institutions. I understand this is agreeable to Chairman Flavelle.

Yours very truly

L. W. JUILLIARD.

Sacramento, February 12, 1909.

Substitution approved.

P A. STANTON, Speaker.

Also:

I hereby substitute James E. Hopkins to go (in my stead) with Committee on State Hospitals and Asylums, on its trip to Napa, Glen Ellen, Ukiah, Aguirre, Oakland, etc

W. B. GRIFFITHS.

Substitution approved.

P. A. STANTON, Speaker.

ADJOURNMENT.

At four o'clock and forty-five minutes P. M., on motion of Mr. Beardslee, the Assembly was declared adjourned until ten o'clock A. M of Saturday, February 13, 1909.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL., Saturday, February 13, 1909.

At ten o'clock A M., pursuant to adjournment, the Assembly was called to order.

Hon. Geo. M. Perine, Speaker pro tem. of the Assembly, in the chair.

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

Messrs. Barndollar, Beardslee, Bohnett, Butler, Callan, Coghlan, Cogswell, Collier, Costar, Cronin, Drew, Feeley, Fleisher, Gibbons, Greer, Hammon, Hanlon, Hawk,

Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Maher, Melrose, Mendenhall, Moore, Nelson, Perine, Polsley, Preston, Rutherford, Sackett, Stuckenbruck, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, and Young—44.

Quorum present.

LEAVES OF ABSENCE.

On motion, leave of absence for the day was granted to Messrs. Wyatt, Odom, and Mr. Speaker.

PRAYER.

Prayer was offered by the Chaplain, Rev. Seren N. Marsh

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Feeley, its further reading was dispensed with.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON STATE LIBRARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1909.

MR. SPEAKER: Your Committee on State Library, to whom was referred Assembly Bill No. 1108—An Act to amend Section 2302 of the Political Code, relating to the salary of the State Librarian—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

MOORE, Chairman

The above reported bill ordered on file for second reading

SENATE MESSAGE

The following message from the Senate was taken up and read

SENATE CHAMBER, SACRAMENTO, February 12, 1909

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 6—Relative to approving the charter of the city of Palo Alto.

Also: Senate Joint Resolution No. 14—Relative to the Calaveras "Big Trees."

Also: Passed, as a case of urgency, Senate Bill No. 1041—An Act to amend an Act entitled "An Act providing for the sale of street railroad and other franchises in counties and municipalities, and providing conditions for the granting of such franchises by legislative or other governing bodies, and repealing conflicting Acts," approved March 22, 1905, Statutes of 1905, page 777 thereof.

LEWIS A. HILBORN, Secretary of the Senate.
By J. W. KAVANAGH, Assistant Secretary.

Senate Concurrent Resolution No. 6 read, and referred to Committee on Municipal Corporations.

Senate Joint Resolution No. 14 read, and referred to Committee on Federal Relations.

Senate Bill No. 1041 read first time, and referred to Committee on Municipal Corporations.

SPECIAL FILE—THIRD READING.

Assembly Bill No. 169—An Act to amend the Political Code of the State of California by adding two new sections thereto, to be known and designated as Section 1987 and Section 2107, both relating to the National Guard.

Bill read third time and passed on file.

THIRD-READING FILE.

Assembly Bill No. 238—An Act to add a new section to the Political Code, to be numbered 1840, relating to the levy and collection of special district school funds.

Bill read third time.

The question being on the passage of the bill.

The roll was called

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Greer moved a call of the House.

Motion carried.

Time, ten o'clock and fifty minutes A. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll.

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

Messrs. Barndollar, Beardslee, Bohnett, Butler, Callan, Coghlan, Cogswell, Collier, Cronin, Drew, Feeley, Gibbons, Greer, Hammon, Hawk, Holmquist, Irwin, Johnson of Sacramento, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Maher, McClellan, Melrose, Mendenhall, Moore, Nelson, Perine, Polsley, Preston, Rutherford, Sackett, Stuckenbruck, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, and Young—41

The Chief Clerk announced the absentees.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the House.

Messrs. Kehoe and Coghlan were brought before the bar of the House, and, on motion, excused.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At eleven o'clock and twenty minutes A. M., further proceedings under the call of the House were dispensed with, on motion of Mr. Greer.

The roll of absentees was called, and the bill passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Bohnett, Butler, Callan, Coghlan, Cogswell, Collier, Cronin, Drew, Feeley, Gibbons, Greer, Hammon, Hawk, Holmquist, Irwin, Johnson of Sacramento, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Maher, McClellan, Melrose, Mendenhall, Moore, Nelson, Perine, Polsley, Preston, Rutherford, Sackett, Stuckenbruck, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, and Young—41.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 106—An Act authorizing certain suits against the State, and regulating the procedure therein.

Bill read third time.

The question being on the passage of the bill.

The roll was called

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Gibbons moved a call of the House.

Motion carried.

Time, eleven o'clock and twenty-five minutes A. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll.

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

Messrs. Barndollar, Beardslee, Bohnett, Butler, Callan, Coghlan, Cogswell, Collier, Costar, Cronin, Drew, Feeley, Gibbons, Greer, Hammon, Hawk, Holmquist, Irwin, Johnson of Sacramento, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Maher, McClellan, Melrose, Mendenhall, Moore, Nelson, Perine, Polsley, Preston, Rutherford, Sackett, Silver, Stuckenbruck, Wagner, Webber, Whitney, Wilson, Wyllie, and Young—42.

The Chief Clerk announced the absentees.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the House.

Mr. Costar was brought before the bar of the House, and, on motion, excused.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At eleven o'clock and thirty minutes A. M., further proceedings under the call of the House were dispensed with, on motion of Mr. Gibbons.

The roll of absentees was called, and the bill passed by the following vote:

AYES—Messrs Barndollar, Beardslee, Bohnett, Butler, Callan, Coghlan, Cogswell, Collier, Costar, Cronin, Drew, Feeley, Gibbons, Greer, Hammon, Hawk, Holmquist, Irwin, Johnson of Sacramento, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Maher, McClellan, Melrose, Mendenhall, Moore, Nelson, Perine, Polsley, Preston, Rutherford, Sackett, Stuckenbruck, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, and Young—42.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 622—An Act to amend section three thousand eight hundred and ninety-seven of the Political Code, relating to the sale and disposition of lands to the State for delinquent taxes.

During the third reading of the bill, Mr. Preston moved that the Speaker appoint a select committee of one to amend the bill, as follows:

In section one strike out all after line 62, and insert in lieu thereof the following: "The expense of giving the notice herein required shall be a charge against the property so advertised, and shall be collected by the collector, and no redemption of such property before said sale may be had without payment of such cost of advertising, and to secure the payment of such advertising cost the collector shall demand in advance from the party or parties seeking to purchase, a deposit with said officer of a sum sufficient to defray such cost of advertising, which deposit shall be forfeited in the event said party or parties fail or refuse to purchase at such sale; *provided*, that if the party or parties so depositing fail to secure such property on their bid, such deposit shall be returned, and such advertising cost shall be collected from the successful purchaser: *provided, also*, that if the tax collector of any county shall so request, and the county board of supervisors shall by resolution duly passed endorse such request, the Controller may issue an authorization for the sale of any or all property in said county subject to sale hereunder and remaining unsold and unredeemed. When property is advertised for sale pursuant to this provision, the costs of such advertising shall be in the first instance a county charge; *provided, further*, that no redemption or sale of such property after advertisement shall be permitted without the payment of such cost of advertising, or in case more than one tract of land is included in the same advertisement, then a pro rata of said costs shall be collected from the party redeeming or purchasing, which shall when collected be retained by such county."

Motion carried.

The Speaker appointed Mr. Preston as such select committee

REPORT OF SELECT COMMITTEE

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1909

MR SPEAKER. Your select committee of one, to whom was referred Assembly Bill No. 622, with instructions, do now report that the instructions of the Assembly have been carried out

PRESTON, Select Committee

Report of select committee and amendment adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No. 782—An Act to amend Section 4243 of the Political Code of the State of California, relating to the compensation and expenses of officers in counties of the fourteenth class

During the third reading of the bill, Mr. Preston moved that the Speaker appoint a select committee of one to amend the bill, as follows

After the word "seat," in line 123, of page 4, of printed bill, insert the following: "and all expenses actually incurred in the pursuit within the county of insane persons or criminals charged with felony"

Motion carried.

The Speaker appointed Mr Preston as such select committee

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1909

MR SPEAKER Your select committee of one, to whom was referred Assembly Bill No. 782, with instructions, do now report that the instructions of the Assembly have been carried out

PRESTON, Select Committee

Report of select committee and amendment adopted.

Bill ordered to reprint, reëngrossment, and on file for passage

Assembly Bill No. 594—An Act to provide for the establishment and maintenance of public museums of natural and historical objects within municipalities.

During the third reading of the bill Mr. Melrose moved that the Speaker appoint a select committee of one to amend the bill, as follows:

Strike out the word "established" in line 7 of Section 11, and insert in lieu thereof the word "disestablished"

Motion carried.

The Speaker appointed Mr Melrose as such select committee

REPORT OF SELECT COMMITTEE

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No 594, with instructions, do now report that the instructions of the Assembly have been carried out.

MELROSE, Select Committee

Report of select committee and amendment adopted.

Bill ordered to reprint, reëngrossment, and on file for passage

MOTION.

Mr. Greer moved that the Assembly consider special second-reading file of Assembly bills.

Motion carried.

SPECIAL FILE—SECOND READING

Assembly Bill No. 302—An Act to amend Sections 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934, 1935, 1951, 1953, 1954, 1956, 1957, 1958, 1962, 1966, 1985, 2020, 2026, 2076, 2078, 2079, 2081, 2086, 2102, 2111, and 2112, all of the Political Code of the State of California, relating to the National Guard.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No 1

Amend Section 4, page 4, of the printed bill, by striking out in lines 10, 11, 12, and 13, the following: "When a vacancy occurs in the grade of Brigadier General of the Adjutant General's department, the Commander-in-Chief shall have power to fill the vacancy by appointment and commission." and substitute therefor the following: "The Brigadier General of the Adjutant General's department shall be appointed by the Governor, and hold office at his pleasure, or until his successor is appointed and qualifies"

Amendment adopted.

AMENDMENT No. 2

Amend by striking out in lines 25, 26, 27, 28, and 29 of the said section the following "When a vacancy occurs in the Adjutant General's department below the grade of Brigadier General, the Commander-in-Chief shall have power to fill the vacancy", and substitute therefor the following "All officers in the Adjutant General's department shall be appointed by the Governor, and shall hold office at his pleasure, or until their successors are appointed and have qualified"

Amendment adopted.

AMENDMENT No. 3.

Amend Section 4, page 5, line 37, of printed bill, by inserting the word "the" after the word "by".

Amendment adopted.

AMENDMENT No 3*a*.

Amend Section 4, line 40, page 5, of the printed bill, by striking out the word "four", and inserting in lieu thereof the word "three".

Amendment adopted

AMENDMENT No. 3*b*

Amend Section 4, line 40, page 5, of the printed bill, by inserting after the word "clerks" the following: "one stenographer and clerk."

Amendment adopted

AMENDMENT No. 4.

Amend by striking out of Section 8, page 7, line 10, of the printed bill, the word "to", and substituting in lieu thereof the word "for".

Amendment adopted.

AMENDMENT No. 5.

Amend Section 8, line 15, page 7, of the printed bill, by striking out the comma after the word "sergeant", and inserting it in line 16 after the parentheses, and before the word "one".

Amendment adopted.

AMENDMENT No. 6.

Amend Section 9, page 7, line 12, of the printed bill, by striking out the letter "s" in the word "troops".

Amendment adopted

AMENDMENT No. 7.

Amend by inserting in Section 13, page 10, line 12, of the printed bill, after the word "general", the words "of the line."

Amendment adopted.

AMENDMENT No. 8.

Amend Section 14, page 12, line 21, of the printed bill, by inserting after the word "advocates", the word "chaplains".

Amendment adopted.

AMENDMENT No. 9.

Amend Section 15, page 12, line 4, of the printed bill, by inserting after the word "or" the words "of a separate".

Amendment adopted.

AMENDMENT No 10.

Amend Section 15, page 12, line 5, of the printed bill, by striking out after the word "or" the words "of a".

Amendment adopted.

AMENDMENT No. 11.

Amend Section 16, page 12, of the printed bill, by striking out all of said section after and including line 4 thereof, and substituting the following:

"1957. *Appointive officers.* General officers of the line of the National Guard shall be appointed by the Commander-in-Chief, by and with the advice and consent of the Senate. During the time the Senate is not in session, the Commander-in-Chief shall make such appointments subsequent to confirmation by the Senate. All such officers shall hold office during the pleasure of the Commander-in-Chief or until their successors are appointed and qualified. The chiefs of staff departments and staff corps and the extra officers appointed therein, and the personal aides-de-camp of the Commander-in-Chief shall be appointed by the Commander-in-Chief, and shall hold office during his pleasure or until their successors are appointed and qualified. The officers on the staff of a brigade, the officers allowed to regiments, battalions, and squadrons for staff duty, surgeons of brigades and surgeons and assistant surgeons of regiments and of battalions and squadrons not part of regiments, assistant surgeons of separate troops or companies, and chaplains, shall be appointed by the Commander-in-Chief upon the recommendation of their immediate commanding officer, and shall hold office during the pleasure of their immediate commanding officer, or until their successors are appointed and qualified."

Amendment adopted.

AMENDMENT No. 12.

Amend Section 17, page 13, line 22, of the printed bill, by inserting in the word "commissioned" the letter "s" after the letter "s" in said word.

Amendment adopted.

AMENDMENT No. 13.

Amend Section 19, page 14, line 1, of the printed bill, by transposing the letter "s" immediately after the letter "a", in the word "thouasnd", to a position immediately before said letter "a".

Amendment adopted.

AMENDMENT No. 14.

Amend Section 19, page 14, line 4, of the printed bill, by inserting the letter "t" after the letter "n" in the word "event".

Amendment adopted.

AMENDMENT No. 15

Amend Section 20, page 15, line 21, of the printed bill, by inserting a comma after the word "regiment"

Amendment adopted.

AMENDMENT No. 16.

Amend Section 20, page 16, line 46, of the printed bill, by striking out the letter "e" in the word "men", and inserting in lieu thereof the letter "a"

Amendment adopted.

AMENDMENT No. 17.

Amend Section 26, page 21, line 17, of the printed bill, by striking out the word "for" after the word "claim", and inserting in lieu thereof the word "from"

Amendment adopted.

AMENDMENT No. 17*a*.

Amend Section 27, line 5, page 22, of the printed bill, by inserting after the word "salaries" the following: "payable monthly."

Amendment adopted.

AMENDMENT No. 18.

Amend Section 27, line 7, page 22, of the printed bill, by inserting after the word "thousand" the words "six hundred".

Amendment adopted.

AMENDMENT No. 19.

Amend Section 27, line 8, page 22, of the printed bill, by striking out the words "twenty-four hundred", and inserting in lieu thereof the words "three thousand".

Amendment adopted.

AMENDMENT No. 20.

Amend Section 27, line 9, page 22, of the printed bill, by striking out the word "eighteen", and inserting in lieu thereof the word "nineteen".

Amendment adopted.

AMENDMENT No. 21.

Amend Section 27, line 10, page 22, of the printed bill, by striking out the word "four", and inserting in lieu thereof the word "three".

Amendment adopted.

AMENDMENT No. 22.

Amend Section 27, line 10, page 22, of the printed bill, by striking out the word "sixteen", and inserting in lieu thereof the word "seventeen".

Amendment adopted.

AMENDMENT No. 23.

Amend Section 27, line 11, page 22, of the printed bill, by inserting after the semicolon following the word "each" the following: "one stenographer and clerk, fifteen hundred dollars per annum;"

Amendment adopted.

AMENDMENT No. 24.

Amend Section 27, lines 12 and 13, page 22, of the printed bill, by striking out the words "seven hundred and twenty", and inserting in lieu thereof the following: "nine hundred".

Amendment adopted.

AMENDMENT No. 25.

Amend Section 30, line 1, page 23, of the printed bill, by striking out the word "of" after the word "twelve".

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 801—An Act authorizing the State Treasurer to purchase a bond-filing case, and making an appropriation therefor.

Bill read second time.

Assembly Bill No. 151—An Act making an appropriation to pay the deficiency in the appropriation for postage and contingent expenses of the Clerk of the Supreme Court for the fifty-ninth and sixtieth fiscal years.

Bill read second time.

Assembly Bill No. 166—An Act making an appropriation of $2,500 for restoring certain records in the office of the Clerk of the Supreme Court in the city of San Francisco.

Bill read second time.

Mr. Drew moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Perine in the chair.

Assembly Bills Nos. 801, 151, and 166 considered.

Mr. Drew moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker pro tem. Perine in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bills Nos 801, 151, and 166, and do now report the same back, and recommend that they do pass.

PERINE, Chairman

Bills ordered to engrossment.

Assembly Bill No. 388—An Act to provide for the erection of a training school building for the use of the State Normal School at Chico California, to equip the same, and to make an appropriation therefor

Mr. Costar moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Perine in the chair.

Assembly Bill No. 388 considered.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In Section 1, line 3 of the printed bill, strike out the words and figures "seventy-five thousand ($75,000) dollars", and insert in lieu thereof the words "thirty thousand dollars".

Amendment adopted.

AMENDMENT No. 2.

In Section 1, lines 5 and 6 of the printed bill, strike out the words "and equipping the same".

Amendment adopted.

AMENDMENT No. 3

In Section 1, line 8 of the printed bill, strike out the words "and equipment".

Amendment adopted.

Mr. Costar moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker pro tem Perine in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 388, and do now report the same back, and recommend that it do pass.

PERINE, Chairman.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 1030—An Act to amend Section 528 of the Political Code, relating to the printing of the Journals and Appendices of the Senate and Assembly.

Bill read second time, and ordered to engrossment.

SECOND-READING FILE.

Assembly Bill No. 70—An Act authorizing the board of supervisors of the several counties of this State to declare innavigable streams highways for the purpose of fishing and providing for the use of the same.

AMENDMENT NO 1

Amend the title of the bill to read as follows "An Act to add a new section to the Political Code, to be numbered 4085½, authorizing the board of supervisors of the several counties of this State to declare, innavigable streams highways for the purpose of fishing, and providing for the use of the same."

Amendment adopted.

AMENDMENT NO. 2

Insert after the enacting clause the following:

"Section 1. A new section is hereby added to the Political Code, to be numbered and known as section four thousand and eighty-five and one half, and to read as follows:"

Amendment adopted.

AMENDMENT NO. 3.

Strike out the word "section", and the figure "1", in line 1, of Section 1, of the printed bill, and insert in lieu thereof the figures "4085½".

Amendment adopted.

AMENDMENT NO. 4.

Strike out the word "section" and the figure "2" in line 1, of Section 2, of the printed bill.

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 69—An Act to make an appropriation for the location, survey and construction of a state highway from Emigrant Gap, Placer County, in an easterly direction through what is known as Truckee Pass, to the west end of Donner Lake, in Nevada County.

Mr. Rutherford moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Perine in the chair.

Assembly Bill No. 69 considered.

Mr. Rutherford moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker pro tem. Perine in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1909

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No 69, and do now report the same back, and recommend that it do pass.

PERINE, Chairman

Bill read second time, and ordered to engrossment.

Assembly Bill No. 245—An Act entitled "An Act to amend Sections 3109 and 3110 of the Political Code of the State of California, relating to public cemeteries, sale of lots, keeping same in order, and jurisdiction over the same."

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

After the title in the printed bill insert as follows "The people of the State of California, represented in Senate and Assembly, do enact as follows"

Amendment adopted.

AMENDMENT No 2

After the word "nine," in the first line of Section 1, of the printed bill, insert the words "of the Political Code".

Amendment adopted.

AMENDMENT No. 3.

Strike out the word "Section" where it appears in line 3 of Section 1 of the printed bill.

Amendment adopted.

AMENDMENT No. 4.

Strike out the word "of" in line 5, of Section 1, of the printed bill, and insert in lieu thereof the word "or".

Amendment adopted.

AMENDMENT No. 5.

After the word "ten" in line 1, of Section 2, of the printed bill, insert the words "of the Political Code".

Amendment adopted.

AMENDMENT No. 6.

Strike out the word "Section" where it appears in line 3, of Section 2, of the printed bill.

Amendment adopted.

AMENDMENT No. 7.

Strike out all of Section 3 of the printed bill.

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment

Assembly Bill No. 751—An Act to amend Section 2572 of the Political Code of the State of California, relating to the Board of Harbor Commissioners of the Port of Eureka, and to add a new section to the Political Code, to be known as Section 2568½, also relating to the Board of Harbor Commissioners of the Port of Eureka.

Mr. Kehoe moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Perine in the chair.

Assembly Bill No. 751 considered.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 2, Section 3, lines 1 and 2, strike out the words "This Act shall take effect and be in force from and after its passage and approval", and insert in lieu thereof the following: "This Act shall take effect July 1st, 1909".

Amendment adopted.

AMENDMENT No. 2.

On page 1, Section 1, lines 11, 12, 13, 14, and 15, strike out the words "All other expenses of said commission necessarily incurred, not to exceed fifteen hundred dollars per annum, are to be paid on the warrants of the State Controller at such times and in such amounts as may be approved by the State Board of Examiners", and insert in lieu thereof the following: "All other expenses of said commission necessarily incurred not to exceed fifteen hundred dollars per annum shall be paid by the State. For the purpose of paying said expenses there is hereby continuously appropriated out of any money in the State treasury, not otherwise appropriated, for each and every fiscal year the sum of fifteen hundred dollars, to be paid on the warrants of the State Controller at such times and in such amounts as may be approved by the State Board of Examiners."

Amendment adopted.

Mr. Kehoe moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried

IN ASSEMBLY.

Speaker pro tem. Perine in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1909

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 751, and do now report the same back, and recommend that it do pass

PERINE, Chairman

Bill read second time, and ordered to print and engrossment.

Committee substitute for Assembly Bill No. 298—An Act to amend Section 531 of Article XII of the Political Code, relating to the duties of the Superintendent of State Printing.

Mr. Johnson of Sacramento moved that the substitute be adopted.

Motion carried.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 638—An Act to amend Section 261 of the Penal Code of the State of California, defining the crime of rape.

Bill read second time, and ordered to engrossment

Assembly Bill No. 587—An Act to amend Section 182 of the Penal Code of the State of California, relating to criminal conspiracy, defining same, and fixing the punishment.

Bill read second time, and ordered to engrossment

Assembly Bill No. 436—An Act to amend an Act entitled "An Act for the certification of land titles and the simplification of the transfer of real estate," approved March 17, 1897, by amending section five of said Act.

Bill read second time, and ordered to engrossment.

Assembly Bill No 437—An Act to amend an Act entitled "An Act for the certification of land titles and the simplification of the transfer of real estate," approved March 17, 1897, by amending sections six, nine, and thirteen of said Act.

Bill read second time, and ordered to engrossment

Assembly Bill No 438—An Act to amend an Act entitled "An Act for the certification of land titles and the simplification of the transfer of real estate," approved March 17, 1897, by amending Section 114 thereof, and by adding three new sections thereto, to be numbered 112*a*, 114*b*, 114*c*, all relating to the fees of registrars and to the use of a part thereof in the creation of an assurance fund, and providing for the custody and management of said fund, and the determination and disposition of claims against the same.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 757—An Act to amend section seven hundred and fifty-six of the Political Code, relating to salaries of deputies of the Clerk of the Supreme Court.

Bill referred to Committee on Ways and Means.

Assembly Bill No 759—An Act to amend Section 751 of the Political Code, relating to deputies of the Clerk of the Supreme Court

Bill referred to Committee on Ways and Means.

Assembly Bill No. 985—An Act to amend Section 4075 of the Political Code, relating to the itemizing of claims against the county.

Bill read second time, and ordered to engrossment

Assembly Bill No 935—An Act to amend Section 4268 of the Political Code of California, relating to salaries and compensation of officers, jurors, and witnesses in counties of the thirty-ninth class

Bill read second time, and ordered to engrossment.

Assembly Bill No. 983—An Act to amend Section 4284 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the fifty-fifth class

Bill read second time, and ordered to engrossment.

Assembly Bill No. 984—An Act to amend Section 4281 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the fifty-second class

During second reading of bill, the following amendment was submitted by the committee:

In line 6, page 1, of printed bill, strike out the word "hundred", and insert in lieu thereof the word "thousand".

Amendment adopted

Bill read second time, and ordered to reprint and engrossment

Assembly Bill No. 430—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, and all amendments thereto.

During second reading of bill, the following amendment was submitted by the committee:

On page 1, Section 1, line 5, strike out all of Section 1 after the word "amended", and insert in lieu thereof the following:

Section 862 The board of trustees of said city shall have power

1. To pass ordinances not in conflict with the Constitution and laws of this State or of the United States.

2. To purchase, lease, or receive such real estate and personal property as may be necessary or proper for municipal purposes, and to control, dispose of, and convey

the same for the benefit of the city or town, *provided*, they shall not have power to sell or convey any portion of any water front

3. To contract for supplying the city or town with water for municipal purposes, or to acquire, construct, repair, and manage pumps, aqueducts, reservoirs, or other works necessary or proper for supplying water for the use of such city or the inhabitants, or for irrigating purposes therein.

4. To establish, build, and repair bridges; to establish, lay out, alter, keep open, improve, and repair streets, sidewalks, alleys, squares, and other public highways and places within the city or town, and to drain, sprinkle, oil, and light the same; to remove all obstructions therefrom; to establish the grades thereof; to grade, pave, macadamize, gravel, and curb the same, in whole or in part, and to construct gutters, culverts, sidewalks, and crosswalks therein, or on any part thereof; to cause to be planted, set out, and cultivated, shade trees therein; and generally to manage and control all such highways and places; and in the exercise of the powers herein granted to expend, in their discretion, the ordinary annual income and revenue of the municipality in payment of the costs and expenses of the whole or any part of such work or improvement.

5. To construct, establish, and maintain drains and sewers.

6. To provide fire engines and all other necessary and proper apparatus for the prevention and extinguishment of fires.

7. To impose on and collect from every male inhabitant between the ages of twenty-one and sixty years, an annual street poll tax, not exceeding two dollars; and no other road poll tax shall be collected within the limits of the city.

8. To impose and collect an annual license not exceeding two dollars on every male dog, and four dollars on every female dog owned or harbored within the limits of the city.

9. To levy and collect annually a property tax, which shall not exceed one dollar on each one hundred dollars.

10. To license, for the purpose of revenue and regulation, all and every kind of business authorized by law, and transacted and carried on in such city or town, and all shows, exhibitions, and lawful games carried on therein; to fix the rates of license tax upon the same, and to provide for the collection of the same by suit or otherwise.

11. To improve the rivers and streams flowing through such city or adjoining the same; to widen, straighten, and deepen the channels thereof, and remove obstructions therefrom, to improve the water front of the city, to construct and maintain embankments and other works to protect such city from overflow; and to acquire, own, construct, maintain, and operate on any lands bordering on any navigable bay, lake, inlet, river, creek, slough, or arm of the sea, within the corporate limits of such city or contiguous thereto, wharves, chutes, piers, breakwaters, bathhouses, and life-saving stations.

12. To erect and maintain buildings for municipal purposes.

13. To acquire, own, construct, maintain, and operate street railways, telephone and telegraphic lines, gas and other works for light and heat; public libraries, museums, gymnasiums, parks, and baths, and to permit, under such restrictions as they may deem proper, the laying of railroad tracks, and the running of cars drawn by horses, steam, or other power thereon, and the laying of gas and water pipes in the public streets, and to permit the construction and maintenance of telegraph and telephone lines therein.

14. To impose fines, penalties, and forfeitures for any and all violations of ordinances, and for any breach or violation of any ordinance; to fix the penalty by fine or imprisonment, or both; but no such fine shall exceed three hundred dollars, nor the term of imprisonment exceed three months.

15. To cause all persons imprisoned for violation of any ordinance to labor on the streets, or other public property, or works within the city.

16. To establish and maintain fire limits, and to regulate building and construction within the municipality.

17. To expend such sum as the board of trustees shall deem proper, not to exceed five per cent of the property tax levy in any one fiscal year, for music and promotion.

18. To do and perform any and all other acts and things necessary or proper to carry out the provisions of this Act.

SEC. 2 This Act shall take effect immediately.

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 824—An Act to amend an Act entitled "An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for the appointment of the members of said commission, to be known as 'The Commissioners for the Revision and Reform of Laws,' and to prescribe their powers and

duties; and to authorize the appointment of a secretary and stenographer therefor; and to provide for the compensation and expense of said commission, secretary and stenographer, and to appropriate money therefor," approved March 28, 1895, approved March 25, 1903, by amending Section 7 thereof.

Bill referred to Committee on Ways and Means.

Assembly Bill No. 931—An Act to amend Section 444 of the Political Code, relating to transfers of money from one fund to another.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 989—An Act to amend Section 607*e* of the Civil Code of the State of California, relating to the disposition to be made of certain fines, penalties and forfeitures.

Bill read second time, and ordered to engrossment.

ADJOURNMENT.

At twelve o'clock and thirty minutes P. M., on motion of Mr. Transue, the Assembly was declared adjourned until ten o'clock A. M. of Monday, February 15, 1909.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL.,
Monday, February 15, 1909.

At eleven o'clock and thirty minutes A. M., the Assembly was called to order.

Hon. P. A. Stanton, Speaker of the Assembly, in the chair.

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

Messrs. Barndollar, Beardsley, Beatty, Bohnett, Butler, Callan, Coghlan, Cogswell, Collier, Costar, Cronin, Drew, Gerdes, Gibbons, Greer, Griffiths, Hammon, Hans, Hawk, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Kehoe, Leeds, Maher, Mendenhall, Moore, Mott, Nelson, Polsley, Pulcifer, Rutherford, Sackett, Silver, Stuckenbruck, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—45.

Quorum present.

LEAVES OF ABSENCE.

On motion, leave of absence for the day was granted to Messrs. Wyatt, Perine, and Melrose.

PRAYER.

Prayer was offered by the Chaplain, Rev. Seren N. Marsh.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Mott, its further reading was dispensed with.

APPROVAL OF JOURNAL.

On motion of Mr. Transue, the Journals of Monday, February 8, Tuesday, February 9, Wednesday, February 10, Thursday, February 11, Friday, February 12, and Saturday, February 13, 1909, were approved as corrected by the Minute Clerk.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read.

ON PUBLIC HEALTH AND QUARANTINE.

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1909.

MR. SPEAKER: Your Committee on Public Health and Quarantine, to whom was referred Assembly Bill No. 28—An Act to amend the title of Sections 1, 7, 8, and 9 of an Act entitled "An Act to regulate the sale of poisons in the State of California, and providing a penalty for the violation thereof," approved March 6, 1907.

Also: Assembly Bill No. 26—An Act to amend Sections 3, 4, 5, 6 7, 11, 13, 14, and 16 of an Act entitled "An Act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California State Board of Pharmacy," approved March 20, 1905, and amended March 21, 1907.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

BARNDOLLAR, Chairman.

ON COUNTY AND TOWNSHIP GOVERNMENTS

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1909.

MR SPEAKER: Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 709—An Act to amend Section 4234 of the Political Code of the State of California, relating to the compensation of officers of counties of the fifth class and their assistants and deputies—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

HANS, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1909

MR SPEAKER: Your Committee on County and Township Governments, to whom was referred Assembly Bill No 188—An Act to amend Section 4290 of the Political Code of the State of California, relating to salaries and fees

Also: Assembly Bill No. 189—An Act to amend Section 3862 of the Political Code of the State of California, relating to compensation allowed for collecting certain taxes.

Also: Assembly Bill No. 948—An Act to amend subdivision two of Section 4232 of the Political Code, relating to the establishment of a uniform system of county and township governments.

Have had the same under consideration, and respectfully report the same back, and recommend that they be referred to the Alameda County Delegation

HANS, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 11, 1909.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 764—An Act to add a new section to the Political Code to be known as Section 4225, relating to the payment of salaries of all regular city employees of counties, cities and counties, cities and towns—have had the same under consideration, and respectfully report the same back, and recommend that it be referred to Committee on Judiciary, by request of author.

HANS, Chairman.

ON EDUCATION

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1909

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 250—An Act to amend Section 1874 of the Political Code of California, relating to standing committee on text-books—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass

SACKETT, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1909.

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 1103—An Act to amend Section 652 of the Civil Code of the State of California, relating to the consolidation of colleges and institutions of higher education—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

SACKETT, Chairman.

STATE PRISONS AND REFORMATORY INSTITUTIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1909.

MR SPEAKER: Your Committee on State Prisons and Reformatory Institutions, to whom was referred Assembly Bill No 53—An Act appropriating $3,500 for repairs on the main building of the Whittier State School.

Also. Assembly Bill No. 54—An Act providing for an appropriation of thirty thousand dollars for the purpose of purchasing additional land for the Whittier State School.

Also: Assembly Bill No 55—An Act appropriating thirty-five hundred dollars to be expended for the purchase of a Mergenthaler linotype machine and equipment for the Whittier State School.

Also: Assembly Bill No. 57—An Act appropriating the sum of twelve thousand dollars for building and equipping a hospital and receiving cottage for the Whittier State School.

Also: Assembly Bill No 58—An Act appropriating twenty thousand dollars for the purpose of building two cottages on the grounds of the Whittier State School

Also: Assembly Bill No. 59—An Act appropriating five thousand dollars to be expended in the erection of a manual training building on the grounds of the Whittier State School

Also: Assembly Bill No. 60—An Act appropriating eighteen hundred dollars for the purchase of one cylinder printing press for the Whittier State School.

Also: Assembly Bill No 112—An Act appropriating money for the building and furnishing a refectory building at the Preston School of Industry.

Also: Assembly Bill No. 113—An Act appropriating money for the building and equipping of a hospital at the Preston School of Industry.

Also Assembly Bill No. 114—An Act appropriating money for the building and equipping of a central heating and power station, and to make the necessary changes in the plumbing at the Preston School of Industry.

Also: Assembly Bill No 115—An Act appropriating money for the purchase of a site and right of way and the building of a reservoir and pipe line for a clear water system at the Preston School of Industry, Ione, California.

Also: Assembly Bill No 116—An Act appropriating money for finishing and furnishing assembly hall and equipping gymnasium at the Preston School of Industry.

Also: Assembly Bill No 117—An Act appropriating money for the building and furnishing of four cottages at the Preston School of Industry.

Also: Assembly Bill No. 118—An Act appropriating money for the equipment of the trades building at the Preston School of Industry

Also: Assembly Bill No. 119—An Act appropriating money for a press-brick machine for the Preston School of Industry.

Also: Assembly Bill No. 120—An Act appropriating money for the purchase of bedding and furniture and for repairs for the use of the Preston School of Industry.

Also: Assembly Bill No 248—An Act providing for an appropriation of $2,500 to be used in the purchase of a boiler for the Whittier State School.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass and be re-referred to the Committee on Ways and Means.

HAMMON, Chairman.

The above reported bills, with the exception of Assembly Bills Nos. 188, 189, 943, and 764, ordered on file for second reading.

Assembly Bills Nos. 188, 189, and 943 referred to Alameda County Delegation.

Assembly Bill No. 764 referred to Committee on Judiciary.

Assembly Bills Nos. 54, 55. 57, 59, 60, 112, 113, 114, 115, 116, 117, 118, 119. 120, and 248, referred to Committee on Ways and Means.

RESOLUTION.

The following resolution was offered:

By Mr. Drew:

Resolved, That the State Controller be, and he is hereby, directed to draw his warrant in favor of John T Stafford, Sergeant-at-Arms, for the sum of ninety-nine dollars and twenty-five cents ($99 25) out of the contingent fund of the Assembly, and the Treasurer is hereby directed to pay the same, being in payment of the Assembly's portion (one half) of the expenses incurred by your committee for decorations of Assembly Chamber on Lincoln memorial exercises, which were held on Friday afternoon and evening, February 12, 1909, in the Assembly Chamber, itemized account of which is as follows:

William Durant, decorations and labor	$48 00
Navlet Brothers, plants and flowers	16 25
Kohler & Chase, piano	5 00
W. L. Jackson, moving Lincoln's picture	5 00
	$74 25
Music	25 00
	$99 25

Mr. Drew moved the adoption of the resolution.

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

AYES—Messrs. Barndollar, Beatty, Bohnett, Butler, Callan, Coghlan, Cogswell, Collier, Cosgar, Cronin Drew, Gerdes, Gibbons, Greer, Griffiths, Hammon, Hans, Hawk, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Kehoe, Leeds, Maher, McClellan, Mendenhall, Moore, Mott, Nelson Polsley, Pulcifer, Rutherford, Sackett, Silver, Stuckenbruck, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—45.

NOES—None.

By Mr. Leeds:

Assembly Concurrent Resolution No. 13—*Resolved by Assembly, the Senate concurring*, That the Senate and Assembly meet in joint session at an hour and place to be selected by a committee as hereinafter provided on Monday, February 22, 1909, for the purpose of appropriately observing the birthday of George Washington.

Assembly concurrent resolution read, and on motion adopted.

Assembly Concurrent Resolution No. 13 ordered transmitted to the Senate.

REQUESTS FOR THE INTRODUCTION OF BILLS.

The following petitions asking permission to introduce bills out of order were presented:

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1909

MR SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows, viz: "An Act to create the office of attorney for the State Bureau of Labor Statistics."

COGHLAN,
Member Forty-first District.

Also:

ASSEMBLY CHAMBER SACRAMENTO, February 15, 1909.

MR SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows, viz: "An Act to amend an Act entitled 'An Act to amend an Act to allow incorporated towns and villages to equip and maintain a fire department and to assess and collect taxes from time to time for such purpose, and to create a board of fire commissioners,' approved March 4, 1881, amended March 6, 1899."

HANS,
Member Fifty-first District

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1909.

MR. SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows, viz: "An Act authorizing and directing county clerks to file without fee, petitions of appointment of guardians of minors in case such minors have no property or estate."

JOHNSON OF SACRAMENTO,
Member Seventeenth District

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1909

MR. SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows, viz: "An Act to amend Section 860 of the Code of Civil Procedure, relating to demurrer or answer to amended pleadings in the Justices' Courts"

GIBBONS,
Member Sixty-third District.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1909

MR. SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows, viz: "An Act to amend Section 339 of the Code of Civil Procedure, relating to the time within which certain actions may be commenced."

GIBBONS,
Member Sixty-third District

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1909

MR SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows, viz: "An Act to amend Section 850 of the Code of Civil Procedure, relating to the notice of trial and service of notice thereof in the Justices' Court.

GIBBONS,
Member Sixty-third District

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1909.

MR. SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows, viz: "An Act to amend Section 340 of the Code of Civil Procedure, relating to the time for commencing certain action."

GIBBONS,
Member Sixty-third District.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1909.

MR SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows, viz: "An Act to regulate the repapering, recalcimining, and retinting of rooms to prevent the spread of contagious diseases.

GREER,
Member Nineteenth District.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1909.

MR. SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows, viz: "An Act appropriating money to pay the claim of B. A. Palmer, against the State of California."

TRANSUE,
Member Seventy-third District.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1909.

MR. SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows, viz: "An Act to amend Section 513 of the Political Code "

SACKETT,
Member Sixty-fifth District.

The above petitions referred to Committee on Introduction of Bills.

SPECIAL FILE—THIRD READING.

Assembly Bill No. 169—An Act to amend the Political Code of the State of California by adding two new sections thereto, to be known and designated as Section 1987 and Section 2107, both relating to the National Guard.

Bill read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 169 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Bohnett, Butler Callan, Coghlan, Cogswell, Collier, Costar, Cronin, Drew, Gerdes, Gibbons, Greer, Griffiths, Hammon, Hans, Hawk, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Kehoe, Leeds, Maher, McClellan, Mendenhall Moore, Mott, Nelson, Polsley, Pulcifer, Rutherford, Sackett, Stuckenbruck, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr Speaker—45.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

THIRD-READING FILE.

Assembly Bill No. 629—An Act entitled "An Act to amend Section 1880 of Article XXI of the Political Code by increasing the purposes for which school bonds may be voted."

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 629 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Bohnett, Butler, Callan, Coghlan, Cogswell, Collier, Costar, Cronin, Drew, Gerdes Gibbons, Greer, Griffiths, Hammon, Hans, Hawk, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Kehoe,

Leeds, Maher, McClellan, Mendenhall, Moore, Mott, Nelson, Polsley, Pulcifer, Rutherford, Sackett, Stuckenbruck, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, and Mr. Speaker—44.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No 631—An Act entitled "An Act to amend Section 1533 of Article II of the Political Code by providing a superintendents' annual convention."

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 631 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Bohnett, Butler, Callan, Coghlan, Cogswell, Collier, Costar, Cronin, Drew, Gerdes Gibbons, Griffiths, Hammon, Hans, Hawk, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Kehoe, Leeds, Melrose, Mendenhall, Moore, Mott, Nelson Polsley, Pulcifer, Rutherford, Sackett, Silver, Stuckenbruck, Transue, Wagner, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—42.
NOES—Mr. Maher—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 626—An Act to provide for the improvement of the cereal crops of California, and appropriate money therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 626 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Bohnett, Butler, Callan, Cogswell Collier, Costar, Cronin, Drew, Gerdes, Gibbons, Greer, Griffiths, Hammon, Hans, Hawk, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Kehoe, Leeds, Maher, McClellan, Mendenhall, Moore, Mott, Nelson, Polsley, Pulcifer, Rutherford, Sackett, Silver, Stuckenbruck, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, and Mr. Speaker—44
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

BILL RECALLED FROM COMMITTEE.

On motion of Mr. Transue, Assembly Bill No. 153—An Act to define and regulate the business of banking, was recalled from the Committee on Engrossment and Enrollment.

THIRD-READING FILE—(CONTINUED).

Assembly Bill No. 296—An Act to amend Section 4250 of the Political Code of the State of California, relating to the compensation and expense of officers in counties of the twenty-first class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 296 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Bohnett, Butler, Callan, Coghlan, Cogswell, Collier, Costar, Cronin, Drew, Gerdes, Gibbons, Greer, Griffiths, Hammon, Hawk, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Kehoe, Leeds, Maher, McClellan, Mendenhall, Moore, Mott, Nelson Polsley, Pulcifer, Rutherford, Sackett, Silver, Stuckenbruck, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr Speaker—45.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 139—An Act to aid the enforcement of an Act entitled "An Act to enforce the educational rights of children," approved March 24, 1903.

During the third reading of the bill, Mr. Coghlan moved that the Speaker appoint a select committee of one to amend the bill as follows:

AMENDMENT No. 1.

Strike out the quotation marks immediately following the word "children," on line 12 of printed bill.

AMENDMENT No. 2.

Strike out the comma after said word "children."

AMENDMENT No. 3.

Insert after the word "children", on line 12 of printed bill, the following words and figures: "and providing penalties for violation of the Act. (Approved March 24, 1903.)"

AMENDMENT No. 4.

Insert after the word "children", in line 3 of the title of the printed bill, the words: "and providing penalties for violation of the Act (approved March 24, 1903)," and by striking out the quotation marks after said word "children".

Motion carried.

The Speaker appointed Mr. Coghlan as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 139, with instructions, do now report that the instructions of the Assembly have been carried out.

COGHLAN, Select Committee.

Report of select committee, and amendments, adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No. 440—An Act to amend Section 4237 of the Political Code, relating to county and township officers of counties of the eighth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 440 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Bohnett, Butler, Callan, Coghlan, Cogswell, Collier, Costar, Cronin, Drew, Gerdes, Gibbons, Greer, Griffiths, Hammon, Hans, Hawk, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Kehoe, Leeds, Maher, McClellan, Mendenhall, Moore, Mott, Nelson, Polsley, Pulcifer, Rutherford, Sackett, Silver, Stuckenbruck, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—46.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 315—An Act to repeal an Act entitled "An Act to incorporate the town of Coloma," approved April 21, 1858.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 315 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Bohnett, Butler, Callan, Coghlan, Cogswell, Collier, Cronin, Drew, Gerdes, Gibbons, Greer, Griffiths, Hammon, Hans, Hawk, Hewitt, Holmquest, Irwin, Johnson of Sacramento, Johnson of Placer, Kehoe, Leeds,

Maher, McClellan, Mendenhall, Moore, Mott, Polsley, Pulcifer, Rutherford, Sackett, Silver, Stuckenbruck, Transue, Wagner, Webber, Whitney, Wilson, Young, and Mr. Speaker—43.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 602—An Act to amend an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State, for the construction of sewers, and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of the validity, and making provisions for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1901.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 602 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Bohnett, Butler, Callan, Coghlan, Cogswell, Collier, Cronin, Drew, Gerdes, Gibbons, Greer, Griffiths, Hammon, Hans, Hawk, Hewitt, Holmquist, Johnson of Sacramento, Johnson of Placer, Kehoe, Leeds, Maher, McClellan, Mendenhall, Moore, Mott, Nelson, Polsley, Pulcifer, Rutherford, Sackett, Silver, Stuckenbruck, Transue, Wagner, Webber, Whitney, Wilson, Young, and Mr. Speaker—43.

NOES—None.

Mr. Hans offered the following amendment to the title:

Amend the title by striking out the figures "1901," at the end of title, and substituting therefor the figures "1891."

Amendment adopted.

Title, as amended, read and approved.

Bill ordered transmitted to the Senate.

RECESS.

At twelve o'clock and thirty minutes P. M., the Assembly was declared at recess until two o'clock P. M. of this day.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.

Speaker P. A. Stanton in the chair.

THIRD-READING FILE—(CONTINUED).

Assembly Bill No. 10—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered 327, making it a misdemeanor to print, publish, or advertise lotteries or lottery drawings.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 10 passed by the following vote:

AYES—Messrs. Barndollar, Beatty, Bohnett, Butler, Callan, Cogswell, Collier, Cronin, Drew, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hans, Hawk, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Kehoe, Leeds, Maher, McClellan, Mendenhall,

Moore, Mott, Nelson, Polsley, Pulcifer, Rutherford, Sackett, Silver, Stuckenbruck, Transue, Wagner, Webber, Whitney, Wyllie, Young, and Mr. Speaker—42.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 75—An Act to add a new section to the Penal Code, to be numbered 271*b*, making it a misdemeanor for any person who shall fail to endeavor in good faith to earn or otherwise provide, when able to do so, money with which to pay, or who fails to pay, whenever and so far as able, any allowance made by the court and directed to be paid by him to the wife for her support, or for the maintenance of any minor child or children, of the marriage in any action of divorce, during the pendency of the action, at the final hearing, or at any time thereafter, and providing a penalty for such failure.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 75 passed by the following vote:

AYES—Messrs Barndollar, Beatty, Bohnett, Butler, Callan, Cogswell, Collier, Cronin, Drew, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon Hans, Hawk, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Kehoe, Leeds, Maher, McClellan, Mendenhall, Moore, Mott, Nelson, Polsley, Pulcifer, Rutherford, Sackett, Silver, Stuckenbruck, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—45.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 417—An Act to amend Section 1207 of the Civil Code of the State of California, relating to the recordation of certain instruments and certificates of acknowledgment, the notice such recordation shall impart, and to the effect as evidence of certified copies of records of same.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 417 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Bohnett, Butler, Callan, Cogswell, Collier, Cronin, Drew, Gerdes, Gibbons, Greer, Griffiths, Hammon, Hans, Hawk, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Kehoe, Leeds, Maher, Mendenhall, Moore, Mott, Nelson, Polsley, Pulcifer, Rutherford, Sackett, Silver, Stuckenbruck, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—42.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 726—An Act to add a new section to the Penal Code, to be known as Section 537*c*, and relating to the unlawful use of horses and vehicles by the owner, manager and proprietor of livery and feed stables and persons pasturing stock, and providing the punishment for the violation thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 726 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Bohnett, Butler, Callan, Cogswell, Collier, Cronin, Drew, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hans, Hawk, Hewitt,

Holmquist, Irwin, Johnson of Sacramento, Kehoe, Leeds, Maher, Mendenhall, Moore, Mott, Nelson, Polsley, Pulcifer, Rutherford, Sackett, Silver, Stuckenbruck, Transue Wagner, Webber, Whitney, Wilson, Wyllie, and Mr. Speaker—42.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 431—An Act to amend Section 764 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, as amended March 23, 1901, and March 3, 1905, relating to the powers of boards of trustees of cities of the fifth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 431 passed by the following vote:

AYES—Messrs Barndollar, Beardslee, Beatty, Bohnett, Butler, Callan, Cogswell, Collier, Cronin, Drew, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hans, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Kehoe, Maher, McClellan, Mendenhall, Moore, Mott, Nelson, Polsley, Pulcifer, Rutherford, Silver, Stuckenbruck, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—42
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 44—An Act to amend an Act entitled "An Act to create a firemen's relief, health, life insurance, and pension fund, in the several counties, cities and counties, cities and towns of the State," approved March 20, 1905.

Bill read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 44 passed by the following vote:

AYES—Messrs Barndollar, Beardslee, Beatty, Bohnett, Butler, Callan, Cogswell, Collier, Cronin, Drew, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hans Hewitt, Holmquist Irwin, Johnson of Sacramento, Johnson of Placer, Kehoe Leeds, Maher, McClellan, Mendenhall, Moore, Mott Nelson, Polsley, Pulcifer, Rutherford, Sackett, Silver, Stuckenbruck, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—44.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SENATE BILLS—THIRD-READING FILE.

Senate Bill No. 106—An Act making an appropriation for the purchase and installment of improved material and machinery, and improvements for the State Printing Office and Bindery, and specifying the duties of the Superintendent of State Printing, Board of Examiners, State Controller, and State Treasurer in relation thereto.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 106 finally passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Bohnett, Butler, Callan, Coghlan, Cogswell, Collier, Cronin, Drew Gerdes Gibbons Gillis, Greer, Griffiths, Hammon, Hans, Hawk, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Kehoe, Leeds,

Maher, McClellan, Mendenhall, Moore, Mott, Nelson, Polsley, Rutherford, Sackett, Silver, Stuckenbruck, Transue, Wagner, Webber, Whitney, Wyllie, Young, and Mr. Speaker—43.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 191—An Act entitled "An Act to provide for the proper sanitary condition of factory and workshops, and the preservation of the health of the employees," approved February 6, 1889.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 191 finally passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Bohnett, Butler, Callan, Coghlan, Cogswell, Collier, Cronin, Drew, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hawk, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Kehoe, Leeds, Maher, Mendenhall, Moore, Mott, Nelson, Polsley, Pulcifer, Rutherford, Sackett, Silver, Stuckenbruck, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—43.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 193—An Act to amend Section 8 of an Act entitled "An Act defining the duties and liabilities of employment agents, making the violation thereof a misdemeanor, and fixing the penalties thereof," approved February 12, 1903; approved March 18, 1905.

Bill read third time, and passed on file.

Senate Bill No. 65—An Act to add a new section to the Code of Civil Procedure, to be known as Section 280c, relating to the admission to practice, without examination, of persons who shall have satisfactorily completed the three years' law course of the department of law of Leland Stanford Junior University.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 65 finally passed by the following vote:

AYES—Messrs Barndollar, Beardslee, Beatty, Bohnett, Butler Callan, Coghlan, Cogswell, Collier, Cronin, Drew, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hawks, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer Kehoe, Leeds, Maher, McClellan, Mendenhall, Moore, Mott, Nelson, Polsley, Pulcifer, Rutherford, Sackett, Silver, Stuckenbruck, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, Young and Mr. Speaker—45.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 187—An Act to amend Section 3817 of the Political Code of the State of California, relating to redemptions of lands sold the State of California for delinquent taxes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 187 finally passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Bohnett, Butler, Callan, Coghlan, Cogswell Collier, Cronin, Drew, Gerdes, Gibbons, Gillis, Greer, Hammon, Hans, Hawk, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Kehoe, Leeds,

Maher, McClellan, Mendenhall, Moore, Mott, Nelson, Polsley, Rutherford, Silver, Stuckenbruck, Transue, Wagner, Webber, Wilson, Wyllie, Young, and Mr. Speaker—42.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 94—An Act to amend Section 1576 of the Political Code, relating to the formation of school districts, providing for the addition of territory thereto and the taxation thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 94 finally passed by the following vote:

AYES—Messrs Barndollar, Beardslee, Beatty, Bohnett, Butler, Callan, Coghlan, Cogswell, Collier, Cronin, Drew, Gerdes, Gibbons, Greer, Griffiths, Hammon, Hawk, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Kehoe, Leeds Mendenhall, Moore, Mott, Nelson, Polsley, Pulcifer, Rutherford, Sackett, Silver, Stuckenbruck, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—42.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 77—An Act to add a new section to the Political Code, to be numbered 1840, relating to the levy and collection of special district school funds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 77 finally passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Bohnett, Butler, Callan, Cogswell, Collier, Cronin, Drew, Gerdes, Gibbons, Greer, Griffiths, Hammon, Hawk, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Kehoe, Leeds, Maher, McClellan, Mendenhall, Moore, Mott, Nelson, Polsley, Pulcifer, Rutherford, Sackett, Silver, Stuckenbruck, Transue, Wagner, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—43.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 309—An Act making an appropriation to pay the expenses of certain district attorneys in foreclosing delinquent school land purchases.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 309 finally passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Bohnett, Butler, Callan, Coghlan, Cogswell, Collier, Cronin, Drew, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hawk, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Kehoe, Leeds, Maher, McClellan, Mendenhall, Moore, Nelson, Polsley, Pulcifer, Rutherford, Sackett, Silver, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—43.
NOES—Mr. Stuckenbruck—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 583—An Act to amend Section 534 of the Political Code.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Senate Bill No. 583 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Stanton in chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1909.

GENTLEMEN. The Committee of the Whole have had under consideration Senate Bill No. 553, and do now report the same back, and recommend that it do pass.

STANTON, Chairman

Bill ordered to third reading.

Senate Bill No. 130—An Act to amend Section 2979 of the Political Code, relating to the powers and duties of the State Board of Health.

Bill read third time, and passed on file.

Senate Bill No. 131—An Act to amend Section 4225 of the Political Code, relating to the appointment, powers, duties and compensation of health officers in counties and unincorporated towns.

During the third reading of bill, Mr. Transue moved that the Speaker appoint a select committee of one to amend the bill, as follows:

On line 3, page 1, of printed bill, strike out the figure "4" when it appears the second time, and insert in lieu thereof the figure "2".

Motion carried.

The Speaker appointed Mr. Transue as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR SPEAKER Your select committee of one, to whom was referred Senate Bill No 131, with instructions, do now report that the instructions of the Assembly have been carried out

TRANSUE, Select Committee.

Report of select committee, and amendment, adopted.

Bill ordered to reprint, and on file for passage.

Senate Bill No. 25—An Act repealing an Act, approved March 11, 1907, and entitled "An Act to increase the fixed annual appropriation for the Veterans' Home of California, located at Yountville, Napa County, State of California, from sixty-five thousand dollars per annum to seventy-five thousand dollars per annum for the fifty-ninth fiscal year and for each and every year thereafter, and to that end to amend Section 1 of an Act, approved March 20, 1905, entitled 'An Act to amend Section 1 of an Act entitled 'An Act to amend Section 1 of an Act, approved March 20, 1899, entitled 'An Act to amend an Act entitled 'An Act to amend an Act, approved February 28, 1887, entitled 'An Act to amend an Act to appropriate money for the support of aged persons in indigent circumstances residing in the home of the Veterans' Home Association, approved March 7, 1883, providing for an increase in the annual appropriation thereof, and changing the time for the payment

thereof,' approved March 23, 1893, reducing the amount to such appropriation per capita, approved March 12, 1901, by providing for a fixed annual appropriation of sixty-five thousand dollars in the place and stead of seventy-five dollars per annum for each and every aged and indigent United States ex-soldier, sailor or marine admitted to or residing at said home."

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 25 finally passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Bohnett, Butler, Callan, Coghlan, Cogswell, Collier, Cronin, Drew, Gerdes, Gibbons, Gillis Griffiths, Hammon, Hans, Hawk, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Kehoe, Leeds, Maher, McClellan, Mendenhall, Moore, Mott, Nelson, Polsley, Pulcifer, Rutherford, Sackett, Silver, Stuckenbruck, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—45

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SENATE BILLS—SECOND-READING FILE.

Senate Bill No. 206—An Act authorizing municipal corporations, other than freeholder charter cities, to change their names, and providing the procedure therefor.

Bill read second time, and ordered on file for third reading.

HON. J. P. TRANSUE IN THE CHAIR.

At three o'clock and fifteen minutes P. M., Hon. J. P. Transue in the chair.

Senate Bill No. 160—An Act to establish a bird and arbor day.

During second reading of bill, the following amendment was submitted by the committee:

Amend by inserting in Section 1, line 5 of printed bill, after the word "by", the following words: "including in the school work of the day"

Amendment adopted.

Bill read second time, and ordered to reprint and to third reading.

Senate Bill No. 238—An Act to amend an Act entitled "An Act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness, and the distribution of their property," approved February 10, 1903, by adding thereto a new section, to be numbered 10½.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 258—An Act appropriating money to pay the claim of J. B. Curtin against the State of California.

Bill read second time.

Senate Bill No. 263—An Act appropriating money to pay the claim of E. F. Treadwell against the State of California.

Bill read second time.

Senate Bill No. 288—An Act appropriating money to pay the claim of M. L. Ward against the State of California.

Bill read second time

Senate Bill No. 289—An Act appropriating money to pay the claim of H. S. G. McCartney against the State of California.

Bill read second time.

Senate Bill No 361—An Act making an appropriation to pay the claim of F. W. Leavitt against the State of California.

Bill read second time.

Mr. Beardslee moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bills.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Hon. J. P. Transue in the chair.

Senate Bills Nos. 238, 258, 263, 288, and 361 considered.

Mr. Beardslee moved that the committee do now rise and report in favor of the passage of the bills.

Motion carried.

IN ASSEMBLY.

Hon. J. P. Transue in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bills Nos 238, 258, 263, 288, 289, and 361, and do now report the same back, and recommend that they do pass.

TRANSUE, Chairman.

Bills ordered on file for third reading.

Senate Bill No. 47—An Act providing for the sanitation of food producing establishments, places where food is stored or distributed, and vehicles in which food is placed for transportation; regulating the health of persons by whom the materials from which food is prepared or the finished product is handled; providing for the inspection of such places, persons and things; declaring places and things in violation of this Act to be nuisances dangerous to health and providing for the abatement of the same, making violations of this Act misdemeanors, and providing for the punishment of the same.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 524—An Act to provide for public cemetery districts.

Bill read second time, and ordered on file for third reading.

Senate Bill No 15—An Act to amend Section 607 of the Civil Code of the State of California, relating to societies for the prevention of cruelty to children and animals.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 152—An Act to amend Section 317 of the Civil Code, relating to waiver of notice by stockholders or members of corporate meetings.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 153—An Act to amend Section 393 of the Civil Code, relating to the election of directors of corporations, and notice of stockholders' meetings held therefor.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 259—An Act to amend Section 1207 of the Civil Code of the State of California, relating to the recordation of certain instruments and certificates of acknowledgment, the notice such recordation shall impart, and to the effect as evidence of certified copies of the records of same.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 343—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 3788 thereof, as amended March 28, 1895, said section being a part of Chapter VII, Title IX, Part III of the Political Code of the State of California, said Title IX relating to revenue, said Chapter VII relating to the collection of property taxes, and said section hereby amended relating to the resale of State lands upon which taxes have accrued, but which have not been paid, and repealing Section 15 of an Act entitled "An Act to amend section thirty-seven hundred and sixty-five, section thirty-seven hundred and seventy-three, section thirty-seven hundred and seventy-eight, section thirty-seven hundred and eighty, section thirty-seven hundred and eighty-one, section thirty-seven hundred and eighty-five, section thirty-seven hundred and eighty-eight, section thirty-eight hundred and thirteen, section thirty-eight hundred and sixteen, and section thirty-eight hundred and seventeen; and to repeal section thirty-seven hundred and seventy-four, section thirty-seven hundred and seventy-five, section thirty-seven hundred and seventy-six, section thirty-seven hundred and seventy-seven, section thirty-seven hundred and seventy-nine, section thirty-seven hundred and eighty-two, section thirty-seven hundred and eighty-three, section thirty-seven hundred and eighty-four, and section thirty-eight hundred and eighteen of an Act of the Legislature of the State of California, entitled 'An Act to establish a Political Code,' approved March 12, 1872, relating to the sale of real property for delinquent taxes, and the redemption and resale of such property; and to add a new section thereto, to be known and designated as section thirty-eight hundred and one, also relating to the sale of real property for delinquent taxes," approved February 25, 1895, all relating to the sale of State lands.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 451—An Act appropriating money to pay the claim of Leroy A. Wright against the State of California.

Mr. Beardslee moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Hon. J. P. Transue in the chair.

Senate Bill No. 451 considered.

Mr. Beardslee moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Hon. J. P. Transue in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 451, and do now report the same back, and recommend that it do pass.

TRANSUE, Chairman.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 655—An Act to amend Sections 3197, 3198, and 3199 of the Political Code.

During the reading of the bill, the following amendment was offered:

After the word "name", in line 6, of Section 1, of the printed bill, insert the following: "or at any time thereafter, and before the filing of the said trade-mark or name by any other person, firm or corporation"

Amendment adopted.

Bill read second time, and ordered to reprint and on file for third reading.

RESOLUTION.

The following resolution was offered:

By Mr. Coghlan:

Resolved, That the State Controller be, and he is hereby, directed to draw his warrant in favor of Carl Browne for the sum of fifty dollars ($50) on the contingent fund of the Assembly, and the Treasurer is hereby directed to pay the same, being of the Assembly portion (one half) of the expenses incurred by your committee for decoration of the Assembly Chamber on Lincoln memorial exercises, on Friday afternoon last, for two bas-relief profiles—one of Abraham Lincoln and one of Governor Gillett—which were used on said occasion, and which are to be placed in the historical department of the California State Library forever.

Resolution read, and referred to Committee on Contingent Expenses and Accounts.

THIRD-READING FILE—(RESUMED).

Assembly Bill No. 25—An Act to amend Section 1 of an Act entitled "An Act imposing a license tax upon itinerant vendors of drugs, nostrums, ointments or appliances sold for the cure of diseases, injuries or deformities," approved March 20, 1903.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 25 passed by the following vote:

AYES—Messrs. Barndollar, Beatty, Bohnett, Butler, Callan, Coghlan, Cogswell, Collier, Cronin, Drew, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hans, Hawk, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Kehoe, Leeds, Maher, McClellan, Mendenhall, Moore, Mott, Nelson, Polsley, Pulcifer, Rutherford, Sackett, Silver, Stuckenbruck, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—44

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 710—An Act authorizing the payment of assessments levied in Reclamation District No 791 to be paid to the county treasurer of the county of Sacramento

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 710 passed by the following vote:

AYES—Messrs Barndollar, Beatty, Bohnett, Butler, Callan, Coghlan, Cogswell, Collier, Costar, Cronin, Drew, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hans, Hawk Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Kehoe, Leeds, Maher, McClellan, Mendenhall, Moore, Nelson, Polsley, Pulcifer, Rutherford, Sackett, Silver, Stuckenbruck, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, and Young—43.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate

Assembly Bill No 711—An Act authorizing and empowering Reclamation District No. 791 to contract for the disposition of drainage and flood waters, and for the sale thereof to any person, firm or corporation, for the purpose of irrigation, or for any other lawful use.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 711 passed by the following vote:

AYES—Messrs. Barndollar, Beatty, Bohnett, Butler, Callan, Coghlan, Cogswell, Collier, Costar, Cronin, Drew, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Hans, Hawk, Hewitt, Holmquist Irwin, Johnson of Sacramento, Johnson of Placer, Kehoe, Leeds, Maher, McClellan, Mendenhall, Moore, Nelson, Polsley, Pulcifer, Rutherford, Sackett, Silver, Stuckenbruck, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, and Young—43

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 712—An Act authorizing and empowering Reclamation District No. 791 to construct and maintain jointly or in connection with any person, firm, corporation, reclamation district, levee district, drainage district, public agency or municipal corporation for the construction and maintenance of joint levees or other joint works of reclamation.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 712 passed by the following vote:

AYES—Messrs Barndollar, Beardslee, Bohnett, Callan, Coghlan, Cogswell, Collier, Costar, Cronin, Drew, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Hans, Hawk, Hewitt, Holmquist, Irwin, Johnson of Sacramento Johnson of Placer, Kehoe, Leeds, Maher, McClellan, Mendenhall, Moore, Nelson, Polsley, Pulcifer, Rutherford, Sackett, Silver, Stuckenbruck, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, and Young—42.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 409—An Act to appropriate money to pay the claim of W. H. Cobb against the State of California.

Bill read third time, and passed on file.

Assembly Bill No. 736—An Act to amend an Act entitled "An Act defining the duties and liabilities of employment agents, making the violation thereof a misdemeanor, and fixing the penalties therefor," approved February 12, 1903

Bill read third time, and passed on file.

Assembly Bill No. 737—An Act to amend an Act entitled "An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement thereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation thereof," approved February 20, 1905.

Bill read third time, and passed on file.

Assembly Bill No. 446—An Act to amend Section 8 of an Act entitled "An Act to create a State Bureau of Criminal Identification, providing for the appointment of a director of said bureau, defining his duties, qualifications and powers, providing for the appointment of a clerk of said bureau, and fixing his qualifications, fixing the compensation of

said director and clerk, providing for the manner of paying the same, and providing for the expense of conducting the office," approved March 20, 1905.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 446 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Bohnett, Butler, Callan, Coghlan, Cogswell, Collier, Costar, Cronin, Drew, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Hans, Hawk, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Kehoe, Leeds, Maher, McClellan, Mendendall, Moore, Mott, Nelson, Polsley, Rutherford, Sackett, Silver, Stuckenbruck, Transue, Wagner, Webber, Whitney, Wilson, and Young—43.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 763—An Act to allow unincorporated towns and villages to establish, equip, and maintain systems of street lights on public highways, to provide for the formation, government, and operation of highway lighting districts; the calling and holding of elections in such districts; the assessment, collection, custody, and disbursement of taxes therein; and the creation of ex officio boards of highway lighting commissioners.

Bill read third time, and passed on file.

Assembly Bill No. 592—An Act to amend an Act entitled "An Act relating to commitments to the State School of Whittier, and to the Preston School of Industry; fixing the authority to examine and commit to such schools with the superior judges of the counties, and fixing the responsibilities from which commitments are made to the State for maintenance of the persons committed therefrom, providing for the manner of payment thereof, and fixing the responsibility of the parties to the counties from which their children are committed," approved March 26, 1895.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 592 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Bohnett, Butler, Callan, Coghlan, Cogswell, Collier, Costar, Cronin, Drew, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Hans, Hawk, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Kehoe, Leeds, Maher, McClellan, Mendenhall, Moore, Mott, Nelson, Polsley, Rutherford, Sackett, Silver, Stuckenbruck, Transue, Wagner, Whitney, Wilson, Wyllie, and Young—43

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 569—An Act to amend Section 3335 of the Political Code of the State of California, concerning the formation of fire companies.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 569 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Bohnett, Butler, Callan, Coghlan, Cogswell, Collier, Costar, Cronin, Drew, Gerdes, Gibbons, Gillis, Griffiths, Hans, Hawk, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Kehoe, Leeds,

Maher, McClellan, Mendenhall, Moore, Mott, Nelson, Polsley, Rutherford, Sackett, Silver, Stuckenbruck, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, and Young—43.
NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 227—An Act to add a new section to the Political Code, relating to the advertisement of amendments to the Constitution.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 227 passed by the following vote:

AYES—Messrs Barndollar, Beatty, Bohnett, Butler, Callan, Coghlan, Cogswell, Collier, Costar, Cronin, Drew, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Hans, Hawk, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Kehoe, Leeds, Maher, McClellan, Mendenhall, Moore, Mott, Nelson, Polsley, Rutherford, Sackett, Silver, Stuckenbruck, Transue, Wagner, Webber, Wilson, Wyllie, and Young—42
NOES—Mr. Whitney—1

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 728—An Act to amend Section 4245 of the Political Code of the State of California, relating to county and township government and the compensation of county and township officers of counties of the sixteenth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 728 passed by the following vote:

AYES—Messrs Barndollar, Beardslee, Beatty, Bohnett, Butler, Callan, Coghlan, Cogswell, Collier, Costar, Cronin, Drew, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Hans, Hawk, Hewitt, Holmquist Irwin, Johnson of Sacramento, Johnson of Placer, Kehoe, Leeds, Maher, McClellan, Mendenhall, Moore, Mott, Nelson, Polsley, Rutherford, Sackett, Silver, Stuckenbruck, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, and Young—44
NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 262—An Act to add a new section to the Political Code, to be numbered Section 4052*b*, relating to the disposition of property of the counties.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 262 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee Beatty, Bohnett, Butler, Callan, Coghlan, Cogswell, Collier, Costar, Cronin, Drew, Gerdes, Gibbons, Gillis, Griffiths, Hans, Hawk, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Kehoe, Leeds, Maher, McClellan, Mendenhall, Moore, Mott, Nelson, Polsley, Rutherford, Sackett, Silver, Stuckenbruck, Transue, Wagner, Webber, Wilson, Wyllie and Young—42.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 275—An Act to prevent the introduction, and provide for the investigation and suppression of contagious or infectious diseases, and appropriating money to be used for such purpose.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 275 passed by the following vote:

AYES—Messrs Barndollar, Beardslee, Beatty, Bohnett, Butler, Callan, Coghlan, Cogswell, Collier, Costar, Cronin, Drew, Gerdes, Gibbons, Gillis, Griffiths, Hans, Hawk, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Kehoe, Leeds, Maher, McClellan, Mendenhall, Moore, Mott, Polsley, Pulcifer, Rutherford, Sackett, Silver, Stuckenbruck, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, and Young—43.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 171—An Act to furnish arms for the use of military academies in the State.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 171 passed by the following vote:

AYES—Messrs Barndollar, Beardslee, Beatty, Bohnett, Butler, Callan, Coghlan, Cogswell, Collier, Costar, Cronin, Drew, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hawk, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Kehoe, Leeds, Maher, McClellan, Mendenhall, Moore, Nelson, Polsley, Pulcifer, Rutherford, Sackett, Silver, Stuckenbruck, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, and Young—43
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 274—An Act to amend an Act entitled "An Act to protect domestic live stock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this Act, and to provide an appropriation therefor," which became a law March 18, 1899, and as amended March 20, 1905, and as further amended March 23, 1907, by amending Section 1 thereof as amended March 23, 1907, Section 2 thereof as amended March 23, 1907, Section 4 thereof, Section 5 thereof, Section 6 thereof, Section 7 thereof, and Section 8 thereof, and by adding a new section thereto, to be known and numbered as Section 7½, providing for additional officers and employees and fixing their salaries.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 274 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Bohnett, Callan, Coghlan, Cogswell, Collier, Costar, Cronin, Drew, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hawk, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Kehoe, Leeds, Maher, McClellan, Mendenhall, Moore, Mott, Nelson, Polsley, Pulcifer, Rutherford, Sackett, Silver, Stuckenbruck, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, and Young—43.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

NOTICE OF MOTION TO RECONSIDER.

Mr. Young gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 44 was this day passed.

Assembly Bill No. 284—An Act to add a new section to the Political Code, to be numbered 1671*b*, relating to enlarging, reconstructing or

replacing county high schools or increasing the capacity and accommodations thereof, and the levying of a special tax for such purposes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 284 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Bohnett, Callan, Coghlan, Cogswell, Collier, Costar, Cronin Drew, Gerdes Gibbons Gillis, Greer, Griffiths, Hawk, Holmquist, Irwin Johnson of Sacramento, Johnson of Placer, Kehoe, Leeds, Maher, McClellan, Mendenhall, Moore, Mott, Nelson, Polsley, Pulcifer, Rutherford, Sackett, Silver, Stuckenbruck, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, and Young—42.

NOES—None.

Title read and approved

Bill ordered transmitted to the Senate.

Assembly Bill No. 234—An Act to provide for a school of library training.

Bill read third time, and passed on file.

REPORT OF STANDING COMMITTEE

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1909

MR SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following correctly engrossed:

Assembly Concurrent Resolution No. 5—Relative to the Alaska-Yukon-Pacific Exposition.

YOUNG, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1909

MR SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been withdrawn from engrossment:

Assembly Bill No 153—An Act to define and regulate the business of banking

Also: Assembly Bill No 572—An Act to amend section 4041 of the Political Code, relating to the general permanent powers of boards of supervisors.

YOUNG, Chairman.

ADJOURNMENT.

At five o'clock and fifteen minutes P. M., on motion of Mr. Beardslee, the Assembly was declared adjourned until ten o'clock A. M. of Tuesday, February 16, 1909.

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, CAL., Tuesday, February 16, 1909.

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. P. A Stanton, Speaker of the Assembly, in the chair.

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

Messrs Barndollar, Beardslee, Beatty, Bohnett Butler, Callen, Cogswell, Collier, Costar, Cronin, Drew, Flint, Gerdes, Gibbons, Gillis, Greer, Hammon, Hans, Hawk, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa Kehoe Leeds, Maher, Melrose, Mendenhall, Moore, Mott Nelson, Odom, Otis, Polsley, Pulcifer, Rutherford, Sackett, Silver, Stuckenbruck, Transue Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—49

Quorum present.

LEAVES OF ABSENCE.

On motion, leave of absence for the day was granted to Messrs. Wyatt and Perine.

PRAYER.

Prayer was offered by the Chaplain of the Senate, Rev. Father Henry H. Wyman.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Hans, its further reading was dispensed with.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON PUBLIC HEALTH AND QUARANTINE

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1909.

MR. SPEAKER: Your Committee on Public Health and Quarantine, to whom was referred Assembly Bill No. 1054—An Act to provide for the medical treatment of indigent residents afflicted with incipient pulmonary tuberculosis; to create a fund therefor; to prescribe the duties of the State Board of Health and other public officials with relation thereto; and making an appropriation for the purposes of this Act.

Also Assembly Bill No. 986—An Act making an appropriation to pay the expenses of inspection and analysis of drugs.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass and be referred to Committee on Ways and Means.

BARNDOLLAR, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1909

MR SPEAKER: Your Committee on Public Health and Quarantine, to whom was referred Assembly Bill No 552—An Act to repeal an Act entitled "An Act to regulate medical practice, to prevent blindness in infants," approved February 17, 1897—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BARNDOLLAR, Chairman

ON FISH AND GAME

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1909

MR SPEAKER: Your Committee on Fish and Game, to whom was referred Assembly Bill No 434—An Act to amend Section 628*a* of the Penal Code of the State of California, relating to the preservation and protection of striped bass—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

COSTAR, Chairman

ON EDUCATION

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1909

MR SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 724—An Act to amend Section 1874 of the Political Code, adding certain new sections, and changing the number of Section 1874*a*, all relating to text-books—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

SACKETT, Chairman

ON CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1909.

MR SPEAKER: Your Committee on Corporations, to whom was referred Senate Bill No. 512—An Act to amend an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," as approved March 20, 1905, as amended, approved June 13, 1906, as amended, approved March 19, 1907, as amended, approved March 20, 1907, by amending Section 2 thereof, adding a new section to be numbered 2*a*, and repealing Section 10*b* of said act—have had the same under consideration, and respectfully report the same back, with two amendments, and recommend that it do pass as amended.

BEATTY, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1909.

MR. SPEAKER: Your Committee on Corporations, to whom was referred Senate Bill No. 587—An Act entitled "An Act relating to revenue and taxation, providing for a license upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 20, 1905, amended, approved June 13, 1906; amended, approved March 19, 1907; amended, approved March 20, 1907, by providing certain terms and conditions whereby corporations which have failed to pay the license tax mentioned in said Act may pay the same and be restored to their former rights—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

BEATTY, Chairman

ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1909.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Senate Bill No 453—An Act to amend Section 4247 of the Political Code of the State of California, relating to the salaries and fees of officers of counties of the eighteenth class.

Also: Assembly Bill No. 1118—An Act to amend section four thousand two hundred and seventy-six of the Political Code, relating to the compensation of officers of counties of the forty-seventh class

Also: Assembly Bill No. 1117—An Act to add a new section to the Political Code, to be numbered 4271*a* authorizing boards of supervisors in counties of the forty-second class to appoint assistants to the county surveyor.

Also: Assembly Bill No. 1137—An Act to amend Section 4274 of the Political Code of the State of California, relating to the compensation of officers of counties of the forty-fifth class

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

HANS, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1909.

MR SPEAKER: Your Committee on County and Township Governments, to whom was referred Senate Bill No. 85—An Act to add a new section to the Political Code to be numbered Section 4004*a* relating to the making of contracts in behalf of counties.

Also: Assembly Bill No. 1071—An Act to amend Section 4258 of the Political Code as amended in 1907, Statutes of 1907, pages 499 and 500 thereof, relating to the compensation of officers in counties of the twenty-ninth class.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

HANS, Chairman

ON STATE PRISONS AND REFORMATORY INSTITUTIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1909.

MR. SPEAKER: Your Committee on State Prisons and Reformatory Institutions, to whom was referred Assembly Bill No 1023—An Act to amend Sections 10, 15, 16, 16*a*, 16*c*, 16*d*, 16*e*, 19, 20, and 28, and to add a new section thereto, to be numbered Section 17, and to repeal Sections 17, 18, 21, 24, 25, 27, 29, and 31, and to be renumbered the sections so that they may follow consecutively, of an Act entitled "An Act to establish a school for the discipline, education, reformation and protection of juvenile delinquents in the State of California, to be known as the Whittier State School," approved March 11, 1889, and amended March 23, 1893, and March 7, 1905, and February 7, 1907, all relating to the said Whittier State School—have had the same under consideration, and respectfully report a committee substitute back, and recommend that the committee substitute do pass.

HAMMON, Chairman.

ON LIVE STOCK, DAIRIES, AND DAIRY PRODUCTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1909.

MR SPEAKER: Your Committee on Live Stock, Dairy, and Dairy Products, to whom was referred Assembly Bill No. 1152—An Act to amend Section 1240 of the Code of Civil Procedure of the State of California, relating to the taking of private property for public use.

Also: Assembly Bill No 695—An Act to amend "An Act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force relating to estrays," approved March 23, 1901 by adding a new section thereto, to be known as Section 9*a*, relating to appointment of poundkeepers outside of incorporated cities.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

McCLELLAN, Chairman.

ON FEDERAL RELATIONS

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1909

MR SPEAKER: Your Committee on Federal Relations, to whom was referred Senate Joint Resolution No 3—Relative to transportation rates and urging our representatives in Congress to support measures granting increased powers to the Interstate Commerce Commission—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

MOTT, Chairman.

ON PUBLIC CHARITIES AND CORRECTIONS

ASSEMBLY CHAMBER, SACRAMENTO, February 11, 1909

MR. SPEAKER Your Committee on Public Charities and Corrections, to whom was referred Assembly Bill No 1147—An Act to amend Section 2 of an Act entitled "An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages; prohibiting the employment of certain illiterate minors providing for the enforcement thereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation thereof," approved February 10, 1905, and all amendments thereto—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

COLLIER, Chairman.

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1909

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Senate Bill No 271—An Act authorizing the Controller of State to appoint an inheritance tax deputy and prescribing his duties.

Also: Assembly Bill No 696—An Act to amend Section 1579 of the Code of Civil Procedure, relating to and authorizing executors and administrators to make leases of the real estate of decedents.

Also Senate Bill No 708—An Act authorizing the investment and reinvestment and disposition of any moneys in any sinking fund of any county, city and county, or incorporated city or town.

Also: Assembly Bill No 23—An Act to repeal an Act entitled "An Act concerning actions for libel and slander," approved March 23, 1872.

Also: Assembly Bill No 261—An Act to amend Section 1855*a* of the Code of Civil Procedure, relating to secondary evidence of public records or documents lost or destroyed by fire or other calamity; also providing that in such case decrees of distribution and partition, and deeds made, pursuant to or under a judgment, or order of court, shall prima facie be deemed made under proceedings duly had.

Also: Assembly Bill No 662—An Act to amend Section 666 of the Penal Code of the State of California, relating to punishment for second offenses.

Also: Assembly Bill No. 664—An Act to add a new section to the Penal Code of the State of California, to be numbered 667, relating to punishment for second offenses.

Also: Assembly Bill No. 845—An Act to amend the Civil Code of the State of California by adding thereto a new section, to be known as Section 231, relating to the adoption of children.

Also: Assembly Bill No 1099—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as Section 1191*a*, relating to liens upon real estate, where reputed owner, after notice from health officer or governing board of any city, town or sanitary district, refuses, neglects, or fails to connect dwelling house and plumbing with sewer, and work and materials furnished to be held to have been done at the instance of such owner, or person claiming any interest therein.

Also: Assembly Bill No 1104—An Act to add a new section to the Code of Civil Procedure of California to be known as Section 1789*a*, relating to conveyance by guardians.

Also: Assembly Bill No. 1105—An Act to add a new section to the Code of Civil Procedure of California, to be known as Section 1810*a*, relating to conveyances by guardians.

Also: Assembly Bill No 1120—An Act to amend Section 198 of the Civil Code, relating to the care, custody, education and control of minors

Also. Assembly Bill No. 1048—An Act to amend Section 1619 of the Code of Civil Procedure, relating to fees of attorneys of executors and administrators

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass

JOHNSON OF SACRAMENTO, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1909

MR SPEAKER. Your Committee on Judiciary, to whom was referred Assembly Bill No. 27—An Act to provide for the employment of a clerk by certain justices of the peace, and to pay the salaries of such clerk—report the same back, with one amendment, and recommend that it do pass as amended.

Also: Assembly Bill No 584—An Act to amend Section 1425 of the Penal Code of the State of California, relating to the jurisdiction of Justices' Courts—report the same back, with one amendment, and recommend that it do pass as amended.

JOHNSON OF SACRAMENTO, Chairman

ON AGRICULTURE.

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1909.

MR. SPEAKER: Your Committee on Agriculture, to whom was referred Assembly Bill No 628—An Act to appropriate money for promoting the study of agriculture in elementary and secondary schools.

Also: Assembly Bill No. 760—An Act to amend Sections 2322, 2322*a*, 2322*b*, 2322*c*, 2322*d*, and 2322*e* of the Political Code, relating to county boards of horticulture

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended.

COGSWELL, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1909.

MR SPEAKER: Your Committee on Agriculture, to whom was referred Senate Bill No. 520—An Act authorizing and directing the directors of the State Agricultural Society to have wells bored on the ground of the State Agricultural Society, near the city of Sacramento, State of California, to install suitable pumping machinery, and erect tanks for pressure for irrigation and fire purposes, and to furnish and equip a complete pumping plant for the use of said State Agricultural Society, and making an appropriation therefor

Also: Senate Bill No 521—An Act authorizing and directing the directors of the State Agricultural Society to make arrangements by day's work or by contract, for leveling and planting the grounds, and painting and repairing the buildings, at the State Agricultural Park, near the city of Sacramento, State of California, and making an appropriation therefor.

Also: Senate Bill No. 522—An Act authorizing and directing the directors of the State Agricultural Society to erect a new building at Agricultural Park, near the city of Sacramento, State of California, to be known and designated Machinery Hall, fixing the requirements thereof and making an appropriation therefor

Also: Senate Bill No. 523—An Act making an appropriation for the completion of two buildings on the grounds of the State Agricultural Society, near the city of Sacramento, State of California, known as Agricultural Pavilion and Manufacturers' Pavilion.

Have had the same under consideration, and respectfully report the same back, with recommendation that they do pass and be re-referred to Committee on Ways and Means.

COGSWELL, Chairman.

The above reported bills ordered on file for second reading.

Senate Joint Resolution No. 3 ordered on file for adoption

Assembly Bills Nos. 1054, 986, and 628 referred to Committee on Ways and Means.

Senate Bills Nos. 520, 521, 522, and 523 referred to Committee on Ways and Means.

SENATE MESSAGES.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, February 15, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate amended and on this day passed as amended, Assembly Bill No. 140—An Act to amend sections nine and ten of an Act entitled "An Act to establish and support a Bureau of Labor Statistics," approved March 3, 1883.

Also: Assembly Bill No. 33—An Act to amend Section 2965 of the Civil Code, relating to the effect of mortgages upon personal property removed from the county where situated when mortgaged.

Also: Assembly Bill No. 34—An Act to amend Section 2955 of the Civil Code, relating to what kinds of personal property may be mortgaged.

Also: Assembly Bill No 246—An Act to amend Section 1565 of the Political Code, referring to teachers' institute and library funds.

And respectfully request that your honorable body concur in said amendments.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

MOTION.

Mr. Drew moved that the Assembly concur in Senate amendments to Assembly Bill No. 140.

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 140?"

Amend by striking out of Section 9, line 4, of printed bill, the words "a deputy," and inserting in lieu thereof the following: "two deputies, one of whom shall maintain his office in the city of Los Angeles, Cal."

Also:

Amend by striking out of Section 10, line 4, of printed bill, the word "commissioner," and inserting in lieu thereof the following: "commissioners"; also after the word "dollars," line 6, page 2, insert the word "each."

Also:

Amend by striking out of Section 1, line 4, of printed bill, the words "two deputies, one of whom shall maintain his office in the city of Los Angeles, Cal., who shall have the same powers as said commissioner," and inserting in lieu thereof the following: "a deputy, who shall have the same powers as said commissioner, an assistant deputy, who shall reside in the city of Los Angeles."

And:

Amend by striking out of Section 2, line 4, of printed bill, the words "commissioners shall be three thousand dollars per annum, the salary of the deputy commissioner shall be twenty-four hundred dollars each per annum," and inserting in lieu thereof the following: "commissioner shall be three thousand dollars per annum, the salary of the deputy commissioner shall be twenty-four hundred dollars per annum, the salary of the assistant deputy shall be twenty-one hundred dollars per annum."

The roll was called, and Senate amendments to Assembly Bill No. 140 were concurred in by the following vote:

AYES—Messrs. Barndollar, Beatty, Bohnett, Butler, Callan, Cogswell, Collier Costar, Cronin, Drew, Flint, Gerdes, Gibbons, Gillis, Greer, Hammon, Hans, Hawk, Hewitt, Holmquist, Irwin, Johnson of Placer, Johnston of Contra Costa, Kehoe, Leeds, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Odom, Otis, Polsley, Pulcifer, Rutherford, Silver, Stuckenbruck, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr Speaker—46

NOES—None

Bill ordered to enrollment.

Mr. Johnson of Sacramento moved that the Assembly concur in Senate amendment to Assembly Bill No. 33.

The question being put: "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 33?"

Strike out all of Section 2.

The roll was called, and Senate amendment to Assembly Bill No. 33 was concurred in by the following vote:

AYES—Messrs Barndollar, Beatty, Bohnett, Butler, Callan, Cogswell, Collier, Costar, Cronin, Drew, Flint, Gerdes, Gibbons, Gillis, Greer, Hans, Hawk, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Kehoe, Leeds, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Odom, Otis, Polsley, Pulcifer, Rutherford, Silver, Stuckenbruck, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—46

NOES—None.

Bill ordered to enrollment.

Mr. Johnson of Sacramento moved that the Assembly concur in Senate amendments to Assembly Bill No. 34.

The question being put: "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 34?"

Strike out all of Section 2.

The roll was called, and Senate amendment to Assembly Bill No. 34 was concurred in by the following vote:

AYES—Messrs. Barndollar, Beatty, Bohnett, Butler, Callan, Cogswell, Collier, Costar, Cronin, Drew, Flint, Gerdes, Gibbons, Gillis, Greer, Hans, Hawk, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Kehoe, Leeds, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Odom Otis, Polsley, Pulcifer Rutherford, Sackett, Silver, Stuckenbruck, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—47.

NOES—None.

Bill ordered to enrollment.

Mr. Sackett moved that the Assembly concur in Senate amendment to Assembly Bill No. 246.

The question being put: "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 246?"

On page 1, Section 1, line 18, strike out the period and insert the following: "and for the transportation of library books, and other reading matter of the teachers' library, to and from the various schools of the county."

The roll was called, and Senate amendment to Assembly Bill No. 246 was concurred in by the following vote:

AYES—Messrs Barndollar, Beatty, Bohnett, Butler, Callan, Cogswell, Collier, Costar, Cronin, Drew, Flint, Gerdes, Gibbons, Gillis, Greer, Hans, Hawk, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Kehoe, Leeds, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Odom, Otis, Polsley, Pulcifer, Rutherford, Sackett, Silver, Stuckenbruck, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr Speaker—47.

NOES—None.

Bill ordered to enrollment.

SENATE MESSAGES—(RESUMED).

SENATE CHAMBER, SACRAMENTO, February 15, 1909

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No 295—An Act to add a new section to the Political Code, to be numbered 4250*a*, relating to and fixing the compensation of grand and trial jurors in the Superior Courts in the counties of the twenty-first class

Also: Assembly Bill No. 174—An Act providing for the eradication of the disease known as scabies in sheep; providing for the duties of the State Veterinarian in relation thereto; making certain acts in relation to sheep infected with such disease a misdemeanor; providing for a lien against such sheep for expenses and cost in the extermination of such disease; making certain persons liable for a violation of this Act, and providing for the enforcement of said lien.

Also: Assembly Bill No. 175—An Act to amend an Act entitled "An Act providing for the extermination of the boophilus annulatus tick, defining certain crimes and providing for certain civil and criminal actions," approved March 21, 1907, by amending Sections 1, 2, 3, and 4 thereof, and by adding a new section thereto, to be known and numbered as Section 1½

Also: Assembly Bill No. 235—An Act amending Section 2300 of the Political Code, relating to the state library fund.

LEWIS A. HILBORN, Secretary of Senate.
By J W. KAVANAGH, Assistant Secretary

Also:

SENATE CHAMBER, SACRAMENTO, February 15, 1909.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 678—An Act amending sections four, ten, and eleven of an Act of the Legislature of the State of California, entitled "An Act providing for the laying out, constructing, straightening, improvement and repair of main public highways in any county, providing for the voting, issuing, and selling of county bonds, and the acceptance of donations to pay for such work and improvements providing for a highway commission to have charge of such work and improvements, and authorizing cities and towns to improve the portions of such highways within their corporate limits and to issue and sell bonds therefor," approved March 19, 1907.

Also: Senate Bill No. 183—An Act to amend Sections 784, 788, and 789 of the Code of Civil Procedure, relating to actions for the partition of real property

Also: Senate Bill No 632—An Act to amend an Act entitled "An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement thereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905

Also: Senate Bill No 778—An Act to amend section four hundred and nine of the Political Code of California, relating to the distribution of Statutes and Journals, and reports of State officers and Journals.

Also: Senate Bill No 633—An Act to amend an Act entitled "An Act defining the duties and liabilities of employment agents, making the violation thereof a misdemeanor, and fixing the penalty therefor," approved February 12, 1903

Also: Senate Bill No 195—An Act to aid the enforcement of an Act entitled "An Act to enforce the educational rights of children," approved March 24 1903

Also: Senate Bill No 565—An Act fixing, establishing, and defining, the exterior boundaries of reclamation district number seven hundred and thirty, in the county of Yolo, State of California.

Also: Senate Bill No. 799—An Act to amend Section 1763 of the Code of Civil Procedure of the State of California, relating to appointment of guardians of insane and incompetent persons.

Also: Senate Bill No 806—An Act to amend Section 1774 of the Code of Civil Procedure of the State of California, relative to settlement of accounts of guardians of insane persons.

LEWIS A. HILBORN, Secretary of Senate
By J. W. KAVANAGH, Assistant Secretary

Also:

SENATE CHAMBER, SACRAMENTO, February 15, 1909.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 192—An Act to regulate and license the conducting and operating of employment agencies, and to provide a revenue therefrom, for the enforcement of the provisions of this Act and other Acts relating to employment agents and employment agencies.

Also: Senate Bill No. 729—An Act to amend Section 4257 of the Political Code, relating to county and township officers of counties of the twenty-eighth class.

Also: Senate Bill No 354—An Act to amend Section 1775 of the Political Code of the State of California, relating to the County Board of Education.

Also: Senate Bill No. 559—An Act to validate proceedings for the reorganization of municipal corporations taken since the passage of the Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 18, 1883; and also since the passage of the Act entitled "An Act to provide for the classification of municipal corporations," approved March 3, 1883.

Also: Senate Bill No 653—An Act authorizing and empowering Reclamation District No 791 to contract for the disposition of drainage and flood waters, and for the sale thereof, to any person, firm, or corporation, for the purpose of irrigation, or for any other lawful use.

Also: Senate Bill No. 482—An Act to amend Sections 1, 2, and 3 of an Act entitled "An Act to provide for the formation, organization, and classification of new counties, for locating county seats, for the election and appointment of officers and for the adjustment and the fulfillment of the rights and obligations arising between such new counties and other counties," approved March 15, 1907.

Also: Senate Bill No. 805—An Act to amend Section 602 of the Penal Code of the State of California, relating to willful trespass.

Also: Senate Bill No. 690—An Act to amend Section 264 of the Penal Code, relative to the punishment of rape.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Assembly Bills Nos. 295, 174, 175, and 235 ordered to enrollment.

Senate Bill No. 678 read first time, and referred to Committee on Municipal Corporations.

Senate Bill No 183 read first time, and referred to Committee on Judiciary.

Senate Bill No. 632 read first time, and referred to Committee on Public Charities and Corrections

Senate Bill No. 778 read first time, and referred to Committee on Judiciary.

Senate Bill No. 633 read first time, and referred to Committee on Labor and Capital.

Senate Bill No. 195 read first time, and referred to Committee on Education.

Senate Bill No. 565 read first time, and referred to Committee on Swamp and Overflowed Lands and Levees and River Improvements and Drainage.

Senate Bill No. 799 read first time, and referred to Committee on Judiciary.

Senate Bill No. 800 read first time, and referred to Committee on Judiciary.

Senate Bill No. 192 read first time, and referred to Committee on Labor and Capital.

Senate Bill No 729 read first time, and referred to Committee on County and Township Governments

Senate Bill No. 354 read first time, and referred to Committee on Education.

Senate Bill No. 559 read first time, and referred to Committee on Municipal Corporations.

Senate Bill No. 653 read first time, and referred to Committee on Swamp and Overflowed Lands and Levees and River Improvements and Drainage.

Senate Bill No. 482 read first time, and referred to Committee on Counties and County Boundaries.

Senate Bill No. 805 read first time, and referred to Committee on Judiciary.

Senate Bill No. 690 read first time, and referred to Committee on Judiciary.

REQUESTS FOR THE INTRODUCTION OF BILLS.

The following petitions asking permission to introduce bills were presented:

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1909.

MR SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows, viz: "An Act to amend Section 1251 of the Code of Civil Procedure of the State of California, relating to proceedings to exercise the right of eminent domain."

BEATTY,
Member Thirty-sixth District.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1909.

MR. SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows, viz: "An Act declaring February 12th, the birthday of Abraham Lincoln, a legal holiday, and providing for a half-day session in the public schools on such holiday, and for certain exercises in the public schools"

HAWK,
Member Eighteenth District.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1909

MR. SPEAKER: I ask permission to introduce the accompanying bill, title of which reads as follows, viz: "An Act to add four new sections to the Political Code of the State of California, relating to preparing a State budget."

BOHNETT,
Member Fifty-sixth District

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1909

MR. SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows, viz: "An Act to amend Section 29 of an Act entitled 'An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of lands embraced within such districts, and also, to provide for the distribution of water for irrigation purposes,'" approved March 31, 1897.

WAGNER,
Member Twenty-fifth District.

The above petitions referred to Committee on Introduction of Bills.

ANNOUNCEMENT.

The Speaker announced the appointment of the following select committee:

On Arrangements for Joint Assembly on Washington's Birthday—Messrs. Young, Hawk, and Leeds.

MOTIONS.

Mr. Drew moved that Senate Joint Resolution No. 3 be taken up for consideration.

POINT OF ORDER.

Mr. Mott rose to the following point of order:

That such action could not be taken without unanimous consent.

POINT OF ORDER WELL TAKEN.

The Speaker ruled the point of order well taken.

Mr. Young moved that Assembly Concurrent Resolution No 10 be taken up for consideration.

Motion carried.

The question being on the adoption of the Assembly concurrent resolution.

The roll was called, and Assembly Concurrent Resolution No. 10 adopted by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Bohnett, Callan, Cogswell, Costar, Cronin, Drew, Flint, Gerdes, Gibbons, Gillis, Greer, Hammon, Hans, Hawk, Hewitt, Holmquist, Irwin, Johnson of San Diego, Johnson of Placer, Kehoe, Leeds, Maher, McClellan, Melrose, Mendenhall, Moore, Odom, Otis, Polsley, Pulcifer, Rutherford, Sackett, Silver, Transue, Wagner, Whitney, Wilson, Wyllie, Young, and Mr Speaker—43.

NOES—Messrs Butler and Johnson of Sacramento—2.

Assembly Concurrent Resolution No. 10 ordered transmitted to the Senate.

ASSEMBLY CONCURRENT RESOLUTION No 10

Approving the charter of the Town of Berkeley, State of California, and the alternative proposition submitted therewith, voted for and ratified by the qualified voters of said town at a special municipal election held therein for that purpose on the 30th day of January, 1909.

WHEREAS, The Town of Berkeley, a municipal corporation of the County of Alameda, State of California, now is and was at all times herein referred to a city containing a population of more than ten thousand (10,000) inhabitants; and

WHEREAS, At a special election duly held in said town on the 21st day of November, 1908, under and in accordance with law and the provisions of Section 8 of Article XI of the Constitution of the State of California, a board of fifteen freeholders, duly qualified, was elected in and by said town by the qualified electors thereof, to prepare and propose a charter for the government of said town; and

WHEREAS, Said board of freeholders did, within ninety (90) days after said election, prepare and propose a charter for the government of said Town of Berkeley; and

WHEREAS, Said charter was on the 14th day of December, 1908, signed in duplicate by the members of said board of freeholders and was thereupon duly returned and filed, one copy with the president of the board of trustees of said Town of Berkeley, and the other copy with the county recorder of the said County of Alameda and filed in the office of the said county recorder; and

WHEREAS, Said proposed charter was thereafter published in the "Berkeley Reporter" and in "The Berkeley Independent," each being a daily newspaper of general circulation in said Town of Berkeley, and the said charter being published as aforesaid for a period of more than twenty (20) days, the first publication thereof being made within twenty (20) days after the completion of said charter, and

WHEREAS, Said proposed charter was within thirty (30) days after the completion of said publication submitted by the Board of Trustees of the Town of Berkeley to the qualified electors of said Town of Berkeley at a special election, previously duly called and therein held on the 30th day of January, 1909; and

WHEREAS, At said last mentioned special election a majority of said qualified electors of said Town of Berkeley, voting at said special election, voted in favor of the ratification of said charter as proposed as a whole, excepting that a majority of said qualified electors voting at said election voted in favor of the ratification of the alternative proposition, which alternative proposition was thereafter chosen and substituted for Subdivision 29 of Section 40, Article IX of said proposed charter; and

WHEREAS, Said board of trustees, after canvassing said returns, found and declared that the majority of said qualified electors voting at said special election had voted for ratifying said charter as above specified; and

WHEREAS, The same is now submitted to the Legislature of the State of California for its approval and ratification as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California, and

WHEREAS, Said charter was ratified in the words and figures following, to wit:

CHARTER OF THE CITY OF BERKELEY PREPARED AND PROPOSED BY THE BOARD OF FREEHOLDERS ELECTED NOVEMBER 21, 1908, IN PURSUANCE OF THE PROVISIONS OF SECTION 8, ARTICLE XI, OF THE CONSTITUTION OF THE STATE OF CALIFORNIA

CONTENTS.

ARTICLE I.—Name and Rights of the City.
ARTICLE II.—Boundaries.
ARTICLE III.—Elections
ARTICLE IV.—The Recall of Elective Officers
ARTICLE V.—Elective Officers.
ARTICLE VI.—The Mayor.
ARTICLE VII.—Executive and Administrative Departments
ARTICLE VIII.—The Council
ARTICLE IX.—Powers of the City and of the Council.
ARTICLE X.—Finance and Taxation
ARTICLE XI.—Public Works and Supplies
ARTICLE XII.—Franchises.
ARTICLE XIII.—The Initiative.
ARTICLE XIV.—The Referendum
ARTICLE XV.—The Public Schools
ARTICLE XVI.—Miscellaneous

ARTICLE I.

NAME AND RIGHTS OF THE CITY.

Name of the city.

SECTION 1. The municipal corporation now existing and known as the Town of Berkeley shall remain and continue a body politic and corporate in name and in fact, by the name of the City of Berkeley, and by such name shall have perpetual succession.

Rights and liabilities.

SEC. 2. The City of Berkeley shall remain vested with and continue to have, hold and enjoy all property, rights of property and rights of action of every nature and description now pertaining to this municipality, and is hereby declared to be the successor of the same. It shall be subject to all the liabilities that now exist against this municipality

ARTICLE II.

BOUNDARIES.

SEC. 3. The boundaries of the City of Berkeley shall be as follows:

Beginning at the point of intersection of the boundary line between Alameda County and Contra Costa County, California, with the eastern line of plot number eighty-three (83) as said plot is shown on Kellersberger's map of the subdivision of the rancho of Vincente and Domingo Peralta, of record in the office of the County Recorder of Alameda County, thence southerly along the eastern line of said plot eighty-three (83) and plots eighty-two (82) and eighty (80) and along the prolongation of said eastern line of said plot eighty (80) southerly across plots seventy-eight (78) and seventy-seven (77) and along the line dividing plots seventy-four (74) and seventy-five (75), all of said plots being portions of the subdivision of said rancho of Vicente and Domingo Peralta, to a point one hundred and fifty (150) feet southerly from the northeast corner of said plot seventy-five (75) of said Kellersberger's subdivision of said rancho of Vicente and Domingo Peralta, and one hundred (100) feet southerly from the intersection of said line of said plot seventy-five (75) with the southern line of Russell street as located by survey, a map of which is recorded in the office of the County Recorder of Alameda County, California, on page thirty-nine (39) of book nineteen (19) of maps, said point on said southern line of said Russell street being identical with the southern line of Public Road No. 3093 of Alameda County—commonly called the Tunnel Road—at its point of beginning; thence easterly and southeasterly along a line one hundred (100) feet distant from and parallel with the said southern line of said county road No. 3093 to a point six hundred and sixty (660) feet distant southerly from and at right angles to the northern line of plot seventy-four (74) as per Kellersberger's subdivision of said rancho of Vicente and Domingo Peralta; thence easterly and parallel with said northern line of said plot seventy-four (74) to the eastern line thereof; thence southerly along the eastern boundary of said plot seventy-four (74) to the southeast corner thereof; thence westerly along the southern boundary of plots seventy-four (74) and seventy-six (76) of the rancho Vincente and Domingo Peralta and said line produced westerly to Claremont avenue thence westerly across Claremont avenue to the point of intersection of the western line of said Claremont avenue with the southern line of the Colby tract as indicated on map of same, recorded on page 76 of Map Book No 19, in the office of the County Recorder of Alameda County; thence westerly along the southern line of the Colby Tract to the eastern line of College avenue thence westerly, cross-

ing College avenue at right angles to same, to a point on the eastern boundary of the City of Oakland one hundred and twenty-five (125) feet westerly from the western line of College avenue; thence northerly and parallel to College avenue to a point twenty and seven-tenths (20.7) feet at right angles southerly from the southern line of Woolsey street in the "Fairview Park"; thence westerly in a straight line to a point ninety-seven and fifty-hundredths (97.50) feet at right angles southerly from the southern line of Woolsey street in the Newbury Tract, Berkeley, Cal., said point being on the prolongation in a straight line northerly of the eastern boundary of the Lorin Villa Tract; thence southerly along said prolongation of said eastern line of said Lorin Villa Tract; and along the eastern line of said Lorin Villa Tract and said eastern line of said Lorin Villa Tract produced in a straight line southerly to a point one hundred and thirty-five (135) feet southerly from the southern line of Alcatraz avenue, thence westerly and parallel with the said southern line of Alcatraz avenue to the line dividing plots number forty-six (46) and fifty-two (52) of Kellersberger's subdivision of the rancho of Vincente and Domingo Peralta; thence southerly along the said last line to a point on said line one hundred and thirty-five (135) feet southerly from the southern line of Todd street, as shown on map of Paradise Park; thence westerly and parallel with the southern line of Todd street to a point one hundred (100) feet westerly from the western line of Occidental street, as shown on said map of Paradise Park (said Occidental street being that street now known as California street); thence northerly and parallel with said California street to a point one hundred (100) feet southerly from the southern line of Alcatraz avenue; thence westerly and parallel with said southern line of Alcatraz avenue to a point one hundred and sixty (160) feet westerly from the western line of Idaho street, as shown on map of the Herzog Tract, thence northerly and parallel with the said western line of said Idaho street, as shown on maps of the Herzog Tract and of the Rock Island Tract, to a point one hundred (100) feet southerly from the southern line of Blackstone street, as shown on map of the Rock Island Tract; thence westerly and parallel with the southern line of said Blackstone street to a point one hundred (100) feet westerly from the western line of Mabel street as shown on map of the Carrison Tract, if said western line of said Mabel street as located east of said Carrison Tract were extended in a direct line southerly; thence northerly, and parallel with the said western line of said Mabel street and the extension thereof southerly, to a point one hundred (100) feet southerly from the southerly line of Haskell street, as shown on map of the Carrison Tract; thence westerly and parallel with the said southern line of Haskell street to the eastern line of San Pablo avenue, thence northerly along the said eastern line of said San Pablo avenue, ninety-five (95) feet; thence westerly across San Pablo avenue to a point on the westerly line thereof distant one hundred and ten (110) feet northerly from the northern line of Union street, as said Union street is shown on map of the Villa Homestead Association; thence westerly and parallel with the said northern line of said Union street and parallel with the extension of said line of said Union street to the western boundary of Alameda County, thence northerly and along the said western boundary of Alameda County to a point from which a line drawn easterly at right angles to the western line of First street, in Tract "B" of the lands of the Berkeley Land and Town Improvement Association would intersect said western line of said First street at Codornices Creek; thence easterly in a straight line to the point of intersection of the western line of said First street with Codornices Creek; thence easterly along said creek to the corner common to lots 186 and 187 of Peralta Park, as shown on the map of the resubdivision of Peralta Park, filed August 29th, 1893, on page 4 of Map Book No 15, in the office of the County Recorder of Alameda County, thence northerly along the line dividing lots numbers 165 to 176 inclusive and numbers 178 to 186 inclusive on the east, and lots numbers 187 to 204 inclusive on the west to a point on the southern line of lot No. 162, all of said lots being of said resubdivision of Peralta Park, thence westerly along the northern boundary line of lot 204 to the corner common to lots 161 and 162; thence northerly along the line dividing said lots 161 and 162 as shown on said map of resubdivision of Peralta Park to the southern line of Posen avenue, thence northerly, crossing Posen avenue to a point on the northern line of same at the corner common to lots 116 and 117 of said resubdivision of Peralta Park; thence northerly along the line dividing lots 117, 107 and 94 on the west from lots 116, 108 and 93 on the east to the corner common to said lots 93 and 94, on the northern boundary of said Peralta Park; thence easterly along the northern line of Peralta Park to the southeasterly corner of lot number 1 in block number 16 as surveyed in "Northbrae, Berkeley, California," a map of which was filed in the office of the Recorder of Alameda County on April 8th, 1907 on page 65 of Map Book No 22, thence northeasterly in a straight line to a point on the northwesterly line of Monterey avenue as per map of "Northbrae," where said northwesterly line of Monterey avenue intersects the western line of that certain piece or parcel of land conveyed by George Sterling and Carrie R Sterling to the Berkeley Development Company by deed dated October 13th, 1906, and recorded at page 92 in book of deeds number 1243, thence north 9 degrees 45 minutes west along the western line of said last named piece or parcel of land twenty-five hundred and fifty-eight (2558) feet, more or less, to the northwesterly corner of said piece or parcel of land; thence north 80 degrees 15 minutes east along the northerly line of said last named piece or parcel of land twenty-nine hundred and nineteen and 89-100 (2919.89) feet to a point in the center line of county road number 4398, said

county road being also commonly known as Spruce street, and designated as "Spruce street" on map entitled "North Cragmont, Berkeley, Cal.," filed in the office of the County Recorder of Alameda County on April 20th, 1908, on page 84 of Map Book No. 23; thence southerly and following the center line of said county road No 4398 to its intersection with "Sawyers partition line"; thence north 60 degrees 30 minutes east along said "Sawyers partition line," said line being identical with the northern line of "Tuohys Second Addition," to the corner common to plots "Q" and "R" as shown on map entitled "Map of the undivided mountain and hill land of Vicente and Domingo Peralta rancho as partitioned by a decree of the Third District Court, March 2d, 1875," filed in the office of the County Recorder of Alameda County, October 6th, 1875, on page 30 of Map Book No 19; thence south 5 degrees east along said line dividing said plots "Q" and "R" eleven hundred and sixteen and 72-100 (1116.72) feet to the northern line of Berkeley, as per description in charter adopted March 5th, 1895; thence easterly along said northern line of Berkeley as per charter adopted March 5th, 1895, said line being identical with the northern lines of plots eighty-four (84) and eighty-three (83) as per Kellersberger's map of the subdivision of the rancho of Vincente and Domingo Peralta, of record in the office of the County Recorder of Alameda County, to a point on the line dividing Alameda County and Contra Costa County, said point being the most northern point on the boundary of said plot 83, thence southerly and southeasterly along said line between said Alameda and Contra Costa counties to the point of beginning

ARTICLE III

ELECTIONS.

General and special municipal elections

SEC 4 A municipal election shall be held in the city on the first Saturday in May in the year 1909, and on the first Saturday in April in 1911 and on the first Saturday in April in every second year thereafter, and shall be known as the general municipal election A second election shall be held, when necessary, as provided in Subdivision 22 of Section 5, on the third Saturday after said general municipal election, and shall be known as the second general municipal election

All other municipal elections that may be held by authority of this charter or of general law shall be known as special municipal elections

Nomination and election of city officers

SEC 5 (1) The mode of nomination and election of all elective officers of the city to be voted for at any municipal election shall be as follows and not otherwise

Condition of candidacy

(2) The name of a candidate shall be printed upon the ballot when a petition of nomination shall have been filed in his behalf in the manner and form and under the conditions hereinafter set forth

Form of nomination petition

(3) The petition of nomination shall consist of not less than twenty-five individual certificates, which shall read substantially as follows

PETITION OF NOMINATION

Individual Certificate

STATE OF CALIFORNIA)
County of Alameda, } ss
City of Berkeley)

Prect No. . . . .

I, the undersigned, certify that I do hereby join in a petition for the nomination of . . . . . whose residence is at No . . . . . street, Berkeley, for the office of . . . . . to be voted for at the municipal election to be held in the City of Berkeley on the . . day of . . . . . 19. . . . . and I further certify that I am a qualified elector and am not at this time a signer of any other petition nominating any other candidate for the above named office, or, in case there are several places to be filled in the above named office, that I have not signed more petitions than there are places to be filled in the above named office, and that my residence is at No . . . . . street, Berkeley, and that my occupation is . . . . . .

(Signed) . . . . . .

STATE OF CALIFORNIA)
County of Alameda } ss
City of Berkeley)

. . . . . being duly sworn, deposes and says that he is the person who signed the foregoing certificate and that the statements therein are true and correct

(Signed) . . . . . .

Subscribed and sworn to before me this . . . . . day of . . . . . 19. . . . .

. . . . . .

(Notary Public or Verification Deputy.)

The petition of nomination of which this certificate forms a part shall, if found insufficient, be returned to .... at No .....street, Berkeley, Cal.

Forms to be supplied by the city clerk.

(4) It shall be the duty of the city clerk to furnish upon application a reasonable number of forms of individual certificates of the above character.

Requirements of certificate

(5) Each certificate must be a separate paper. All certificates must be of a uniform size as determined by the city clerk. Each certificate must contain the name of one signer thereto and no more. Each certificate shall contain the name of one candidate and no more Each signer must be a qualified elector, must not at the time of signing a certificate have his name signed to any other certificate for any other candidate for the same office, nor, in case there are several places to be filled in the same office, signed to more certificates for candidates for that office than there are places to be filled in such office. In case an elector has signed two or more conflicting certificates, all such certificates shall be rejected. Each signer must verify his certificate and make oath that the same is true before a notary public or a verification deputy, as provided for in this section. Each certificate shall further contain the name and address of the person to whom the petition is to be returned in case said petition is found insufficient

Verification deputies

(6) Verification deputies, under this section, must be qualified electors of the city and shall be appointed by the city clerk upon application in writing signed by not less than five qualified electors of the city. The application shall set forth that the signers thereto desire to procure the necessary signatures of electors for the nomination of candidates for municipal office at an election therein specified, and that the applicants desire the person or persons whose names and addresses are given, appointed as verification deputies, who shall upon appointment be authorized and empowered to take the oath of verification of the signers of petitions of nomination. Such verification deputies need not use a seal, and shall not have power to take oaths for any other purpose whatsoever, and their appointments shall continue only until all petitions of nomination, under this section, shall have been filed by the city clerk.

Date of presenting petition

(7) A petition of nomination, consisting of not less than twenty-five individual certificates for any one candidate, may be presented to the city clerk not earlier than forty-five days nor later than thirty days before the election. The clerk shall endorse thereon the date upon which the petition was presented to him

Examination of petitions by city clerk

(8) When a petition of nomination is presented for filing to the city clerk, he shall forthwith examine the same, and ascertain whether it conforms to the provisions of this section. If found not to conform thereto, he shall then and there in writing designate on said petition the defect or omission or reason why such petition can not be filed, and shall return the petition to the person named as the person to whom the same may be returned in accordance with this section The petition may then be amended and again presented to the clerk as in the first instance. The clerk shall forthwith proceed to examine the petition as hereinbefore provided If necessary, the council shall provide extra help to enable the clerk to perform satisfactorily and promptly the duties imposed by this section.

Withdrawal of signature.

(9) Any signer to a petition of nomination and certificate may withdraw his name from the same by filing with the city clerk a verified revocation of his signature before the filing of the petition by the clerk, and not otherwise. He shall then be at liberty to sign a petition for another candidate for the same office.

Withdrawal of candidate.

(10) Any person whose name has been presented under this section as a candidate may, not later than twenty-five days before the day of election, cause his name to be withdrawn from nomination by filing with the city clerk a request therefor in writing, and no name so withdrawn shall be printed upon the ballot. If upon such withdrawal the number of candidates remaining does not exceed the number to be elected, then other nominations may be made by filing petitions therefor not later than twenty days prior to such election.

Filing of petitions

(11) If either the original or the amended petition of nomination be found sufficiently signed as hereinbefore provided, the clerk shall file the same twenty-five days before the date of the election. When a petition of nomination shall have been filed by the clerk it shall not be withdrawn nor added to and no signature shall be revoked thereafter.

Preservation of petitions.

(12) The city clerk shall preserve in his office for a period of two years all petitions of nomination and all certificates belonging thereto filed under this section.

Election proclamation.

(13) Immediately after such petitions are filed, the clerk shall enter the names of the candidates in a list, with the offices to be filled, and shall not later than twenty days before the election certify such list as being the list of candidates nominated as required by the charter of Berkeley, and the council shall cause said certified list of names and the offices to be filled, designating whether for a full term or unexpired term, to be published in the proclamation calling the election at least ten successive days before the election in not more than two daily newspapers of general circulation published in the City of Berkeley. Said proclamation shall conform in all respects to the general state law governing the conduct of municipal election, now or hereafter in force, except as above required.

Form of ballots

(14) The city clerk shall cause the ballots to be printed and bound and numbered as provided for by state law, except as otherwise required in this charter. The ballots shall contain the list of names and the respective offices, as published in the proclamation, and shall be in substantially the following form

General (or special) municipal election, City of Berkeley

(Inserting date thereof.)

INSTRUCTIONS TO VOTERS. To vote, stamp or write a cross (X) opposite the name of the candidate for whom you desire to vote. All marks otherwise made are forbidden. All distinguishing marks are forbidden and make the ballot void. If you wrongly mark, tear or deface this ballot, return it to the inspector of election and obtain another.

Requirements of ballot

(15) All ballots printed shall be precisely of the same size, quality, tint of paper, kind of type, and color of ink, so that without the number it would be impossible to distinguish one ballot from another; and the names of all candidates printed upon the ballot shall be in type of the same size and style. A column may be provided on the right hand side for charter amendments or other questions to be voted upon at the municipal elections, as provided for under this charter. The names of the candidates for each office shall be arranged in alphabetical order, and nothing on the ballot shall be indicative of the source of the candidacy or of the support of any candidate.

Every nominee to be on the ballot

(16) The name of no candidate who has been duly and regularly nominated, and who has not withdrawn his name as herein provided, shall be omitted from the ballot

Arrangement of offices on ballot

(17) The offices to be filled shall be arranged in separate columns in the following order

"For mayor (if any) vote for one."
For auditor (if any) vote for one."
"For councilman (if any) vote for (giving number)."
For school directors (if any) vote for (giving number)."

Space for voting cross

(18) Half-inch squares shall be provided at the right of the name of each candidate wherein to mark the cross

Blank spaces for additional candidates.

(19) Half-inch spaces shall be left below the printed names of candidates for each office equal in number to the number to be voted for, wherein the voter may write the name of any person or persons for whom he may wish to vote

Sample ballots

(20) The clerk shall cause to be printed sample ballots identical with the ballot to be used at the election and shall furnish copies of the same on application to registered voters at his office at least five days before the date fixed for such election, and shall mail one such ballot to each voter entitled to vote at such election, so that all of said sample ballots shall have been mailed at least three whole days before said election

Vote necessary for election

(21) In case there is but one person to be elected to an office, the candidate receiving a majority of the votes cast for all the candidates for that office shall be declared elected; in case there are two or more persons to be elected to an office, as that of councilman or school director, then those candidates equal in number to the number to be elected, who receive the highest number of votes for such office shall be declared elected *provided however* that no person shall be declared elected to any

office at such first election unless the number of votes received by him shall be greater than one half the number of ballots cast at such election.

Second election

(22) If at any election held as above provided there be any office to which the required number of persons was not elected, then as to such office the said first election shall be considered to have been a primary election for the nomination of candidates, and a second election shall be held to fill said office. The candidates not elected at such first election, equal in number to twice the number to be elected to any given office, or less if so there be, who receive the highest number of votes for the respective offices at such first election, shall be the only candidates at such second election, *provided*, that if there be any person who, under the provisions of this subdivision, would have been entitled to become a candidate for any office except for the fact that some other candidate received an equal number of votes therefor, then all such persons receiving such equal number of votes shall likewise become candidates for such office

The candidates equal in number to the persons to be elected who shall receive the highest number of votes at such second election shall be declared elected to such office.

Date of second election

(23) The said second election, if necessary to be held, shall be held three weeks after the first election.

Rules governing second election

(24) All the provisions and conditions above set forth as to the conduct of an election, so far as they may be applicable, shall govern the second election, except that notice of election need be published twice only, and provided also that the same precincts and polling places shall, if possible, be used

Failure of person elected to qualify.

(25) If a person elected fails to qualify, the office shall be filled as if there were a vacancy in such office, as hereinafter provided

Informalities in election

(26) No informalities in conducting municipal elections shall invalidate the same if they have been conducted fairly and in substantial conformity to the requirements of this charter.

General election regulations

SEC. 6 (1) The provisions of the state law relating to the qualification of electors, the manner of voting, the duties of election officers, the canvassing of returns, and all other particulars in respect to the management of elections, so far as they may be applicable, shall govern all municipal elections, *provided* that the council shall meet as a canvassing board and duly canvass the election returns within four days after any municipal election.

Voting machines.

(2) In case voting machines shall be used at municipal elections, the council shall have power, by ordinance, to modify the provisions of Section 5 so far as may be necessary to adapt them to the use of voting machines

ARTICLE IV.

RECALL OF ELECTIVE OFFICERS

Applies to all elective officers

SEC. 7. (1) Every incumbent of an elective office, whether elected by popular vote or appointed to fill a vacancy, is subject to recall by the voters of the city. The procedure to effect such removal from office shall be as follows:

Petition for recall

(2) A petition signed by qualified electors equal in number to twenty per centum of the entire vote cast for mayor at the last preceding general municipal election at which a mayor was elected, demanding an election of a successor of the officer sought to be removed, shall be addressed to the council and presented to the city clerk. The petition may request such election to be held at a special municipal election or at the next general municipal election. The petition must contain a statement of the reasons for the demand.

Provisions of section 5 apply.

(3) The provisions of Section 5 respecting the forms and conditions of the petition and the mode of verification and certification and filing shall be substantially followed, with such modifications as the nature of the case requires

Election under recall petition.

(4) If the officer sought to be removed shall not resign within five days after the petition is filed by the city clerk, and if the petition requests a special election, the

council shall cause a special election to be held within forty-five days to determine whether the people will recall said officer, or, if a general municipal election is to occur within sixty days, the council may in its discretion postpone the holding of such election to such general municipal election.

Grounds of recall. Officer's justification.

(5) In the published call for the election there shall be printed in not more than two hundred words the reasons for demanding the recall of the officer as set forth in the recall petition, and in not more than two hundred words the officer may justify his course in office.

Candidates. Election

(6) The officer sought to be removed shall be deemed a candidate and, unless he resigns, his name shall be printed on the ballot. The nomination of other candidates and the election shall be in accordance with the provisions of Section 5.

Incumbent removed

(7) The officer sought to be removed shall, if he do not resign, continue to perform the duties of his office until the election, and, if he fail of election, he shall be deemed removed from office.

No recall petition for first three months.

(8) No recall petition shall be filed against any officer until he has actually held his office for at least three months.

Incapacity of recalled official

(9) No person who has been recalled from an elective office, or who has resigned from such office while recall proceedings were pending against him, shall be appointed to any office within one year after such recall or resignation.

Further regulations.

(10) The council may by ordinance make such further regulations as may be necessary to carry out the provisions of this section, and to adapt the provisions of Section 5 thereto.

ARTICLE V.

ELECTIVE OFFICERS

The elective officers

SEC. 8. The elective officers of the city shall be a mayor, an auditor, four councilmen, and four school directors.

The council shall consist of the mayor and four councilmen, each of whom, including the mayor, shall have the right to vote on all questions coming before the council.

The board of education shall consist of the four school directors and the councilman appointed to be commissioner of finance and revenue, each of whom, including said commissioner, shall have the right to vote on all questions coming before the board.

Elected at large

SEC. 9. The mayor, auditor, councilmen and school directors shall be elected at the general municipal election on a general ticket from the city at large.

Eligibility of mayor, auditor and councilmen.

SEC. 10. To be eligible for the office of mayor, auditor or councilman, a person must be a citizen of the United States and a qualified elector of the State of California and of the City of Berkeley.

Eligibility of school directors

SEC. 11. To be eligible for the office of school director, a person must be a citizen of the United States of the age of twenty-one years and a resident of the City of Berkeley.

Vacancy in office of mayor, auditor or councilman

SEC. 12. If a vacancy shall occur in the office of mayor, auditor or councilman, the council shall appoint a person to fill such vacancy. If at any municipal election held under Subdivision 22 of Section 5 of this charter a mayor, auditor or the required number of councilmen be not elected by reason of a tie vote among any of the candidates therefor, then the council after the qualification of the persons, if any, elected thereto at such election, shall appoint one of the persons receiving such tie vote to fill such office as in the case of a vacancy therein. In each case the person so appointed shall hold office, subject to the provisions of the recall, until the next general municipal election.

Vacancy in office of school director.

SEC. 13. If a vacancy shall occur in the office of school director, the board of education shall appoint a person to fill such vacancy. If at any municipal election held under Subdivision 22 of Section 5 of this charter a school director be not elected

by reason of a tie vote among any of the candidates therefor, then the board of education after the qualification of the persons, if any, elected thereto at such election, shall appoint one of the persons receiving such tie vote, to fill such office as in case of a vacancy therein In each case the person so appointed shall hold office, subject to the provisions of the recall, until the next general municipal election.

Mayor's and auditor's term of office.

SEC. 14. The mayor and auditor shall each hold office for a term of two years from and after the first day of July after his election, and until his successor is elected and qualified.

Councilmen's term of office

SEC. 15. The councilmen shall hold office for a term of four years from and after the first day of July after their election and until their successors are elected and qualified *Provided*, that the councilmen first elected under this charter shall, at their first meeting, so classify themselves by lot that two of them shall hold office for two years and two of them for four years.

At each general municipal election after the first under this charter, there shall be elected two councilmen

School director's term of office.

SEC. 16. The school directors shall hold office for a term of four years from and after the first day of July after their election and until their successors are elected and qualified. *Provided*, that the school directors first elected under this charter shall, at their first meeting, so classify themselves by lot that two of them shall hold office for two years and two of them for four years.

At each general municipal election after the first under this charter there shall be elected two school directors

Official bonds.

SEC. 17 The mayor, auditor, each councilman and each school director shall, before entering upon the duties of his office, give and execute to the city a bond with a surety company as sole surety, the mayor and auditor each, in the penal sum of $10 000, each councilman in the penal sum of $5,000, and each school director in the penal sum of $2500.

Every bond shall contain the condition that the principal will well, truly, honestly and faithfully perform the duties of his office. The bonds of the mayor must be approved by the council and the bonds of the auditor and the several councilmen and school directors must be approved by the mayor

The council shall fix the amount of bonds and the methods of their approval to be required of appointive officers.

The approval of the official bonds must be endorsed thereon and signed by the officer or officers approving the same. All bonds, when approved, shall be filed with the city clerk. All the provisions of any law of this state, relating to official bonds, not inconsistent with this charter, shall be complied with

Oath of office.

SEC. 18. Every officer of the city, before entering upon the duties of his office, shall take the oath of office as provided for in the constitution of this state, and shall file the same with the city clerk.

Salaries

SEC. 19. The mayor shall receive an annual salary of $2,400, payable in equal monthly installments.

The auditor shall receive an annual salary of $1,800, payable in equal monthly installments.

Each councilman shall receive an annual salary of $1,800, payable in equal monthly installments.

Each school director shall receive five dollars for each regular meeting of the board of education which he shall attend, *provided* that he shall not receive more than $15 in any one month.

Administering oaths Subpoenas.

SEC. 20 Every elective officer, every chief official and every member of any board or commission provided for in this charter shall have the power to administer oaths and affirmations, and every such officer, board or commission shall have power to issue subpœnas, to compel by subpœna the production of books, papers and documents, and to take and hear testimony concerning any matter or thing pending before such officer, board or commission. If any person so subpœnaed neglect or refuse to appear, or to produce any book, paper or document as required by such subpœna, or shall refuse to testify before any such officer, board or commission, or to answer any question which any officer, or a majority of such board or commission shall decide to be proper or pertinent, he shall be deemed in contempt, and any such officer, board or commission shall have power to take the proceedings in that behalf provided by the general laws of this state. The chief of police must, on request of such officer, or of any member of such board or commission, detail a police officer or police officers to serve such subpœna

ARTICLE VI.

THE MAYOR

The chief executive.

SEC 21 The mayor shall be the chief executive officer of the city and shall see that all the ordinances thereof are duly enforced. He shall be charged with the general oversight of the several departments of the municipal government He shall see that all contracts made with the city are faithfully performed

Mayor pro tempore.

SEC 22. During the temporary absence or disability of the mayor, the vice-president of the council shall act as mayor pro tempore In case of the temporary absence or disability of both the mayor and vice-president, the council shall elect one of its members to be mayor pro tempore In case of vacancy in the office of mayor, the vice-president of the council shall act as mayor until such vacancy can be filled as provided in this charter.

Mayor's report.

SEC. 23. The mayor shall annually and from time to time give the council information relative to the affairs of the city and recommend to its consideration such matters as he may deem expedient.

Mayor to have city's books examined.

SEC. 24. The mayor shall employ, for a stipulated compensation, at the beginning of each fiscal year, a certified public accountant, who shall examine, at least twice each year, the books, records and reports of the auditor and of all officers and employees who receive or disburse city moneys, and the books, records and reports of such other officers and departments as the mayor may direct, and make triplicate reports thereof, and present one each to the mayor and auditor, and file one with the city clerk Such accountant shall have unlimited privilege of investigation, to examine under oath or otherwise all officers, clerks and employees of the city, and every such officer, clerk and employee shall give all required assistance and information to such accountant, and submit to him for examination such books and papers of his office as may be requested, and failure to do so shall be deemed and held to be a forfeiture and abandonment of his office. The council shall provide for the payment of the services of such accountant

Supervision of public utility companies.

SEC. 25. The mayor shall be charged with the general supervision of all public utility companies in so far as they are subject to municipal control; he shall keep himself fully informed as to their compliance in all respects with the law, and he shall see that all franchises granted by the city are faithfully observed

The mayor shall cause to be instituted such actions or proceedings as may be necessary to prosecute public utility companies for violation of law, and to revoke, cancel or annul all franchises that may have been granted by the city to any person, firm or corporation which have become forfeitable in whole or in part, or which for any reason are illegal and void and not binding upon the city. The city attorney on demand of the mayor, must institute and prosecute the necessary actions to enforce the provisions of this section

Powers and duties prescribed by ordinance.

SEC 26 The mayor shall exercise such other powers and perform such other duties as may be prescribed by law and ordinance

ARTICLE VII.

EXECUTIVE AND ADMINISTRATIVE DEPARTMENTS

The four municipal departments

SEC 27. The executive and administrative powers, authority and duties of the city, not otherwise provided for, shall be distributed among and assigned to four departments, as follows

1 Department of finance and revenue.
2. Department of public health and safety
3. Department of public works.
4 Department of public supplies

Council to assign duties to the departments.

SEC. 28. The council shall determine and assign the duties of the several departments, subject to the provisions of the preceding section; shall prescribe the powers and duties of officers and employees, may assign particular officers and employees to one or more of the departments; may require an officer or employee to perform duties in two or more departments, and may make such other rules and regulations as may be necessary or proper for the efficient and economical conduct of the business of the city.

The four commissioners.

SEC. 29. The council at its first regular meeting after the election of its members, shall designate by majority vote one councilman to be commissioner of finance and revenue, one to be commissioner of public health and safety, one to be commissioner of public works, and one to be commissioner of public supplies. If the council is unable to agree, the mayor shall have authority to make such designation. The council may change such designation, by ordinance or by resolution published for two days, whenever it determines that the public service will be benefited thereby.

The chief officials

SEC. 30. The chief officials of the city shall be city clerk, assessor, treasurer, collector, attorney, engineer, chief of police, fire chief, street superintendent, health officer and five library trustees. They shall be appointed and may be removed by a majority vote of the council. The council, at any time when in its judgment the interests of the city so demand, may consolidate and place in the charge of one such officer the functions and duties of two or more of such officers. The council shall by ordinance prescribe the duties of all the chief officials

The council shall at the first regular meeting after the election of its members, or as soon thereafter as practicable, proceed to the appointment of the chief officials of the city and the determination of their duties, as provided in this section.

Subordinate officers and employees

SEC. 31 The council shall have power by ordinance to create and discontinue offices, deputyships, assistantships and employments other than those prescribed in this charter, to provide the modes of filling them, to prescribe the duties pertaining thereto, according to its judgment of the needs of the city, and to determine the mode of removing any such officer, deputy, assistant or employee, except as otherwise provided in this charter

Compensation of officers and employees.

SEC. 32 The compensation of all city officers provided for by Section 30 of this charter, except library trustees, who shall receive no remuneration, shall be by salary to be fixed by the council The council shall also fix the compensation of all other officers and employees of the city, except as in this charter otherwise provided. No officer or employee shall be allowed any fees, perquisites, emoluments, rewards or compensation, aside from the salary or compensation as fixed by the council, but all fees received by him in connection with his official duties shall be paid by him into the city treasury

Reports of departments

SEC 33 Each department and commission shall annually, on such date as may be fixed by the council, render to the mayor a full report of all the operations of such department or commission for the year.

Reports to be published

SEC. 34 The council shall provide for the publication of the annual reports of the mayor and of the several departments and commissions.

Councilmen to hold no other office.

SEC 35 No member of the council, except the commissioner of finance and revenue, who shall be ex officio a member of the board of education, shall hold any other municipal office or hold any office or employment the compensation of which is paid out of the municipal moneys; or be elected or appointed to any office created or the compensation of which is increased by the council while he is a member thereof, until one year after the expiration of the term for which he was elected

Officers not to be interested in contracts or franchises.

SEC 36 No officer or employee shall be directly or indirectly interested in any contract, work or business of the city, or in the sale of any article, the expense, price or consideration of which is paid for from the treasury or by assessment levied by any act or ordinance; nor in the purchase or lease of any real estate or other property belonging to the city or which shall be sold for taxes or assessments or by virtue of legal process at the suit of the city. No officer shall be in the employ of any public service corporation in the city or of any person having any contract with the city or of any grantee of a franchise granted by the city.

Any contract or agreement made in contravention of this section shall be void Any violation of the provisions of this section shall be deemed a misdemeanor The council shall enforce the provisions of this section by appropriate legislation

Political and religious tests

SEC 37 No appointment to position under the city government shall be made or be withheld by reason of any religious or political opinions or affiliations or political services, and no appointment to or selection for or removal from any office or employment, and no transfer, promotion, reduction, reward or punishment shall be in any manner affected by such opinions, affiliations or services

ARTICLE VIII

THE COUNCIL.

The council the governing body

SEC. 38. The council shall be the governing body of the municipality. It shall exercise the corporate powers of the city, and, subject to the express limitations of this charter, shall be vested with all powers of legislation in municipal affairs adequate to a complete system of local government consistent with the constitution of the state.

President and vice-president

SEC. 39. The mayor shall be president of the council and shall preside at its meetings when present. The council shall elect one of its number to be vice-president.

Meetings of council.

SEC. 40. The council shall provide for the time and place of holding its meetings and the manner in which its special meetings may be called.

Meetings to be public.

SEC. 41. All legislative sessions of the council, whether regular or special, shall be open to the public

Quorum.

SEC. 42. A majority of the members of the council shall constitute a quorum for the transaction of business

Rules of proceeding.

SEC. 43. The council shall establish rules for its proceedings.

Ordinances and resolutions.

SEC. 44. (1) The council shall act only by ordinance or resolution

Ayes and noes.

(2) The ayes and noes shall be taken upon the passage of all ordinances and resolutions and entered upon the journal of the proceedings of the council.

Majority vote of council.

(3) No ordinance or resolution shall be passed or become effective without receiving the affirmative votes of at least three members of the council.

Subject and title.

(4) Every ordinance or resolution, except an ordinance making appropriations, shall be confined to one subject, which shall be clearly expressed in the title, and every ordinance making appropriations shall be confined to the subject of appropriations. If any subject shall be embraced in an ordinance which shall not be expressed in its title, such ordinance shall be void only as to so much thereof as shall not be expressed in its title.

Enacting clause of ordinances.

(5) The enacting clause of all ordinances passed by the council shall be in these words: "Be it ordained by the Council of the City of Berkeley as follows:"

Requirements of an ordinance.

(6) To constitute an ordinance a bill must before final action thereon be passed to print and published with the ayes and noes for two days, and, in case of any amendment being made thereto before the final adoption of the ordinance, must in like manner be republished as amended for not less than one day.

Ordinances required in certain cases.

(7) No action providing for any specific improvements or the appropriation or expenditure of any public money, except sums less than five hundred dollars; for the appropriation, acquisition, sale or lease of public property; for the levying of any tax or assessment; for the granting of any franchise; for establishing or changing fire limits; or for the imposing of any penalty, shall be taken except by ordinance; *provided*, that such exceptions be observed as may be called for in cases where the council takes action in pursuance of a general law of the state.

Reconsideration.

(8) When any bill is put upon its final passage and fails to pass, and a motion is made to reconsider, the vote upon such motion shall not be taken except at a meeting of the council held not less than one week after the meeting at which such motion was made.

Signing and attesting.

(9) All resolutions and ordinances shall be signed by the mayor and attested by the city clerk.

Revision and amendment.

(10) No ordinance shall be revised, re-enacted or amended by reference to its title only; but the ordinance to be revised or re-enacted, or the section or sections thereof to be amended, or the new section or sections to be added thereto, shall be set forth and adopted in the method provided in this section for the adoption of ordinances.

Repeal.

(11) No ordinance nor section thereof shall be repealed except by ordinance adopted in the manner provided in this section.

Ordinances granting franchises.

(12) No bill for the grant of any franchise shall be put upon its final passage within thirty days after its introduction, and no franchise shall be renewed before one year prior to its expiration.

Record of city ordinances.

(13) A true and correct copy of all ordinances shall be kept and certified to by the city clerk in a book marked "City Ordinances." Such record copy, with such certificate, or the original ordinance, shall be prima facie evidence of the contents of the ordinance and of the due passage and publication of the same, and shall be admissible as such in any court or proceeding. Such records shall not be filed in any case, but shall be returned to the custody of the city clerk. Nothing herein contained shall be construed to prevent the proof of the passage and publication of an ordinance in the usual way.

Protection of absent commissioner.

SEC. 45. No final action shall be taken in any matter concerning the special department of any absent councilman unless such business has been made a special order of the day by action at a previous meeting of the council, or such action is taken at a regular meeting of the council.

Publication of charter and ordinances.

SEC. 46. The council, during the first year after its organization under this charter and from time to time thereafter, shall cause all ordinances at such time in force to be classified under appropriate heads, and, together with or separately from the charter of the city and such provisions of the constitution and laws of the state as the council may deem expedient, to be published in book form.

ARTICLE IX.

POWERS OF THE CITY AND OF THE COUNCIL.

General powers of the city.

SEC. 47. Without denial or disparagement of other powers held under the constitution and laws of the State, the City of Berkeley shall have the right and power

Public buildings, works and institutions.

(1) To acquire by purchase, condemnation or otherwise, and to establish, maintain, equip, own and operate libraries, reading rooms, art galleries, museums, schools, kindergartens, parks, playgrounds, places of recreation, fountains, baths, public toilets, markets, market houses, abattoirs, dispensaries, infirmaries, hospitals, charitable institutions, jails, houses of correction and farm schools, workhouses, detention homes, morgues, cemeteries, crematories, garbage collection and garbage disposal and reduction works, street cleaning and sprinkling plants, quarries, wharves, docks, waterways, canals, and all other public buildings, places, works and institutions.

Water, light, heat and power.

(2) To acquire by purchase, condemnation or otherwise, and to establish, maintain, equip, own and operate waterworks, gas works, electric light, heat and power works, within or without the city, and to supply the city and its inhabitants and also persons, firms or corporations outside the city with water, gas and electricity.

Telephone, telegraph and transportation.

(3) To acquire by purchase, condemnation or otherwise, and to establish, maintain, equip, own and operate telephone and telegraph systems, cable, electric or other railways, ferries and transportation service of any kind.

Sale of products of public utilities.

(4) To sell gas, water, electric current and all products of any public utility operated by the city.

Land for public purposes.

(5) To acquire by purchase, condemnation or otherwise, within or without the city, such lands or other property as may be necessary for the establishment, maintenance and operation of any public utility or to provide for and effectuate any other public purposes; and to sell, convey, encumber and dispose of the same for the common benefit.

Lease of public utilities.

(6) To lease to corporations or individuals for the purpose of maintenance and operation any public utility owned by the city.

Bequests and donations.

(7) To receive bequests, gifts and donations of all kinds of property, in fee simple, or in trust for charitable and other purposes, and do all acts necessary to carry out the purposes of such bequests, gifts and donations, with power to manage, sell, lease or otherwise dispose of the same in accordance with the terms of the bequest, gift or trust, or absolutely in case such bequest, gift or trust be unconditional.

Borrowing money. Bonds.

(8) To borrow money for any of the purposes for which the city is authorized to provide and for carrying out any of the powers which the city is authorized to enjoy and exercise and to issue bonds therefor; *provided*, that in the procedure for the creation and issuance of such bonded indebtedness the general laws of the State of California in force at the time such proceedings are taken shall be observed and followed.

Special tax.

(9) To raise money by a special tax, in addition to the annual tax levy provided in Section 57 of this charter. To authorize such special tax, the provisions of Section 92 of Article XIII relating to the initiative, or of Section 94 of Article XIV relating to the referendum, shall be followed, and the levy of such tax must be approved by at least two thirds of the qualified electors who vote thereon. At such election the council may be authorized, in cases where public necessity requires the expenditure of any sum so voted before the next succeeding tax levy, to borrow such sum and provide in the next succeeding tax levy for its repayment with interest at not exceeding five per cent per annum. Or the council may be authorized to levy a special tax each year for a period of years not exceeding three years in all, for any permanent municipal improvement, and the money so raised may be expended each year after the same is collected and available.

Joint ownership of water supply.

(10) To join with one or more cities incorporated under the constitution and laws of the state in order to acquire and develop jointly a source or sources of water supply for municipal and domestic purposes and to construct the works necessary for their joint and several purposes and needs, and to unite with such cities in bond issues therefor.

Sue and defend.

(11) To sue and defend in all courts and places and in all matters and proceedings.

Direct legislation by people.

SEC. 48. The qualified voters of the city shall have power through the initiative and otherwise, as provided by this charter and the general laws of the State, to enact appropriate legislation to carry out and enforce any of the above general powers of the city or any of the specified powers of the council

Powers of the council enumerated.

SEC 49. As the legislative organ of the city, the council, subject to the provisions and restrictions of this charter, shall have power

Official seal.

(1) To provide a corporate seal, with appropriate device, to be affixed to all instruments or writings needing authentication.

Violation of charter and ordinances.

(2) To prescribe fines, forfeitures and penalties for the violation of any provision of this charter or of any ordinance; but no penalty shall exceed five hundred dollars or six months' imprisonment, or both

Nuisances.

(3) To provide for the summary abatement of any nuisance at the expense of the person or persons creating, causing, committing or maintaining such nuisance

Rewards.

(4) To offer rewards not exceeding two hundred and fifty dollars in any one instance for the apprehension and conviction of any person who may have committed a felony in the city, and to authorize the payment thereof.

Police and fire departments.

(5) To organize and maintain police and fire departments, erect the necessary buildings and own all implements and apparatus required therefor.

Police and fire alarm systems

(6) To establish and maintain a fire alarm and police telegraph or telephone system, and manage and control the same, and to appoint a superintendent thereof

Explosives.

(7) To regulate or prohibit the manufacture, keeping, storage and use of powder, dynamite, guncotton, nitroglycerine, fireworks and other explosive materials and substances.

Inflammable materials.

(8) To regulate the storage of hay, straw, oil and other inflammable and combustible materials.

Engines and boilers.

(9) To regulate the use of steam engines, gas engines, steam boilers, and electric motors, and to prohibit their use in such localities as in the judgment of the council would endanger public safety.

Fire limits

(10) To prescribe fire limits and determine the character and height of buildings that may be erected therein and the nature of the materials to be used in the construction, alteration or repair of such buildings or in the repair or alteration of existing buildings within such fire limits.

Building regulations.

(11) To regulate the construction of and the materials used in all buildings, chimneys, stacks and other structures; to prevent the erection and maintenance of insecure or unsafe buildings, walls, chimneys, stacks or other structures, and to provide for their summary abatement or destruction; to regulate the materials used in and the method of construction of foundations and foundation walls, the manner of construction and location of drains and sewers, the materials used in wiring buildings or other structures for the use of electricity for lighting, power, heat or other purposes, and materials used for piping buildings or other structures for the purpose of supplying the same with water or gas and the manner of so doing; to prohibit the construction of buildings and structures which do not conform to such regulations

Fire escapes

(12) To require the owners and lessees of buildings or other structures to place upon them or in them fire escapes and appliances for protection against fire and for the extinguishment of fires

Precautions against fires

(13) To prevent the construction and to cause the removal of dangerous chimneys, fireplaces, hearths, stoves, stove pipes, ovens, boilers, apparatus and machinery used in any building in the city; to regulate the carrying on of manufactories liable to cause fire, to prevent the depositing of ashes, the accumulation of shavings, rubbish, or any combustible material in unsafe places, and to make provisions to guard against fires

Provisions for safety in theatres, halls, etc.

(14) To regulate the size and construction of the entrances to and exits from all theatres, lecture rooms, halls, schools, churches, and other places for public gathering of every kind and to prevent the placing of seats, chairs, benches or other obstructions in the hallways, aisles or open places therein.

Provisions for safety in streets.

(15) To regulate the speed of railroad trains, engines and cars passing through the city and the speed of cars of street or interurban railway companies using the public streets of the city, to require railroad companies to station flagmen, place gates or viaducts at all such street crossings as the council may deem proper, to require street cars and local trains to be provided with fenders or other appliances for the better protection of the public; to prohibit the making up of railroad trains on any of the streets, street crossings or street intersections of the city; to regulate the speed with which persons may ride or drive or propel bicycles, automobiles or other vehicles along or upon any of the streets or highways of the city

Improper use of streets.

(16) To regulate or prohibit the exhibition or carrying of banners, placards, or advertisements, and the distribution of handbills in the streets, public grounds or upon the sidewalks, to regulate and prevent the flying of banners, flags or signs across the streets or from houses; to regulate or prohibit traffic and sales in the streets and public places, to prevent encroachments upon or obstructions to the streets, and to require their removal.

Weeds and rubbish on sidewalks.

(17) To compel the owner or occupant of buildings or grounds to remove dirt, rubbish and weeds from the sidewalk opposite thereto; and in his default to authorize the removal or destruction thereof by some officer of the city at the expense of such owner or occupant, and to make such expense a lien upon such buildings or grounds.

Billboards and signs.

(18) To regulate, license or prohibit the construction and use of billboards and signs.

Dogs.

(19) To regulate and prevent the running at large of dogs, to prevent dog fights in the streets, to provide for the destruction of vicious dogs, and to require the payment of license fees by the owners or persons having possession of dogs, and to impose penalties upon such persons for refusing to pay such license fees

Public pound.

(20) To prevent or regulate the running at large of any animals, and to establish and maintain a pound and authorize the destruction or other disposition of any animals running at large.

Cruelty to animals.

(21) To prohibit and punish cruelty to animals, and to require the places where they are kept to be maintained in a clean and healthful condition

Preservation of health.

(22) To make all regulations which may be necessary and expedient for the preservation of health and the suppression of disease; to make regulations to prevent the introduction of contagious, malignant, infectious or other diseases into the city, to make quarantine laws and regulations; to regulate, control and prevent the entry into the city of persons, baggage, merchandise or other property infected with contagious disease.

Dangerous and offensive occupations; disagreeable noises

(23) To regulate or prohibit the operation of all manufactories, occupations or trades which may be of such a nature as to affect the public health or good order of the city or disturb the public peace, or which may be offensive or dangerous to the inhabitants residing in the vicinity, and to provide for the punishment of all persons violating such regulations and the punishment of all persons who knowingly permit the same to be violated in any building or upon any premises owned or controlled by them; to make regulations for the suppression of disagreeable offensive and injurious noises

Inspection of food products

(24) To provide for and regulate the inspection by the health officer of meats, poultry, fish, game, bread, butter, cheese, lard, eggs, vegetables, breadstuffs, milk and other food products offered for sale in the city, and to provide for the taking and summarily destroying of any such products as are unsound, spoiled, adulterated, or unwholesome, and to regulate and prevent bringing into the city or having or keeping within the city any such unsound, spoiled, adulterated or unwholesome products.

Dairies

(25) To provide for and regulate the inspection of all dairies that offer for sale or sell any of their products in the city.

Lodging, tenement and apartment houses.

(26) To regulate lodging, tenement and apartment houses and to prevent the overcrowding of the same and to require that they be put and kept in proper sanitary condition

Sewer connections

(27) To regulate the construction, repair and use of sewers, sinks, gutters, wells, cesspools, and vaults, and to compel the connecting, cleaning or emptying of the same, and to destignate the time and manner in which the work shall be done.

Garbage

(28) To provide for the collection and disposal of garbage, ashes, animal and vegetable refuse, dead animals, animal offal, rubbish and waste matter

Licensing businesses

(29) To license for purposes of regulation and revenue all and every kind of business not prohibited by law to be transacted or carried on in the city, to fix the rates of licenses upon the same, and to provide for the collection thereof by suit or otherwise

Regulation of public vehicles.

(30) To establish stands for hacks, public carriages, express wagons, and other public vehicles for hire, and regulate the charges of such hacks, public carriages, express wagons and other public vehicles, and require schedules of such carriages to be posted in or upon such public vehicles.

Weights and measures.

(31) To provide for the inspection and sealing of all weights and measures used in the city, and to enforce the keeping and use by dealers of proper weights and measures duly tested and sealed.

Public shows. Gambling.

(32) To license, regulate, restrain or prohibit all exhibitions, public shows, games and amusements; to prevent and prohibit all descriptions of gambling and fraudulent devices and practices, all playing of cards, dice or other games of chance for the purpose of gambling, the keeping or operating of card machines, slot machines or other contrivances upon or into which money is staked, hazarded, deposited or paid upon chance, and the selling of pools on races, and to authorize the destruction of all instruments used for the purpose of gambling.

Public order and decency.

(33) To restrain and punish vagrants, mendicants, lewd persons and prostitutes; to prevent and punish drunkenness, prize fights, and all offensive, immoral, indecent and disorderly conduct and practices in the city.

Taxation.

(34) To levy and collect taxes upon all the real and personal property within the city, subject to the limitations elsewhere in this charter provided.

Erroneously collected taxes.

(35) To order the repaying by the treasurer of any taxes, percentages or costs erroneously or illegally collected.

Fees.

(36) To fix the fees and charges for all official services not otherwise provided for in this charter.

Mayor's urgency fund.

(37) To provide an urgent necessity fund not exceeding five hundred dollars a year, to be expended under the direction of the mayor.

Lease of lands owned by the city.

(38) To provide for the lease of any lands now or hereafter owned by the city, but all leases shall be made at public auction to the highest responsible bidder at the highest monthly rent, after publication of notice thereof for at least one week, stating explicitly the time and conditions of the proposed lease: *provided*, that the council may in its discretion reject any and all bids.

Purchase of property under execution

(39) To provide for the purchase of property levied upon or under execution in favor of the city, but the amount bid on such purchase shall not exceed the amount of judgment and costs.

Sale of useless personal property.

(40) To provide for the sale at public auction, after advertising for five days, of personal property unfit or unnecessary for the use of the city.

Trusts.

(41) To provide for the execution of all trusts confided to the city.

Street grades.

(42) To establish or change the grade of any street or public place.

Street work.

(43) To order the whole or any part of any street, avenue, lane, alley, court or place within the City of Berkeley to be graded or regraded to the official grade, planked or replanked, paved or re-paved, macadamized or re-macadamized, gravelled or re-gravelled, piled or re-piled, capped or re-capped, sewered or re-sewered, and to order sidewalks, manholes, culverts, cesspools, gutters, tunnels, curbing and crosswalks to be constructed therein, and to order breakwaters, levees or walls of rock or other material to protect the same and also any other work or improvement therein; to provide for the care of shade trees planted therein and to cause shade trees to be planted, set out and cultivated therein, and also to order drainage or sanitary sewers or storm water sewers to be constructed on or through private property.

Whenever, in the judgment of the council or of the people, the cost and expense of any of the foregoing improvements is to be paid by special assessments on private

property, the general laws of the State of California in force at the time of the improvement shall govern and control, and all proceedings shall be in conformity thereto.

Street opening.

(44) To order the opening, extending, widening, straightening or closing of any street, lane, alley, court or public place within the city or over tide lands and lands covered by the waters of San Francisco Bay within the city, and to condemn and acquire any and all property necessary or convenient for that purpose.

Whenever in the judgment of the council or of the people, the cost and expense of any of the foregoing improvements is to be paid by special assessment on private property, the general laws of the State of California in force at the time of the improvement shall govern and control, and all proceedings shall be in conformity thereto, except that all the duties of the commissioners and secretaries shall be performed by or under direction of the commissioner of public works of the city, who shall receive no compensation therefor.

Light and water.

(45) To provide for the lighting of the streets, highways, public places, and public buildings and for supplying the city with water for municipal purposes.

Boulevards

(46) To set apart as a boulevard or boulevards any street or streets over which there is no existing franchise for any railroad and to regulate and prevent heavy teaming thereon; and when any such street shall have been set aside as a boulevard, no franchise for a railroad, interurban railway or street railway of any kind shall ever be granted upon such boulevard and no railroad track of any kind shall ever be laid thereon, unless an ordinance to that effect shall have been duly passed by popular vote, as provided in Articles XIII and XIV

Closed or abandoned streets.

(47) Whenever any street or portion of a street shall be abandoned or closed by ordinance, to convey by deed such street or portion of street so abandoned or closed, to the owners of the lands adjacent thereto in such wise the council shall deem that equity requires.

Water front and wharves

(48) To improve, keep in repair and control the water front of the city, to fix the rates of wharfage, dockage, and tolls, and provide for the collection thereof, to license, regulate and control the landing, anchorage and moorage of steamboats, sailing vessels, rafts, tug boats and all other water craft within the jurisdiction of the city

Regulation of public utility rates

(49) To fix and determine by ordinance in the month of February of each year, to take effect on the first day of July thereafter, the rates or compensation to be collected by any person, firm or corporation in the city, for the use of water, heat, light, power or telephonic service, supplied the city or to the inhabitants thereof, and to prescribe the quality of the service

Regulation of street railroads.

(50) To regulate street railroads, their tracks and cars, to compel the owners of two or more such street railroads using the same street for any distance not exceeding ten blocks, to use the same tracks and to equitably divide the cost of construction and the cost of maintenance thereof between them.

Railroads to keep streets in repair.

(51) To require every railroad company to keep the streets in repair between the tracks, and along and within the distance of two feet upon each side of the tracks occupied by the company.

Spur tracks

(52) To permit the laying down of spur or side tracks and running cars thereon, for the purpose of connecting warehouses, manufactories, or other business industries and enterprises with any line of railroads that may be built along the water front or with other lines of railroad which do now or may hereafter enter the city, subject to such regulations and conditions as may be prescribed from time to time by the council, such tracks to be used for transportation of freight only, and not to be used as a main line or a part thereof, and also for the purpose of excavating and filling in a street or portion of a street or the adjoining land, and for such limited time as may be necessary for such purpose and no longer

Such tracks must be laid level with the street and must be operated under such restrictions as not to interfere with the use of the streets by the public. All permits granted under the provisions hereof shall be revocable at the pleasure of the council.

Regulation of poles and wires.

(53) To cause the removal and placing underground of all telephone, telegraph, electric light or other wires within the city, or within any designated portion thereof, and to regulate or prohibit the placing of poles and suspending of wires along or across any of the streets, highways and public places in the city.

Size and location of pipes.

(54) To regulate the size and location of all water pipes, gas pipes, and all other pipes and conduits laid or constructed in the streets and public places, and to require the filing of charts and maps of such pipes and conduits.

Elections.

(55) To make all rules and regulations governing elections not inconsistent with this charter.

Civil service commission

(56) To establish a bureau of civil service and to appoint a commission, to serve without compensation, to administer the same under rules and regulations to be made by the council. Such commission shall, among other things, provide for the classification of all employments in the administrative service of the city not excepted by the provisions of this charter, by the council or by the people, for open, competitive and free examinations as to fitness, for an eligible list from which vacancies shall be filled, for a period of probation before employment is made permanent, and for promotion on the basis of merit, experience and record.

Civic art commission.

(57) To establish a civic art commission and to appoint commissioners thereon, to serve without compensation, with such powers and duties as may be fixed by the council.

Park commission.

(58) To establish a park commission and to appoint commissioners thereon, to serve without compensation, with such powers and duties as may be fixed by the council.

Playground commission.

(59) To establish a playground commission and to appoint commissioners thereon, to serve without compensation, with such powers and duties as may be fixed by the council.

Commission of public charities

(60) To establish a commission of public charities and to appoint commissioners thereon, to serve without compensation, with such powers and duties as may be fixed by the council.

Municipal ownership

(61) To provide a suitable procedure for taking over or otherwise acquiring municipal ownership of public utilities.

Additional powers

(62) To enact appropriate legislation and do and perform any and all other acts and things which may be necessary and proper to carry out the general powers of the city or any of the provisions of this charter, and to exercise all powers not in conflict with the Constitution of the State, with this charter or with ordinances adopted by the people of the city.

ARTICLE X.

FINANCE AND TAXATION

The fiscal year.

SEC. 50. The fiscal year of the city shall commence upon the first day of July of each year, or at such other time as may be fixed by ordinance.

Tax system.

SEC. 51. The council shall by ordinance provide a system for the assessment, levy and collection of all city taxes not inconsistent with the provisions of this charter. The council shall have power to avail itself by ordinance of any law of the State of California now or hereafter in force and comply with the requirements thereof whereby assessments may be made by the assessor of the county in which the City of Berkeley is situated and taxes collected by the tax collector of said county for and on behalf of the City of Berkeley. Other provisions of this charter concerning the assessment, levy and collection of taxes shall be subject to the provisions of any such ordinance while the same shall be in force.

Department estimates of annual requirements.

SEC. 52. On or before the first Monday in April in each year or on such date in each year as shall be fixed by the council, the heads of departments, offices, boards

and commissions shall send to the commissioner of finance and revenue a careful estimate in writing of the amounts, specifying in detail the objects thereof, required for the business and proper conduct of their respective departments, offices, boards and commissions, during the next ensuing fiscal year

Annual estimate of city's requirements and revenue

SEC. 53. On or before the first Monday in May in each year or on such date in each year as shall be fixed by the council, the commissioner of finance and revenue shall submit to the council an estimate of the probable expenditures of the city government for the next ensuing fiscal year, stating the amount required to meet the interest and sinking funds for the outstanding funded indebtedness of the city, and the wants of all the departments of the municipal government in detail, and showing specifically the amount necessary to be provided for each fund and department; also an estimate of the amount of income from fines, licenses and other sources of revenue exclusive of taxes upon property, and the probable amount required to be levied and raised by taxation.

Annual budget

SEC. 54. The council shall meet annually prior to fixing the tax levy, and make a budget of the estimated amounts required to pay the expenses of conducting the business of the city government for the next ensuing fiscal year The budget shall be prepared in such detail as to the aggregate sum and items thereof allowed to each department, office, board or commission as the council may deem advisable

Board of equalization.

SEC 55. The council shall meet at their usual place of holding meetings on the first Monday in August of each year, at ten o'clock in the forenoon of said day, and sit as a board of equalization, and shall continue in session from day to day until the last Monday in August. They shall have power to hear complaints and to correct, modify, strike out or to raise any assessment, *provided* that notice shall be given to the party whose assessment is to be raised

Annual tax levy.

SEC. 56. The council must finally adopt, not later than the first Tuesday in September, an ordinance levying upon the assessed valuation of the property in the city, subject to the provisions of this charter, a rate of taxation upon each one hundred dollars of valuation sufficient to raise the amounts estimated to be required in the annual budget, less the amounts estimated to be received from fines, licenses and other sources of revenue They shall then deliver the assessment roll to the auditor, who shall compute and carry out the amount of the tax so levied upon each parcel of property contained in said assessment roll. The corrected list for each tax shall be the assessment roll of said tax for said year, and it shall be certified by the auditor as being the assessment roll of said tax

Limit of tax levy

SEC. 57. The tax levy authorized by the council to meet the municipal expenses for each fiscal year shall not exceed, except as herein provided, the rate of one dollar on each one hundred dollars of the assessed value of all real and personal property within the city. The council in making the levy shall apportion not less than thirty-five cents to the school fund, unless the estimate of the board of education calls for a less amount. The remainder of such levy shall be placed in the general fund, which may be apportioned by the council, except as otherwise provided in this charter.

Bond tax. Library tax

SEC. 58 The council shall have power to levy and collect taxes, in addition to the taxes herein authorized to be levied and collected, sufficient to pay the interest and maintain the sinking fund of the bonded indebtedness of the city and to provide for the establishment and support of free public libraries and reading rooms

Cash basis fund

SEC 59. The council shall create and maintain a permanent revolving fund, to be known as the cash basis fund, for the purpose of putting the payment of the running expenses of the city on a cash basis For this purpose the council shall provide that, from the money collected from the annual tax levy and from money received from other sources, a sum equal to not less than two and one half cents on each one hundred dollars of the assessed value of said property shall be placed in such fund until the accumulated amount in such fund shall be sufficient to meet all legal demands against the treasury for the first four months or other necessary period of the succeeding fiscal year

The council shall have power to transfer from the cash basis fund to any other fund or funds such sum or sums as may be required for the purpose of placing such fund or funds, as nearly as possible, on a cash basis It shall be the duty of the council to provide that all money so transferred from the cash basis fund be returned thereto before the end of the fiscal year.

Tax liens.

SEC. 60 All taxes assessed, together with any percentage imposed for delinquency and the cost of collection, shall constitute liens on the property assessed; every tax upon the personal property shall be a lien upon the real property of the owner thereof. The liens provided for in this section shall attach as of the first Monday in March in each year, and may be enforced by actions in any court of competent jurisdiction to foreclose such liens, or by a sale of the property affected and the execution and delivery of all necessary certificates and deeds therefor, under such regulations as may be prescribed by ordinance; *provided*, that when real estate is offered for sale for city taxes due thereon, the same shall be struck off and sold to the city, in like case and in like manner and with like effect and with like right of redemption, as it may be struck off and sold to the State when offered for sale for state and county taxes and the council shall have power to provide for the procedure to be followed in such sales to the city and redemption thereafter.

Duties of the auditor.

SEC. 61 Money shall be drawn from the treasury only upon warrants as herein authorized. Every demand against the city from whatever source, and including the school department and the free public library, when allowed by the council or proper board, shall be signed by the president and secretary or clerk of such body, and a warrant, numbered and dated the same as the demand issued and signed by the same officers, and both must, before it can be paid, be presented to the auditor, who shall satisfy himself whether the money is legally due and its payment authorized by law If he allow it, he shall endorse upon the warrant the word "allowed," and the date of such allowance, and sign his name thereto. No demand shall be approved, allowed, audited or paid unless it specify each special item, and the date thereof It shall be the duty of the auditor to be constantly acquainted with the exact condition of the treasury. He shall, on application of any person indebted to the city, holding money payable into the city treasury or desiring to pay money therein, certify to the treasurer the amount thereof, to what fund applicable, and by whom to be paid. He shall charge the treasurer with the amount received. It shall be his duty to apportion among the several funds all public money at any time in the city treasury, not by law or ordinance specifically apportioned and appropriated, and forthwith notify the treasurer of such apportionment or appropriation He shall countersign and deliver to the proper officers, all licenses and other receipts, charging them therewith, and taking their receipt therefor He shall on the first Monday of each month, or oftener if required, report in writing to the council the condition of each fund in the treasury He shall keep a complete set of books for the city, in which he shall set forth in a plain and businesslike manner, every money transaction of the city so that he can at any time tell the exact condition of the city's finances, and draw all warrants on the treasury He shall perform such other duties as may be required of him by this charter or by ordinance

Money to meet warrants.

SEC 62 When the running expenses of the city have been placed on a cash basis warrants payable on demand shall be drawn upon the treasurer, or against any funds in his hands, only when at the time of the drawing and issuing of such warrants there shall be sufficient money in the appropriate funds in the treasury to pay said warrants

Disposition of money collected

SEC 63 Every officer collecting or receiving any moneys belonging to or for the use of the city shall settle for the same with the auditor on or before the last day of each month, or at more frequent intervals as may be directed by the council, and immediately pay all the same into the treasury, on the order of the auditor, for the benefit of the funds to which such moneys severally belong. When the last day of the month falls upon Sunday or a legal holiday, the said payments shall be made on the next preceding business day The council may provide, in its discretion, for the deposit of the city moneys in banks in accordance with the state law.

Uniform accounts and reports.

SEC. 64 The council shall prescribe uniform forms of accounts, which shall be observed by all officers and departments of the city which receive or disburse moneys. Whenever an act shall be passed by the state legislature calling for uniform municipal reports, the city authorities shall be governed thereby.

ARTICLE XI

PUBLIC WORK AND SUPPLIES

Form of contracts

SEC. 65. All contracts shall be drawn under the supervision of the city attorney. All contracts must be in writing, executed in the name of the City of Berkeley by an officer or officers authorized to sign the same, and must be countersigned by the auditor, who shall number and register the same in a book kept for that purpose.

Progressive payments on contracts.

SEC. 66. Any contract may provide for progressive payments, if in the ordinance authorizing or ordering the work permission is given for such a contract. But no progressive payments can be provided for or made at any time which, with prior payments, if there have been such, shall exceed in amount at that time seventy-five per cent of the value of the labor done and the materials used up to that time, and no contract shall provide for or authorize or permit the payment of more than seventy-five per cent of the contract price before the completion of the work done under said contract and the acceptance thereof by the proper officer, department or board.

Public work to be done by contract

SEC. 67. In the erection, improvement and repair of all public buildings and works, in all street and sewer work, and in all work in or about streams, bays or water front, or in or about embankments or other works for protection against overflow and erosion, and in furnishing any supplies and materials for the same, or for any other use by the city, when the expenditure required for the same exceeds the sum of five hundred dollars, the same shall be done by contract, and shall be let to the lowest responsible bidder, after advertising for sealed proposals for the work contemplated for five consecutive days in the official newspaper. Such notice shall distinctly and specifically state the work contemplated to be done. *Provided, however*, the council may reject any and all bids, if deemed excessive, and readvertise for bids, or provide for the work to be done by the department of public works. In case no bid is received, the council may likewise provide for the work to be done by the department of public works.

Contracts for official advertising.

SEC. 68. The council shall let annually contracts for the official advertising for the ensuing fiscal year. For this purpose the council shall advertise for five consecutive days, setting forth distinctly and specifically the work contemplated to be done, and asking for sealed proposals therefor. The proposals shall specify the type and spacing to be used at the rate or rates named in the bids. The council shall let the contracts for such official advertising to the lowest responsible bidder publishing a daily newspaper in the city which is a newspaper of general circulation and has been in existence at the time of the awarding of the contract at least one year; *provided*, that the council may reject any or all bids if found excessive, and advertise for new bids.

The newspaper to which the award of such advertising is made shall be known and designated as the "official newspaper."

Contracts for lighting

SEC. 69. No contract for lighting streets, public buildings, places or offices shall be made for a longer period than one year, nor shall any contract to pay for electric light or any illumination material at a higher rate than the minimum price charged to any other consumer be valid

Contracts for water.

SEC. 70. No contract for supplying water for the use of the municipality in any of its departments shall be valid wherein the rates exceed those charged to other consumers

Hours of labor

SEC. 71. The maximum time of labor or service required of any laborer, workman or mechanic employed upon any municipal work, whether so employed directly by the city and its officers, or by a contractor or sub-contractor, shall be eight hours during any one calendar day

Collusion with bidder

SEC. 72. Any officer of the city, or of any department thereof, who shall aid or assist a bidder in securing a contract to furnish labor, material or supplies at a higher price than that proposed by any other bidder, or who shall favor one bidder over another by giving or withholding information, or who shall wilfully mislead any bidder in regard to the character of the material or supplies called for, or who shall knowingly accept materials or supplies of a quality inferior to those called for by the contract, or who shall knowingly certify to a greater amount of labor performed than has been actually performed, or to the receipt of a greater amount or different kind of material or supplies than has been actually received, shall be deemed guilty of malfeasance and shall be removed from office.

Collusion by bidder

SEC. 73. If at any time it shall be found that the person to whom a contract has been awarded has, in presenting any bid or bids, colluded with any other party or parties for the purpose of preventing any other bid being made, then the contract so awarded shall be null and void, and the council shall advertise for a new contract for said work or provide for such public work to be done by the department of public works

ARTICLE XII.

FRANCHISES.

Property rights of the city inalienable.

SEC. 74. The rights of the city in and to its water front, wharf property, land under water, public landings, wharves, docks, streets, highways, parks and all other public places, except as otherwise provided in this charter, are hereby declared inalienable

No use of streets without a franchise

SEC. 75 No person, firm, or corporation shall ever exercise any franchise or privilege mentioned in this article except in so far as he or it may be entitled to do so by direct authority of the constitution of California or of the constitution or laws of the United States, in, upon, over, under or along any street, highway or other public place in the city unless he or it shall have obtained a grant therefor in accordance with the provisions of this article of this charter

Franchises to use streets.

SEC. 76 Every franchise or privilege to construct or operate street, suburban or interurban railroads along, upon, over or under any street, highway, or other public place or to lay pipes or conduits or to erect poles or wires or other structures in, upon, over, under or along any street, highway or other public place in the city for the transmission of gas or electricity, or for any purpose whatever, shall be granted upon the conditions in this article provided, and not otherwise.

Applications for franchises.

SEC 77 (1) An applicant for a franchise or privilege shall file with the council an application therefor, and thereupon the council shall, if it propose to grant the same, advertise the fact of said application, together with a statement that it is proposed to grant the same, in the official newspaper of the city. The publication of such advertisement must run for ten successive days and must be completed not less than twenty and not more than thirty days before any further action can be taken on such application

Conditions of grant

(2) The advertisement must state the character of the franchise or privilege it is proposed to be granted, and if it be a street, suburban or interurban railroad, the route to be traversed; that sealed bids therefor will be opened at a stated time and place, and that the franchise will be awarded to the bidder offering to pay to the city during the life of the franchise the highest percentage of the gross annual receipts received from the use, operation or possession of the franchise, *provided* that such percentage be not less than two per cent of said gross annual receipts during the first ten years, not less than three per cent during the second ten years, not less than four per cent during the third ten years, and not less than five per cent for the rest of the life of the franchise.

Bidding for franchise

(3) At the time of opening the sealed bids, any responsible person, firm or corporation, present in person, or represented, may bid for such franchise or privilege not less than one fourth of one per cent of the gross annual receipts above the highest sealed bid therefor, and such bid so made may be raised not less than one fourth of one per cent of the gross annual receipts by any other responsible bidder, and such bidding may continue until finally such franchise shall be struck off, sold and awarded by the council to the person, firm or corporation offering the highest percentage of the gross annual receipts arising from the use, operation or possession of such franchise; *provided* that if, in the judgment of the council, no adequate or responsible bid has been made, the council may withdraw such franchise from sale or advertise for new bids.

Deposit as guarantee of good faith.

(4) Every application and bid for franchises under this article shall be accompanied by a cash deposit of two thousand dollars or a certified check therefor as a guarantee of the good faith of the applicant or bidder, and as a fund out of which to pay all expenses connected with such application and the granting of such franchise

Upon the franchise being awarded, all deposits made by unsuccessful bidders shall be returned. The deposit of the successful bidder shall be retained until the filing and approval of the surety bond hereinafter provided for, whereupon the remainder of such deposit, after the payment therefrom of all expenses incurred by the city in connection with the advertising and awarding of such franchise, shall be returned.

Free competition in bidding.

(5) No clause or condition of any kind shall be inserted in any franchise or grant offered or sold under the terms of this article which shall directly or indirectly restrict free and open competition in bidding therefor, and no clause or provision

shall be inserted in any franchise offered for sale which shall in any wise favor one person, firm or corporation as against another in bidding for the purchase thereof.

Bond.

(6) The successful bidder for any franchise or privilege awarded under this article shall file a bond running to the city to be approved by the council, in the penal sum by it to be prescribed and set forth in the advertisement for bids, conditioned that such bidder shall well and truly observe and faithfully perform each and every term and condition of such franchise and that in case of any breach of condition of such bond, the whole amount of the penal sum therein named shall be taken and deemed to be liquidated damages and shall be recoverable from the principal and surety upon such bond.

Such bond shall be filed with the council within five days after such franchise is awarded, and within thirty days after the filing and approval of such bond such franchise shall by the council be granted by ordinance to the person, firm, or corporation to whom it shall have been struck off, sold, or awarded, and in case such bond shall not be so filed, the award of such franchise shall be set aside and any money deposited in connection with the awarding of the franchise shall be forfeited and the franchise shall, in the discretion of the council, be readvertised and again offered for sale in the same manner and under the same restrictions as hereinbefore provided.

Life of franchises.

SEC. 78. The maximum length of time for which a franchise or privilege to use the streets, highways, waters, or other public places of the city may be granted to any person, firm or corporation shall be thirty-five (35) years

Beginning and completion of work

SEC. 79. Work under any franchise granted in accordance with the terms of this article shall be commenced in good faith within not more than four months from the date of the final passage of the ordinance granting such franchise, and if not so commenced within said time, said franchise shall be forfeited. Work under any franchise so granted shall be completed within the time fixed for such completion in the ordinance granting such franchise, which time shall be not more than three years from the date of the final passage of the ordinance granting said franchise, and if not so completed within said time, said franchise shall be forfeited; *provided*, that if good cause be shown, the council may by resolution extend the time for completion thereof not exceeding three months

Service and accommodation.

SEC. 80. The grant of every franchise or privilege shall be subject to the right of the city, whether reserved or not, to make all regulations which shall be necessary to secure in the most ample manner the safety, welfare and accommodations of the public, including among other things the right to pass and enforce ordinances to protect the public from danger or inconvenience in the operation of any work or business authorized by the grant of the franchise and the right to make and enforce all such regulations as shall be reasonably necessary to secure adequate, sufficient and proper service and accommodations for the people and insure their comfort and convenience.

Rates and charges.

SEC. 81. The grant of every franchise or privilege shall be subject to the right of the city, whether reserved or not, to prescribe and regulate the rates, fares, rentals or charges made for the service rendered under such franchise. The grant of every franchise for a street, suburban or interurban railroad shall provide that all United States mail carriers and all officials, policemen and firemen of the city shall at all times, while in the actual discharge of their duties, be allowed to ride on the cars of such railroad within the boundaries of the city without paying therefor and with all the rights of other passengers

Right of city to assume ownership.

SEC. 82 Every ordinance granting any franchise shall provide that at the expiration of the period for which the franchise was granted, or at any time before as stated in the ordinance, the city, at its election and upon the payment of a fair valuation therefor to be made in the manner provided in the ordinance making the grant, may purchase and take over to itself the property and plant of the grantee in its entirety, but in no case shall the value of the franchise of the grantee be considered or taken into account in fixing such valuation. Or it may be provided in the ordinance granting any franchise that the property and plant of the grantee shall, at the expiration of the period for which the franchise was granted, become the property of the city without any compensation to the grantee.

No conveyance necessary for city's ownership.

SEC. 83. Every ordinance granting any franchise shall further provide that upon the payment by the city of a fair valuation in the manner provided in the ordinance, the plant and property of the grantee shall become the property of the

city by virtue of the grant in payment thereunder, and without the execution of any instrument or conveyance. Or in case it is provided in the ordinance granting any franchise that the property and plant of the grantee shall, at the expiration of the period for which it was granted, become the property of the city without any compensation to the grantee, the property and plant of the grantee shall then become the property of the city by virtue of the grant and without the execution of any instrument or conveyance

Lease or assignment of franchise.

SEC. 84. Any franchise granted by the city shall not be leased, assigned or otherwise alienated without the express consent of the city, and no dealings with a lessee or assignee on the part of the city to require the performance of any act or payment of any compensation by the lessee or assignee shall be deemed to operate as such consent; *provided*, that nothing herein shall be construed to prevent the grantees of such franchise from including it in a mortgage or trust deed executed for the purpose of obtaining money for corporate objects.

Street sprinkling, cleaning and paving.

SEC. 85. Every grant of any franchise or privilege in, over, under or along any of the streets, highways or public places in the city for railway purposes, shall be subject to the conditions that the person, firm or corporation exercising or enjoying the same shall sprinkle, clean, keep in repair, and pave and re-pave so much of said street, highway or other public place as may be occupied by said railway as lies between the rails of each railway track, and between the lines of double track, and for a space of two feet outside of said tracks.

Examination of company's books. Audit.

SEC. 86. The City of Berkeley, by its auditor, deputy auditor, or accountants authorized by the auditor, or by the council shall have the right at all reasonable times to examine all the books, vouchers and records of any person, firm or corporation exercising or enjoying any franchise or privilege granted by the city for the purpose of verifying any of the statements of gross receipts provided for, and for any other purpose whatsoever connected with the duties or privileges of the city or of such person, firm or corporation arising from this charter or from the ordinance granting the franchise, and may audit the same at the end of each year.

Annual reports of company.

SEC. 87. Every person, firm or corporation operating any business under a franchise granted under this article shall file annually with the city auditor on such date as shall be fixed by the council a report for the preceding year.

Such report shall be in writing, verified by the affidavit of such person or persons, or officer of the corporation, as the council shall direct, and shall contain a statement, in such form and detail as shall from time to time be prescribed by the council of all the gross receipts arising from all the business done by said person, firm or corporation within the City of Berkeley for the year immediately preceding such report. Such report shall contain such further statements as may be required by the council concerning the character and amount of business done and the amount of receipts and expenses connected therewith, and also the amount expended for new construction, repairs and betterments during such year.

Payment of gross receipts.

SEC. 88. The stipulated percentage of gross receipts shall be paid annually at the time of filing the annual report. Failure to pay such percentage shall work a forfeiture of the franchise. The provisions as to payment of gross receipts shall apply to every person, firm or corporation using or operating the works constructed under such franchise.

Forfeiture for non-compliance.

SEC. 89. Every ordinance granting any franchise or privilege shall provide for the termination and forfeiture thereof for any breach or failure to comply with any of the terms, limitations or conditions thereof, and in all such cases the council shall have power to declare the termination and forfeiture of any such franchise or privilege, the same as though in each instance such power was expressly reserved

Reservation for belt lines.

SEC. 90. No exclusive right or privilege shall ever be granted by the city or council in, to or upon the bed of the bay of San Francisco beyond the line of mean low tide; nor shall any structure be erected thereon so as to prevent the construction and operation of belt lines of railroads along the water front; and any franchise or permit for a railroad track in, over or upon the bed of the bay of San Francisco shall be subject to the right of any other railroad or railroad company to use the same upon payment of a reasonable compensation therefor.

Franchise not in use forfeited.

SEC. 91. All franchises and privileges heretofore granted by the city which are not in actual use or enjoyment or which the grantees thereof have not in good faith

commenced to exercise, shall be declared forfeited and invalid, unless such grantees or their assigns shall, within six months after this charter takes effect, in good faith commence the exercise and enjoyment of such privilege or franchise

ARTICLE XIII.

THE INITIATIVE

Direct legislation.

SEC. 92. (1) Any proposed ordinance may be submitted to the council by a petition signed by registered electors of the city equal in number to the percentage hereinafter required.

Provisions of section 5 apply.

(2) The provisions of Section 5 of Article III respecting the forms and conditions of the petition and the mode of verification and certification and filing shall be substantially followed, with such modification as the nature of the case requires

Fifteen per cent petition

(3) If the petition accompanying the proposed ordinance be signed by electors equal in number to fifteen per centum of the entire vote cast for all candidates for mayor at the last preceding general municipal election at which a mayor was elected, and contain a request that said ordinance be submitted forthwith to the vote of the people at a special election, then the council shall either:

(*a*) Pass said ordinance without alteration within twenty days after the attachment of the clerk's certificate of sufficiency to the accompanying petition (subject to a referendary vote, under the provisions of Article XIV of this charter); or,

(*b*) Within twenty-five days after the clerk shall have attached to the petition accompanying such ordinance his certificate of sufficiency, the council shall proceed to call a special election at which said ordinance without alteration shall be submitted to a vote of the people.

Five per cent petition.

(4) If the petition be signed by electors equal in number to at least five, but less than fifteen, per centum of the entire vote cast for all candidates for mayor at the last preceding general municipal election at which a mayor was elected, and said ordinance be not passed by the council as provided in the preceding subdivision, then such ordinance, without alteration, shall be submitted by the council to a vote of the people at the next general municipal election that shall occur at any time after twenty days from the date of the clerk's certificate of sufficiency attached to the petition accompanying such ordinance

Publication of popular ordinance.

(5) Whenever any ordinance or proposition is required by this charter to be submitted to the voters of the city at any election either (*a*) the council shall cause the ordinance or proposition to be printed and it shall be the duty of the clerk to enclose a printed copy thereof in an envelope with a sample ballot and mail the same to each voter, at least three days prior to the election, or (*b*) the council may order such ordinance or proposition to be printed in the official newspaper of the city and published in like manner as ordinances adopted by the council are required to be published, and may order that such publication shall take the place of the printing and mailing of the ordinance or proposition and of the sample ballots as first above provided.

Election.

(6) The ballots used when voting upon such proposed ordinance shall contain the words, "For the Ordinance" (setting forth in full the title thereof and stating the general nature of the proposed ordinance) and "Against the Ordinance," (setting forth in full the title thereof and stating the general nature of the proposed ordinance). If a majority of the qualified electors voting on said proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the city.

Several ordinances at one election.

(7) Any number of proposed ordinances may be voted upon at the same election in accordance with the provisions of this article.

Limit to special elections.

(8) There shall not be held under this article of the charter more than one special election in any period of six months

Repeal of popular ordinance.

(9) The council may submit a proposition for the repeal of any such ordinance or for amendments thereto, to be voted upon at any succeeding general municipal election and should such proposition, so submitted, receive a majority of the votes cast thereon at such election, such ordinance shall be repealed or amended accordingly. An ordinance proposed by petition, or adopted by a vote of the people, can not be repealed or amended except by a vote of the people

Further regulations.

(10) The council may, by ordinance, make such further regulations as may be necessary to carry out the provisions of this section, and to adapt the provisions of Section 5 of Article III thereto

ARTICLE XIV.

THE REFERENDUM

Mode of protesting against ordinances.

SEC. 93. No ordinance passed by the council shall go into effect before thirty days from the time of its final passage except when otherwise required by the general laws of the State or by the provisions of this charter respecting street improvements, and except the ordinance making the annual tax levy, and except an ordinance for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency, and is passed by a four-fifths vote of the council: *provided*, that no grant of any franchise shall be construed to be an urgency measure, but all franchises shall be subject to the referendum vote herein provided. If during said thirty days a petition signed by qualified electors of the city equal in number to at least ten per centum of the entire vote cast for all candidates for mayor at the last preceding general municipal election at which a mayor was elected, protesting against the passage of such ordinance, be presented to the council, the same shall thereupon be suspended from going into operation, and it shall be the duty of the council to reconsider such ordinance, and if the same be not entirely repealed, the council shall submit the ordinance, as is provided in Article XIII of this charter, to the vote of the electors of the city, either at the next general municipal election or at a special election to be called for that purpose, and such ordinance shall not go into effect or become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof. The provisions of Section 5 of Article III respecting the forms and conditions of the petition and the mode of verification and certification and filing shall be substantially followed, with such modifications as the nature of the case requires.

Reference of measures to popular vote.

SEC. 94. Any ordinance or measure that the council or the qualified electors of the city shall have authority to enact, the council may of its own motion submit to the electors for adoption or rejection at a general or special municipal election, in the same manner and with the same force and effect as is provided in this charter for ordinances or measures submitted on petition. At any special election called under the provisions of this charter, there shall be no bar to the submission of other questions to a vote of the electors in addition to the ordinances or measures herein provided for, if said other questions are such as may legally be submitted at such election If the provisions of two or more measures approved or adopted at the same election conflict, then the measure receiving the highest affirmative vote shall control.

Further regulations.

SEC. 95 The council may, by ordinance, make such further regulations as may be necessary to carry out the provisions of this article, and to adapt the provisions of Section 5 of Article III thereto.

ARTICLE XV.

THE PUBLIC SCHOOLS.

The board of education.

SEC. 96 The board of education shall have entire control and management of the public schools in the city in accordance with the constitution and general laws of the state, and is hereby vested with all the powers and charged with all the duties provided by this charter and by the general laws of the State for city boards of education.

President of the board.

SEC 97. The board of education shall annually elect one of its own members to be president of the board He may be removed by the affirmative vote of four members. The president shall have no other vote than his vote as member of the board.

Meetings.

SEC. 98. The board of education shall meet at such times as may be designated by resolution of said board and in the place provided therefor by the council. The board shall provide the manner in which special meetings shall be called.

Quorum.

SEC. 99. Three members of the board shall constitute a quorum, and the affirmative votes of three members shall be necessary to pass any measure, but a less number than three may adjourn from day to day and compel the attendance of absent members in such manner as the board may prescribe.

Rules of proceedings.

SEC. 100. The board of education may determine the rules of its proceedings

Meetings to be public.

SEC. 101. All meetings of the board of education shall be public.

Superintendent of schools.

SEC. 102. The board of education shall appoint a superintendent of schools and fix his compensation.

Powers and duties of the superintendent.

SEC. 103. The superintendent of schools shall be the executive officer of the board of education, and he shall give his full time to the duties of his office He shall be subject only to the board of education, and all orders of the board relating to the direction of the principals, teachers and janitors shall be given through him He must examine all plans for the construction or reconstruction of school buildings and report in writing to the board any objections he may find thereto. He shall have supervision of the course of instruction and of the discipline and conduct of the schools. He, or a deputy superintendent, may be required to act as secretary of the board of education.

Powers of superintendent with reference to teachers.

SEC. 104. The superintendent of schools shall nominate and recommend all teachers and principals for election by the board of education. He shall assign all teachers and principals and make all transfers necessary to the successful operation of the schools.

Election of teachers.

SEC. 105. The board of education shall elect all teachers, but only from a list of candidates nominated and recommended by the superintendent of schools The board of education may make rules in accordance with which the superintendent must make such nominations and recommendations.

Tenure of teachers.

SEC 106. For the first two years of their service in the school department of the city, teachers shall be subject to annual election. After two years' service they shall be elected for a term of three years.

School warrants

SEC 107 Every claim payable out of the school fund shall be filed with the secretary of the board of education, and after it shall have been approved by the board a certificate of such approval shall be indorsed thereon, signed by the president and secretary, and a warrant upon the school fund shall be issued thereon for the payment of such claim. Said warrant shall be signed by the president and countersigned by the secretary and shall specify the purpose for which it is drawn and receive the approval of the auditor as provided in Section 61

Annual estimate of expenses.

SEC 108 The board of education shall annually, on such date as shall be fixed by the council, submit in writing to the council a careful estimate of the whole amount of money to be received from the state and county for the support of the public schools in the city, together with a careful estimate of the amounts, specifying in detail the objects thereof, required from the city for the adequate support of the public schools for the ensuing year. The amount estimated to be required from the city shall, subject to the provisions of this charter, be assessed and collected in the annual tax levy. The proceeds of such tax shall be immediately paid into the school fund of the city, to be drawn out only upon the order of the board of education

ARTICLE XVI

MISCELLANEOUS

When this charter takes effect

SEC 109 For the purpose of nominating candidates and electing mayor, auditor, councilmen and school directors in accordance with this charter, this charter shall take effect from the time of the approval of the same by the Legislature; for all other purposes it shall take effect on the first day of July, 1909.

First election under this charter.

SEC 110 The board of trustees of the town of Berkeley in office at the time this charter is approved by the Legislature shall provide for the holding of the first election of officers under this charter, shall canvass the votes, declare the result and approve the bonds of all officers elected at such election.

Terms of incumbents in office

SEC 111 The members of the board of trustees, the auditor, and the members of the board of education in office at the time of the approval of this charter by the

Legislature shall continue to hold office and discharge their duties until the election and qualification of the mayor, auditor, councilmen and school directors, respectively, first elected under this charter

The term of each of all the other officers in office at the time this charter takes effect shall cease and terminate when the council first elected hereunder shall by resolution so declare.

Existing ordinances continued in force.

SEC 112 All lawful city ordinances, resolutions and regulations in force at the time this charter takes effect and not inconsistent with the provisions thereof are hereby continued in force until the same shall be duly amended or repealed

Conduct of legal proceedings

SEC. 113 The city attorney shall prosecute, in behalf of the people, all criminal cases arising from violations of the provisions of this charter and the ordinances of the city, and shall attend to all suits and proceedings in which the city may be legally interested, *provided*, the council shall have control of all litigation of the city and may employ other attorneys to take charge of any litigation or to assist the city attorney therein

Violation of charter and ordinances.

SEC 114. The violation of any provision of this charter or of any ordinance of the city shall be deemed a misdemeanor, and may be prosecuted by the authorities of the city in the name of the people of the State of California, or may be redressed by civil action, at the option of said authorities. Any person sentenced to imprisonment for the violation of a provision of this charter or of an ordinance may be imprisoned in the city jail, or, if the council by ordinance shall so prescribe, in the county jail of the county in which the City of Berkeley is situated, in which case the expense of such imprisonment shall be a charge in favor of such county against the City of Berkeley

CERTIFICATE

WHEREAS, The Town of Berkeley, a city containing a population of more than ten thousand and less than one hundred thousand inhabitants, on the twenty-first day of November, nineteen hundred and eight, at a special election, and under and in accordance with the provisions of section eight article eleven of the Constitution of the State of California, did elect R A. Berry, C A. Blank, J. W. Flinn, F. W. Foss, John M Foy, Beverly L. Hodghead, Christian Hoff, William Carey Jones, E E. Newton, J T. Renas, J. W Richards, J T. Short, J. L Tisdale, Benjamin Ide Wheeler and S. N Wyckoff a board of fifteen freeholders to prepare and propose a charter for said city,

BE IT KNOWN, That in pursuance of said provision of the Constitution and within a period of ninety days after said election, said board of freeholders has prepared and does propose the foregoing as and for the charter of the City of Berkeley, and that in submitting and proposing such charter, the board of freeholders, pursuant to said provision of the Constitution, also presents therewith for the choice of the voters, and to be voted on separately, without prejudice to the other provisions contained in the charter an alternative proposition hereinafter stated

Said alternative proposition shall, if approved by the voters, take the place of Subdivision 29 of Section 49, Article IX of the proposed charter, which reads as follows "To license for purposes of regulation and revenue all and every kind of business not prohibited by law to be transacted or carried on in the city, to fix the rates of licenses upon the same, and to provide for the collection thereof by suit or otherwise."

Said alternative proposition shall be submitted to the voters for their approval or rejection at the same election at which the charter shall be submitted, and upon the ballots shall be printed "Shall the alternative proposition, prohibiting the sale of liquor, take the place of Subdivision 29, Section 49, Article IX?"

Said alternative proposition is as follows,

ALTERNATIVE PROPOSITION.

(29) To license for purposes of regulation and revenue all and every kind of business not prohibited by law to be transacted or carried on in the city; to fix the rates of licenses upon the same, and to provide for the collection thereof by suit or otherwise, *provided, however*, that the council shall have no power to license the sale of any spirituous, malt vinous or alcoholic liquors, and every person who, within the boundaries of the City of Berkeley, sells, barters, gives away or exposes for sale any such liquors, shall be deemed guilty of a misdemeanor. Nothing in this section shall prevent the council from regulating the sale of such liquors by a regularly licensed druggist for medicinal purposes upon the written prescription of a practicing physician entitled to practice medicine under the laws of the State of California, or the sale of such liquors for chemical, mechanical or scientific purposes.

IN WITNESS WHEREOF, We have hereunto set our hands in duplicate this fourteenth day of December, one thousand nine hundred and eight.

WM. CAREY JONES, President.
R. A. BERRY.
C A BLANK.
F. W. FOSS.
JOHN M. FOY
BEVERLY L. HODGHEAD.
C. HOFF.
E. E. NEWTON.
J. T. RENAS.
J. W. RICHARDS.
J. T SHORT.
J. L. TISDALE
BENJ. IDE WHEELER
S. N WYCKOFF.

Attest J. W. FLINN, Secretary.

STATE OF CALIFORNIA,
County of Alameda,
Town of Berkeley. } ss.

I, Francis Ferrier, President of the Board of Trustees of the Town of Berkeley, State of California, do hereby certify that the board of freeholders, whose names appear signed to the foregoing proposed charter, were on the 21st day of November, 1908, at a special municipal election held in said Town of Berkeley on said day, duly elected by the qualified electors of said town to prepare and propose a charter for said town, that each of said freeholders had been a qualified elector and freeholder in said town for more than five (5) years previous to said election; that the foregoing is a true copy of said charter prepared and returned to me as president of said board of trustees within ninety (90) days after said election, as required by Section 8 of Article XI of the Constitution of this State; that said proposed charter was then published in the "Berkeley Reporter" and in "The Berkeley Independent," which then were daily newspapers of general circulation in said town, and that publication was made for more than twenty (20) days, and that the first publication of said proposed charter was made within twenty (20) days after the completion of said charter, that within thirty (30) days after the publication of said charter, as required in said Section 8, to wit, on the 30th day of January, 1909, said charter was submitted at a special election duly called and held therein for the purpose of ratifying or rejecting said proposed charter and the alternative proposition submitted therewith; that by a majority of the votes of the qualified electors voting at said election said proposed charter was ratified as a whole, excepting that the alternative proposition therein contained, being separately voted on, was ratified by a majority of such votes and was thereafter chosen and substituted for Subdivision 29 of Section 49 of Article IX of said proposed charter; that the returns of said election were duly canvassed by the board of trustees of said Town of Berkeley on the 3d day of February, 1909, and the result thereof declared as above set forth; and that in all matters and things pertaining to said proposed charter, all provisions of said section of the Constitution and the laws of the State of California pertaining to the adoption of the charter have been fully complied with in every particular.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the corporate seal of said Town of Berkeley to be affixed this 3d day of February, 1909.

FRANCIS FERRIER,
President of the Board of Trustees of the Town of Berkeley.

[SEAL]

Attest J. V MENDENHALL,
Town Clerk of said Town of Berkeley.

AND, WHEREAS, Said proposed charter, with said alternative proposition so ratified, has been duly presented and submitted to the Legislature of the State of California for approval or rejection, without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California;

Now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring (a majority of all the members elected to each house voting for the adoption of this resolution and concurring therein), That said charter of the town of Berkeley, including said alternative proposition, as presented to, adopted and ratified by the qualified electors of said town, be, and the same is hereby, approved as a whole as and for the charter of the said Town of Berkeley.

SPECIAL FILE—SECOND READING.

Assembly Bill No. 683—An Act to provide for the permanent support and improvement of the University of California by the levy of a rate of taxation and the creation of a fund therefor.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 2, Section 5, line 3, of the printed bill, after the word "University", insert the following: "*provided, however*, that not less than one sixth of the revenues raised hereunder, during each of the first ten fiscal years after this Act takes effect, shall be placed in a fund to be known and designated as the permanent building fund, and which said fund shall be devoted solely to the purposes of building, furnishing, and equipping permanent buildings, acquiring lands, and providing permanent improvements for the University".

Amendment adopted.

AMENDMENT No. 2.

On page 2, Section 5, line 3, of the printed bill, after the word "University" strike out the remainder of line 3, all of line 4, all of line 5, and insert in lieu thereof the following. "The Board of Regents must include in its biennial report to the Governor the statement of the manner and for what purposes all of the moneys referred to and raised under this Act were expended."

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

THIRD-READING FILE.

Assembly Bill No. 150—An Act for the preservation of seals or sea lions in the waters of the Santa Barbara Channel, or on, about, or near any land adjacent thereto.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 150 passed by the following vote:

AYES—Messrs. Barndollar, Callan, Cogswell, Costar, Cronin, Drew, Gerdes, Gibbons, Gillis, Greer, Hammon, Hans, Hawk, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Kehoe, Leeds, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Odom, Otis, Polsley, Pulcifer, Rutherford, Sackett, Silver, Transue, Wagner, Wheelan, Whitney, Wilson, Wythe, and Mr. Speaker—42.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 671—An Act to prevent the formation and prohibit the existence of secret oath-bound fraternities in the public schools.

During the third reading of the bill, Mr. Sackett moved that the Speaker appoint a select committee of one to amend the bill as follows:

Insert after the word "club," line 7, of printed bill, a semicolon and the following words: "*provided*, that nothing in this section shall be construed to prevent any one subject to the provisions of the section from joining the order of Native Sons of the Golden West, Native Daughters of the Golden West, Foresters of America, or other kindred organization not directly associated with the public schools of the State."

Motion carried.

The Speaker appointed Mr. Sackett as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1909.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No 671, with instructions, do now report that the instructions of the Assembly have been carried out

SACKETT, Select Committee.

Report of select committee and amendment adopted.

Bill ordered to reprint, reengrossment, and on file for passage.

Assembly Bill No. 733—An Act to amend an Act entitled "An Act to provide for the planting, maintenance and care of shade trees, lanes, alleys, courts, and places within municipalities and of hedges upon the lines thereof; also for the eradication of certain weeds within the city limits," approved March 11, 1893.

Bill read third time

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 733 passed by the following vote:

AYES—Messrs. Barndollar, Beatty, Callan, Coghlan, Cogswell, Collier, Costar, Cronin, Drew, Flint, Gerdes, Gibbons, Gillis, Greer, Hammon, Hans, Hawk, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Kehoe, Leeds, Maher, Melrose, Mendenhall, Moore, Mott, Odom, Otis, Polsley, Pulcifer, Rutherford, Sackett, Silver, Stuckenbruck, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No 763—An Act to allow unincorporated towns and villages to establish, equip and maintain systems of street lights on public highways, to provide for the formation, government and operation of highway lighting districts; the calling and holding of elections in such districts; the assessment, collection, custody and disbursement of taxes therein; and the creation of ex officio boards of highway lighting commissioners.

Mr. Hans moved that the Speaker appoint a select committee of one to amend the bill as follows:

On page 3, Section 8, line 3, of printed bill, strike out the word 'must", and insert in place thereof the word "may".

Also: Strike out the last three words of the title, to wit: "Highway Lighting Commissioners", and insert in place thereof the word "Supervisors".

Motion carried.

The Speaker appointed Mr. Hans as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read.

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1909

MR SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 763, with instructions, do now report that the instructions of the Assembly have been carried out

HANS, Select Committee.

Report of select committee and amendments adopted.

Bill ordered to reprint, reengrossment, and on file for passage.

Assembly Bill No 68—An Act to amend Section 1 of an Act entitled "An Act requiring the wardens of State prisons of California to furnish

the sheriffs of California and the bureaus of identification with certain information concerning convicts, within thirty days after receiving said convicts, and providing for the payment of the expense incurred thereby," approved March 20, 1905, to include chiefs of police of regularly constituted police departments of incorporated cities and towns among those to whom such information shall be furnished.

Bill read third time

The question being on the passage of the bill.

The roll was called, and Assembly Bill No 68 passed by the following vote:

AYES—Messrs Barndollar, Beardslee, Beatty, Bohnett, Callan, Coghlan, Collier, Costar, Cronin, Drew, Flint, Gerdes, Gibbons, Gillis, Greer, Hammon, Hans, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Kehoe, Leeds, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Odom, Otis, Polsley, Pulcifer, Rutherford, Sackett, Silver, Stuckenbruck, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—47

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 704—An Act to amend Section 281 of the Code of Civil Procedure of the State of California, relating to penalty for practicing without a license

During the third reading of the bill Mr. Johnston moved that the Speaker appoint a select committee of one to amend the bill as follows:

In line 4, of printed bill, after the word "justice" strike out the word "of", and insert the word "or" in lieu thereof

Motion carried.

The Speaker appointed Mr. Johnston as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1909.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 704, with instructions, do now report that the instructions of the Assembly have been carried out

JOHNSTON, Select Committee.

Report of select committee and amendment adopted.

Bill ordered to reprint, reengrossment, and on file for passage.

Assembly Bill No. 234—An Act to provide for a school of library training.

During the third reading of the bill, Mr. Polsley moved that the Speaker appoint a select committee of one to amend the bill as follows:

AMENDMENT No. 1

Strike out of line 1, of Section 1, of the printed bill, the words: "The Board of Trustees of the State Library", and insert in lieu thereof the words. "The Board of Regents of the University of California"

AMENDMENT No 2.

Strike out in lines 4 and 5, Section 2, of the printed bill, the words, "the Board of Trustees of the State Library in the same manner as the state library fund is disbursed," and insert in lieu thereof the following " the Board of Regents of the University of California"

Motion lost.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 234 passed by the following vote:

AYES—Messrs. Barndollar, Beatty, Bohnett, Butler, Callan, Coghlan, Cogswell, Collier, Costar, Cronin, Drew, Flint, Gerdes, Gibbons, Gillis, Greer, Hammon, Hans, Hawk, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Kehoe, Leeds, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Odom, Otis, Rutherford, Sackett, Silver, Stuckenbruck, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr Speaker—47.

NOES—Messrs Johnson of Placer and Polsley—2

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 696—An Act appropriating money to be expended by and under the direction of the Department of Engineering for the purpose of dredging out sand deposits in Humboldt Bay, for the purpose of improving the navigability thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 696 passed by the following vote:

AYES—Messrs. Barndollar, Beatty, Bohnett, Butler, Callan, Coghlan, Cogswell, Collier, Costar, Cronin, Drew, Flint, Gerdes, Gibbons, Gillis, Hammon, Hans Hawk, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Kehoe, Leeds, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Odom, Otis, Polsley, Pulcifer, Rutherford, Sackett, Silver, Stuckenbruck, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr Speaker—49

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No 606—An Act to secure the safety of the public at bathing places upon the seacoast and lakes

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 606 passed by the following vote:

AYES—Messrs. Barndollar, Beatty, Bohnett, Callan, Coghlan, Cogswell, Collier, Costar, Cronin, Drew, Flint, Gerdes, Gibbons, Gillis, Greer, Hammon, Hans, Hawk, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Maher, Melrose, Mendenhall, Moore, Mott, Odom, Otis, Polsley, Pulcifer, Rutherford, Sackett, Silver, Stuckenbruck, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—49.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 444—An Act to amend Article V, Chapter VII, Title XI, Part III of the Code of Civil Procedure of the State of California, by amending Section 1577 thereof and adding a new section thereto, to be numbered 1580, relating to the real property of decedents, minors and incompetent persons.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 444 passed by the following vote:

AYES—Messrs. Barndollar, Beatty, Bohnett, Butler, Callen, Coghlan, Cogswell, Collier, Costar, Cronin, Drew, Flint, Gerdes, Gibbons, Gillis, Greer, Hammon, Hans, Hawk Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of

Placer, Johnston of Contra Costa, Kehoe, Leeds, Maher, Melrose, Mendenhall, Moore, Odom, Otis, Polsley, Pulcifer, Rutherford, Sackett, Silver, Stuckenbruck, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr Speaker—48.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 243—An Act to amend Section 626*f* of the Penal Code, relating to the protection of deer.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 243 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Bohnett, Callan, Coghlan, Cogswell, Collier, Costar, Cronin, Drew, Flint, Gerdes, Gibbons, Gillis, Greer, Hammon, Hans, Hawk, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Maher, Melrose, Mendenhall, Moore, Mott, Odom, Polsley, Pulcifer, Rutherford, Silver, Stuckenbruck, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—46.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 16—An Act to prevent any minor under the age of eighteen years to visit any race, racetrack, racecourse, prize fight, cock fight, or place where any race, prize fight or cock fight is advertised or represented to take place, and to provide a punishment therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 16 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Bohnett, Butler, Callan, Coghlan, Cogswell, Collier, Costar, Cronin, Drew, Flint, Gerdes, Gillis, Greer, Hammon, Hans, Hawk, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Odom, Polsley, Rutherford, Sackett, Silver, Stuckenbruck, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr Speaker—47.
NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 301—An Act to provide for work upon construction of sidewalks within municipalities.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 301 passed by the following vote:

AYES—Messrs Barndollar, Beardslee, Beatty, Bohnett, Butler, Callan, Cogswell, Collier, Costar, Cronin, Drew, Flint, Gerdes, Gibbons, Gillis, Greer, Hammon, Hans, Hawk, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Maher Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Rutherford, Silver, Stuckenbruck, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr Speaker—46.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 240—An Act to provide for the consolidation of municipal corporations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 240 passed by the following vote:

AYES—Messrs Barndollar, Beatty, Bohnett, Callan, Cogswell, Collier, Cronin, Drew, Feeley, Flint, Gerdes, Gibbons, Gillis, Hammon, Hanlon, Hawk, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Kehoe, Leeds, Maher, Melrose, Mendenhall, Moore, Nelson, Polsley, Pulcifer Rutherford, Silver, Stuckenbruck, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, and Mr Speaker—42

NOES—Messrs Mott and Otis—2.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 80—An Act to amend Section 4028 of the Political Code of the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No 80 refused passage by the following vote:

AYES—Messrs Beatty, Bohnett, Callan, Cogswell, Costar, Drew, Flint, Gerdes, Hawk, Mendenhall, Rutherford, Sackett, Wyllie, and Young—14

NOES—Messrs. Barndollar, Butler, Coghlan, Collier, Cronin, Gibbons, Gillis, Greer, Hammon, Hans, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Maher, Melrose, Moore, Mott, Nelson, Odom, Otis, Polsley, Pulcifer, Silver, Stuckenbruck, Transue, Wagner, Webber, Whitney, Wilson, and Mr. Speaker—36

RECESS.

At twelve o'clock and thirty minutes P. M., the Assembly was declared at recess until two o'clock P. M. of this day.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.

Speaker P. A Stanton in the chair.

SECOND-READING FILE—(RESUMED).

Assembly Bill No 709—An Act to amend Section 4234 of the Political Code of the State of California, relating to the compensation of officers of counties of the fifth class, and their assistants and deputies.

During second reading of bill, the following amendments were submitted by committee:

AMENDMENT No 1

After the word "deputy", in line 42 of the printed bill, insert the words "which office is hereby created."

Amendment adopted.

AMENDMENT No. 2.

Strike out the words "chief deputy" in line 49 of the printed bill, and insert in lieu thereof the words "assistant recorder, which office is hereby created."

Amendment adopted.

AMENDMENT No. 3.

Strike out the words "a chief deputy", in line 67 of the printed bill, and insert in lieu thereof the words "an assistant county auditor, which office is hereby created"

Amendment adopted.

AMENDMENT No. 4.

After the word "clerk", in line 69 of the printed bill, insert the words "which office is hereby created"

Amendment adopted.

AMENDMENT No. 5.

After the word "treasurer", at the end of line 83 of the printed bill, insert the words "which office is hereby created"

Amendment adopted.

AMENDMENT No. 6.

Strike out the word "fifteen", in line 84 of the printed bill, and insert in lieu thereof the word "eighteen"

Amendment adopted.

AMENDMENT No. 7.

Strike out the word "deputy", in line 119 of the printed bill, and insert in lieu thereof the word "assistant."

Amendment adopted.

AMENDMENT No 8.

After the word "assessor", in line 119 of the printed bill, insert the words "which office is hereby created"

Amendment adopted.

AMENDMENT No. 9.

After the word "assessor", in line 120 of the printed bill, insert the words "which office is hereby created."

Amendment adopted.

AMENDMENT No. 10.

After the word "assistants", in line 174 of the printed bill, strike out the words "one deputy", and insert the words "namely, one deputy and one stenographer, which offices are hereby created."

Amendment adopted.

AMENDMENT No. 11.

Strike out the period and the word "one", in line 177 of the printed bill, and insert in lieu thereof the words "the said".

Amendment adopted.

AMENDMENT No. 12.

Strike out the words "two thousand four hundred", in lines 187 and 188 of the printed bill, and insert in lieu thereof the words "three thousand."

Amendment adopted.

AMENDMENT No. 13

Strike out the word "three", in line 189 of the printed bill, and insert in lieu thereof the word "five."

Amendment adopted.

AMENDMENT No. 14.

Strike out the word "assistant", in line 191 of the printed bill, and insert in lieu thereof the word "deputy."

Amendment adopted.

AMENDMENT No. 15.

Strike out the word "assistant", in line 192 of the printed bill, and insert in lieu thereof the word "deputy."

Amendment adopted.

AMENDMENT No. 16.

Strike out the word "five", in line 193 of the printed bill, and insert in lieu thereof the word "eight."

Amendment adopted.

AMENDMENT No. 17.

After the word "hundred", in line 235 of the printed bill, insert the words "and twenty-five."

Amendment adopted.

AMENDMENT No. 18.

After the word "cases", in line 236 of the printed bill, insert the words "provided that the board of supervisors shall furnish the justice of the peace in said townships and the constables an office, to be occupied by said justice and constables jointly "

Amendment adopted.

AMENDMENT No. 19.

Strike out the figures "14" in line 220 of the printed bill, and insert as follows

"14. Justices of the peace, in townships having a population of between seven and eight hundred inhabitants, as found and determined by the last preceding Federal census, shall be allowed a salary of seventy-five dollars per month each, in lieu of all fees in criminal cases In all other townships."

Amendment adopted.

AMENDMENT No. 20.

Strike out the figures "15", in line 232 of the printed bill, and insert as follows:

"15 Constables, in townships having a population of between seven and eight hundred inhabitants, as found and determined by the last preceding Federal census, shall be allowed a salary of seventy-five dollars per month each, and fifteen cents per mile for every mile actually traveled in taking prisoners to the county jail, in lieu of all fees in criminal cases. In all other townships,"

Amendment adopted.

AMENDMENT No 21

Strike out all of lines 88 to 105, both inclusive, in the printed bill, and insert in lieu thereof the following:

"16. The tax collector, two thousand five hundred dollars per annum, *provided*, that he shall have such assistants as he may require, whose compensation, which shall be paid by the county shall not exceed the sum of five thousand dollars per annum in the aggregate "

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment

SENATE BILLS—THIRD-READING FILE.

Senate Bill No. 50—An Act to amend section one hundred and three of the Code of Civil Procedure, relating to Justices' Courts and justices of the peace

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 50 finally passed by the following vote:

AYES—Messrs. Barndollar, Beatty, Bohnett Callan, Collier, Cronin, Drew, Feeley, Flint, Gerdes, Gibbons, Gillis, Greer, Hammon, Hanlon, Hawk, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Kehoe, Leeds, Maher, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, Polsley, Pulcifer, Rutherford, Silver, Stuckenbruck, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, and Mr. Speaker—43.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 273—An Act to amend Section 39 of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 273 finally passed by the following vote:

AYES—Messrs. Barndollar, Beatty, Bohnett, Callan, Cogswell, Collier, Costar, Cronin, Drew, Feeley, Flint, Gibbons, Gillis, Greer, Hammon, Hanlon, Hawk, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, Polsley, Pulcifer, Rutherford, Stuckenbruck, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—46

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 583—An Act to amend Section 534 of the Political Code.

Bill read third time.

The question being on the passage of the bill.

The roll was called. and Senate Bill No. 583 finally passed by the following vote:

AYES—Messsrs. Barndollar, Beatty, Callan. Cogswell. Collier, Costar, Cronin, Drew, Feeley, Flint, Gerdes, Gibbons, Gillis, Greer, Hammon, Hanlon, Hans, Hawk, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Maher, McClellan, Melrose, Mendenhall, Moore. Mott. Nelson. Odom, Otis, Polsley, Pulcifer, Rutherford, Stuckenbruck, Transue, Wagner, Webber, Whitney, Young. and Mr Speaker—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 130—An Act to amend Section 2979 of the Political Code, relating to the powers and duties of the State Board of Health.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 130 finally passed by the following vote:

AYES—Messrs. Barndollar, Beatty, Callan, Cogswell, Collier, Costar, Cronin, Drew, Feeley, Flint, Gerdes, Gibbons, Gillis, Greer, Hammon, Hanlon, Hawk, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Maher, Melrose, Mendenhall, Moore, Nelson, Otis Polsley. Rutherford, Stuckenbruck, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, and Young—43.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

HON. WALTER R. LEEDS IN THE CHAIR.

At two o'clock and thirty minutes P. M., Hon. Walter R. Leeds in the chair.

Senate Bill No. 352—An Act to amend Section 4041 of the Political Code, relating to the general permanent powers of boards of supervisors.

Bill read third time, and passed on file.

Senate Bill No. 15—An Act to amend Section 607 of the Civil Code of the State of California, relating to societies for the prevention of cruelty to children and animals.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 15 finally passed by the following vote:

AYES—Barndollar, Beardslee, Beatty, Bohnett, Callan, Cogswell, Collier, Costar, Cronin, Feeley, Flint, Gillis, Greer, Hanlon, Hans, Hawk, Hewitt, Holmquist, Irwin,

Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Maher, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Polsley, Pulcifer, Rutherford, Silver, Stuckenbruck, Webber, Whitney, Wilson, Wyllie, and Young—43.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 152—An Act to amend Section 317 of the Civil Code, relating to waiver of notice by stockholders or members of corporate meetings.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 152 finally passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Bohnett, Callan, Cogswell, Collier, Costar, Cronin, Drew, Feeley, Flint, Gibbons, Gillis, Greer, Hanlon, Hans, Hawk, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Maher, Melrose, Mendenhall, Moore, Mott, Odom, Otis, Polsley, Pulcifer, Rutherford, Silver, Stuckenbruck Wagner, Webber, Whitney, Wyllie, and Young—45

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No 153—An Act to amend Section 393 of the Civil Code, relating to the election of directors of corporations, and notice of stockholders' meetings held therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 153 finally passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Bohnett, Callan, Cogswell, Collier, Costar, Cronin, Drew, Flint, Gibbons, Gillis, Greer, Hanlon, Hans, Hawk, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds Maher, Melrose, Mendenhall, Moore, Mott, Odom, Otis, Polsley, Pulcifer, Rutherford, Silver, Stuckenbruck, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, and Young—45.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No 259—An Act to amend Section 1207 of the Civil Code of the State of California, relating to the recordation of certain instruments and certificates of acknowledgment, the notice such recordation shall impart, and to the effect as evidence of certified copies of the records of same.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 259 finally passed by the following vote:

AYES—Messrs Barndollar, Beardslee, Beatty, Bohnett, Callan, Cogswell, Costar, Cronin, Drew, Feeley, Flint, Gibbons, Gillis, Greer, Hanlon, Hans, Hawk, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Maher, Melrose, Mendenhall, Moore, Mott, Odom, Otis, Pulcifer, Rutherford, Silver, Stuckenbruck, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, and Young—44.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 343—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 3788 thereof, as amended March 28, 1895, said section being a part of Chapter VII, Title IX, Part III of the Political Code of the State of California, said Title IX relating to revenue, said Chapter VII relating to the collection of property taxes, and said section hereby amended relating to the resale of State lands upon which taxes have accrued, but which have not been paid, and repealing Section 15 of an Act entitled "An Act to amend section thirty-seven hundred and sixty-five, section thirty-seven hundred and seventy-three, section thirty-seven hundred and seventy-eight, section thirty-seven hundred and eighty, section thirty-seven hundred and eighty-one, section thirty-seven hundred and eighty-five, section thirty-seven hundred and eighty-eight, section thirty-eight hundred and thirteen, section thirty-eight hundred and sixteen, and section thirty-eight hundred and seventeen; and to repeal section thirty-seven hundred and seventy-four, section thirty-seven hundred and seventy-five, section thirty-seven hundred and seventy-six, section thirty-seven hundred and seventy-seven, section thirty-seven hundred and seventy-nine, section thirty-seven hundred and eighty-two, section thirty-seven hundred and eighty-three, section thirty-seven hundred and eighty-four, and section thirty-eight hundred and eighteen of an Act of the Legislature of the State of California entitled 'An Act to establish a Political Code,' approved March 12, 1872, relating to the sale of real property for delinquent taxes, and the redemption and resale of such property; and to add a new section thereto, to be known and designated as section thirty-eight hundred and one, also relating to the sale of real property for delinquent taxes," approved February 25, 1895, all relating to the sale of State lands

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 343 finally passed by the following vote:

AYES—Messrs. Barndollar, Beatty, Bohnett, Butler, Callan, Collier, Costar, Cronin, Drew, Feeley, Flint, Gerdes, Gibbons, Gillis, Greer, Hanlon, Hans, Hawk, Hewitt, Holmquist, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilhard, Kehoe, Leeds, Maher, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Polsley, Pulcifer, Rutherford, Silver, Stuckenbruck, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SPEAKER IN THE CHAIR.

At two o'clock and fifty-five minutes P. M., Speaker Stanton in the chair.

RESOLUTION.

The following resolution was offered (unanimous consent having been obtained for its reception):

By Mr. Transue:

Resolved, That the State Controller be and he is hereby, directed to draw his warrant in favor of Frank H. Veach for the sum of seventeen dollars and fifty cents ($17.50) on

the contingent fund of the Assembly, and the Treasurer is hereby directed to pay the same, being in payment for the following bill attached.

SACRAMENTO, CALIFORNIA, January 19, 1909

MR. J. T. STAFFORD, *Sergeant-at-Arms, Assembly*, DR.

To 6 Sergeant-at-Arms badges at $1.00	$6 00
To 4 watchman badges at $1 00	4 00
To 10 porter badges at 75 cents	7 50
	$17 50

Mr. Transue moved the adoption of the resolution.

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

AYES—Messrs. Barndollar, Bohnett, Butler, Callan, Collier, Costar, Cronin, Drew, Feeley, Flint, Gerdes, Gibbons, Gillis, Greer, Hanlon, Hans, Hawk, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Maher, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Polsley, Pulcifer, Rutherford, Silver, Stuckenbruck, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr Speaker—47

NOES—None

REPORTS OF STANDING COMMITTEE

The following reports of standing committee were received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1909.

MR SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Assembly Bill No 166—An Act making an appropriation of two thousand five hundred dollars for restoring certain records in the office of the Clerk of the Supreme Court in the city of San Francisco.

Assembly Bill No 151—An Act making an appropriation to pay the deficiency in the appropriation for postage and contingent expenses of the Clerk of the Supreme Court for the fifty-ninth and sixtieth fiscal years

Assembly Bill No 801—An Act authorizing the State Treasurer to purchase a bond filing case and making an appropriation therefor.

Assembly Bill No 1030—An Act to amend Section 528 of the Political Code, relating to the printing of the Journals and Appendices of the Senate and Assembly.

Assembly Bill No. 69—An Act to make an appropriation for the location, survey and construction of a State highway from Emigrant Gap, Placer County, in an easterly direction through what is known as the Truckee Pass, to the west end of Donner Lake, in Nevada County

Assembly Bill No 298—An Act to amend Section 531 of Article XII of the Political Code, relating to the duties of the Superintendent of State Printing

Assembly Bill No 638—An Act to amend Section 261 of the Penal Code of the State of California, defining the crime of rape

Assembly Bill No. 587—An Act to amend section one hundred and eighty-two of the Penal Code of the State of California, relating to criminal conspiracy, defining same, and fixing the punishment

YOUNG, Chairman.

The above reported bills ordered on file for third reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1909.

MR SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled:

Assembly Bill No 67—An Act authorizing suits against the State concerning real property and regulating the procedure therein

Assembly Bill No 52—An Act to amend Section 649 of the Civil Code of the State of California, relating to the incorporation of colleges and seminaries of learning

Assembly Bill No. 73—An Act to amend sections one, three, four, five six, seven, nine, ten thirteen, fourteen, and twenty of an Act entitled "An Act to promote drainage," approved March 18, 1885

Assembly Bill No 390—An Act to amend Sections 2136, 2137, 2138, 2140, 2141, 2142, 2145, 2153 2154, 2161, 2162, 2163, 2167*a*, 2168, 2170, 2171, 2172, 2176, 2177, 2179, 2180, 2181, 2187, 2189, 2192, 2193, and 2195 of the Political Code relating to the powers and duties of the State Commission in Lunacy, to the government and management of State hospitals for the insane and other incompetent persons, and to the care, custody, apprehension, commitment, and maintenance of insane and other incompetent persons.

Assembly Bill No. 314—An Act to repeal an Act entitled "An Act supplementary to and amendatory of an Act entitled 'An Act concerning common schools in the city of Placerville, approved April first, eighteen hundred and sixty-four,' to provide ways and

means for building, furnishing, and repairing schoolhouses in said city, and for other purposes, approved March 16, 1874."

Assembly Bill No. 161—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by adding thereto a new section to be known as Section 5½, providing for filing written notices of defects in street proceedings and that certain defects not claimed shall be waived.

Assembly Bill No. 316—An Act to repeal an Act entitled "An Act concerning common schools in the city of Placerville, approved April 1, 1864".

Assembly Bill No. 232—An Act to amend Section 3457 of the Political Code, relating to reclamation districts, the warrants thereof, the payments of assessments with warrants, extension of warrants, and the commencement of actions thereon

And were presented to the Governor February 15th, at two o'clock and thirty minutes P. M.

YOUNG, Chairman.

TIME FOR MOVING TO RECONSIDER CONTINUED.

On motion of Mr. Young, the time for moving to reconsider the vote on Assembly Bill No. 44 was continued until the next legislative day.

THIRD-READING FILE—(RESUMED).

Assembly Bill No. 729—An Act to add a new section to the Code of Civil Procedure, to be known as Section 53*a*, relating to rehearings in the Supreme and Appellate Courts.

Bill read third time, and passed on file.

Assembly Bill No. 756—An Act to amend Section 755 of the Political Code, relating to the salary of the clerk of the Supreme Court.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 756 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Bohnett, Butler, Callan, Collier, Costar, Cronin, Drew, Feeley, Flint, Gerdes, Gillis, Greer, Hanlon, Hans, Hawk, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Maher, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, Polsley, Pulcifer, Rutherford, Sackett, Silver, Stuckenbruck, Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 794—An Act to amend Section 2552 of the Political Code, relating to salaries of officers of the Board of State Harbor Commissioners.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 794 passed by the following vote:

AYES—Messrs Barndollar, Beardslee, Beatty, Bohnett, Butler, Callan, Collier, Costar, Cronin, Drew, Feeley, Flint, Gerdes, Gibbons, Gillis, Greer, Hanlon, Hans, Hawk, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Maher, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, Polsley, Rutherford, Sackett, Silver, Stuckenbruck, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 656—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to amend an Act entitled 'An Act to

amend section six of an Act entitled 'An Act concerning the water front of the city and county of San Francisco, approved March 15, 1878, and to confer further powers upon the Board of State Harbor Commissioners,' approved March 17, 1880,' approved March 19, 1889, conferring further powers upon said Board,' approved March 26, 1895,' approved March 23, 1901,' approved March 18, 1905.''

During the third reading of bill, Mr Beatty moved that the Speaker appoint a select committee of one to amend the bill, as follows:

Amend Assembly Bill No. 656, by striking out the title of said bill, and insert in lieu thereof the following:

An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to amend an Act entitled 'An Act to amend an Act entitled 'An Act to amend an Act entitled "An Act to amend section six of an Act entitled 'An Act concerning the water front of the city and county of San Francisco,' approved March 15, 1878, and to confer further powers upon the Board of State Harbor Commissioners," approved March 17, 1880,' approved March 19, 1889, conferring further powers upon the said board, "approved March 26, 1895," approved March 23, 1901," approved March 18, 1905.

Also:

On page 1, printed bill, strike out all of lines 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, and on page 2, printed bill, strike out lines 11, 12, and 13, and insert in lieu thereof the following:

"SECTION 1. An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to amend section six of an Act entitled "An Act concerning the water front of the city and county of San Francisco," approved March fifteenth, eighteen hundred and seventy-eight, and to confer further powers upon the Board of State Harbor Commissioners,' approved March seventeenth, eighteen hundred and eighty," approved March nineteenth, eighteen hundred and eighty-nine, conferring further powers upon the said board,' approved March twenty-sixth, eighteen hundred and ninety-five," approved March twenty-third, nineteen hundred and one,' approved March eighteenth, nineteen hundred and five."

Motion carried.

The Speaker appointed Mr. Beatty as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1909.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 656, with instructions, do now report that the instructions of the Assembly have been carried out.

BEATTY, Select Committee.

Report of select committee, and amendments, adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No 241—An Act providing for an assistant gardener for Sutter's Fort

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 241 passed by the following vote:

AYES—Messrs Barndollar, Beardslee, Beatty, Bohnett, Callan, Collier, Costar, Drew, Feeley, Flint, Gerdes, Gibbons, Gillis, Greer, Hanlon, Hans, Hawk, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Maher, Mendenhall, Moore, Mott, Nelson, Otis, Polsley, Pulcifer, Rutherford, Sackett, Silver, Stuckenbruck, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—47.

NOES—Mr. Cronin—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 576—An Act to amend Section 1312 of the Code of Civil Procedure, relating to contesting the probate of wills.

Bill read third time

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 576 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Bohnett, Callan, Collier, Costar Cronin, Drew, Feeley, Flint, Gerdes, Gibbons, Gillis, Greer, Hanlon, Hawk, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Maher, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Polsley, Rutherford, Sackett, Silver, Stuckenbruck, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—48

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 846—An Act to amend Section 1213 of the Civil Code of the State of California, relating to the recording of conveyances of real property, and providing for the recording of certified copies of such conveyances in cases where the same have been recorded in a wrong manner.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 846 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Bohnett, Callan, Collier, Costar, Cronin, Drew, Feeley, Flint, Gerdes, Gibbons, Gillis, Greer, Hanlon, Hans, Hawk, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Polsley, Rutherford, Sackett, Silver Stuckenbruck, Transue, Wagner, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 183—An Act to amend Section 184 of an Act entitled "An Act to establish a uniform system of county and township government," relating to salaries and expenses of county and township officers in counties of the twenty-seventh class.

Bill read third time

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 183 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Bohnett, Callan, Collier, Costar, Cronin, Drew, Feeley, Flint, Gerdes, Gibbons, Gillis, Hanlon, Hans, Hawk, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Maher, McClellan, Mendenhall Moore, Mott, Nelson, Odom, Otis, Polsley, Rutherford, Sackett, Silver, Stuckenbruck, Transue, Wagner, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No 647—An Act to amend Section 4280 of the Political Code, relating to counties of the fifty-first class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 647 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Bohnett, Callan, Cogswell, Collier, Costar, Cronin, Drew, Feeley, Flint, Gerdes, Gibbons, Gillis, Greer, Hanlon, Hawk, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Polsley, Rutherford, Sackett, Silver, Stuckenbruck, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read (unanimous consent having been obtained for its reception):

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1909.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 278—An Act to provide for the digging and construction of a tunnel connecting the hydrotherapeutic building with the engine room of the female department of the Stockton State Hospital, for the purpose of conducting water pipes, heating pipes, electric wires, etc., and to make appropriations therefor.

Also: Assembly Bill No. 810—An Act to provide for the wiring of hospital buildings and all other buildings situated in and about the grounds of the Stockton State Hospital, together with the installation of an electric light plant consisting of all necessary fixtures and equipments, and to make an appropriation therefor.

Also: Assembly Bill No. 974—An Act providing for the dissemination of knowledge among the people of California as to the best means of preventing the spread of tuberculosis, and making an appropriation therefor.

Also. Assembly Bill No. 1160—An Act authorizing the State Surveyor General to furnish his office and vault therein, and making an appropriation therefor.

Also: Senate Bill No. 272—An Act making an appropriation of one thousand dollars ($1,000.00) to pay the claim of Edward W. Lehner, against the State of California (being identical with Assembly Bill No. 419).

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

BEARDSLEE, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1909.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 163—An Act making an appropriation to pay assessments which may be levied against the Sutter Fort property by the city of Sacramento for street work.

Also: Assembly Bill No. 242—An Act making an appropriation for the maintenance and improvement of the grounds and buildings of Sutter's Fort.

Also: Assembly Bill No. 387—An Act to provide for the continuation of the construction of the highway known as King's River Highway, to declare it a state highway, and to make an appropriation therefor.

Also: Assembly Bill No. 1066—An Act to amend sections six, seven, fifteen, and seventeen, and to add a new section known as section fifteen and a half, creating a revolving fund to an Act entitled "An Act to create for the State of California a Department of Engineering, to provide for the appointment of the officers and employees thereof, defining its powers and prescribing the duties of said department, its officers and employees, to provide the compensation of such officers and employees, to make an appropriation for the salaries and other expenses for the remainder of the fifty-eighth fiscal year, and making certain Acts a felony, and repealing an Act entitled 'An Act creating a Commissioner of Public Works, defining his duties and powers and fixing his compensation,'" approved February 9, 1900, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to create a Department of Highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employees thereof, and to provide for the compensation of said officers and employees, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year," approved April 1, 1897; also repealing an Act entitled "An Act providing for an auditing board to the Commissioner of Public Works, authorizing and directing him and them to perform certain duties relating to drainage, to pur-

chase machinery, tools, dredges, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn lands and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this Act," approved March 17, 1897, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to provide for the appointment, duties and compensation of a Débris Commissioner, and to make an appropriation to be expended under his direction in the discharge of his duties as such commissioner," approved March 24, 1893, and all Acts or parts of Acts amendatory thereof, also repealing an Act entitled "An Act to create the office of Lake Tahoe Wagon Road Commissioner, providing the term of office and compensation of such commissioner, defining his duties and making an appropriation for the salary and expenditures provided for and authorized by this Act," approved April 1, 1897, and all Acts and parts of Acts amendatory thereof, approved March 11, 1907.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass, as amended

BEARDSLEE, Chairman.

The above reported bills ordered on file for second reading.

SECOND-READING FILE.

Assembly Bill No. 380—An Act to amend Section 1269 of Title II, Part IV of the Political Code, by adding another subdivision thereto, to be known and described as Subdivision 16 thereof.

SUBSTITUTION.

Mr. Johnson of Placer asked for, and was granted, unanimous consent to substitute Senate Bill No. 847 for Assembly Bill No. 380, they being identical.

Assembly Bill No. 380 withdrawn, and ordered stricken from the file.

WITHDRAWAL OF BILL.

Mr. Mott asked for and was granted unanimous consent to withdraw Assembly Bill No. 419.

Bill withdrawn, and ordered stricken from the file.

Senate Bill No. 847—An Act to amend Section 4269 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the fortieth class.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 1007—An Act to amend Section 4251 of the Political Code of the State of California, concerning salaries and fees of officers in counties of the twenty-second class.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 254—An Act to insure the better education of practitioners of naturopathy, and to regulate the practice of naturopathy in the State of California, providing penalties for the violation thereof.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 1, Section 2, line 3, of the printed bill, after the word "California" insert the following: "for not less than two years."

Amendment adopted.

AMENDMENT No. 2.

On page 2, Section 3, lines 7, 8, and 9, of the printed bill, strike out the words "from ten (10) naturopaths, nominated by the Association of Naturopaths of California, incorporated under the laws of the State of California."

Amendment adopted.

AMENDMENT No. 3.

On page 4, Section 9, line 20, of the printed bill, after the word "prima" insert the following: "facie".

Amendment adopted.

AMENDMENT No. 4.

On page 4, Section 11, line 2, of the printed bill, after the word "now" insert the following: "and has been continuously".

Amendment adopted.

AMENDMENT No. 5.

On page 4, Section 11, line 4, of the printed bill, after the word "California" insert the following "for two years prior to the passage of this Act".

Amendment adopted.

AMENDMENT No. 6.

On page 7, Section 15, lines 5 and 6, of the printed bill, strike out the words "prescribe herbs".

Amendment adopted.

AMENDMENT No. 7.

On page 7, Section 15, lines 7 and 8, of the printed bill, strike out the following: "or professes to be a scientific masseur".

Amendment adopted.

AMENDMENT No. 8.

On page 8, Section 15, line 14, of the printed bill, after the word "instructor" insert the following: "No person engaged in the practice of naturopathy shall hold himself or herself out as, or represent himself or herself to be, or advertise as a doctor of medicine, or a doctor, or shall append to his or her name at any time the name doctor or the letters M.D., or shall at any time prescribe or administer any medicine internally or perform any surgical operation."

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 768—An Act to amend Section 452 of the Political Code, relating to the duties of the State Treasurer.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 769—An Act to amend Section 3866 of the Political Code, relating to settlements with the Controller and payments into the State treasury.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 771—An Act to amend Section 675 of the Political Code of the State of California, relating to the counting of the money in the State treasury, and the duties of the Treasurer, Controller, and Board of Examiners in connection therewith.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 802—An Act authorizing the payment into the general fund of the State treasury of moneys held for the redemption of certain coupons of the civil bonds of 1867, and providing for the redemption of said coupons.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 803—An Act authorizing the payment of moneys held for the redemption of certain coupons of the Central Pacific Railroad bonds of 1864, and providing for the redemption of said coupons.

Bill read second time, and ordered to engrossment.

Assembly Bill No 205—An Act to amend the Code of Civil Procedure of the State of California, by adding a new section thereto, to be known as Section 542*a*, relating to attachments.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 642—An Act to prevent false and incorrect representations and advertisements concerning articles offered for sale, and prescribing a punishment for the violation thereof.

Bill read second time, and ordered to engrossment.

Assembly Bill No 770—An Act to amend Section 435 of the Political Code, relating to the duties of the State Controller.

During second reading of bill, the following amendment was submitted by the committee:

Strike out all after the word "accrued", in line 11 down to and including the word "chapter", in line 18, of Section 1, of the printed bill, and insert in lieu thereof the following: "He must draw warrants on the State Treasurer in favor of the county treasurers, or in favor of the State Treasurer, as provided in section three thousand eight hundred and sixty-six of this Code, upon receipt from the Superintendent of Public Instruction of an abstract of the apportionment of the state school fund provided for in section one thousand five hundred and thirty-two of this Code; and the warrants so drawn are not subject to the provisions of article eighteen of this chapter".

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 772—An Act to amend an Act approved February 28, 1907, entitled "An Act to authorize the deposit of State moneys in banks of this State, and to repeal all Acts or parts of Acts in conflict with this Act."

During second reading of bill, the following amendment was submitted by the committee:

At the end of line 33, of Section 1, of the printed bill, insert the following: "*provided*, that no agreement for the deposit of said money shall be for a longer period than one year".

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 800—An Act to amend Section 433 of the Political Code, relating to the duties of the Controller.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Strike out the words "General duties of", in line 4, of Section 1, of the printed bill.

Amendment adopted.

AMENDMENT No. 2.

Strike out the words "on the second Monday in October", in lines 6 and 7, of Section 1, of the printed bill, and insert in lieu thereof the words "before the 15th day of December".

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 203—An Act to amend Section 1491 of the Code of Civil Procedure of the State of California, relating to notice to creditors of deceased persons.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Strike out all after the word "be", in line 3, of Section 1, of the printed bill, down to and including the word "not", in line 6, of Section 1, and insert in lieu thereof the words "four months after its first publication".

Amendment adopted.

AMENDMENT No. 2.

Strike out the words "sixty days after its passage," in lines 1 and 2, of Section 2, of the printed bill, and insert in lieu thereof "January first, 1910."

Amendment adopted.

Also:

Mr. Bohnett moved to amend:

By inserting in Section 1, line 7, of printed bill, after the word "notice", the following: "and a copy of the published notice shall be filed with the clerk among the papers in the proceeding within two weeks after the first publication."

Motion carried.

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

HON. F. M. RUTHERFORD IN THE CHAIR.

At three o'clock and forty-five minutes P. M., Hon. F. M. Rutherford in the chair.

Assembly Bill No. 1009—An Act appropriating money to be expended by and under the direction of the Department of Engineering for the purpose of rectifying the channels of the Sacramento, San Joaquin, and Feather rivers, and other river channels of the State, and in improving the navigability of such streams.

Mr. Hewitt moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Hon. F. M. Rutherford in the chair.

Assembly Bill No. 1009 considered.

Mr. Hewitt moved that the committee do now rise and report in favor of the passage of the bill.

IN ASSEMBLY.

Hon. F. M. Rutherford in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 1009, and do now report the same back, and recommend that it do pass.

RUTHERFORD, Chairman.

Assembly Bill No. 632—An Act entitled "An Act to amend Sections 1713 and 1714 of Article XIII of the Political Code, in regard to the apportionment of school library funds."

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out of the title of printed bill the words, "Entitled an Act".

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 633—An Act entitled "An Act to amend Section

1560 of Article IV of the Political Code of California, by providing for joint institutes or conventions of teachers.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by inserting on line 1, of printed bill, before the word "Section," the words "Section 1."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out of line 12, of printed bill, the first letter "e" in the word "superintendent".

Amendment adopted.

AMENDMENT No. 3.

Amend by inserting in line 12, of printed bill, after the word "more", the word "adjacent".

Amendment adopted.

AMENDMENT No. 4.

Amend by inserting in line 12, of printed bill, after the word "counties", the word "or".

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 686—An Act to amend Section 1663 of the Political Code, by classifying the day and evening elementary and secondary schools of California, determining who may be employed to teach in said schools, and by defining the powers of county and city and county boards of education with respect to courses of study and the examination and graduation of pupils.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out of Section 1, line 8, of printed bill, the words "provided in Section 1662 of this chapter", and insert in lieu thereof the words "primary and grammar schools."

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 688—An Act to amend Section 1662 of the Political Code, by determining the number of years of instruction in the day and evening elementary schools; determining the age of admission to the day and evening elementary schools, and providing for separate schools for Indian, Mongolian, and Chinese children, and authorizing the exclusion of children of filthy and vicious habits.

During second reading of bill, the following amendment was submitted by the committee:

Amend by inserting in Section 1, line 17, of printed bill, after the word "age", the words "and the reports for the kindergarten classes shall be kept and shall be made separate from other school reports."

Amendment adopted.

Mr. Polsley offered the following amendment:

After the word "Mongolian" insert the word "Malay."

Mr. Polsley moved the adoption of the amendment.

Roll call was regularly demanded.

The roll was called, and amendment lost by the following vote:

AYES—Messrs. Butler, Coghlan, Gerdes, Gibbons, Gillis, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Maher, Mendenhall, Moore, Mott, Polsley, Stuckenbruck, Webber, and Wilson—18.

NOES—Messrs. Barndollar, Beardslee, Bohnett, Callan, Cogswell, Collier, Costar, Feeley, Flint, Greer, Hanlon, Hans, Hawk, Holmquist, Leeds, Melrose, Otis, Pulcifer, Rutherford, Sackett, Silver, Transue, Wagner, Whitney, Wyllie, Young, and Mr. Speaker—27.

SPEAKER IN THE CHAIR.

At three o'clock and fifty-five minutes P. M., Speaker Stanton in the chair.

Assembly Bill No. 727—An Act to amend Section 1636 of the Political Code of the State of California, relating to taking the school census, by providing for signature of parent or guardian to census, and by providing a fine for those refusing to give in the school census.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out of Section 1, line 10, of printed bill, the words "except in cities of the first class", and place a period after the word "alphabetically."

Amendment adopted.

AMENDMENT No. 2.

Strike out of Section 1, line 34, of printed bill, the words "less than fifty dollars nor".

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment

Assembly Bill No. 687—An Act to amend Section 1532 of Article II of the Political Code, by defining the duties of superintendent of public instruction.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 303—An Act to provide for health and development supervision in the public schools of the State of California

Bill read second time, and ordered to engrossment.

Assembly Bill No 786—An Act to amend Section 647 of the Code of Civil Procedure of the State of California, relating to what is deemed excepted to.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 952—An Act to amend Section 3 of an Act entitled "An Act requiring the recording of maps of subdivisions of land into lots for the purpose of sale, and prescribing the conditions on which such maps may be recorded, and prohibiting the selling or offering for sale of land by reference to said maps unless the same are recorded"

Bill read second time, and ordered to engrossment.

Assembly Bill No. 577—An Act to amend Section 135 of the Civil Code, relating to interlocutory divorce judgments.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 754—An Act to create a State Board of Accountancy, and prescribing its duties and powers.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

After the word "Act", in the first line of the title of the printed bill, insert the words "to amend an Act entitled an Act".

AMENDMENT No. 2.

After the figure 1, in line 1, of Section 1, of the printed bill, insert the words: "An Act entitled 'An Act to create a State Board of Accountancy and prescribe its duties and powers; to provide for the examination of and issuance of certificates to qualified applicants, with the designation of certified public accountant;

and to provide the grade of penalty for violations of the provisions hereof', is hereby amended so as to read as follows:"

Amendments adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 790—An Act to amend Section 1259 of the Penal Code of the State of California, relating to what may be reviewed upon appeal by the defendant.

During second reading of bill, the following amendment was submitted by the committee:

Strike out the words "and considered by", in line 8, of Section 1, of the printed bill.

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment

Assembly Bill No. 996—An Act to add a new section to the Penal Code, to be numbered 409*c*, relating to the taking, hiring, running, driving, or using of an automobile, or taking or removing therefrom any part thereof, by the owner, or the manager of an automobile garage, his agent, or employee, or any other person, without the consent of the owner of such automobile, and providing the punishment for the violation thereof.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Strike out the words "one year", in line 11, of Section 1, of the printed bill, and insert in lieu thereof the words "six months".

Amendment adopted.

AMENDMENT No. 2.

Strike out Section 2 of the printed bill.

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 776—An Act to amend Section 3700 of the Political Code, relating to salaries of the members of the State Board of Equalization.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Assembly Bill No. 776 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 776, and do now report the same back, and recommend that it do pass.

STANTON, Chairman.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 832—An Act authorizing the investment and reinvestment and disposition of any moneys in any sinking fund of any county, city and county, or incorporated city or town.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 833—An Act to add a new section to the Penal Code, to be numbered 402*c*, making it a misdemeanor for any practitioner of veterinary medicine who fails to report to the State Veterinarian certain diseases among animals.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 827—An Act authorizing any incorporated town, city, or municipal corporation to permit the construction and maintenance of any State or county highway or boulevard over highways or streets in its incorporated limits, or any portion thereof, by the supervisors or highway commissioners of the county.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 443—An Act to amend an Act entitled "An Act to regulate and license the hunting of game birds and animals, and to provide revenue therefrom, for game preservation and restoration, and to make appropriation for the purpose of carrying out the objects of this Act," approved March 13, 1907, by amending Section 3 thereof.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 1, Section 1, line 5 of the printed bill, after the words "United States", insert the following: "or to any person who has declared his intention according to law to become a citizen and".

Amendment adopted.

AMENDMENT No. 2.

On page 1, Section 1, line 11 of the printed bill, after the word "any", insert the word "other"

Amendment adopted.

AMENDMENT No. 3.

On page 1, Section 1, line 11 of the printed bill, after the word "person", strike out the following: "not a citizen of the United States".

Amendment adopted.

AMENDMENT No. 4.

On page 2, Section 1 of the printed bill, strike out all of part 4, lines 13 to 17, inclusive.

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 785—An Act amending an Act to provide for the transfer to the State of California by owners of patented lands therein of the right to preserve and protect wild game on such patented lands; to define the duties of the State Board of Fish Commissioners in relation to the control of such rights, and to declare the hunting of wild game within the exterior boundaries of the land to which such right attaches, a misdemeanor, approved March 21, 1907.

During second reading of bill, the following amendment was submitted by the committee:

On page 1, Section 1, line 9 of the printed bill, strike out the word "shall", and insert in lieu thereof the words "may in its discretion".

Amendment adopted.

The following amendment was submitted:

By Mr. Melrose:

Insert after the enacting clause the following. "An Act to provide for the transfer to the State of California by owners of patented lands therein the right to preserve and protect wild game on such patented lands; to define the duties of the State Board of Fish Commissioners in relation to the control of such rights, and to declare the hunting of wild game within the exterior boundaries of the land to which right attaches a misdemeanor, approved March 21, 1907, be and the same is hereby amend to read as follows":

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 948—An Act to create a preserve for crabs within Humboldt and Trinidad bays and the waters of the Pacific Ocean adjacent thereto, and to regulate the taking of crabs from such preserves for commercial purposes.

During second reading of bill, the following amendment was submitted by the committee:

AMENDMENT No. 1.

On page 1 of the printed bill, strike out all after the words "An Act", and insert in lieu thereof the following:

To regulate the taking of crabs within Humboldt and Trinidad bays and the waters of the Pacific Ocean adjacent thereto, and in the Eel River, and providing a penalty for the violation thereof.

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. It shall be unlawful to fish for, catch, take, or remove any crab or crabs for commercial purposes, from the waters of Humboldt Bay or Trinidad Bay or the waters of the Pacific Ocean adjacent to said bays or in Eel River; *provided, however,* that during the open season for crabs as now or which may be hereafter fixed by law, crabs may be taken and removed from said waters during the day of Thursday of each and every week, and at no other time.

SEC. 2. Any person violating the provisions of this Act shall be guilty of a misdemeanor.

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 706—An Act to add a new section to the Penal Code, to be numbered 626*n*, to prohibit the hunting of ducks in motor boats.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 1035—An Act to add a new section to the Penal Code, to be numbered 626*o*, to prohibit the hunting of ducks in sneak, decoy or sculling boats.

During second reading of bill, the following amendment was submitted by the committee:

On page 1, line 1, of the printed bill, strike out all after the words "an act" and insert the following:

To add a new section to the Penal Code to be numbered 626*o* to prohibit the hunting of ducks in sneak, or scull boats.

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

SECTION 1. A new section is hereby added to the Penal Code of the State of California, to be known and designated as Section 626*o*, to read as follows:

626*o*. Every person who in the State of California, at any time hunts, pursues or shoots at any kind of wild duck from any sneak or scull boat, is guilty of a misdemeanor; *provided*, that nothing in this section shall be construed to prohibit the hunting or shooting of any kind of wild duck from boats propelled by sail or oars when same is not a sneak or skull boat.

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 784—An Act amending Section 2349 of the Political Code, relating to certain streams and waters declared public ways.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 405—An Act to provide for the inspection of petroleum oils, kerosene, gasoline, benzote, naphtha and all fluids which are the product of petroleum or into which any product of petroleum enters, and to provide for a State inspector thereof, and deputies, and to define and provide for their duties and salaries, and to prescribe penalties for violation thereof.

Bill read second time, and referred to Committee on Ways and Means.

Assembly Bill No. 992—An Act to amend sections one, two, three, and four of an Act entitled "An Act to encourage and provide for a general vaccination in the State of California," approved February 20, 1889.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 618—An Act to amend Sections 3921 and 3923 of the Political Code, relating to and defining the boundaries of Sierra and Nevada counties.

During second reading of bill, the following amendment was submitted by the committee:

On page 2, Section 2, line 21, strike out the word "county", and insert in lieu thereof the word "city," and add a new section to read as follows:

'SEC. 3 This Act shall take effect and be in force from and after its passage"

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 620—An Act to appropriate money to protect the banks of Eel River from erosion by means of jetty work and riprap along the banks thereof.

Mr. Beardslee moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Assembly Bill No. 620 considered.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Insert after the last word on page 1 of printed bill, a new section as follows:

SEC 2. Whenever the parties benefited by the protection of the banks of said Eel River shall deposit to the credit of the Department of Engineering any sum of money for the purpose of undertaking new riprap work along said river, there shall be expended in addition out of the money herein appropriated and under the direction of the said department, a like sum to be used for said new work; *provided, however,* that the said department may repair out of the money herein appropriated, and without said contribution, any riprap work which has heretofore been done under said department

Amendment adopted.

AMENDMENT No. 2.

On page 2, line 1, of printed bill, strike out the figure "2", and insert in lieu thereof the figure "3"

Amendment adopted.

Mr. Beardslee moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 260, and do now report the same back, and recommend that it do pass.

STANTON, Chairman.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 723—An Act to amend Section 3546 of the Political Code of the State of California, relating to what must be contained in the statement by the Register of State Lands to the district attorney.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 1031—An Act to amend Section 3514 of the Political Code of the State of California, relative to the issuance of certificates of purchase for State land.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 406—An Act regulating the sale of those parts of the beds of the navigable streams of the State, which parts have been abandoned by the State and governmental authority for navigable purposes.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 961—An Act to amend Section 8 of an Act entitled "An Act to provide for the organization and government of drainage districts for the drainage of agricultural lands other than swamp and overflowed lands, and to provide for the acquisition or construction thereby of works for the drainage of the lands embraced within such district," approved March 20, 1903.

Bill read second time, and ordered to engrossment.

Committee substitute for Assembly Bills Nos. 648 and 649—An Act to amend section one thousand nine hundred and eighteen of the Civil Code, relating to a maximum rate of interest and providing for forfeitures for violations thereof.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 842—An Act to amend Section 10 of an Act entitled "An Act to create and administer a public school teachers' annuity and retirement fund in the several counties, and cities and counties in the State," approved March 26, 1895, and amended March 29, 1897, and amended March 23, 1901, and amended March 20, 1903.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 956—An Act to amend Section 650 of the Civil Code of the State of California, relating to the powers of the boards of trustees for colleges and seminaries of learning.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 253—An Act for the relief of aged teachers.

During second reading of bill, the following amendments were submitted by Mr. Johnson of Sacramento:

AMENDMENT No 1

Amend by striking out of Section 1, line 2 of printed bill, the word "fifteen", and inserting in lieu thereof the following: "twenty".

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out of Section 1, line 2 of printed bill, the words "or who were", and inserting in lieu thereof the following: "and have been".

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out of Section 1, line 5 of printed bill, all between the words "in" and "support", both inclusive, and inserting in lieu thereof the following: "for thirty years".

Amendment adopted.

AMENDMENT No. 4.

Amend by inserting after the figures "1909" the following: "provided that supervision of schools shall be accepted as experience in teaching".

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 735—An Act to amend Section 1575*a* of the Political Code of the State of California, relating to clerks of school districts.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out of Section 1, line 8 of printed bill, the last letter "s" in schools and the word "and", and inserting in lieu thereof the words "buildings or which".

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out of Section 1, line 9 of printed bill, the word "fifteen", and inserting in lieu thereof the word "twenty".

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 938—An Act to amend Section 1563 of the Political Code of the State of California, relating to teachers' salaries during attendance at institutes.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out the semicolon after the word "institute", line 8 of printed bill, and inserting in lieu thereof a comma.

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out of lines 8 and 9 of printed bill, the words "presence or".

Amendment adopted.

AMENDMENT No. 3.

Amend by inserting after the word "absence", line 3 of printed bill, the words "if any".

Amendment adopted.

AMENDMENT No. 4.

Amend by inserting after the word "trustee", line 11 of printed bill, a semicolon.

Amendment adopted.

AMENDMENT No. 5.

Amend by striking out of line 12 of printed bill, after the word "report" the semicolon, and inserting in lieu thereof a comma.

Amendment adopted.

AMENDMENT No. 6

Amend by striking out of lines 12 and 13 of printed bill, the following words: "unless previously excused by the county superintendent or".

Amendment adopted.

AMENDMENT No. 7

Amend by inserting after the word "unless", line 13 of printed bill, the letter "a".

Amendment adopted

AMENDMENT No. 8.

Amend by inserting after the word "given", line 14 of printed bill, the following words: "in writing to the respective boards of education or boards of school trustees", also on the same line strike out the semicolon after the word "absence", and insert a comma in lieu thereof.

Amendment adopted.

AMENDMENT No. 9

Amend by striking out the comma after the word "deduct", line 16 of printed bill, and also strike out the comma after the word "month", line 17 of printed bill

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 639—An Act governing and regulating plumbing, providing a State plumbing board, local boards of examiners and State inspector of plumbing and defining their duties, and providing for the licensing of plumbers.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 1, Section 2, line 4, strike out the word "ten", and insert in lieu thereof the following "five".

Amendment adopted.

AMENDMENT No. 2.

On page 2, Section 10, line 1, strike out the words "That any", and insert in lieu thereof the following: "Any".

Amendment adopted.

AMENDMENT No. 3.

On page 6, Section 24, line 10, strike out the word "five", and insert in lieu thereof the following: "two".

Amendment adopted.

AMENDMENT No. 4.

On page 8, Section 30, of printed bill, insert the following: "All said fees shall be paid to the duly authorized officer representing the local board, and by that officer turned over to the treasury of the local municipalities or corporation".

Amendment adopted.

AMENDMENT No. 5.

On page 9, Section 33, line 12, strike out the words after the word "board", and insert in lieu thereof the following. "nor in conflict with local ordinances or general laws."

Amendment adopted.

AMENDMENT No. 7.

On page 10, Section 37, lines 1 and including 10, strike out the words.

"SEC. 37. The license of any person working at the business of plumbing, either as a master or employing plumber, or as a journeyman plumber, shall be suspended by the board that issued the same for a term not to exceed six months, where the holder thereof violates any rule or regulation relative to plumbing, and so likewise as to any permit granted pursuant to Section 12 of this Act. No person whose license has been suspended shall engage in or work at the business of plumbing, either as a master or employing plumber, or as a journeyman plumber, until the term of suspension shall have expired", and insert in lieu thereof the following:

"SEC. 37. All funds received under the provisions of section sixteen of this Act

shall be held as a fund, and the State Controller is authorized upon requisition signed by the president and secretary of said boards to issue warrants upon the State Treasurer therefor, payable out of said fund."

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 173—An Act authorizing the State Veterinarian to employ during the balance of the sixtieth and throughout the sixty-first and sixty-second fiscal years such inspectors as he may deem necessary to inspect and supervise the dipping of sheep infected with the disease known as scabies; providing for the compensation and expenses of said inspectors, and making an appropriation therefor.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE

Speaker Stanton in the chair.

Assembly Bill No. 173 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 173, and do now report the same back, and recommend that it do pass.

STANTON, Chairman.

Assembly Bill No. 1047—An Act to add a new section to the Penal Code, to be numbered section six hundred and twenty-eight *e*, to prevent the catching of surf fish, yellow fin, or spot-fin croaker, and providing penalties therefor.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 1051—An Act to amend Section 642 of the Political Code of the State of California, relating to the fish commissioners and their assistants, and prescribing their power and duties.

Bill read second time, and ordered to engrossment

Assembly Bill No. 919—An Act to create a reclamation district, to be called "American River Reclamation District No. 1," and providing for the control and management thereof.

During second reading of bill, the following amendment was submitted by the committee:

On page 2, after Section 3, line 2, add the following
"Sec. 4. This Act shall take effect and be in force from and after it passage."

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 5—An Act to repeal an Act entitled "An Act to create a drainage district, to be called 'Sacramento Drainage District,' to promote drainage therein; to provide for the election and appoint-

ment of officers of said drainage district; defining the powers, duties, and compensation of such officers, and providing for the creation, division, and management of reclamation, swamp land, levee, drainage, and protection districts within said Sacramento Drainage District, and providing for levying and collecting assessments upon the land within said drainage district." approved March 20, 1905.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 979—An Act to definitely establish, and permanently locate the boundary line between the county of Lake and the county of Glenn, State of California.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 1109—An Act to prohibit within certain limits the mooring and anchoring of house-boats in rivers and streams and the maintaining of privies, vaults, cesspools, sewer pipes, and conduits on the banks of rivers and streams, and providing for punishment for violation thereof, declaring such acts to be public nuisances, and providing for the abatement of such nuisances.

Bill read second time, and ordered to engrossment.

Assembly Bill No 1022—An Act to amend Section 4236 of the Political Code, relating to county and township officers of counties of the seventh class.

Bill re-referred to Committee on County and Township Governments.

Assembly Bill No 951—An Act to amend Section 4027 of the Political Code of California, relating to the organization of boards of supervisors

Bill read second time, and ordered to engrossment.

Assembly Bill No. 1059—An Act pertaining to the establishment of a uniform system of county and township governments, and amending Section 4273 of the Political Code, relating to the salaries and fees of officers of counties of the forty-fourth class.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 1033—An Act to amend Section 4264 of the Political Code, relating to salaries and fees of officers of counties of the thirty-fifth class.

Bill read second time, and ordered to engrossment

Assembly Bill No. 755—An Act to add a new section to the Political Code of the State of California, to be numbered four thousand two hundred and forty-three *a*, relating to the compensation of jurors in counties of the fourteenth class.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 1050—An Act to amend Section 4256 of the Political Code of the State of California, relating to salaries and fees of county and township officers in counties of the twenty-seventh class.

Bill read second time, and ordered to engrossment.

Assembly Bill No 767—An Act to amend Section 425 of the Political Code of the State of California

Bill read second time, and ordered to engrossment.

Assembly Bill No. 722—An Act to amend an Act entitled "An Act to regulate the practice of optometry, and for the appointment of a board of examiners in the matter of said regulation." approved March

20, 1903, by amending sections one, two, five, eight, eleven, twelve, thirteen, fifteen, and sixteen thereof.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out of Section 9, line 14, of the printed bill, the word "five", and inserting in lieu thereof the following: "two"

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 597—An Act to amend section thirteen hundred and forty-nine of the Code of Civil Procedure of the State of California, relating to the person or persons to whom letters testamentary on proven will may be issued.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 598—An Act to amend Section 1365 of the Code of Civil Procedure of the State of California, relating to the order of persons entitled to administer to an estate, and providing that a partner shall not be appointed as administrator.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Strike out these words and figures found in lines 3 and 4, of Section 1, of the printed bill. "Section 1365. Order of persons entitled to administer. Partner not to administer."

Amendment adopted.

AMENDMENT No. 2.

Insert the figures "1365", in line 4, at the beginning of the line.

Amendment adopted.

AMENDMENT No. 3.

Strike out the word "administrator", in line 4, of Section 1, of the printed bill, and insert in lieu thereof the word "administration".

Amendment adopted.

AMENDMENT No. 4.

Strike out the word "grant", in line 5, of Section 1, of the printed bill, and insert in lieu thereof the words "be granted".

Amendment adopted.

AMENDMENT No. 5.

Strike out the word "surviving", in line 10, of Section 1, of the printed bill, and insert in lieu thereof "The surviving"

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment

Committee Substitute for Assembly Bill No. 7—An Act to amend an Act entitled "An Act to repeal Title II of Part IV of the Political Code, and to add a new Title II of Part IV of said Code in place thereof, relating to the establishment of a uniform system of county and township governments," approved March 18, 1907, by adding a new article and section to chapter six of said Act, to be known as Article IX, Section 4205, relating to the registration of voters, and the selection and appointment of a registrar of voters, in counties of the fifth class, and prescribing his powers, duties, and compensation.

Mr. Johnson of Sacramento moved the adoption of the committee substitute for Assembly Bill No. 7.

Motion carried.

Committee substitute for Assembly Bill No. 7 read second time, and ordered to engrossment.

Assembly Bill No. 304—An Act to add two new sections to the Civil Code, to be numbered 2932*a* and 2932*b*, relating to trust deeds and other conveyances securing the payment of money.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Strike out the word "Two", in the first line of the title of the printed bill, and insert in lieu thereof the word "A".

Amendment adopted.

AMENDMENT No. 2.

Strike out the last letter 's', in the word "sections", in the first line of the title of the printed bill.

Amendment adopted.

AMENDMENT No. 3.

Strike out the word and figures "and 2932*b*", in line 2 of the title of the printed bill.

Amendment adopted.

AMENDMENT No. 4

Strike out the word "Two", in line 1, of Section 1, of the printed bill, and insert in lieu thereof the word "A".

Amendment adopted.

AMENDMENT No. 5.

Strike out the last letter "s", in the word "sections", in line 1, of Section 1, of the printed bill.

Amendment adopted.

AMENDMENT No. 6.

Strike out the word "are", in line 1, of Section 1, of the printed bill, and insert in lieu thereof the word "is".

Amendment adopted.

AMENDMENT No. 7.

Strike out the words and figures "and 2936*b*, and," in lines 2 and 3, of Section 1, of the printed bill.

Amendment adopted.

AMENDMENT No 8

Strike out all from line 3*a*, in Section 1, of the printed bill, down to line 28, of Section 1, of the printed bill, both inclusive.

Amendment adopted.

AMENDMENT No. 9.

Strike out the letter "*b*", in line 1, on page 2, of the printed bill, and insert in lieu thereof the letter "*a*"

Amendment adopted.

AMENDMENT No. 10

After the word "instrument", in line 18, on page 2, of the printed bill, insert the words "and so notifies the said trustee in writing".

Amendment adopted.

AMENDMENT No. 11.

Strike out all from and after the word "power", in line 21, on page 2, of the printed bill, down to and including the word "debtor" in line 31, on page 3, of the printed bill, and insert in lieu thereof the following: "if he shall have filed a certificate of residence in accordance with the provisions of Section 1163 of this code; said notice shall, in that event, be mailed to the address given in said certificate".

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No 305—An Act to add four new sections to the Code of Civil Procedure, to be numbered 549*a*, 549*b*, 549*c*, and 549*d*,

all relating to the trial of the right to personal property when levied upon under attachment or execution.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Strike out the word "as", in line 5 of Section 1, of the printed bill.

Amendment adopted.

AMENDMENT No. 2

Strike out the word "to", where it first occurs in line 6 of Section 1, of the printed bill.

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 917—An Act to amend Section 1763 of the Code of Civil Procedure of California, relating to guardians of insane or other incompetent persons.

During second reading of bill, the following amendment was submitted by the committee:

After the word "or", in line 5, of Section 1, of the printed bill, insert the words "from any cause"

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No 563—An Act to amend Section 1793 of the Code of Civil Procedure of the State of California, relating to guardians.

Bill read second time, and ordered to engrossment

Assembly Bill No. 732—An Act to amend Section 1207 of the Civil Code, relating to the validating of instruments affecting real property.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 1002—An Act to amend Section 650 of the Code of Civil Procedure, relating to bills of exceptions.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 1124—An Act to amend an Act entitled "An Act to prevent the sale of dairy products from unhealthy animals and produced under unsanitary conditions; to provide for the inspection of dairy stock, dairies, factories for the production of dairy products and places where dairy products are handled and sold; to improve the quality of dairy products of the State; to prevent deception in the sale of dairy products and to appropriate money for enforcing its provision," approved March 20, 1905, by amending Section 7 thereof, relating to the duties of the State Dairy Bureau and the appointment and qualifications of assistant agents as inspectors.

During the reading of the bill, the following amendments were submitted by the committee:

AMENDMENT No 1

In Section 1, line 16, of the printed bill, strike out the figures "$4.00", and insert in lieu thereof "five dollars".

Amendment adopted

AMENDMENT No 2.

In Section 1, line 18, of the printed bill, strike out the figures "$100 00", and insert in lieu thereof "one hundred and twenty-five dollars".

Amendment adopted.

AMENDMENT NO 3

In Section 1, line 38, of the printed bill, strike out the comma after the word "factory"

Amendment adopted.

AMENDMENT NO 4

In Section 2, line 89, of the printed bill, strike out the comma after the word 'agents".

Amendment adopted

Also:

By Mr. Barndollar:

On page 2, line 30, change "or" to 'nor" where said word appears
In line 31 change 'or' to "nor" where said word appears
On page 2, line 43, after "himself", insert the following 'or any other person, firm, or corporation"

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment

Assembly Bill No. 1036—An Act to add a new section to the Penal Code, relating to recording notices of location of mining claims.

Bill read second time, and ordered to engrossment

Assembly Bill No. 1093—An Act to add a new section to Chapter II, Title XV, of the Penal Code, to be numbered 655, relating to trespass upon, or the unlawful relocation, or "jumping" of mines, mining, and mineral claims.

During second reading of bill, the following amendment was submitted by the committee:

On page 1, Section 1, line 11, strike out the word 'our", and insert in lieu thereof the word "out".

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No 1045—An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation thereof, and to repeal an Act now in force relating to the same, approved March 23, 1901, except section two thereof, and amended March 20, 1903; March 20, 1905, March 6, 1907.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT NO 1

On page 7, Section 12, line 12, strike out the period after the word "laboratory", and insert the following, "or a licensed physician from practicing oral surgery or treating diseases of the mouth

Amendment adopted.

AMENDMENT NO. 2

On page 9, Section 15, line 5, after the period after the word "board", insert the following 'Moneys received under this Act shall be deposited in some reliable bank in the name of the board, and shall be withdrawn only on the joint check of the president and the secretary of the board. All funds received for annual licenses shall be kept in a separate fund and shall only be used for the purpose of prosecuting violators of this Act and expenses of collecting said fee"

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 913—An Act to establish a standard form of fire insurance policy, and to prevent variations therefrom, excepting under certain stated conditions and restrictions.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 4, line 93, of the printed bill, strike out commencing with the word "when" down to and including the word "days", in line 94, and insert in lieu thereof the following: "while it ceases to be operated beyond the period of 10 consecutive days".

Amendment adopted

AMENDMENT No 2.

On page 4, line 97 of the printed bill, insert the word "be" after the word "vapor", and before the word "generated" in lines 97 and 98.

Amendment adopted.

AMENDMENT No. 3.

On page 4, line 106 of the printed bill, strike out commencing with the word "and", and down to and including the word "days", in line 107, and insert in lieu thereof the following: "beyond the period of ten (10) consecutive days,".

Amendment adopted.

AMENDMENT No. 4.

On page 4, line 114 of the printed bill, strike out the period at the end of the sentence, and insert in lieu thereof a comma and add the following words "nor affect the respective rights of cancellation".

Amendment adopted.

AMENDMENT No. 5

On page 5, line 142 of the printed bill, strike out the word "mortgage", and insert in lieu thereof the word "mortgagee".

Amendment adopted.

AMENDMENT No. 6.

On page 7, line 233 of the printed bill, strike out the word "respectfully", and insert in lieu thereof the word "respectively".

Amendment adopted.

AMENDMENT No. 7.

On page 8, line 279 of the printed bill, insert after the word "deemed" and before the word "equivalent", the word "the".

Amendment adopted.

AMENDMENT No 8.

On page 9, Section 2, line 2 of the printed bill, strike out the words "so that the same can be readily seen", and insert in lieu thereof the following "in type not smaller than small pica".

Amendment adopted.

AMENDMENT No. 9.

On page 9, Section 2, line 32 of the printed bill, strike out the word "avoding", and insert in lieu thereof the word "avoiding".

Amendment adopted.

AMENDMENT No. 10.

On page 10, Section 4, line 3, of the printed bill strike out the period at the end of the sentence, and insert in lieu thereof a comma and add thereto the following: "and the lines of the policy shall be numbered consecutively"

Amendment adopted.

AMENDMENT No. 11.

On page 10, Section 5, line 8 of the printed bill, strike out the word "emitted", and insert in lieu thereof the word "omitted".

Amendment adopted.

AMENDMENT No. 12.

On page 10, Section 5, line 8 of the printed bill, strike out the entire sentence commencing with the word "special" down to and including the word "thereon", in line 11.

Amendment adopted.

AMENDMENT No. 13.

On page 10, Section 8, line 1 of the printed bill, strike out the word "contract", and insert in lieu thereof the word "clause".

Amendment adopted

AMENDMENT No 14.

On page 10, Section 8, line 1 of the printed bill, strike out the word "made", and insert in lieu thereof the word "inserted".

Amendment adopted.

AMENDMENT No. 15.

On page 11 of the printed bill, strike out all of Section 10, and insert in lieu thereof the following

"Section 10 Except as herein otherwise provided, clauses may be attached to the standard form by rider, in type larger than pica, imposing specified duties and obligations upon the insured and conditionally or otherwise limiting the liability of the insurer".

Amendment adopted.

AMENDMENT No. 16

On page 11, Section 11, line 1 of the printed bill, strike out the word "an", and insert in lieu thereof the word "any"

Amendment adopted

AMENDMENT No 17.

On page 11, Section 12, line 3 of the printed bill, strike out the period at the end of the sentence, and insert in lieu thereof a comma and add thereto the following: "but any policy so made, issued and delivered, shall, notwithstanding, be binding upon the company issuing the same".

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Committee Substitute for Assembly Bill No. 920—An Act granting certain lands and salt marsh and tide lands of the State of California to the city of Oakland.

Committee Substitute for Assembly Bill No. 920 read second time, and ordered to engrossment.

Assembly Bill No 28—An Act to amend the title of Sections 1, 7, 8, and 9 of an Act entitled "An Act to regulate the sale of poisons in the State of California, and providing a penalty for the violation thereof," approved March 6, 1907.

During second reading of bill, the following amendments were submitted by the committee:

Strike out after the word "pharmacist", in line 35, page 2, of printed bill, and insert the following

Said book shall be in form substantially as follows

Date and Hour	Name of Purchaser	Residence	Kind and Quality	Purpose of Use	Signature of Druggist	Signature of Purchaser

This book shall always be open for inspection by the proper authorities, and shall be preserved for at least five (5) years after the date of the last entry therein.

Section 3. Section 7 of said Act is hereby amended so as to read as follows:

Section 7. Any person violating any of the provisions of section eight of this Act shall upon conviction be punished as follows: viz., for the first offense by a fine of not less than one hundred dollars, and not to exceed two hundred and fifty dollars, or by imprisonment for not more than 100 days or by both fine and imprisonment; for the second offense by a fine of not less than two hundred and fifty dollars, and not to exceed five hundred dollars, or by imprisonment for not more than 200 days or by both such fine and imprisonment, and for the third offense by imprisonment in the State prison for not less than one year and not more than five years Any person violating any of the provisions of this Act, except those contained in section eight, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than thirty dollars, nor more than one hundred dollars, or by imprisonment for not more than 50 days or by both such fine and imprison-

ment All fines collected shall be paid seventy-five (75%) per cent to the State Board of Pharmacy, and twenty-five (25%) per cent to the county treasurer of the county in which the prosecution is conducted

The following is schedule "A" referred to in section one viz:

Schedule "A." arsenic, its compounds and preparations corrosive sublimate and other poisonous derivatives of mercury, corrosive sublimate tablets, antiseptic tablets containing corrosive sublimate, cyanide of potassium, strychnine, hydrocyanic acid, oils of croton, rue and tansy, phosphorus and its poisonous derivatives or compounds, compound solution of cresol, lysol, strophanthus or its preparations, aconite, belladonna, nux vomica, veratrum viride, their preparations, alkaloids or derivatives.

The following is schedule "B"

Hydrochloric or muriatic acid, nitric acid, oxalic acid, sulphuric acid, bromine, chloroform, cowhage creosote, ether, solution of formaldehyde or formalin, canthurides, cocculus indicus, Indian hemp or their preparations, iodine, or its tinctures, oils of savin and pennyroyal, tartar emetic and other poisonous derivatives of antimony, sugar of lead, sulphate of zinc, wood alcohol

Section 4 Section 8 of said Act is hereby amended to read as follows

Section 8 It shall be unlawful for any person, firm or corporation to sell, furnish or give away, or offer to sell, furnish or give away or to have in their or his possession any cocaine opium morphine, codeine, heroin or chloral hydrate or any salt derivative or compound of the foregoing substances or any preparation or compound containing any of the foregoing substances or their salts, derivatives or compounds, except upon the written order or prescription of a physician, dentist or veterinary surgeon licensed to practice in this State, which order or prescription shall be dated and shall contain the name of the person for whom prescribed or if ordered by a veterinary surgeon shall state the kind of animal for which ordered and shall be signed by the person giving the prescription or order Such written order or prescription shall be permanently retained on file by the person, firm or corporation who shall compound or dispense the articles ordered, or prescribed, and it shall not be again compounded or dispensed if each fluid or avoirdupois ounce contains more than eight grains of opium, or one grain of morphine, or two grains of codeine, or half a grain of heroin or sixty grains of chloral hydrate, except upon the written order of the prescriber for each and every subsequent compounding or dispensing. *No copy or duplicate of such written order or prescription* shall be made or delivered to any person, but the original shall at all times be open to inspection by the prescriber and properly authorized officers of the law, *provided*, that the above provisions shall not apply to preparations sold or dispensed without a physician's prescription, containing less than two grains of opium, or one quarter grain of morphine or one half grain of codeine, or one sixth grain of heroin or ten grains chloral hydrate in one fluid ounce or, if a solid preparation, in one avoirdupois ounce, *and provided further* that the above provisions shall not apply to sales at wholesale by jobbers, wholesalers and manufacturers to pharmacies as defined in section one of an Act entitled "An Act to regulate the practice of pharmacy in the State of California and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California State Board of Pharmacy, approved March 20, 1905 and Acts amendatory thereof," or physicians, nor to each other, nor to the sale at retail by retail pharmacies, to physicians, dentists, or veterinary surgeons duly licensed to practice in this State

It shall be unlawful for any practitioner of medicine, dentistry or veterinary medicine to furnish to or to prescribe for the use of any habitual user of the same, any cocaine, opium, morphine, codeine, heroin, or chloral hydrate, or any salt, derivative or compound of the foregoing substances, or any preparation containing any of the foregoing substances or their salts, derivatives or compounds and it shall also be unlawful for any practitioner of dentistry to prescribe any of the foregoing substances for any person not under his treatment in the regular practice of his profession, or for any veterinary surgeon to prescribe any of the foregoing substances for the use of any human being, *provided, however*, that the provisions of this section shall not be construed to prevent any duly licensed physician from furnishing or prescribing in good faith for the habitual user of any narcotic drugs who is under his professional care, such substances as he may deem necessary for their treatment, when such prescriptions are not given or substances furnished for the purpose of evading the purposes of this Act

Section 5 Section nine of said Act is hereby amended so as to read as follows

Section 9. The sale or furnishing of carbolic acid (phenol) in quantities of less than one pound is prohibited unless upon the prescription of a physician, dentist or veterinary surgeon duly licensed to practice in this State but this prohibition shall not apply to solutions of carbolic acid (phenol) containing not over ten per cent of the carbolic acid (phenol) and not less than ten per cent of ethyl alcohol All sales of carbolic acid (phenol) thus diluted with water and ethyl alcohol so as to contain not more than ten per cent of carbolic acid (phenol) can be made under the same conditions as the drugs enumerated in schedule "B" as found in section seven, but sales of carbolic acid (phenol) containing more than

ten per cent of said acid shall be registered subject to the same regulations as the poisons enumerated in schedule "A" as found in section 1.

Amendments adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No 26—An Act to amend Sections 3, 4, 5, 6, 7, 11, 13, 14, and 16 of an Act entitled "An Act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof; and for the appointment of a board, to be known as the California State Board of Pharmacy," approved March 20, 1905, and amended March 21, 1907.

During second reading of bill, the following amendment was submitted by the committee:

SECTION 1 Section 3 of said Act is hereby amended so as to read as follows

Section 3 Licentiates in pharmacy are persons who have had five years' experience in stores where the prescriptions of medical practitioners are compounded, and shall have passed an examination before the State Board of Pharmacy, or who shall present satisfactory evidence to the said board that they have had twenty years' actual experience in the practice of pharmacy, and have also been registered as a licentiate, or assistant pharmacist in good standing in any state or territory for a period of at least ten years prior to the date of their application, *provided*, that graduates of a reputable college of pharmacy may be registered after eighteen years of like experience Practicing pharmacists are persons who, at the passage of this Act, are registered as such, and who shall have on or before the 1st day of January next succeeding the passage of this Act, paid to the Board of Pharmacy of this State all moneys due for renewal or registration as required by the Acts of the Legislature regulating the practice of pharmacy in the State of California, approved March 11, 1891, and March 15, 1901

SEC 2 Section 7 of said Act is hereby amended so as to read as follows:

Section 7 Four members of the board shall constitute a quorum They shall hold a meeting at least once in every four months.

POWERS AND DUTIES OF THE BOARD

Subdivision 1 The State Board of Pharmacy shall have power

(*a*) To make such by-laws and regulations not inconsistent with the laws of this State, as may be necessary for the protection of the public, appertaining to the practice of pharmacy and the lawful performance of its duties

(*b*) To regulate the practice of pharmacy.

(*c*) To regulate the sale of poisons

(*d*) To regulate the quality of all pharmaceutical preparations and medicines dispensed or sold in this State, using the United States Pharmacopoeia or National Formulary as the standard

(*e*) To investigate all complaints as to the quality and strength of all pharmaceutical preparations and medicines and to take such action as may be necessary to prevent the sale of such as do not conform to the standard and tests prescribed in the latest edition of the United States Pharmacopoeia or National Formulary

(*f*) To employ inspectors of pharmacy and to inspect during business hours all pharmacies, dispensaries stores or places in which drugs, medicines and poisons are compounded, dispensed or retailed, and to cause the prosecution of all persons whenever there appears to the board to be reasonable ground for such action

(*g*) To examine and register as pharmacists and assistant pharmacists all applicants whom it shall deem qualified to be such All persons applying for registration, under this Act, shall pay the following fees therefor to the secretary of the Board of Pharmacy Every applicant for registration, other than that of an apprentice, shall pay a fee of ten dollars on filing his or her application, which shall be compensation to the Board of Pharmacy for investigation or examination of the applicant; and if the board finds that any applicant for registration on experience and credentials is entitled to be registered, then he or she shall pay an additional fee of fifteen dollars upon the issuance of certificate of such registration; and any licentiate found by the board on examination to be entitled to a certificate shall pay the additional sum of five dollars upon the issuance of certificate; all applicants for examination as assistant, if found satisfactory to the board, shall be entitled to their certificate without further fee, *and provided further*, that an applicant for registration on experience and credentials may at his or her option be examined as a licentiate without further fee for application

(*h*) In the event any person having registered shall have lost his or her certificate, or the same has been destroyed, or if he or she desires the renewal of the same, a new certificate may be issued by said board upon the applicant paying therefor the sum of three dollars; *provided further*, that where the original certificate is not lost or destroyed, then the certificate shall be surrendered before a renewal of same shall be issued *and provided further*, that the board shall have power to require satisfac-

tory evidence from the applicant of the loss or destruction of the certificate; *and provided further*, that where the applicant is delinquent for the annual dues required by this Act, then he or she shall be required to pay to said board sufficient fees to cover his delinquency in that behalf before he or she shall be entitled to a reissue of the certificate in this subdivision provided for.

(z) To provide by proper rules and regulations for the revocation by said board of licenses issued under the provision of this Act, whenever the holder of such license shall be guilty of habitual intemperance or addicted to the use of narcotic drugs, or shall have been convicted of a felony.

SEC. 3. Section 11 of said Act is hereby amended so as to read as follows

Section 11. Every proprietor or manager of a pharmacy or drug store shall be held responsible for the quality of all drugs, chemicals and medicines sold or dispensed by him, except those sold in the original package of the manufacturer and except those articles or preparations known as patent or proprietary medicines. Any person who shall knowingly, willfully, or fraudulently falsify or adulterate, or cause to be falsified or adulterated, any drug or medicinal substance, or any preparation authorized or recognized by the Pharmacopoeia of the United States or used, or intended to be used, in medicinal practice, or shall mix or cause to be mixed, with any such drug or medicinal substance any foreign or inert substance whatever, for the purpose of destroying or weakening its medicinal power or effect, or of lessening its cost, and shall willfully, knowingly, or fraudulently sell the same, or cause it to be sold, for medicinal purposes, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty dollars and not more than two hundred dollars, or by imprisonment for not less than fifty days and not more than two hundred days, or by both such fine and imprisonment.

Every registered pharmacist shall file or cause to be filed, all physicians' prescriptions, or a copy thereof, compounded or dispensed in his pharmacy or store, and any person who shall willfully fail so to do shall be deemed guilty of a misdemeanor and upon conviction thereof shall be liable to a fine not exceeding fifty dollars; and for each subsequent offense shall be liable to a fine of not less than fifty dollars, and not more than one hundred dollars. The State Board of Pharmacy may at any time, when in their judgment it appears advisable, deputize one of their members, or any other competent person, to investigate any suspected violation of any of the provisions of this Act, and if the result of such investigation seems to the board to justify such action the board shall cause the prosecution of any person violating any of the provisions of this Act.

SEC. 4. Section 13 of said Act is hereby amended so as to read as follows

Section 13. Any proprietor of a pharmacy, who shall fail, or neglect to place in charge of such pharmacy a registered pharmacist, or any proprietor, who shall by himself, or any other person, permit the compounding of prescriptions, or the vending of drugs, medicines, or poisons in his or her store, or place of business, except by or in the presence and under the direct, immediate and personal supervision of a registered pharmacist, or any person, not being a registered pharmacist, who shall take charge of, or act as manager of any pharmacy, or store, or who, not being a registered pharmacist, retails, compounds, or dispenses drugs, medicines, or poisons, shall be guilty of a misdemeanor, and upon conviction thereof shall be liable to a fine of not less than twenty ($20) dollars and not more than one hundred dollars, or by imprisonment for a term of not exceeding fifty days, or by both such fine and imprisonment.

SEC. 5. Section 14 of said Act is hereby amended so as to read as follows:

Section 14. Any member of the Board of Pharmacy, or inspector duly authorized by said board, may examine applicants orally, or in writing, and issue a temporary certificate to practice pharmacy, which shall authorize such practice for a period not to exceed four months from its date. The issuance of such temporary certificate shall not entitle the holder thereof to a permanent certificate, and no permanent certificate shall be issued to such holder until he passes a satisfactory examination by the board. Only one temporary certificate shall be issued to the same applicant, and no temporary certificate shall be granted to any person whose application has been denied by the board. The member or authorized inspector conducting the examination as herein set forth shall be entitled to charge and receive the sum of three dollars for such certificate, said moneys to be paid to the Board of Pharmacy.

SEC. 6. Section 16 of said Act is hereby amended so as to read as follows:

Section 16. The Board of Pharmacy shall issue a permit to general dealers in rural districts in which the conditions, in their judgment, do not justify the employment of a registered pharmacist, and where the store of such general dealer is not less than three miles distant from the store of a registered pharmacist, which said permit shall authorize the persons or firm named therein to sell in such locality, but not elsewhere, and under such restrictions and regulations as said board may from time to time adopt, the following simple household remedies and drugs, and no other, in such manner and form as may be hereafter authorized by said board, as follows, to wit:

Tincture of arnica, spirits of camphor, almond oil, distilled extract of witch hazel, paregoric, syrup of ipecac, syrup of rhubarb, hive syrup, sweet spirits of nitre, tincture of iron, epsom salts, rochelle salts, senna leaves, carbonate of magnesia, seidlitz powders, quinine, carthartic pills, chamomile flowers, caraway seed, chlorate of

potash, moth balls, plasters, salves, ointments, peroxide of hydrogen, copperas, gum camphor, blue ointment, asafœtida, saffron, anise seed, salt petre

The board shall charge an annual fee of eight dollars in advance of such permit, and it shall be unlawful for any dealer to sell any drugs or ordinary household remedies without complying with the requirements of this section. Whenever a registered pharmacist shall establish a pharmacy within three miles by the shortest road from the place of business of such general dealer, no further license shall be granted, and the license already issued shall be void; *provided*, that the following drugs, medicines and chemicals may be sold by grocers and dealers generally without restriction, viz. Glauber salts, vaseline, turpentine, condition powders, cream of tartar, carbonate of soda, bay rum, essence of Jamaica ginger, essence of peppermint, ammonia, alum, castor oil, bicarbonate of soda, chloride of lime, glycerine, sheep dip, borax, sulphur, blue stone, flaxseed, insect powder, fly paper, ant poison, squirrel poison, gopher poison, when prepared and sold only in original and unbroken packages and labeled with the official poison labels

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment

Assembly Bill No. 1103—An Act to amend Section 652 of the Civil Code of the State of California, relating to the consolidation of colleges and institutions of higher education.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 250—An Act to amend Section 1874 of the Political Code of California, relating to standing committee on text-books.

Bill read second time, and ordered to engrossment.

CORRECTION OF JOURNAL.

Mr. Drew moved that the Journal of Monday, February 15th, be corrected as follows:

On page 3, in resolution offered by Mr. Drew, in lines 2 and 3 of resolution, change "ninety-five dollars and twenty-five cents ($95 25)" to read: "ninety-nine dollars and twenty-five cents".

Motion duly seconded.

Motion carried.

ADJOURNMENT.

At five o'clock and ten minutes P. M., on motion of Mr. Transue, the Assembly was declared adjourned until ten o'clock A. M., of Wednesday, February 17, 1909.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL., Wednesday, February 17, 1909.

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. P. A. Stanton, Speaker of the Assembly, in the chair.

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

Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Costar, Cronin, Cullen, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Kehoe, Leeds, Macauley, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Pulcifer, Rutherford, Sackett, Schmitt, Silver, Stuck-

enbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr Speaker—71

Quorum present.

LEAVE OF ABSENCE.

On motion, leave of absence for the day was granted to Mr. Wyatt.

PRAYER.

Prayer was offered by the Chaplain, Rev. Seren N Marsh.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Hans, its further reading was dispensed with.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1909.

MR SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 35—An Act to amend Section 103 of the Code of Civil Procedure.

Also: Assembly Bill No. 411—An Act to add a new section to the Political Code, to be known and numbered as Section 4248*a*, relating to the restoration of certificates of birth, marriage licenses, marriage certificates, or certificates of death, or the records thereof, which may have been lost, injured, mutilated, or destroyed by conflagration or other public calamity, or for the establishment or proof of births, marriages, or deaths, occurring at periods when there existed no statutes in this State for the registration of the same.

Also: Assembly Bill No 775—An Act to amend Section 922 of the Code of Civil Procedure of the State of California, relating to Justices' Courts

Also Senate Bill No 40—An Act to amend Sections 2136, 2137, 2138, 2140, 2141, 2142, 2145, 2153, 2154, 2161, 2162, 2163, 2167*a*, 2168, 2170, 2171, 2172, 2176, 2177, 2179, 2180, 2181, 2187, 2189, 2192, 2193, and 2195 of the Political Code, relating to the powers and duties of the State Commission in Lunacy, to the government and management of State hospitals for the insane and other incompetent persons, and to the care, custody, apprehension, commitment, and maintenance of insane and other incompetent persons

Also Senate Bill No 104—An Act to amend Section 1498 of the Code of Civil Procedure, relating to the time for commencing actions on rejected claims against estates of deceased persons

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

JOHNSON OF SACRAMENTO, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1909.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No 815—An Act to amend Section 1238 of the Code of Civil Procedure, relating to the purposes for which the right of eminent domain may be exercised—report the same back, with two amendments, and recommend that it do pass as amended by a majority vote. The minority recommend that it do not pass

Also Assembly Bill No. 1003—An Act to amend Section 607*e* of the Civil Code of the State of California, relative to fines, penalties, and forfeitures imposed and collected under the provisions of any law of this State relating to or affecting children or animals, and also relative to the compensation of societies incorporated and organized for the prevention of cruelty to animals—report the same back, with one amendment, and recommend that it do pass as amended

Also: Assembly Bill No. 1154—An Act to amend Section 1272 of the Penal Code of California, relating to admission to bail pending appeal—report the same back, with one amendment, and recommend that it do pass as amended.

Also: Senate Bill No 110—An Act to enable benevolent and fraternal societies and associations to receive, purchase, hold, manage, and sell real estate by and through trustees elected or appointed for that purpose—have had the same under consideration, and respectfully report the same back, with five amendments, and recommend that it do pass as amended by a majority vote The minority recommend that it do not pass

JOHNSON OF SACRAMENTO, Chairman.

ON PUBLIC HEALTH AND QUARANTINE

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1909

MR. SPEAKER: Your Committee on Public Health and Quarantine, to whom was referred Assembly Bill No. 29—An Act to amend Sections 3, 6, 9, 10, 11, 12, 14, 15, 16, and 20 of an Act entitled "An Act for the prevention of the manufacture, sale or transportation of adulterated, mislabeled or misbranded drugs, regulating the traffic in drugs, and providing penalties for violation thereof," approved March 11, 1907—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

BARNDOLLAR, Chairman

ON AGRICULTURE.

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1909

MR SPEAKER: Your Committee on Agriculture, to whom was referred Assembly Bill No 1038—An Act authorizing and empowering the directors of the State Agricultural Society to hold State industrial and agricultural fairs at the city of Oakland, county of Alameda, State of California, and making an appropriation therefor

Also Assembly Bill No. 1053—An Act to provide for the expenses of operating and conducting the University Farm and School of Agriculture thereon to June 30, 1909, and appropriating money therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass and be re-referred to Committee on Ways and Means

COGSWELL, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1909.

MR. SPEAKER: Your Committee on Agriculture, to whom was referred Assembly Bill No 1114—An Act to provide for the formation, organization and government of storm water districts, for the purpose of protecting the land therein from damage from storm water and from the waters of any innavigable stream, water course, canyon or wash, for the construction of the necessary works of protection by said district, and for the levying of taxes and assessments to pay for the cost of constructing, repairing and maintaining such improvements—have had the same under consideration, and respectfully report the same back, with four amendments, and recommend that it do pass as amended

COGSWELL, Chairman

ON SWAMP AND OVERFLOWED LANDS AND LEVEES AND RIVER IMPROVEMENTS AND DRAINAGE

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1909

MR. SPEAKER: Your Committee on Swamp and Overflowed Lands and Levees and River Improvements and Drainage, to whom was referred Assembly Bill No 1119—An Act to provide for the presentation to and approval by the board of supervisors, registration, interest upon, time of payment and receipt in payment of assessment of warrants of Reclamation District No. 108, situated in Colusa and Yolo counties.

Also: Senate Bill No. 564—An Act legalizing the formation and organization of Reclamation District No. 730, in the county of Yolo, State of California

Also Senate Bill No 565—An Act fixing, establishing and defining the exterior boundaries of Reclamation District No 730, in the county of Yolo, State of California

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass

HEWITT, Chairman.

ON MINES AND MINING INTERESTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1909.

MR SPEAKER: Your Committee on Mines and Mining Interests, to whom was referred Assembly Bill No. 812—An Act to amend section three of an Act entitled "An Act to provide for the establishment, maintenance and support of a bureau, to be known as the State Mining Bureau, and for the appointment and duties of a board of trustees to be known as the Board of Trustees of the State Mining Bureau, who shall have the direction, management, and control of said State Mining Bureau, and to provide for the appointment, duties, and compensation of a State Mineralogist, who shall perform the duties of his office under the control, direction, and supervision of the Board of Trustees of the State Mining Bureau," approved March 23, 1893, relating to the compensation of the State Mineralogist of the State Mining Bureau—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and be referred to Committee on Ways and Means.

RUTHERFORD, Chairman.

ON COUNTIES AND COUNTY BOUNDARIES

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1909

MR. SPEAKER: Your Committee on Counties and County Boundaries, to whom was referred Senate Bill No. 482—An Act to amend sections one, two, and three of an Act entitled "An Act to provide for the formation, organization, and classification of new counties, for locating county seats, for the election and appointment of officers and for the adjustment and the fulfillment of the rights and obligations arising between such new counties and other counties," approved March 15, 1907—have had the same under consideration, and respectfully report the same back, and report that it is identical with Assembly Bill No 583, and recommend that it do pass, and that Assembly Bill No. 583 be withdrawn.

JOHNSON OF SAN DIEGO, Chairman

ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1909

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 424—An Act to promote education in literature, music, and the fine arts, and making an appropriation therefor—report the same back, without recommendation, and suggest that it be referred to the Committee on Ways and Means.

SACKETT, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1909

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 997—An Act to amend section six hundred and fifty of the Civil Code, relating to the powers of boards of trustees of colleges and seminaries of learning.

Also: Assembly Bill No. 998—An Act to amend section six hundred and forty-nine of the Civil Code, relating to articles of incorporation of colleges and seminaries of learning.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

SACKETT, Chairman.

ON REVENUE AND TAXATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1909.

MR. SPEAKER: Your Committee on Revenue and Taxation, to whom was referred Assembly Bill No. 765—An Act to amend sections three thousand six hundred twenty-seven, three thousand six hundred eighty, three thousand six hundred ninety-two, three thousand eight hundred thirty-nine, three thousand eight hundred forty-three, three thousand eight hundred and forty-five, and three thousand eight hundred fifty-four, of the Political Code, relating to the assessment, equalization, and collection of taxes of the State and counties—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

MELROSE, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1909

MR. SPEAKER: Your Committee on Revenue and Taxation, to whom was referred Assembly Bill No. 636—An Act to amend Section 3671 of the Political Code, relating to taxes—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

MELROSE, Chairman

ON WAYS AND MEANS

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1909

MR SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No 144—An Act to provide for a state highway from Saratoga Gap into the California Redwood Park, and to make an appropriation therefor.

Also Assembly Bill No. 447—An Act providing for a biennial appropriation in the general appropriation bill for the support and maintenance of the Bureau of Criminal Identification of the State of California.

Also Assembly Bill No. 986—An Act making an appropriation to pay the expenses of inspection and analysis of drugs.

Also: Assembly Bill No. 1123—An Act to amend Section 417 of the Political Code of the State of California, relating to the salary of the Secretary of State.

Also. Senate Bill No 520—An Act authorizing and directing the directors of the State Agricultural Society to have wells bored on the ground of the State Agricultural Society, near the city of Sacramento, State of California; to install suitable pumping machinery, and erect tanks for pressure for irrigation and fire protection purposes, and to furnish and equip a complete pumping plant for the use of said State Agricultural Society, and making an appropriation therefor.

Also: Senate Bill No 521—An Act authorizing and directing the directors of the State Agricultural Society to make arrangements by days work or by contract,

for leveling and planting the grounds, and painting and repairing the buildings, at the State Agricultural Park, near the city of Sacramento, State of California, and making an appropriation therefor.

Also: Senate Bill No. 522—An Act authorizing and directing the directors of the State Agricultural Society to erect a new building at Agricultural Park, near the city of Sacramento, State of California, to be known and designated Machinery Hall; fixing the requirements thereof and making an appropriation therefor.

Also: Senate Bill No. 523—An Act making an appropriation for the completion of two buildings on the grounds of the State Agricultural Society, near the city of Sacramento, State of California, known as Agricultural Pavilion and Manufacturers' Pavilion.

Also: Senate Bill No. 752—An Act making an appropriation to pay the deficiency in the appropriation for traveling expenses, etc., of the Railroad Commission for the fifty-ninth and sixtieth fiscal year.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass, and that Assembly Bills Nos. 614, 612, 615, and 613 be withdrawn, being identical respectively with Senate Bills Nos. 520, 521, 522, and 523.

BEARDSLEE, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1909.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 640—An Act to provide for state highway from Mereno to Beaumont, in Riverside County—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended

BEARDSLEE, Chairman.

ON MUNICIPAL CORPORATIONS

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1909.

MR SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No 255—An Act providing for a standard system of weights and measures—have had the same under consideration, and respectfully report the same back, with nineteen amendments and recommend that same do pass as amended, and be referred to Committee on Ways and Means

FEELEY, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1909.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No 652—An Act to amend sections six and seven of an Act entitled "An Act to provide for the levy and collection of taxes by and for the use of municipal corporations and cities incorporated under the laws of the State of California, except municipal corporations of the first class, and to provide for the consolidation and abolition of certain municipal offices, and to provide that their duties may be performed by certain officers of the county, and fixing the compensation to be allowed for such county officers for the service so rendered to such municipal corporations —have had the same under consideration, and respectfully report the same back, and recommend that same be referred to Committee on Judiciary.

FEELEY, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1909.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 328—An Act to provide for work upon and the construction of sidewalks within municipalities—have had the same under consideration, and respectfully report the same back, with four amendments, and recommend that it do pass as amended.

FEELEY, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1909.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Senate Concurrent Resolution No 6—Approving the charter of the city of Palo Alto, State of California, and the additional proposition submitted therewith, voted for and ratified by the qualified voters of said town of Palo Alto at a special municipal election held therein for that purpose on the 21st day of January, 1909—have had the same under consideration and respectfully report the same back, and recommend that it be adopted.

FEELEY, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1909

MR SPEAKER: Your Committee on Municipal Corporations, to whom was referred Senate Bill No 1041—An Act to amend an Act entitled "An Act providing for the

sale of street railroad and other franchises in counties and municipalities, and providing conditions for the granting of such franchises by legislative or other governing bodies, and repealing conflicting Acts," approved March 22, 1905, Statutes of 1905, page 777 thereof—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

FEELEY, Chairman.

ON IRRIGATION

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1909

MR. SPEAKER: Your Committee on Irrigation, to whom was referred Assembly Bill No. 947—An Act to provide for the increase of the amount of capital stock and shares in corporations organized for the purpose of supplying or delivering water to their own stockholders—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WAGNER, Chairman

ON CONSTITUTIONAL AMENDMENTS

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1909

MR. SPEAKER: Your Committee on Constitutional Amendments, to whom was referred Assembly Constitutional Amendment No 3—A proposed amendment to Article XVIII of the Constitution of the State of California, relative to submitting amendments at special elections—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted as amended once by committee.

COGHLAN, Chairman

ON FISH AND GAME.

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1909

MR. SPEAKER: Your Committee on Fish and Game, to whom was referred Assembly Bill No. 1163—An Act fixing a bounty on coyote scalps—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and that it be re-referred to the Committee on Ways and Means

COSTAR, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1909

MR SPEAKER: Your Committee on Fish and Game, to whom was referred Assembly Bill No. 435—An Act to amend Section 632½ of the Penal Code of the State of California, relating to the protection and preservation of steelhead trout—have had the same under consideration, and respectfully report the same back, with three amendments, and recommend that it do pass as amended

COSTAR, Chairman

ON ELECTIONS AND ELECTION LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1909

MR. SPEAKER: Your Committee on Elections and Election Laws, to whom was referred Assembly Bill No. 625—An Act to amend Section 1199 of the Political Code of the State of California, relating to printing of ballots

Also: Assembly Bill No. 177—An Act to amend Section 1115 of the Code of Civil Procedure, relative to contesting certain elections

Also: Assembly Bill No. 1075—An Act to amend Section 1321 of Political Code, relating to the compensation of presidential electors

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended.

LEEDS, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1909

MR. SPEAKER: Your Committee on Elections and Election Laws, to whom was referred Assembly Bill No 204—An Act to amend Sections 1103 and 1115 of the Political Code of the State of California, relating to the compiling and indexing of a register of voters

Also: Assembly Bill No. 1125—An Act to amend Section 1195 of the Political Code, relating to constitutional amendments, how submitted.

Also: Assembly Bill No. 1126—An Act to add a new section to the Political Code of the State of California, relating to entry of amendments and propositions on ballots

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

LEEDS, Chairman

The above reported bills ordered on file for second reading.

Assembly Bills Nos. 1038, 1053, 812, 424, 255, and 1163 referred to Committee on Ways and Means.

Assembly Bill No. 652 referred to Committee on Judiciary

Assembly Constitutional Amendment No 3 ordered on file for adoption.

WITHDRAWAL OF BILLS.

Mr. Johnson of Sacramento asked for and was granted unanimous consent to withdraw Assembly Bills Nos 614, 612, 615, and 613, they being identical with Senate bills now in this House

Assembly Bills Nos. 614, 612, 615, and 613 withdrawn and ordered stricken from the file

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON MUNICIPAL CORPORATIONS

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1909.

MR. SPEAKER Your Committee on Municipal Corporations, to whom was referred Assembly Concurrent Resolution No 11—Approving the charter of the city of Richmond, State of California, voted for and ratified by the qualified voters of said city at a special municipal election held therein for that purpose on the 9th day of February, 1909—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted

FEELEY, Chairman

The question being on the adoption of the Assembly concurrent resolution.

The roll was called, and Assembly Concurrent Resolution No 11 adopted by the following vote:

AYES—Messrs Barndollar, Beardslee, Beatty, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gibbons, Gillis, Hammon, Haulon, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Leeds, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Polsley, Preston, Pulcifer, Rutherford, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr Speaker—59

NOES—None

Assembly concurrent resolution ordered transmitted to the Senate

ASSEMBLY CONCURRENT RESOLUTION NO 11.

Approving the charter of the City of Richmond, State of California, voted for and ratified by the qualified voters of said city at a special municipal election held therein for that purpose on the 9th day of February 1909

WHEREAS, The City of Richmond, a municipal corporation of the County of Contra Costa, State of California, now is and was at all times herein referred to a city containing a population of more than three thousand five hundred (3,500) but less than ten thousand (10,000) inhabitants; and

WHEREAS, At a special election duly held in said city on the 12th day of October, 1908, under and in accordance with law and the provisions of Section 8 of Article XI of the Constitution of the State of California, a board of fifteen freeholders, duly qualified, was elected in and by said city and by the qualified electors thereof to prepare and propose a charter for the government of said city; and

WHEREAS, Said board of freeholders did, within ninety (90) days after said election, prepare and propose a charter for the government of said City of Richmond; and

WHEREAS, Said charter was on the 23rd day of December, 1908, signed in duplicate by the members of said board of freeholders and was thereupon duly returned and filed, one copy with the president of the board of trustees of said city of Richmond, and the other copy with the county recorder of the said county of Contra Costa and filed in the office of the said county recorder; and

WHEREAS, Said proposed charter was thereafter published in the "Richmond Record," being a daily newspaper of general circulation, printed and published in said City of Richmond, and the said charter being published as aforesaid for a period of more than twenty (20) days, the first publication thereof being made within twenty (20) days after the completion of said charter; and

WHEREAS Said proposed charter was within thirty (30) days after the completion of said publication submitted by the board of trustees of the city of Richmond

to the qualified electors of said City of Richmond at a special election, previously duly called and therein held on the 9th day of February, 1909; and

WHEREAS, At said last mentioned special election a majority of said qualified electors of said City of Richmond, voting at said special election, voted in favor of and duly ratified said charter as proposed as a whole, and

WHEREAS, Said board of trustees, after canvassing said returns, duly found and declared that the majority of said qualified electors voting at said special election had voted for and ratified said charter as above specified, and

WHEREAS, The same is now submitted to the Legislature of the State of California for its approval or rejection as a whole without power of alteration or amendment, in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California; and

WHEREAS, Said charter so ratified is in the words and figures following, to wit.

CHARTER OF THE CITY OF RICHMOND.

PREPARED AND PROPOSED BY THE BOARD OF FREEHOLDERS, ELECTED OCTOBER 12TH, 1908, IN PURSUANCE OF THE PROVISIONS OF SECTION 8, ARTICLE XI OF THE CONSTITUTION OF THE STATE OF CALIFORNIA.

CONTENTS.

ARTICLE I—Boundaries
ARTICLE II—Powers
ARTICLE III—The Council
ARTICLE IV—Duties of Officers
ARTICLE V—Elections
ARTICLE VI—School Department.
ARTICLE VII—Police Court.
ARTICLE VIII—The Recall, Initiative and Referendum.
ARTICLE IX—Miscellaneous.
ARTICLE X—Charter to Take Effect, Certificate

ARTICLE I.

BOUNDARIES OF THE CITY

SECTION 1. The municipal corporation now existing and organized under the general laws of the State of California as a municipal corporation of the sixth class, and known as the City of Richmond, shall continue to be a body corporate and politic under the name of the City of Richmond, and shall be a continuation of said City of Richmond, and continue to hold and enjoy all of the rights, privileges and property now vested in said city, and all ordinances of said city not in conflict with this charter shall be continued in force until amended or repealed; and all proceedings providing for any public improvement pending and incompleted shall be continued in accordance with the law under which such proceedings were commenced.

SEC. 2. The territory of the City of Richmond shall be all that which is embraced within the following boundaries, to wit: Beginning at the point where the westerly boundary of said Contra Costa County intersects the line between townships one (1) and two (2) north, Mount Diablo base; and thence running east to the southeast corner of lot twenty-eight (28) of section thirty-five (35) of township two (2) north, range five (5) west, M. D. B. and M., thence south parallel with the west line of section two (2) of township one (1) north of range five (5) west, M. D. B. and M. to a point due west of the southwest corner of lot eighty-five (85) of the San Pablo Rancho as shown on the map accompanying the final decree of partition of said rancho; thence east to a point one hundred and seventy (170) feet east of the center line of road fourteen (14) as shown on said map, thence south to the southerly boundary of said Contra Costa County, thence following the boundary line of said Contra Costa County westerly and northerly to the place of beginning.

SEC. 3. The boundaries above described may be altered and the territory embraced therein may be added to or diminished in accordance with the laws of the State of California governing the annexation and exclusion of territory by municipalities.

ARTICLE II.

POWERS.

SECTION 1. The City of Richmond shall have and exercise the following powers:

1. To have perpetual succession.

2. To have and use a corporate seal and alter it at pleasure.

3. To sue and be sued in all courts and places, and in all actions and proceedings whatsoever.

4. To purchase, receive, have, take, hold, lease, use and enjoy property of every kind and description, both within and without the limits of said city, proper for municipal purposes, and to control and dispose of the same for the public benefit.

5. To receive bequests, devises and donations of property of every kind, either absolutely or in trust for any purpose, and to do acts necessary to carry out the purposes of such bequests, devises and donations, and to manage, control, sell or

otherwise dispose of such property in accordance with the terms of such bequests, devises or donations

6. To exercise police powers and make all necessary police and sanitary regulations, and to adopt ordinances and prescribe penalties for the violation thereof

7. To levy and collect taxes and assessments, impose license fees for revenue or regulation, and provide all means for raising the revenue necessary for the city

8. To borrow money, incur municipal indebtedness and provide for the issuance of bonds or other evidences of such indebtedness for any purpose authorized by the electors voting on the proposition to incur such indebtedness to invest the proceeds arising from the sale of bonds in street improvement bonds issued under any act of the Legislature

9. To construct, maintain and operate all necessary works for the supplying of the city and its inhabitants with water light, heat and power, and to dispose of commodities produced or render service in connection with such works outside of the boundaries of said city

10 To control the bays, inlets and channels flowing through the city or adjoining the same, to widen, straighten and deepen the same where such work is necessary for the purposes of sanitation, drainage or removal of sewage, to fill the same when they are obstructions to proposed streets or roads, to control and improve the water front of the city and to maintain embankments and other works necessary to protect the city from overflow, to construct and maintain wharves, chutes, piers and breakwaters within the limits of the city

11 To establish and change the grade and lay out, open, extend, widen, change, vacate, pave, re-pave or otherwise improve all public streets and highways and public places construct sewers, drains, bridges, conduits culverts and subways thereon or thereunder, to plant trees, construct parking, and to remove weeds, to levy special assessments to defray the whole or any part of the cost of such works or improvements Also to provide for the repair, cleaning and sprinkling of such streets and public places

12 To construct and maintain all works necessary for the disposition of the sewage, garbage and waste within the city, and to define and abate nuisances

13 To establish and maintain hospitals, indigent homes and all other charitable institutions

14 To acquire and maintain parks, playgrounds and places for recreation

15. To acquire and maintain markets, baths and public halls

16 To establish and maintain schools, libraries, museums, gymnasiums, and to do all things to promote the education of the people.

17. To equip and maintain a fire department and to make all necessary regulations for the prevention of fires.

18. To acquire, construct and maintain all buildings necessary for the transaction of public business.

19. To exercise the right of eminent domain for the purpose of acquiring real and personal property of every kind for any public use

20. To grant franchises to use the streets or public property, and impose conditions in connection therewith

21 To exercise any power conferred upon municipalities by the constitution and laws of the State, to fix and establish rates to be charged by any corporation for any public service, and to regulate the quality of such service

22. To exercise such other powers as may be hereafter granted by the Legislature to municipalities within the State

23. To exercise all other needful powers for the efficient administration of the municipal government, whether such powers are herein expressly enumerated or not.

24 Lastly, this grant of power is to be liberally construed for the purposes of securing the well being of the municipality and its inhabitants

ARTICLE III.

THE COUNCIL.

SECTION 1 All powers herein granted to and vested in the City of Richmond shall except as herein otherwise provided, be exercised by a council to be designated the council of the City of Richmond, and said council shall, except as herein otherwise provided have the power to fix and establish the method and manner in which such powers shall be exercised

SEC. 2 Said council shall be composed of nine members, each of whom shall have been an elector of the City of Richmond for at least one year next preceding his election.

The members of said council shall be known as councilmen, and their terms of office shall be six years commencing on the first day of July next succeeding their election, except that the terms of those first elected to serve as councilmen shall be as herein provided.

SEC 3 On the second Monday of May, 1909 an election shall be held within said city for the purpose of electing nine members of said council

The nine members elected at such election shall, at the first regular meeting in July, 1909, so classify themselves by lot that three of said members shall hold office

for the term of two years, three for the term of four years, and three for the term of six years.

Thereafter, on the second Monday in May, of each odd-numbered year, an election shall be held at which the three councilmen shall be elected to succeed the three members whose terms expire on the first day of July next following, also to elect a member for any unexpired term that may exist.

The electors, in form and manner prescribed in section two of Article VIII, may by ordinance provide for the division of the city into districts or wards and require that one councilman to be elected at each election shall be a resident of each ward at the time of his election, *provided* that all councilmen shall be voted for at large

SEC. 4 The councilmen shall each receive the sum of five dollars for each day while sitting as a board of equalization; but no other compensation shall be paid unless the electors, by ordinance proposed and adopted in accordance with section two of Article VIII, shall otherwise provide

SEC 5. Said council shall fix the time and place for its regular meetings and adopt rules to govern its proceedings

SEC 6. Five members of the council shall be necessary to constitute a quorum for the transaction of business, but a less number may adjourn from time to time and compel the attendance of absent members, and impose such fines as it may deem proper upon members refusing or neglecting to attend such meetings.

SEC 7. No ordinance shall be passed, no officer appointed or removed, no contract shall be awarded and no obligation incurred by the city in excess of three hundred dollars without the affirmative vote of at least five members of the council

SEC. 8 Said council shall elect one of its number as its presiding officer, who shall be known as mayor, to serve for one year after his election In the absence or disability of the mayor, a mayor pro tem shall be elected

The said mayor shall preside at all meetings of the council, shall be the chief executive of said city and as such shall sign all contracts on behalf of the city, and perform such other duties as may from time to time be assigned to him by the council In all other respects he shall perform the same duties as any other member of the council.

SEC. 9 The council shall appoint or provide for the appointment of a clerk, treasurer, auditor, tax collector, assessor, attorney, engineer, chief of police, and except as otherwise provided, such other officers, boards or commissions as may be necessary for the transaction of the affairs of the municipality. It shall also appoint a commissioner of health and city physician, each of whom shall be a physician licensed to practice medicine

SEC 10 A vacancy in the council shall be filled by a majority of the remaining members Such appointees shall hold office until the first day of July succeeding the next election at which councilmen are to be elected. At the next election succeeding any vacancy a councilman shall be elected to serve for the unexpired term

SEC 11 The council shall by ordinance provide for the assessment, levy and collection of taxes and shall act as a board of equalization in equalizing the value of property listed upon the assessment roll During the month of September in each year, it shall levy such tax as may be necessary to raise revenue for the maintenance of the city and the several departments during the fiscal year, but such tax levy for all municipal purposes except the payment of interest and principal on any bonded debt and in support of the public schools, shall not exceed the sum of sixty cents upon each $100.00 of assessed valuation as the same appears upon the assessment roll. If in the judgment of the council it should be necessary to provide a revenue in excess of the sum realized from the levy herein provided, the question of the levy of an additional tax shall be submitted to the electors and a special election may be held for that purpose The additional sum or rate required to be raised by such additional tax levy shall be expressed upon the ballot If a majority of the votes cast upon such proposition shall be in favor of authorizing the council to levy such additional rate then the council may levy the additional tax so authorized

ARTICLE IV.

DUTIES OF OFFICERS

SECTION 1 *Clerk*—It shall be the duty of the clerk to keep a true record of the proceedings of the council and record the same in proper books kept for that purpose. He shall have power to administer oaths in connection with all matters relating to the municipality.

SEC 2. *Auditor*—It shall be the duty of the auditor to act as bookkeeper and accountant of the municipality and shall record all financial transactions in books kept for that purpose He shall draw warrants upon the city treasurer for all claims against the city which have been allowed by the council He shall render each month a statement to the council showing the financial condition of the city, and annually a like statement covering all of the financial transactions of the city during the year previous

SEC. 3 *Tax collector*—It shall be the duty of the tax collector to receive and collect all moneys due the city for taxes and licenses and from other sources, and shall pay all moneys received into the treasury of the city within twenty-four hours after the receipt thereof

SEC. 4. *Treasurer*—The treasurer shall receive and safely keep all moneys belonging to the city and shall pay the same only upon warrants drawn by the auditor for claims which have been previously allowed by the council or board of education, *provided* that the approval of the council shall not be necessary to pay the monthly salaries of employees The treasurer may deposit all or such portion of the public moneys as may be determined by the council, in any bank authorized by law to receive deposits of public money, in accordance with the provisions of the constitution and act of the legislature entitled "An act to provide for and regulate the deposit of county and municipal moneys in banks and banking corporations, limiting the amount of public moneys that may be deposited therein and providing a penalty for the illegal deposit and use thereof" (Approved March 23, 1907) And the provisions of such act are hereby made applicable to the government of the City of Richmond.

SEC 5. *Assessor*—It shall be the duty of the assessor to make annually, a complete assessment of all property liable for taxation within the city between the first Monday of March and the first Monday of July next succeeding, and shall upon said last named date turn over to the city council the assessment roll so prepared by him He shall act as tax collector for the purpose of collecting taxes upon personal property when the same are unsecured by a lien upon real estate

SEC 6 *Attorney*—The attorney shall act as the legal adviser of the council and any officer of the city who requests his advice He shall prepare all ordinances and contracts whenever required so to do by the council He shall prosecute all violators of the city ordinances and shall represent the city in all actions

SEC 7. *Engineer*—The city engineer shall advise the council upon all matters of an engineering nature He shall also be ex officio superintendent of streets

SEC 8. *Chief of police*—The chief of police shall be the head of the police department and shall perform such duties as the council may impose

SEC. 9 *Commissioner of health*—The commissioner of health shall have and exercise a general supervision over the sanitary condition of the city and shall issue all orders and directions for the enforcement of all sanitary laws and regulations; he shall enforce all laws of the state and ordinances of the city, and all rules and regulations of the department of health in relation to the sanitary matters, to make or cause to be made frequent analyses and examinations of milk and cream, meat, water and food stuffs and keep a record of the same and cause all nuisances to be abated with reasonable promptness, and in the performance of his duties shall be permitted at all times to enter any house, store, stable or building, may cause floors to be raised if necessary, and make thorough examination of cellars, vaults, sinks and drains; he shall impose such restrictions upon and exercise supervision of all persons exposed to, afflicted or sick with small-pox, scarlet fever or any contagious or epidemic disease as shall be necessary to protect from such disease all persons not of necessity connected with any person so exposed, afflicted, or sick, he shall have power to cause any house or premises to be cleaned, disinfected or closed to visitors and prohibit persons from resorting thereto while such house is under quarantine he may, by an order in writing, direct any nuisance to be abated, or unwholesome matter or substance, dirt or filth to be removed from any house or premises and to take any other measures he may deem necessary to prevent the spread of any disease; with the approval of the council he shall have power to make such rules and regulations for the prevention and suppression of disease he may deem necessary; he shall appoint such inspectors and other employees as may be necessary, subject to the approval of the council, and shall fix their duties, he shall have the power to remove or discharge any person so appointed.

The commissioner of health and such deputies, inspectors and employees as may be designated by him shall have the powers of a police officer and may arrest, or cause to be arrested, any person violating any sanitary law.

The commissioner of health shall annually on the first day of July, send to the council a statement of the amount of work performed by his department during the preceding year, together with such other information and suggestions as he may deem proper to submit, he shall publish from time to time such statistics and information relating to the health of the community or methods of preventing or curing disease as he shall deem proper to publish, he shall also transmit to the council prior to the fixing of the tax levy an estimate in detail of the cost of providing for and maintaining his department during the current fiscal year

SEC. 10. *City physician*—The city physician shall properly care for the indigent poor not otherwise provided with medical attendance, when directed by the chief of police or any police officer having charge thereof, he shall visit any police station and examine and make provision for the care of all persons there found to be sick, injured or insane, and report the result of such examination to the person directing such examination, he may at any time, and when required to do so by the board of education, make physical examination of the pupils of the public schools and make report of such examination He shall transmit to the council on the first day of each month a detailed report of the duties performed by him during the preceding month, and for the purpose of making such report shall keep a record of all duties performed he shall annually prior to the fixing of the annual tax levy send to the council a statement of the expenses of his office for the past year, together with an

estimate in detail of the appropriations required for the maintenance of his office during the current fiscal year

SEC 11. The council may require any or all of the above officers to give official bonds in such sums as it may deem proper, and the city shall pay all premiums upon surety bonds when such bonds are given It may provide for the appointment of such deputies and assistants as may be required and shall fix the compensation of all officers and such deputies and assistants. All of the above officers shall perform such other services as the council may require and serve during its pleasure

SEC. 12. Any officer having charge of any department of the city government shall, subject to the approval of the council, appoint his subordinate officers or employees at such compensation as shall be determined by the council.

SEC 13. The term of all officers appointed by the council shall be at the pleasure of the appointing power, but shall not exceed two years ending on June 30th, 1910, and each even numbered year thereafter All officers shall serve until their successors are appointed and qualified

SEC. 14. Whenever the public interest may require, the council may consolidate any of the offices provided for in this article.

ARTICLE V

ELECTIONS.

SECTION 1. All elections for councilmen shall be held in accordance with the general laws of the state governing elections within municipalities unless otherwise provided by this charter or by ordinance of the council, and elections for members of the board of education shall be held in accordance with the general laws of the state governing the election of trustees of school districts, unless otherwise provided by this charter or by an order of the board of education

SEC 2 Nominations for councilmen and members of the board of education shall be made as herein provided

SEC. 3 A petition shall be filed in the office of the clerk for the nomination of councilmen, or with the clerk of the board of education for the nomination of members of said board, at least twenty-five days prior to the day fixed for the election of the same, asking that the person named therein be a candidate for the office of _____ (naming it) and giving the residence of said person within the City of Richmond. Such petition shall be signed by qualified and registered voters equal in number to at least three per centum of the votes cast at the preceding election for officers for which the nomination is asked. The requirements as to signatures (other than the number thereof), the verification of the petition and certification thereof provided in Section 1 of Article VIII for petitions for recall, shall apply to petitions for nominations for public office

SEC. 4. If petitions asking for nominations to the number of more than twice the number of officers to be elected at such election are filed, then a primary election shall be held two weeks prior to the day fixed in the charter, or date of special election if such election is called, for the election of such officers If less than such number of petitions are filed, then no such primary election need be held, but the persons named in such petitions shall be deemed candidates for the office named, at the election to be held for the election of such petitions shall be deemed candidates for the office named, at the election to be held for the election of such officers and the names of such candidates shall be printed on the official ballot to be used at such election or indicated on ballot machines, if such machines shall be used.

SEC 5. If a primary election is held, it shall be the duty of the council, in case of the nomination of councilmen, and of the board of education, in case of the nomination of members of said board, to provide for the holding of same, shall designate the precincts, polling places, appoint officers of election (which need not be more than one inspector, one judge and one clerk) but such precincts, polling places and officers shall conform as nearly as possible to those designated and selected for and at the election of officers thereafter to follow In case the council or board of education fail to make the necessary provision for such primary election, then the clerk or the clerk of the board of education shall perform such duties The proper clerk shall give notice of such primary election and shall state therein the names of the candidates whose petitions shall have been filed and such notice shall be published in the official newspaper of the city for five days prior to the day of such election. He shall also cause ballots to be printed, stating the office to be filled and the candidates therefor whose petitions have been filed, printing the names of such candidates upon said ballot in the order in which such petitions shall have been filed. Said ballot shall contain a direction as to the number of candidates which one voter may vote for, which shall be the same number as is to be elected to the office at the regular election to follow; also instructions required to be printed on ballots by the general laws, so far as such instructions may be applicable All ballots cast or marked contrary to such instructions shall be void The polls shall open during the same hours as required for the regular election thereafter to follow and in all respects the election shall be held and conducted, and the votes cast thereat shall be counted and returns thereof made as may be required for the election at which are to be elected the officers for the nomination of which the primary election is held

SEC 6 The returns of such primary election shall be filed with the city clerk, or the clerk of the board of education, as the case may be, and within forty-eight hours thereafter the said clerk shall open and canvass such return and declare the result of such election The candidates to the number of twice the number of officers to be elected at the regular election thereafter to follow, receiving the highest number of votes at such primary election shall be declared to be the candidates to be voted for at the said following regular election Their names shall be printed on the official ballot to be used at such election in the order of the number of votes received by each such candidate, the name of the candidate receiving the highest number of votes to be placed at the head of the list. In case the highest number of votes cast can not be determined by reason of a tie between one or more candidates then the names of all such candidates whose votes are tied shall be placed on the official ballot The names of all candidates to be voted for thus selected at the primary election shall be published for one week prior to the regular election in the official paper of said city

ARTICLE VI.

SCHOOL DEPARTMENT

SECTION 1 The school department of the City of Richmond shall be under the management and control of a board of education. Such board shall be composed of three members who shall have been citizens of the United States and residents of the City of Richmond for at least one year immediately preceding their election, and their terms of office shall be six years from and after the first day of July next succeeding their election, except as herein otherwise provided. Elections for members of the board of education shall be held on the first Saturday in May of each even numbered year At the election to be held in May, 1910, one member shall be elected to serve for the term of four years and one member for the term of six years. The member of the board of trustees of Richmond school district elected at the school election in April, 1909, shall be a member of the board of education until July 1, 1912, and his successor shall be elected at the election held on the first Saturday in May, 1912 At the election herein provided for, members of the board of education shall be elected for any unexpired term that may exist The members of the board shall receive no compensation

SEC 2 Until the election and qualification of the members of the board of education as herein provided for, the present trustees of the Richmond school district shall be and constitute the board of education of the City of Richmond, and shall exercise the powers hereby conferred thereon

SEC. 3 Said board of education shall have and exercise all the powers conferred upon boards of trustees and boards of education by the laws of the State of California, and in addition thereto shall have power

1 To choose one of its members as president of the board, fix a time and place for holding regular meetings, which shall be public, provide for holding special meetings, adopt rules for governing its own proceedings, and adopt an official seal.

2 To appoint a superintendent of schools to serve during its pleasure and fix his compensation

3 To provide for the establishment of kindergartens, manual training schools, night schools, technical schools, and to prescribe the studies to be taught therein

4 To construct school buildings when necessary, and no special election need be held to authorize such construction

5 To provide free text-books when authorized so to do by the electors voting on such proposition

6. To prescribe the requirements for graduation from the public schools and issue certificates of graduation

7 To provide the manner in which all elections shall be held and conducted for the election of members of said board and such special elections as may be authorized by law, except as in this charter otherwise provided

8 To receive bequests, devises and donations of property of every kind, either absolutely or in trust for any purpose, and to manage, hold or dispose of such property in accordance with the terms of any bequest, devise or donation

9 To fill any vacancy in the membership of the board by appointment, the person appointed to hold office until the first day of July following the next election held for the election of members of such board

10. It shall elect and fix the salaries of all teachers but such election shall be made only from a list of candidates nominated and recommended by the superintendent of schools, but the board may make rules in accordance with which such nominations and recommendations shall be made It shall fix a time when such election of teachers shall be had For the first two years of their service in the school department of the city, principals and teachers shall be subject to annual election, after a service of two years they may be elected for a term of three years

SEC. 4 The superintendent of schools shall be the executive officer of the board of education and subject only to the orders thereof, and all principals, teachers and other employees shall be under the control and direction of the superintendent. He must examine and, in conjunction with the board, approve all plans for the construction or reconstruction of school buildings He shall have supervision of the

course of instruction and the discipline and conduct of the schools and recommend all text-books prior to their adoption by the board He shall act as clerk of the board of education. He shall assign all teachers and principals, and make such transfers as may be necessary to the successful operation of the schools.

SEC. 5 The board of education shall annually determine the amount of money to be raised by taxation within the territory subject to taxation for school purposes for the maintenance of the public schools, in addition to the amount of money received from the state and county, and the board shall, prior to the time of fixing the rate of taxation by the council, submit in writing to the council a careful estimate of all money required by taxation in addition to the amount estimated to be received from said state and county. The council of the City of Richmond shall, and it is hereby authorized and directed, in each year when fixing the annual tax rate to levy and assess as a school tax for the maintenance of the public schools such amount as the board of education shall report necessary for the purpose. Whenever high schools are maintained by the school department of the city, a like estimate shall be made for their support and a tax levied and assessed sufficient to meet such estimate.

SEC. 6 Whenever the high school now established within the boundaries of the city shall, by law, pass under the jurisdiction of the board of education of the City of Richmond, the provisions of this article shall apply to its management.

SEC 7 All moneys raised by taxation within the city for the support of the public schools shall be kept in a separate fund from all other funds, and shall be used exclusively for the purpose for which the tax is levied. All demands payable out of such fund shall be allowed by the board of education and certified to the city auditor, who shall draw a warrant therefor upon such school fund

ARTICLE VII.

POLICE COURT.

SECTION 1. There is hereby created in and for the City of Richmond a court which shall be known as the Police Court of the City of Richmond Said court shall consist of one judge, who shall be appointed by the council and who shall serve during its pleasure and who shall receive such compensation as the council shall determine

SEC 2 Said court shall have exclusive jurisdiction

(1) In all prosecutions for violations of the city ordinances

(2) In all actions for the recovery of any fine, penalty or forfeiture, and the enforcement of any obligation or liability prescribed or created by the city ordinances and in which the sum sued for does not amount to three hundred dollars.

SEC 3 Within the city limits said court shall have concurrent and co-ordinate jurisdiction with township justices' courts in all matters and things in which said justices' courts now or may hereafter have jurisdiction, and the judge of said police court shall have as aforesaid like authority, power and jurisdiction as the justices of said justices court

SEC 4 Appeals may be taken to the Superior Court of the State of California in and for the County of Contra Costa, from the judgments and orders of said police court, in all cases in which appeals now are or may hereafter be provided by law to be taken to said superior court from said justices' courts and police courts.

SEC 5 In all proceedings in and appeals from said police court, the pleadings, practice, procedure and laws now applicable or that may hereafter be made applicable to said justices' or police courts, are hereby adopted and made applicable to said police court.

SEC 6 All fines and other moneys received or collected by the judge of said police court for or on account of the City of Richmond, shall be paid into the city treasury on the first Monday in each month

SEC 7 All actions and proceedings pending and undetermined in the existing recorder's court of the City of Richmond shall be proceeded with, heard, tried and determined in said police court hereby provided for, before said judge, the same as if said actions or proceedings had been originally commenced in said police court.

SEC. 8 Nothing in this charter shall be so construed as to prevent a justice of the peace from holding the office of police judge

ARTICLE VIII.

THE RECALL, INITIATIVE AND REFERENDUM

SECTION 1 The holder of any elective office may be removed by the electors qualified to vote for the successor of the officer sought to be removed The procedure to effect the removal of an incumbent of an elective office shall be as follows A petition signed by electors entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least twenty-five per centum of the entire vote cast at the last preceding general municipal election, demanding an election of a successor of the person sought to be removed shall be filed with the clerk, and said petition shall contain a general statement of the grounds for which the removal is sought.

The signatures to the petition need not all be appended to one paper, but said petition may be presented in sections The number of signatures to each section shall

be at the pleasure of the person soliciting signatures to the same. Any qualified voter or taxpayer of the municipality shall be competent to solicit signatures Each section shall have attached thereto the affidavit of the person soliciting signatures to the same, stating that all the signatures to the attached section were made in his presence, and that to the best of his knowledge and belief each signature to the section is the genuine signature of the person whose name purports to be thereunto subscribed, and no other affidavit thereto shall be required. Each signature, the genuineness of which is not called in question by the sworn affidavit of the alleged owner thereof, shall be presumed to be genuine Unless and until it be proven otherwise by official investigation, it shall be presumed that the petition presented contains the signatures of the requisite number of qualified voters Each signer of said petition shall add to his signature his place of residence, giving the street and number

Within ten days from the date of filing such petition the clerk shall examine and ascertain from the records of registration whether or not said petition is signed by the requisite number of electors entitled to vote, and if necessary the council shall allow the clerk extra help for that purpose, and the clerk shall attach to said petition his certificate showing the result of said examination. If, by the said certificate, the petition is shown to be insufficient, it may be amended by additional signatures within ten days from the date of said certificate The clerk shall, within ten days after such amendment, make like examination of the amended petition and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same without prejudice, however, to the filing of a new petition to the same effect.

If the petition shall be found to be sufficient, the clerk shall submit the same to the council without delay, and the council shall thereupon order and fix a date for holding the said election, not less than thirty days nor more than forty days from the date of the clerk's certificate to the council that a sufficient petition is filed.

All arrangements for said election shall be made and the same shall be conducted, returned, and the results thereof declared, in all respects as are all other municipal elections; *provided* that if there be any conflict of provisions, this charter shall control

Any person sought to be removed may be a candidate to succeed himself, and, unless he requests otherwise, in writing, the clerk shall place his name on the official ballot without nomination In any such removal election, the candidate receiving the highest number of votes shall be declared elected. At such election, if some person other than the incumbent receives the highest number of votes, the incumbent shall thereupon be deemed removed from his office upon qualification of his successor The successor of any officer so removed shall hold office during the unexpired term of his predecessor In case the party who receives the highest number of votes shall fail to qualify within ten days after receiving notification of election the office shall be deemed vacant If the incumbent receives the highest number of votes he shall continue in office In case more than one councilman is sought to be removed, whose terms shall not expire at the same time, there shall appear on the ballot the date of the expiration of the respective terms and the offices of the councilmen to be elected for such different terms shall be deemed separate and distinct offices to be filled at such election.

SEC 2 Any proposed ordinance may be submitted to the council by a petition signed by qualified and registered electors of the city equal in number to the percentage hereinafter required The petition shall set forth a copy of the proposed ordinance, and the form of such petition, signatures, verifications and duties of the clerk in respect thereto, provided in section 1 of this article for petitions for recall shall apply to petitions of initiative

If the petition accompanying the proposed ordinance be signed by qualified and registered electors equal in number to ten per cent of the entire vote cast at the last preceding general municipal election, the council must either pass such ordinance without alteration or submit the same to the electorate at the next regular municipal election that shall occur at any time after sixty days from the date of the clerk's certificate of sufficiency But if such petition is signed by qualified and registered electors equal in number to twenty-five per cent of said votes and contains a request that such ordinance be submitted to a vote of the people at a special election, then the council must either pass the ordinance without alteration or submit the same to the electorate at a special election to be called within sixty days from the filing of such petition

The ballots used when voting upon such proposed ordinance shall contain the words: "For the ordinance" and "Against the ordinance" (stating the nature of the proposed ordinance) If a majority of the qualified electors voting on said proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the city The council may at such election submit any amendment thereto that it may deem proper, and the ballots used at such election shall contain the words, "For the amendment," or "Against the amendment" of ordinance (naming the ordinance), and also stating the nature of the proposed amendment If a majority of the qualified electors voting on said proposed amendment shall vote in favor thereof, such ordinance shall thereupon be deemed amended in accordance therewith. The council may also propose and submit any

ordinance to the electors, and such ordinance, upon receiving a majority of the votes of the electors, voting thereon, shall be deemed to have been adopted and shall be the valid and binding ordinance of the city. Any ordinance adopted by the electors under the provisions of this article can not be repealed or amended, except by a vote of the people obtained in the manner hereinbefore stated, unless such ordinance shall otherwise provide.

Any number of proposed ordinances may be voted upon at the same election in accordance with the provisions of this section; *provided* that there shall not be held under this section of the charter more than one special election in any period of twelve months.

SEC. 3. Any ordinance or resolution other than such as may be required to be passed at a particular time or for the purpose of complying with a charter or statutory law and excepting such ordinance as may be declared by the council to be necessary as emergency measures for the immediate preservation of the public peace, health or safety, shall be subject to a referendum as herein provided; *provided further* that the petition for such referendum be filed within thirty days from the final passage of such ordinance or resolution.

Whenever a petition shall be presented to the council, asking that a particular ordinance named therein be submitted to a vote of the electors and signed as required for an initiative petition in section two of this article it shall be the duty of the council to submit the question of the approval or rejection of such ordinance or resolution to the electors at a regular or special election, and until such election is held and the ordinance approved by the electors, the provisions of such ordinance or resolution shall be suspended and inoperative.

All the proceedings relative to the submission of ordinances by initiative shall apply to ordinances submitted by a referendum petition, and the vote thereon shall be of the same force and effect as provided in section two.

ARTICLE IX.

MISCELLANEOUS

SECTION 1. The ordaining clause of all ordinances adopted by the council shall be "The Council of the City of Richmond do ordain as follows," and the ordaining clause of all ordinances adopted in accordance with the provisions of Article VIII shall be, "The People of the City of Richmond do ordain as follows."

SEC. 2. The electors may in form and manner prescribed in Section 2 of Article VIII, provide the manner in which any municipal power may be exercised and restrict the power of the council in respect thereto.

SEC. 3. No officer of the city shall be interested in any contract entered into by the city, and the general laws of the State forbidding city officials to be so interested are hereby made a part of this charter.

SEC. 4. No member of the council shall hold any other municipal office, or hold any other office or employment, the compensation of which is paid out of the municipal moneys, or be elected or appointed to any office created or the compensation of which is increased by the council while he was a member thereof, until one year after the expiration of the term for which he was elected.

SEC. 5. No person, firm or corporation shall ever exercise any franchise, license, permit, easement, privilege or other use, except in so far as he or it may be entitled to do so by direct authority of the constitution of the State of California, or of the constitution or laws of the United States, in, upon, over under or along any street, highway or public place in the city unless he or it shall have first obtained a grant therefor in accordance with the provisions of this charter.

SEC. 6. The council shall publish annually a financial report of the city and furnish a copy thereof to each taxpayer whose address is known.

SEC. 7. Liens for taxes levied and to be levied shall attach to the property charged therewith on the first Monday in March at twelve o'clock M.

SEC. 8. No bonded indebtedness shall be incurred unless the same shall be first authorized by a vote of two thirds of the electors voting at an election held for the purpose of voting on the proposition to incur such indebtedness; and no indebtedness incurred for the purpose of improving the water front shall at any time exceed six per cent of the assessed value of the property within the city.

ARTICLE X.

This charter shall take effect at noon on July 1, 1909 *provided*, that all provisions relative to elections, and the nomination of candidates for public office shall be operative upon the approval of this charter by the Legislature, and the board of trustees of the City of Richmond is hereby directed to provide for all elections to be held prior to the first day of July, 1909 and to issue certificates of election to the persons elected to the office of councilman.

All of the officials of the City of Richmond in office at the time this charter takes effect shall continue to perform the duties now required of them until their successors are appointed and qualified as in this charter provided.

CERTIFICATE

WHEREAS, The City of Richmond, a city containing a population of more than three thousand five hundred and less than ten thousand inhabitants on the twelfth

day of October, 1908 at a special election held under and in accordance with the provisions of section eight of Article XI of the constitution of the State of California, did elect F. E. Adams, C. L. Abbott, C R. Blake, L. Boswell, L. D. Dimm, E A. Gowe, E. J. Garrard, G. A. Follett, L. S Higgins, I. E Marshall, I. M. Perrin, E. M. Tilden, H. H Turley, H E. Wyatt and John Roth a board of freeholders to prepare and propose a charter for said city:

Be it known, that pursuant to the provisions of the constitution, and within a period of ninety days after said election, said board of freeholders has prepared and does propose the foregoing as and for the charter of the City of Richmond.

In witness whereof, we have hereunto set our hands this 23rd day of December, 1908.

H. E. WYATT,
President of the Board of Freeholders
C. L. ABBOTT.
F. E. ADAMS.
L. BOSWELL
L D. DIMM.
G. A. FOLLETT
E. J. GARRARD.
E A. GOWE
I. E MARSHALL.
JOHN ROTH
H. H. TURLEY.
E. M. TILDEN
CHAS. R BLAKE, M.D
L. S. HIGGINS.

Attest: J. S CHANDLER,
Secretary Board of Freeholders.

Filed this 28th day of December, 1908, at 12 :30 P M

J B. WILLIS.
President of the Board of Trustees
of the City of Richmond, Cal.

STATE OF CALIFORNIA, }
County of Contra Costa } ss
City of Richmond }

I, H. H. Turley, city clerk in and for the City of Richmond, hereby certify that the board of trustees of said city, did by Resolution No. 158, order the foregoing charter published in the manner and form required by law.

In witness whereof, I have hereunto set my hand and affixed the corporate seal of the City of Richmond, this 29th day of December, 1908.

H. H. TURLEY,
City Clerk.

[SEAL.]

MEMORANDUM.

The first publication of the foregoing charter was made on Tuesday, December 29th, 1908, in accordance with a resolution adopted by the Board of Trustees of the City of Richmond, in the "Richmond Record," a daily newspaper of general circulation, printed, published and circulated in said city

STATE OF CALIFORNIA, }
County of Contra Costa, } ss.
City of Richmond }

I, J. B Willis, president of the Board of Trustees of the City of Richmond, State of California, and I, H H Turley, clerk of said board, do hereby certify that the board of freeholders, whose names appear signed to the foregoing proposed charter, were on the 12th day of October, 1908, at a special municipal election held in said City of Richmond on said day, duly elected by the qualified electors of said city to prepare and propose a charter for said city, that each of said freeholders had been a qualified elector in said city for more than five (5) years previous to said election; that the foregoing is a true copy of said charter prepared and returned to the president of said board of trustees within ninety (90) days after said election, as required by Section 8 of Article XI of the Constitution of this State that said proposed charter was then published in the "Richmond Record," which then was a daily newspaper of general circulation, printed and published in said city, and that publication was made for more than twenty (20) days, and that the first publication of said proposed charter was made within twenty (20) days after the completion of said charter; that within thirty (30) days after the publication of said charter, as required in said Section 8, to wit, on the 9th day of February, 1909, said charter was submitted at a special election duly called and held therein for the purpose of ratifying or rejecting said proposed charter; that by a majority of the votes of the qualified electors voting at said election said proposed charter was ratified as a whole; that the returns of said election was duly canvassed by the board of trustees of said City of Richmond on the 9th day of February, 1909, and the result thereof declared as above set forth; and that in all matters and things pertaining to said

proposed charter, all provisions of said section of the constitution and the laws of the State of California pertaining to the adoption of the charter have been fully complied with in every particular.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the corporate seal of said City of Richmond to be affixed this 9th day of February, 1909.

[SEAL]

J. B. WILLIS,
President of the Board of Trustees
of said City of Richmond
H. H. TURLEY,
Clerk of said Board of Trustees
of said City of Richmond.

AND, WHEREAS, Said proposed charter, so ratified, has been duly presented and submitted to the Legislature of the State of California for approval or rejection, without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California;

Now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring (a majority of all the members elected to each house voting for the adoption of this resolution and concurring therein), That said charter of the City of Richmond, as presented to, adopted and ratified by the qualified electors of said city, be, and the same is hereby, approved as a whole as and for the charter of the said City of Richmond.

The question being on the adoption of the Senate concurrent resolution.

The roll was called, and Senate Concurrent Resolution No. 6 adopted by the following vote:

AYES—Messrs. Baindollar, Beardslee, Beatty, Black, Bohnett, Callan, Cattell, Coghlan, Cogswell, Cullen, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Placer, Johnston of Contra Costa, Leeds, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Polsley, Preston, Pugh, Pulcifer, Rutherford, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—62.

NOES—Mr. Johnson of Sacramento—1

Senate Concurrent Resolution No. 6 ordered transmitted to the Senate.

SENATE CONCURRENT RESOLUTION NO. 6.

Approving the charter of the City of Palo Alto, State of California, and the additional proposition submitted therewith, voted for and ratified by the qualified voters of said town of Palo Alto at a special municipal election held therein for that purpose on the 21st day of January, 1909.

WHEREAS, The Town of Palo Alto, a municipal corporation of the county of Santa Clara, State of California, now is and was at all the times herein referred to a city containing a population of more than three thousand five hundred inhabitants, and

WHEREAS, At a special municipal election duly held in said town on the 24th day of August, A. D. 1908, under and in accordance with the laws and with the provisions of section eight of article eleven of the Constitution of the said State of California, a board of fifteen freeholders, duly qualified, was elected in and by said town, by the qualified electors thereof, to prepare and propose a charter for the government of said city, and

WHEREAS, Said board of freeholders did, in accordance with law, and within ninety days after said election, prepare and propose a charter for the government of the said City of Palo Alto; and

WHEREAS, Said board of freeholders did at the same time and place prepare and propose with said proposed charter the following additional proposition I, Article X alcoholic liquors; and

WHEREAS, The said proposed charter and the said additional proposition were, on the 20th day of November, A. D. 1908, signed in duplicate by the members of said board of freeholders, and one copy thereof was, on the 21st day of November, A. D. 1908, duly returned and filed with the president of the Board of Town Trustees of the Town of Palo Alto, and the other copy thereof was duly returned and filed with and in the office of the County Recorder of said county of Santa Clara; and

WHEREAS, Such proposed charter and said additional proposition were thereafter published in the Palo Alto Daily Times, a daily newspaper of general circulation in said town of Palo Alto, for a period of twenty days and more, the first publication

thereof having been made within twenty days after the completion of said proposed charter and said additional proposition; and

WHEREAS, Said proposed charter and said additional proposition were within thirty days after the completion of said publication, submitted by the Board of Town Trustees of the Town of Palo Alto, to the qualified voters of said town at a special municipal election previously duly called and therein held on the 21st day of January, 1909; and

WHEREAS, At said last mentioned special municipal election a majority of said qualified electors of said town voting at such special municipal election, voted for and in favor of the ratification of such proposed charter as proposed as a whole, and also voted in favor of the ratification of the said additional proposition; and

WHEREAS, Said Board of Town Trustees of the Town of Palo Alto, after canvassing said returns, duly found and declared that the majority of said qualified electors voting at such special municipal election had voted for ratifying said proposed charter and had voted in favor of and for ratifying said additional proposition, and

WHEREAS The same is now submitted to the Legislature of the State of California for its approval and ratification as a whole without power of alteration or amendment, in accordance with section eight of article eleven of the Constitution of the State of California; and

WHEREAS, Said proposed charter and said additional proposition are in the words and figures following, to wit

CHARTER PREPARED AND PROPOSED FOR THE CITY OF PALO ALTO BY THE BOARD OF FREEHOLDERS, ELECTED ON THE TWENTY-FOURTH DAY OF AUGUST, A. D. 1908.

CHARTER OF THE CITY OF PALO ALTO

ARTICLE I

BOUNDARIES OF THE CITY

The boundaries of the City of Palo Alto shall be as follows: All that certain land situated in the county of Santa Clara, State of California included in the townsite map of the Town of Palo Alto (formerly University Park) as laid down and designated upon a map of said town filed by Timothy Hopkins on the 27th day of February, A. D. 1889, in the office of the county recorder of said Santa Clara County, in book "D" of maps, page 69, and the proposed boundaries of the said municipal corporation are the boundaries of the said University Park (now Palo Alto) as set forth and particularly described upon said map, to wit

Commencing at the point of intersection of the center line of the San Francisquito Creek with the northeasterly line of the right of way of the Southern Pacific Railroad; thence southeasterly along said northeasterly line of said right of way of the Southern Pacific Railroad to the northwesterly line of the Embarcadero road; thence northeasterly along said line of the Embarcadero road to the easterly line of block number one hundred eight (108) as designated upon said map; thence northerly along said easterly line of said block number 108 and the easterly line of block number 109 as laid down upon said map to the northerly line of block number 109; thence westerly along the northerly line of blocks numbers 109, 106, 105, 102, and 101 as laid down on said map to a point on the said northerly boundary line of block 101, being upon an extension southerly of the easterly lines of blocks numbers 96 and 97 as laid down upon said map; thence northerly along the easterly lines of blocks numbers 97 and 96 aforesaid to the northerly line of a road (now known as Channing lane) thence westerly along the northerly line of said road as laid down on said map and parallel to the northerly lines of blocks numbers 95 and 87 to the northeasterly line of Guinda street as laid down on said map, thence along said line of Guinda street northwesterly to the easterly line of block number 83 as laid down on said map; thence northerly along the easterly lines of blocks numbers 83, 84, 85, and letters "H" and "G" as laid down on said map to the center line of the San Francisquito Creek; thence southwesterly meandering the center line of said creek to the point of commencement

SEC. 2 The boundaries above described may be altered, and the territory embraced therein may be added to or diminished in accordance with the laws of the State of California governing the annexation and exclusion of territory by municipalities.

ARTICLE II

POWERS.

The City of Palo Alto shall have and exercise the following powers

1. To have perpetual succession.
2. To have and use a corporate seal and alter it at pleasure
3. To sue and to be sued in all courts and places, and in all actions and proceedings whatsoever
4. To purchase, receive, have, take, hold, lease, use and enjoy property of every kind and description, both within and without the limits of said city, and to control and dispose of the same for the public benefit

5. To receive bequests, devises and donations of property of every kind, either absolutely or in trust for any purpose, and to do all acts necessary to carry out the purposes of such bequests, devises and donations, and to manage, control, sell or otherwise dispose of such property in accordance with the terms of such bequests, devises or donations

6 To exercise police powers and make all necessary police and sanitary regulations, and to adopt ordinances and prescribe penalties for the violation thereof.

7. To levy and collect taxes and assessments, impose license fees for revenue or regulation, and provide all means for raising the revenue necessary for the city.

8 To borrow money, incur municipal indebtedness and provide for the issuance of bonds or other evidences of such indebtedness

9. To acquire, construct, maintain and operate all necessary works for the supplying of the city and its inhabitants with water, light, heat, power, telegraphic and telephonic communication, and for the conveyance of passengers and freight over, under and upon public streets and rights of way secured therefor; to fix rates for all commodities furnished or services rendered, and to dispose of commodities produced or render service in connection with such works outside of the boundaries of said city.

10. To improve the rivers, streams, bays, inlets and channels flowing through the city or adjoining the same, to widen, straighten and deepen the channels thereof, and remove obstructions therefrom, to control and improve the water front of the city, to construct and maintain embankments and other works to protect the city from overflow; and to acquire, own, construct, maintain, and operate on any lands bordering on any navigable bay, inlet, river, creek, slough or arm of the sea, within the limits of the city or contiguous thereto, wharves, chutes, piers, breakwaters, bath houses and life saving stations

11. To establish and change the grade and lay out, open, extend, widen, change, vacate, pave, re-pave, or otherwise improve all public streets and highways and public places, construct sewers, drains and culverts, to plant trees, construct parking, and to remove shrubs and weeds, to levy special assessments to defray the whole or any part of the cost of such works or improvements. Also to provide for the repair, cleaning and sprinkling of such streets and public places

12. To acquire, construct and maintain all works necessary for the disposition of sewage, garbage and waste and to define and abate nuisances

13 To establish and maintain hospitals, indigent homes, and all other charitable institutions

14 To acquire and maintain parks, playgrounds, theatres and places for recreation, and to establish boulevards and regulate traffic thereon.

15. To acquire and maintain markets, baths, and public halls

16. To establish and maintain schools, libraries museums, gymnasiums and to do all things to promote the education of the people

17. To equip and maintain a fire department and to make all necessary regulations for the prevention of fires

18. To acquire, construct and maintain all buildings necessary for the transaction of public business

19. To exercise the right of eminent domain for the purpose of acquiring real and personal property of every kind for any public use

20 To grant permits to use the streets or public property, revokable at any time without notice

21. To regulate and establish rates and charges to be imposed and collected by any person or corporation for commodities or services rendered under or in connection with any franchise, permit or license heretofore or hereafter granted by the town or city or other authority

22 To exercise such other powers as are now or may be hereafter granted by the Legislature to the municipalities within the State unless the exercise of such powers is contrary to the provisions of this charter

23 To exercise all other needful powers for the efficient administration of the municipal government, whether such powers are herein expressly enumerated or not

24. Lastly, this grant of power is to be liberally construed for the purpose of securing the well being of the municipality and its inhabitants

ARTICLE III

COUNCIL

SECTION 1 All powers herein granted to and vested in the City of Palo Alto shall, except as herein otherwise provided, be exercised by a council to be designated the council of the City of Palo Alto; and said council shall, except as herein otherwise provided, have the power to fix and establish the method and manner in which such powers shall be exercised.

SEC 2 Said council shall be composed of fifteen members, each of whom shall have been an elector of the City of Palo Alto for at least three years next preceding his election

The members of said council shall be known as councilmen, and their terms of office shall be six years, commencing on the first day of July next succeeding their election, except that the terms of those first elected and designated to serve as councilmen shall be as herein provided.

SEC. 3 On the second Monday of May, 1909, an election shall be held within said city for the purpose of electing fifteen members of said council.

The fifteen members elected at such election shall, at the first regular meeting in July, 1909, so classify themselves by lot that five of said members shall hold office for the term of two years; five for the term of four years, and five for the term of six years

Thereafter on the second Monday in May of each odd numbered year, an election shall be held at which councilmen shall be elected to succeed the members whose terms expire on the first day of July next following.

SEC. 4. All elections called and held in said city, shall be held and conducted in manner and form as required by the general laws of the State governing elections within municipalities, *provided* that after the first election the council may provide that said elections may be held in such manner as said council may by ordinance determine, or as may be provided by an ordinance adopted by the electors of said city as hereinafter provided.

SEC. 5 Said council shall fix a time and place for its regular meetings and adopt rules to govern its proceedings

SEC 6. Eight members of the council shall be necessary to constitute a quorum for the transaction of business, but a less number may adjourn from time to time and compel the attendance of absent members, and impose such fines as it may deem proper upon members refusing or neglecting to attend such meetings.

SEC. 7. No ordinance shall be passed, no appointment made, nor officer removed, no contract shall be awarded and no obligation incurred in excess of three hundred Dollars ($300 00) without the affirmative vote of at least eight members of the council.

SEC. 8. Said council shall elect one of its number as its presiding officer, who shall be known as mayor, and who shall serve for one year after his election

The said mayor shall preside at all meetings of the council, shall be the chief executive of the said city, and perform such other duties as may from time to time be assigned to him by the council. In all other respects he shall exercise the same duties as any other member of the council

SEC. 9. The council shall appoint or provide for the appointment of a clerk, treasurer, auditor, tax collector, assessor, attorney, and except as otherwise provided, such other officers as may be necessary for the transaction of the affairs of the municipality.

SEC. 10. A vacancy in the council shall be filled by the remaining members of the council, and the appointee shall hold office until the first day of July succeeding the next election at which councilmen are to be elected. At the next election succeeding any vacancy a councilman shall be elected to serve for the unexpired term.

SEC. 11. The council shall by ordinance provide for the assessment, levy and collection of taxes, and shall act as a board of equalization in equalizing the value of property listed upon the assessment roll. During the month of September in each year, it shall levy such tax as may be necessary to raise revenue for the maintainance of the city and the several departments during the fiscal year, but such tax levy, for all municipal purposes, except the payment of interest and principal on the bonded debt, shall not exceed the sum of 85 cents upon each $100 00 of assessed valuation as the same appears upon the assessment roll. If in the judgment of the council it should be necessary to provide a revenue in excess of the sum realized from the levy herein provided, the question of the levy of an additional tax shall be submitted to the electors, and a special election may be held for that purpose The additional sum or rate required to be raised by such additional tax levy shall be expressed upon the ballot. If a majority of the votes cast upon such proposition shall be in favor of authorizing the council to levy such additional rate, then the council may levy the additional tax so authorized

SEC. 12. The council shall annually appropriate for the use of the several offices and departments, such sums as may be necessary to support the same during each year. Additional appropriations may be made from time to time in case of urgent necessity, by a vote of two thirds of the members of the council.

ARTICLE IV.

DUTIES OF OFFICERS

SECTION 1 *Clerk*.—It shall be the duty of the clerk to keep a true record of the proceedings of the council and of the several boards established by this charter and record the same in proper books kept for that purpose. He shall have power to administer oaths in connection with all matters relating to the municipality.

SEC. 2. *Auditor*.—It shall be the duty of the auditor to act as bookkeeper and accountant of the municipality and to record all financial transactions in books kept for that purpose He shall draw warrants upon the treasurer for all claims against the city which have been allowed by the council and the several departments boards. He shall render each month a statement to the council showing the financial condition of the city, and annually a like statement covering all of the financial transactions of the city during the year previous.

SEC 3. *Tax Collector*.—It shall be the duty of the tax collector to receive and collect all sums due the city for taxes and licenses and from other sources, and he shall pay all moneys received into the treasury of the city, within three days after the receipt thereof.

SEC. 4. *Treasurer*.—The treasurer shall receive and safely keep all moneys belonging to the city and shall pay the same only upon warrants drawn by the Auditor for claims which have been previously allowed either by the council or the several department boards, *provided* that the approval of the council or department boards shall not be necessary to pay the monthly salaries of officers and employees. The Treasurer may deposit all or such portion of the public moneys as may be determined by the council, in any bank within the city authorized by law to receive deposits of public money, in accordance with the provisions of the Constitution and act of the Legislature entitled: "An act to provide for and regulate the deposit of county and municipal moneys in banks and banking corporations, limiting the amount of public moneys that may be deposited therein and providing a penalty for the illegal deposit and use thereof." (Approved March 23, 1907.) And the provisions of such act, except as herein otherwise provided, are hereby made applicable to the government of the city of Palo Alto.

SEC. 5. *Assessor*.—It shall be the duty of the assessor to make annually, between the first Monday of March and the first day of July next succeeding, a complete assessment of all property within the city, and shall upon said last named date turn over to the city council the assessment roll so prepared by him. He shall act as tax collector for the purpose of collecting taxes upon personal property when the same are unsecured by a lien upon real estate.

SEC. 6. *Attorney*.—The attorney shall act as the legal adviser of the council, the several boards, and any officer of the city who requests his advice. He shall prepare all ordinances and contracts whenever required so to do by the council or the several department boards. He shall prosecute all violators of the city ordinances and shall represent the city in all actions at law.

SEC. 7. The council may require any of the above officers to give official bonds in such sums as it may deem proper, and the council shall pay all premiums upon surety bonds when such bonds are given. It may provide for the appointment of such deputies and assistants as may be required, and shall fix the compensation of such officers and such deputies and assistants. All of the above officers shall perform such other services as the council may require and shall serve during its pleasure.

SEC. 8. Whenever the public interest may require, the council may consolidate the following officers

(*a*) Clerk and Auditor;
(*b*) Clerk and Tax Collector;
(*c*) Clerk and Assessor;
(*d*) Clerk, Auditor and Assessor,
(*e*) Auditor and Assessor,
(*f*) Auditor and Tax Collector;
(*g*) Assessor and Tax Collector,
(*h*) Treasurer and Tax Collector.

Until the council shall by ordinance otherwise provide, the following offices are hereby consolidated:

(*a*) Clerk, Auditor and Assessor;
(*b*) Tax Collector and Treasurer

ARTICLE V.

THE SEVERAL DEPARTMENTS.

SECTION 1. The administration of the affairs of the city shall be divided among three departments, viz:

(1) The Department of Public Works;
(2) The Department of Public Safety;
(3) The Department of Public Library.

BOARD OF PUBLIC WORKS.

SEC. 2. The department of public works shall be under the management and control of a board of public works, which shall consist of three members, to be appointed by the council. They shall serve for the term of six years from and after their appointment unless sooner removed by a majority of said council; *provided*, that the members first appointed shall classify themselves by lot so that the terms of the members shall expire, respectively, two, four and six years after their appointment. Vacancies are to be filled by the council for the unexpired terms. The members of the board of public works shall receive no compensation. The board of public works shall have and exercise the powers and perform the duties herein enumerated, to wit:

1. To construct, maintain and operate all necessary works for the supplying of the city and its inhabitants with water, light, heat, power, telegraphic and telephonic communication, and for the conveyance of passengers and freight over, under and upon the public streets and rights of way secured therefor; to fix rates for all com-

modities furnished or services rendered, and to dispose of commodities produced or render service in connection with such works outside of the boundaries of said city.

2. To improve the rivers, streams, bays, inlets and channels flowing through the city or adjoining the same: to widen, straighten and deepen the channels thereof, and remove obstructions therefrom; to control and improve the water front of the city; to construct and maintain embankments and other works to protect the city from overflow; construct, maintain and operate on any lands bordering on any navigable bay, inlet, river, creek, slough or arm of the sea, within the limits of the city or contiguous thereto, wharves, chutes, piers, breakwaters, bath houses and life-saving stations.

3. To establish and change the grade and to lay out, open, extend, widen, change, vacate, pave, re-pave, or otherwise improve all public streets and highways and public places, to construct sewers, drains, culverts thereon, to plant trees, construct parking and remove shrubs and weeds. Also to provide for the repair, cleaning and sprinkling of such streets and public places

4. To construct and maintain all works necessary for the disposition of sewage, garbage and waste.

5. To establish and maintain hospitals, indigent homes and all other charitable institutions.

6. To maintain parks, playgrounds, theatres and places for recreation, and to establish boulevards and regulate traffic thereon.

7 To construct and maintain markets, baths, and public buildings other than school and library buildings.

SEC. 3. Whenever any street work or other improvement is to be done or performed and the cost of the whole or any portion thereof is to be paid by any special assessment levied upon property, all such proceedings shall be had and carried on by the council upon the recommendation of the board of public works

SEC. 4. The board of public works shall appoint as its executive officer a competent engineer, and upon the latter's recommendations such other employees as are necessary to supervise, manage and construct, operate and maintain the properties and things under the control of said board, and shall fix the compensation for all employees.

The engineer so appointed shall be the city engineer and street superintendent, and shall, in addition to his other duties:

1. Advise the council and the several department boards upon all matters of an engineering nature.

2. Supervise the construction and have charge of additions and repairs of all public buildings, irrespective of departments.

SEC. 5. *Board of Public Safety.*—The department of public safety shall be under the management and control of a board of public safety, which shall consist of three members, to be appointed by the council. They shall serve for the term of six years from and after their appointment unless sooner removed by a majority of said council; *provided*, that the members first appointed shall classify themselves by lot so that the terms of the members shall expire, respectively, two, four and six years after their appointment. Vacancies are to be filled by the council for unexpired terms. Members of the board of public safety shall receive no compensation.

SEC. 6. The board of public safety shall have and exercise the powers and perform the duties herein enumerated, to wit:

1. To enforce all police and sanitary ordinances and regulations adopted by the council.

2. To have charge of the police department.

3. To maintain and have charge of the fire department and provide rules for its government; to establish all needful regulations necessary to preserve the health of the city, and to exercise the powers and perform the duties of boards of health as prescribed by the laws of the State of California.

4. To establish and maintain a public pound.

5. It shall appoint such officers and employees as may be necessary, determine their duties and fix their compensation.

SEC. 7 *Library Board*—The department of public library shall be under the management and control of a library board, which shall consist of three members, to be appointed by the council. They shall serve for the term of six years from and after their appointment, unless sooner removed by a majority of said council; *provided*, that the members first appointed shall classify themselves by lot so that the terms of the members shall expire respectively two, four and six years after their appointment. Vacancies are to be filled by the council for unexpired terms Members of the library board shall receive no compensation. The library board shall have and exercise the powers and shall perform the duties herein enumerated, to wit:

1. To manage and control public libraries, reading rooms, museums and art galleries that are now or may hereafter be established, to maintain buildings necessary for the purposes above set forth

2 To employ librarians, assistants, and such other employees as may be deemed necessary

SEC. 8 All of the above boards shall have authority to make all contracts necessary for the full exercise of the powers respectively conferred, but shall have no authority to incur a debt or obligation in excess of any fund or appropriation made by the council.

SEC. 9 Said boards shall perform all other duties assigned to them by the council, whether such duties are herein expressly enumerated or not

SEC. 10 In case the council shall for a period of twenty days fail to appoint the boards provided for in this article, or any member thereof, then it shall be the duty of the mayor to make such appointment.

ARTICLE VI

BOARD OF EDUCATION.

SECTION 1 The school department of the City of Palo Alto shall comprise all the schools within the Town of Palo Alto, the Palo Alto school district, and all the territory that is now or may hereafter be annexed for school purposes, and shall consist of primary, grammar, and high schools as now established, and such other schools as may hereafter be established, under the provisions of this charter; and shall be known as "Palo Alto City School District," which shall succeed to all the obligations, property, rights, and privileges of the Palo Alto school district.

SEC 2 All territory included within the limits of the Palo Alto city school district, but not within the city limits, shall be deemed a part of said city for the purpose of holding the general municipal elections and shall constitute one or more separate election precincts, and the qualified electors therein shall vote only for the board of education and on questions submitted to a vote of the people pertaining to school matters; and said outside territory shall be deemed a part of said city for all matters connected with the school department and with the levying and collecting of all taxes for school purposes.

SEC 3. The board of education shall consist of five members, who shall have been residents of the school district for at least three years immediately preceding their election, and who shall serve without compensation: *provided*, the board of trustees of the Palo Alto school district shall be and constitute the board of education herein provided for, and shall exercise the powers hereby conferred thereon until the election of their successors at the election provided for in Section 4 of this article.

SEC. 4. The board of trustees of Palo Alto school district shall order and provide for an election to be held in said district on the third Saturday of April in the year 1909, for the election of a board of education The members so elected shall classify themselves by lot so that the terms of the members shall expire respectively one, two three, four and five years after the first day of May, 1909.

SEC. 5. The term of office of the members of the board of education, excepting as provided in Section 4 of this article, shall be five years from and after the first day of May succeeding their election

SEC 6. An election shall be held on the third Saturday of April, 1910, and on the third Saturday of April of each year thereafter for the election of a member of said board for the full term and for any unexpired term that may exist.

SEC. 7. Said board of education shall have and exercise all the powers conferred upon boards of trustees and boards of education by the laws of the State of California, and in addition thereto shall have power:

1. To annually appoint a superintendent of schools, define his duties and fix his compensation

2. To provide a system of tenure of employment and compensation of teachers, but teachers shall be liable to removal at any time when the welfare of the schools demand such removal.

3. To provide for the establishment of kindergartens, manual training schools, night schools, technical schools, and to prescribe the studies to be taught therein.

4. To construct school buildings when necessary, and no special election need be held to authorize such construction.

5. To provide free text-books when authorized so to do by the electors voting on such proposition.

6 To prescribe the requirements for graduation from the public schools and issue certificates of graduation.

7. To provide the manner in which all elections shall be held and conducted for the election of members of said board and such special elections as may be authorized by law.

8. To receive bequests, devises and donations of property of every kind, either absolutely or in trust for any purpose, and to manage, hold or dispose of such property in accordance with the terms of any bequest, devise or donation.

9. To fill any vacancy in the membership of the board by appointment, the person appointed to hold office until the first day of May following the next election held for the election of members of such board. At the next election succeeding any vacancy a member shall be elected to serve for the unexpired term

SEC. 8. The board of education shall determine annually the amount of money necessary to be raised by taxation for the maintenance of the public schools, in addition to the amount of money to be received from the state and county; and the board shall, on or before the first day of September of each year, submit in writing to the board of supervisors of Santa Clara County, a careful estimate of all money required to be raised by taxation in addition thereto, and said estimate shall state separately the amount required to be raised by taxation upon property within the school district

for the support of high schools, and the amount required to be raised by taxation upon the property of the school district for the support of the schools other than high schools; and the board of supervisors of Santa Clara County shall, and they are hereby authorized and directed, in each year when fixing the annual tax rate, to levy and assess as a school tax for the maintenance of high schools, such amount as the board of education shall report necessary for that purpose, and shall levy and assess as a school tax for the support and maintenance of the schools other than high schools, such amount as the board of education shall report to be necessary for that purpose. In addition to the taxes levied for the support and maintenance of the schools, the board of supervisors shall annually levy a tax sufficient to pay the principal and interest on all outstanding bonds of the Palo Alto school district.

ARTICLE VII.

POLICE COURT

SECTION 1. There is hereby created, in and for the City of Palo Alto, a court which shall be known as the Police Court of the City of Palo Alto. Said court shall consist of one judge, who shall be appointed by the council, and who shall serve during its pleasure and who shall receive such compensation as the council shall determine.

SEC. 2. Said court shall have exclusive jurisdiction:

(1) In all prosecutions for violations of the city ordinances.

(2) In all actions for the recovery of any fine, penalty or forfeiture, and the enforcement of any obligation or liability prescribed or created by the city ordinances and in which the sum sued for does not amount to three hundred dollars.

SEC. 3. Within the city limits said court shall have concurrent and co-ordinate jurisdiction with township justices' courts in all matters and things in which said justices' courts now or may hereafter have jurisdiction; and the judge of said police court shall have as aforesaid like authority, power and jurisdiction as the justices of said justices' court.

SEC. 4. Appeals may be taken to the Superior Court of the State of California, in and for the County of Santa Clara, from the judgments and orders of said police court, in all cases in which appeals now are or may hereafter be provided by law to be taken to said superior court from said justices' courts and police courts.

SEC. 5. In all proceedings in and appeals from said police court, the pleadings, practice, procedure and laws, now applicable or that may hereafter be made applicable to said justices' or police courts are hereby adopted and made applicable to said police court.

SEC. 6. All fines and other moneys received or collected by the judge of said police court, for or on account of the City of Palo Alto, shall be paid into the city treasury on the first Monday in each month.

SEC. 7. All actions and proceedings pending and undetermined in the existing recorder's court of the town of Palo Alto shall be proceeded with, heard, tried, and determined in said police court hereby provided for, before said judge, the same as if said actions or proceedings had been originally commenced in said police court.

ARTICLE VIII

THE RECALL, INITIATIVE AND REFERENDUM.

SECTION 1. Any elective officer may be removed by the electors qualified to vote for the successor of the officer sought to be removed. The procedure to effect the removal of an incumbent of an elective office shall be as follows: A petition signed by electors entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least twenty per centum of the entire vote cast at the last preceding general municipal election, demanding an election of a successor of the incumbent sought to be removed shall be filed with the clerk, and said petition shall contain a general statement of the grounds for which the removal is sought.

The signatures to the petition need not all be appended to one paper, but said petition may be presented in sections. The number of signatures to each section shall be at the pleasure of the person soliciting signatures to the same. Any qualified voter or taxpayer of the municipality shall be competent to solicit said signatures. Each section shall have attached thereto the affidavit of the person soliciting signatures to the same, stating that all the signatures to the attached section were made in his presence, and that to the best of his knowledge and belief each signature to the section is the genuine signature of the person whose name purports to be thereunto subscribed, and no other affidavit thereto shall be required. Each signature the genuineness of which is not called in question by the sworn affidavit of the alleged owner thereof, shall be presumed to be genuine. Unless and until it be proven otherwise by official investigation, it shall be presumed that the petition presented contains the signatures of the requisite number of qualified voters. Each signer of said petition shall add to his signature his place of residence, giving the street and number.

Within ten days from the date of filing such petition, the clerk shall examine and ascertain from the records of registration whether or not said petition is signed by the requisite number of electors entitled to vote, and if necessary the council shall

allow the clerk extra help for that purpose, and the clerk shall attach to said petition his certificate showing the result of said examination If, by the said certificate, the petition is shown to be insufficient, it may be amended by additional signatures within ten days from the date of said certificate The clerk shall, within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same without prejudice, however, to the filing of a new petition to the same effect.

If the petition shall be found to be sufficient, the clerk shall submit the same to the council without delay, and the council shall thereupon order and fix a date for holding the said election, not less than thirty days nor more than forty days from the date of the clerk's certificate to the council that a sufficient petition is filed.

All arrangements for said election shall be made and the same shall be conducted, returned, and the results thereof declared, in all respects as are all other municipal elections, *provided*, that if there be any conflict of provisions, this charter shall control.

Any person sought to be removed may be a candidate to succeed himself, and, unless he requests otherwise, in writing, the clerk shall place his name on the official ballot without nomination. In any such removal election, the candidate or candidates receiving the highest number of votes shall be declared elected. At such election, if some person other than the incumbent receives the highest number of votes, the incumbent shall thereupon be deemed removed from his office upon qualification of his successor. The successor of any officer so removed shall hold office during the unexpired term of his predecessor. In case the party who receives the highest number of votes should fail to qualify within ten days after receiving notification of election the office shall be deemed vacant. If the incumbent receives the highest number of votes he shall continue in office. In case more than one councilman is sought to be removed, whose terms shall not expire at the same time, there shall appear on the ballot the date of the expiration of the respective terms and the offices to be filled for such different terms shall be deemed separate and distinct offices to be filled at such election.

SEC. 2. Any proposed ordinance may be submitted to the council by a petition signed by qualified and registered electors of the city equal in number to the percentage hereinafter required. The petition shall set forth a copy of the proposed ordinance, and the form of such petition, signatures, verifications, and duties of the clerk in respect thereto, provided in Section 1 of this article for petitions for recall shall apply to petitions of initiative.

If the petition accompanying the proposed ordinance be signed by qualified and registered electors equal in number to ten per centum of the entire vote cast at the last preceding general election, the council must either pass such ordinance without alteration or submit the same to the electorate at the next general municipal election that shall occur at any time after thirty days from the date of the clerk's certificate of sufficiency. But if such petition is signed by qualified and registered electors equal in number to twenty per centum of said vote and contains a request that such ordinance be submitted to a vote of the people at a special election, then the council must either pass the ordinance without alteration or submit the same to the electorate at a special election to be called within sixty days from the filing of such petition.

The ballots used when voting upon such proposed ordinance shall contain the words "For the Ordinance," and "Against the Ordinance" (stating the nature of the proposed ordinance). If a majority of the qualified electors voting on said proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the city. The council may at such election submit any amendment thereto that it may deem proper, and the ballots used at such election shall contain the words: "For the Amendment," or "Against the Amendment," or ordinance (naming the ordinance) and also stating the nature of the proposed amendment. If a majority of the qualified electors voting on said proposed amendment shall vote in favor thereof, such ordinance shall thereupon be deemed amended in accordance therewith. The council may also propose and submit any ordinance to the electors, and such ordinance, upon receiving a majority of the votes of the electors voting thereon, shall be deemed to have been adopted and shall be the valid and binding ordinance of the city. Any ordinance adopted by the electors under the provisions of this article can not be repealed or amended, except by a vote of the people obtained in the manner hereinbefore stated, unless such ordinance shall otherwise provide.

SEC. 3 Any ordinance or resolution, other than such as may be required to be accordance with the provisions of this section; *provided*, that there shall not be held under this section of the charter more than one special election in any period of twelve months

SEC. 3. Any ordinance or resolution other than such as may be required to be passed at a particular time or for the purpose of complying with a charter or statutory law, and excepting such ordinances or resolutions as may be declared by the council to be necessary as emergency measures for the immediate preservation of the public peace, health or safety, shall be subject to a referendum as herein provided: *provided further*, that the petition for such referendum be filed within sixty (60) days from the final passage of such ordinance or resolution

Whenever a petition shall be presented to the council, asking that a particular ordinance or resolution named therein be submitted to a vote of the electors, and signed as required for an initiative petition in section two of this article, it shall be the duty of the council to submit the question of the approval or rejection of such ordinance or resolution to the electors at a regular or special election, and until such election is held and the ordinance approved by the electors the provisions of such ordinance or resolution shall be suspended and be inoperative.

All the proceedings relative to the submission of ordinances by initiative shall apply to ordinances submitted by a referendum petition, and the vote thereon shall be of the same force and effect as provided in Section 2

ARTICLE IX.

MISCELLANEOUS

SECTION 1 The ordaining clause of all ordinances adopted by the council shall be, "The Council of the City of Palo Alto do ordain as follows," and the ordaining clause of all ordinances adopted in accordance with the provisions of Article VIII shall be, "The people of the City of Palo Alto do ordain as follows"

SEC 2 No franchise shall be granted by the council, but may be granted by the electors by ordinance proposed and adopted as provided in Section 2 of Article VIII of this charter: *provided*, that the petition therefor shall be signed by qualified and registered voters equal in number to at least twenty per centum of the votes cast at the last preceding general municipal election; *and provided further*, that no franchise shall be granted for a longer term than twenty-five years.

SEC 3 No officer of the city shall be interested in any contract entered into by the city, and the general laws of the State forbidding city officials to be so interested is hereby made a part of this charter.

SEC. 4 The council shall publish annually a financial report of the city and furnish a copy thereof to each taxpayer residing therein.

SEC. 5 The revenue of each public utility shall be kept in a separate fund from all other receipts and shall be used for the purposes and in the order as follows:

1. For the payment of the operating and maintenance expenses of such utility.
2. For the payment of interest on the bonded debt incurred for the construction or acquisition of such utility.
3. For the payment of the principal of said debt, as it may become due.
4. The remainder shall be paid into the general fund.

SEC 6 No ballot used at any municipal election shall contain any reference to a political party, and no designation or symbol shall be placed in connection with the name of any candidate Any person otherwise qualified may be a candidate for an elective office at any election, regular or special, by filing with the clerk, not less than ten days prior to the day of election, a petition signed by qualified and registered voters equal in number to three per centum of the votes cast at the last general municipal election.

SEC 7. No member of the council shall hold any other municipal office, or hold any office or employment, the compensation of which is paid out of the municipal moneys, or be elected or appointed to any office created or the compensation of which is increased by the council while he was a member thereof, until one year after the expiration of the term for which he was elected.

SEC 8 No person, firm, or corporation shall ever exercise any franchise, license, permit, easement, privilege or other use, except in so far as he or it may be entitled to do so by direct authority of the constitution of the State of California, or of the constitution or laws of the United States, in, upon, over, under or along any street, highway or other public place in the city unless he or it shall have first obtained a grant therefor in accordance with the provisions of this charter.

SEC. 9. Liens for taxes levied shall attach to the property charged therewith on the first Monday in March at twelve o'clock M

ARTICLE XI.

AMENDMENTS.

SECTION 1. This charter may be amended at intervals of not less than two years by proposals therefor, submitted by the council to the qualified electors of the city at a general or special election, held at least forty days after the publication of such proposals for twenty days in a daily newspaper of general circulation in said city and ratified by a majority of the electors voting thereon, and approved by the legislature as provided in the constitution of the State of California. Whenever fifteen per centum of the qualified voters of the city shall petition the council to submit any proposed amendment or amendments to this charter to the qualified voters thereof for approval the council must submit the same In submitting any such amendment or amendments to the charter any alternative article or proposition may be presented for the choice of the voters and may be voted on separately without prejudice to the others.

SEC. 2 The petition herein provided for must be made, presented, examined, and certified to in the manner and form required for petitions in Section 1 of Article VIII of this charter

SEC. 3. The council must make all necessary provisions for submitting proposed amendments to the electors, and shall canvass the votes in the same manner as in other elections.

SEC. 4. The ballots used at such elections shall contain the words, "For the Amendment" and "Against the Amendment" (stating the nature of the proposed amendment).

ARTICLE XII.

This charter shall take effect at noon on July 1, 1909; *provided*, that all provisions relative to public schools, to elections, the qualifications of candidates, the nomination of candidates for public office shall be operative upon the approval of this charter by the Legislature, and the Board of Trustees of the Town of Palo Alto are hereby directed to provide for all elections provided herein to be held prior to the first day of July, 1909, and to issue certificates of election to the persons elected to the office of councilmen

All the present officials of the Town of Palo Alto shall continue to perform the duties now required of them until their successors are appointed and qualified as in this charter provided

CERTIFICATE.

WHEREAS, The Town of Palo Alto, a city of more than three thousand five hundred inhabitants, did on the twenty-fourth day of August, A D. 1908, have a special election, and under and in accordance with the provisions of Section 8, Article XI of the Constitution of the State of California, elect the undersigned, a board of fifteen freeholders, to prepare and propose a charter for said city,

Be it known, that in pursuance of said provisions of the Constitution of the State of California, and within a period of ninety days after such election, we, the members of the said board of freeholders, have prepared and do hereby propose the foregoing articles sighed in duplicate, as and for the charter of the said City of Palo Alto.

IN WITNESS WHEREOF, we have hereunto set our hands at the Town of Palo Alto, County of Santa Clara, in the State of California, this twentieth day of November, A. D 1908.

MARSHALL BLACK, President
C E. JORDAN, Secretary.
WALTER E. VAIL
E. C. THOITS
S. W. CHARLES
BENJAMIN P. OAKFORD
A. N. UMPHREYS
H. W. SIMPKINS
STANLEY FORBES
CHAS. B. WING
JOHN T. COULTHARD
C. S. DOWNING
C. B STINSON

ADDITIONAL PROPOSITION SUBMITTED TO A VOTE OF THE PEOPLE AND PROPOSED TO BE INCORPORATED IN THE CHARTER FOR THE CITY OF PALO ALTO

PROPOSITION I.

ARTICLE X.

ALCOHOLIC LIQUORS

SECTION 1. It shall be unlawful for any person or persons, firm, corporation, club or association or member of such club or association to establish, carry on, keep or maintain a place where spirituous, vinous, malt or intoxicating liquors or any admixture thereof or any alcoholic drinks whatsoever are sold, kept for sale, offered for sale, furnished, distributed, divided, delivered or given away

SEC. 2. It shall be unlawful for any person, either as owner, employer, agent, servant, clerk or employee, to sell or deliver any of the liquors herein mentioned, or to solicit the sale of or take orders for the same within the limits of the city of Palo Alto

SEC. 3. It shall be unlawful for any person directly or indirectly, to keep or maintain, by himself or by associating or combining with others, or in any manner to aid, assist or abet in keeping or maintaining any club room or other place within the City of Palo Alto, in which any intoxicating liquors are kept for the purpose of gift, barter or sale, or for distribution among the members of any club or association

SEC. 4. Any violation of the foregoing provisions in this section shall constitute a misdemeanor, punishable upon conviction by a fine of not more than $300 00 or by imprisonment in the city jail for a period of not more than three months, or by both such fine and imprisonment.

SEC. 5. The council may by proper ordinance provide additional penalties, not inconsistent with the law, for the violation of the provisions of this section and may adopt such further restrictions as will make the said provisions effective.

SEC. 6. Nothing in this article shall be held or construed as prohibiting the sale or use of alcoholic liquor for medicinal, industrial, sacramental or scientific purposes, but the council shall impose such regulations governing such sale and use of such liquors as will prevent the violation or evasion of the provisions of this article.

CERTIFICATE

WHEREAS, The Town of Palo Alto, a city of more than thirty-five hundred inhabitants, did on the twenty-fourth day of August, A. D. 1908, have a special election, and in accordance with the provisions of Section 8, Article XI of the Constitution of the State of California, elect the undersigned, a board of fifteen freeholders, to prepare a proposed charter for said city;

Be it known, that in pursuance of said provisions of the Constitution of the State of California and within a period of ninety days after such election, we, the members of said board of freeholders, have prepared and do hereby propose the foregoing additional article signed in duplicate as and for a part of the charter of the said City of Palo Alto, to be presented for the choice of the voters of the City of Palo Alto and to be voted on separately without prejudice to said proposed charter or to any or either of the articles or propositions herewith presented.

IN WITNESS WHEREOF, we have hereunto set our hands, at the Town of Palo Alto, County of Santa Clara, in the State of California, this twentieth day of November, A. D. 1908.

MARSHALL BLACK, President.
C. E. JORDAN, Secretary.
WALTER E VAIL
E. C. THOITS
S. W. CHARLES
BENJAMIN P. OAKFORD
A. N. UMPHREYS
H. W. SIMKINS
STANLEY FORBES
CHAS. B. WING
JOHN T COULTHARD
C. S. DOWNING
C. B. STINSON

Filed November 21, 1908, at 8:30 A. M., with Charles D. Marx, President of the Board of Trustees of the Town of Palo Alto.

MEMORANDUM.

The first official publication of the foregoing charter was made in the Daily Palo Alto Times, a daily newspaper of general circulation, on Tuesday, December 8, 1908, in accordance with a resolution adopted by the Board of Trustees of the Town of Palo Alto on Tuesday, December 1, 1908, and by direction of the president of said board and the town clerk as provided for in said resolution.

STATE OF CALIFORNIA, County of Santa Clara, Town of Palo Alto } ss

I, Charles D. Marx, president of the Board of Town Trustees of the Town of Palo Alto, California, do hereby certify that I now am and at all of the times herein mentioned was the duly elected, qualified and acting president of said Board of Town Trustees of the Town of Palo Alto; that the board of freeholders whose names appear signed to the foregoing proposed charter and the alternative proposition were, and each of them was, on the 24th day of August, A. D. 1908, at a special municipal election held in said Town of Palo Alto, on said last named day, duly elected by the qualified voters of said town as such freeholders, to prepare and propose a charter for said town; that each of the persons so elected was a freeholder and was at the time of said election, and had been continuously for more than five years immediately prior thereto, a qualified elector of the said Town of Palo Alto; that said board of freeholders, in accordance with law, prepared and proposed a charter and prepared and proposed the foregoing alternative proposition for said town, in duplicate; that the foregoing is a full, true and correct copy of said proposed charter of the said Town of Palo Alto, including the said alternative proposition I, which were prepared and proposed by said board of freeholders, one copy of which said proposed charter and of said proposed alternative proposition was duly returned to me as president of the said Board of Town Trustees of the Town of Palo Alto, and the other copy thereof was duly returned to and filed with the recorder of the county of Santa Clara, all within ninety days after said election, as required by section eight of article eleven of the Constitution of this State; that such proposed charter and the said alternative proposition I, were then published in the Daily Palo Alto Times, (the same being a daily newspaper of general circulation in said town) for more than twenty days, and the first publication thereof was made within twenty days after the completion of said proposed charter and said alternative proposition; that within thirty days after the publication of said proposed charter and said alternative

proposition I as aforesaid, and as required by said section eight of the constitution, to wit: On the 21st day of January, A. D. 1909, said proposed charter and said alternative proposition I, were submitted to a special municipal election duly held in the said Town of Palo Alto, for the purpose of ratifying or rejecting said proposed charter and the said alternative proposition.

That said proposed charter as a whole and the said alternative proposition were duly ratified at said last mentioned election by the majority of the votes of the qualified electors of said town voting thereon, and that the returns of said last mentioned election were duly canvassed by the Board of Town Trustees of said Town of Palo Alto on the 2d day of February, A. D. 1909, and the result thereof declared as above set forth.

And I further certify that all the times herein mentioned said Town of Palo Alto contained a population of more than three thousand five hundred, and that in all matters and things pertaining to said proposed charter and the said alternative proposition, the provisions of section eight of article eleven of the constitution and of the laws of the State of California pertaining to the adoption of said proposed charter and of said alternative proposition have, in every particular, been fully complied with.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said town this 2d day of February, A. D. 1909.

CHAS. D. MARX,
President of the Board of Town Trustees of the Town of Palo Alto.

[SEAL]

Attest:

C. H. JORDAN,
Town Clerk and ex officio Clerk of the Board of Town Trustees of the Town of Palo Alto.

JOINT RESOLUTION OF THE LEGISLATURE OF THE STATE OF CALIFORNIA, APPROVING THE FOREGOING CHARTER OF THE CITY OF PALO ALTO

Now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring (a majority of all the members elected to each house voting for the adoption of this resolution and concurring therein), That said charter of the City of Palo Alto including said additional proposition No. I, as presented to and adopted and ratified by the electors of said Town of Palo Alto as herein above set forth, be and the same is hereby approved as a whole, as and for the charter of said City of Palo Alto as aforesaid

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1909.

MR SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Concurrent Resolution No. 12—Approving ten certain amendments to the charter of the city of Los Angeles, in the county of Los Angeles, State of California, voted for and ratified by the qualified electors of the said city of Los Angeles, at a special municipal election held therein on the second day of February, 1909—have had the same under consideration, and respectively report the same back, and recommend that it be adopted.

FEELEY, Chairman.

The question being on the adoption of the concurrent resolution.

The roll was called, and Assembly Concurrent Resolution No. 12 adopted by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Costar, Cullen, Dean, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Placer, Johnston of Contra Costa, Kehoe, Leeds, Macauley, Maher, McManus, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, O'Neill, Polsley, Preston, Rutherford, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—62.

NOES—Mr. Johnson of Sacramento—1.

Assembly Concurrent Resolution No. 12 ordered transmitted to the Senate.

ASSEMBLY CONCURRENT RESOLUTION NO. 12.

Approving ten certain amendments to the charter of the City of Los Angeles, in the County of Los Angeles, State of California, voted for and ratified by the qualified electors of the said City of Los Angeles, at a special municipal election held therein on the second day of February, 1909.

WHEREAS, The City of Los Angeles, in the county of Los Angeles, State of California, contains a population of over one hundred thousand (100,000) inhabitants,

and has been ever since the year 1889, and is now, organized and acting under a freeholders' charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city, at a special election held for that purpose on the 20th day of October, 1888, and approved by the Legislature of the State of California, on the 31st day of January, 1889, (Statutes of 1889, p. 455); and,

WHEREAS, The city council of said City of Los Angeles did, by ordinance designated as Ordinance No. 17458 (new series), adopted by said city council on the 27th day of November, 1908, and approved by the mayor of said city on the 27th day of November, 1908, and pursuant to Section 8 of Article XI of the Constitution of the State of California, duly propose to the qualified electors of said City of Los Angeles the ten certain amendments hereinafter set forth to the charter of said city, to be submitted to said qualified electors at a special municipal election, to be held in said city on the 2nd day of February, 1909; and,

WHEREAS, Said ten proposed amendments hereinafter set forth were, and each of them was, published for twenty days in a daily newspaper printed and published in said city, and of general circulation therein, to wit: "The Los Angeles Daily Journal," said publication ending on the twenty-third day of December, 1908; and,

WHEREAS, Thereafter the city council of said city did by an ordinance designated as Ordinance Number 17589 (new series), which was duly adopted on the 29th day of December, 1908, order the holding of a special municipal election in said City of Los Angeles on the second day of February, 1909, which said last-mentioned date was at least forty days after the publication of said ten proposed amendments hereinafter set forth for twenty days in said daily newspaper of general circulation in said City of Los Angeles, to wit "The Los Angeles Daily Journal," and did provide in said ordinance for the submission of said ten proposed amendments to the said charter, to the qualified electors of said city for their ratification at said special municipal election which said ordinance was approved by the mayor of said city on the twenty-ninth day of December 1908, and was published for at least ten days prior to the time appointed for the holding of said election, in "The Los Angeles Daily Journal," a daily newspaper printed and published in said city; and,

WHEREAS, At said election a majority of the qualified electors voting thereon, voted in favor of the ratification of, and did ratify each and all of said ten proposed amendments hereinafter set forth to said charter; and,

WHEREAS, The city council of said city of Los Angeles, at a special meeting thereof, held within ten days after said election, duly canvassed the returns of said special election, and duly found, determined and declared that a majority of such qualified electors voting thereon, had voted for and ratified each and all of the said ten proposed amendments to said charter; and,

WHEREAS, The mayor and city clerk of said city of Los Angeles did, on the 5th day of February, 1909, duly certify to the submission to the electors of said city of said ten proposed amendments to said charter and to the ratification of said ten amendments, and did further certify to a copy of said ten proposed amendments, authenticated by a seal of the said City of Los Angeles, which said certificate is in the words and figures following, to wit:

STATE OF CALIFORNIA, }
County of Los Angeles, } ss
City of Los Angeles }

CERTIFICATE OF RATIFICATION OF PROPOSED CHARTER AMENDMENTS TO THE CHARTER OF THE CITY OF LOS ANGELES

We, the undersigned, A. C. Harper mayor of the City of Los Angeles, State of California, and H. J. Lelande, city clerk of said city, do hereby certify as follows, to wit:

That the City of Los Angeles, in the county of Los Angeles, State of California, contains a population of over one hundred thousand inhabitants, and has been ever since the year 1889, and is now, organized and acting under a freeholders' charter, adopted under and by virtue of section eight, of article eleven, of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the 20th day of October, 1888, and approved by the Legislature of the State of California on the 31st day of January, 1889 (Statutes of 1889, page 455)

That the city council of said City of Los Angeles, did, by Ordinance No. 17458 (new series) adopted by said council on the 27th day of November, 1908, and approved by the mayor of said city on the 27th day of November, 1908, and pursuant to section eight of article eleven of the Constitution of the State of California, duly propose to the qualified electors of said city of Los Angeles certain amendments to the charter of said city, to be submitted to said qualified electors at a special municipal election to be held in said city on the 2nd day of February, 1909, which said amendments were and are in the words and figures as follows, to wit:

Charter Amendment Number One.

That Subdivision 7, Section 2, of Article I, of the charter be amended to read as follows

(7) To provide for supplying the city and its inhabitants with water, gas and electricity, or either or any thereof, or with other means of heat, illumination or

power; and to acquire or construct and to lease or operate, and to regulate the construction or operation of conduits or of railroads, or other means of transit or transportation, and of plants and equipments for the production or transmission of gas, electricity, heat, refrigeration or power, in any of their forms, by pipes, wires or other means; and to incur a bonded indebtedness for any of such purposes: *provided*, the question of the issue of bonds therefor shall be first submitted to the qualified electors of the city at a special or general election, and that two thirds of the votes cast on the question of said issue of bonds shall have been cast in favor thereof.

That Section 2, of Article I, of the charter, be amended by adding thereto three new subdivisions immediately after Subdivision 7 thereof, to be numbered respectively *7a*, *7b* and *7c*, and to read as follows:

(*7a*) To provide for the supply of surplus water and surplus electric power, or either, belonging to the city, to other municipal corporations and to consumers and users outside of the city limits.

(*7b*) To acquire or build and operate railroads and interurban railroads from any point within the city limits, to any place or places within Los Angeles County and located on the ocean, or any inlet thereof for the purpose of transporting passengers or freight between the city and the ocean, and to fix and collect charges therefor.

(*7c*) To acquire or construct and operate public wharves, docks, piers or moles upon the seashore, in connection with the transportation of passengers and freight between the ocean and the city, and to fix and collect charges therefor.

That said Section 2, of Article I, of the charter, be amended by adding thereto two new subdivisions immediately after Subdivision 25 thereof, to be numbered respectively 26 and 27, and to read as follows

(26) No wharf, dock, seawall, railroad, street railroad, electric road, traction road, canal, conduit, subway, water system, gas or electric system, light or power works or plant, or any public utility, now or hereafter owned or controlled by the city of Los Angeles, or the right to generate or develop electric or other power by means of any water or water right, now or hereafter owned or controlled by said city, shall ever be sold, transferred, leased, or disposed of, in whole, or in part, without the assent of two thirds of the qualified voters of said city voting on the proposition at a general or special election at which such proposition shall be lawfully submitted; and no electric power, now or hereafter owned or controlled by said city shall ever be sold, transferred, leased, or disposed of to any person or corporation for resale, rental, disposal, or distribution to consumers, without the assent of two-thirds of the qualified voters of said city given as aforesaid; *provided*, that nothing in this subdivision contained shall be construed to prevent the ordinary sale and distribution, by the city, of electric power, belonging to the city, to the inhabitants thereof, or persons doing business therein, for their own use, or to prevent the distribution or supplying, by the city, of surplus electric power, not required by the city for distribution to consumers within its limits, to consumers outside of the limits of the city, for their own use, or to other municipal corporations for municipal use or for resale and disposal, by such municipal corporations to consumers within such municipalities, respectively; *provided, further* that no electric power shall be distributed or supplied for use outside of the limits of the city unless the furnishing of the same, and the terms and conditions thereof, shall first be authorized by a resolution, adopted by the board of public works, and approved by an ordinance of said city.

(27) The bed of the Los Angeles River, as now defined and located, shall not, nor shall any part thereof, ever be sold, granted, leased, transferred or alienated in any way; but the whole thereof shall be kept at all times for municipal purposes, and no franchise or right to use the same, or any part thereof, shall ever be granted sold, leased or given away; *provided* this shall not prevent the granting by ordinance of franchises or rights to cross said river bed, or to take sand or gravel therefrom.

That Section 191, of Article XVIII, of the charter, be amended to read as follows

Sec 191. The said city shall not convey, lease, or otherwise dispose of its rights in the waters of said river Los Angeles, or any part thereof, or grant, or lease to any corporation or person, any right or privileges to use, manage, or control the said waters, or any part thereof, for any purpose, public or private. No other water or water rights now or hereafter owned by said city shall be conveyed, leased, or otherwise disposed of, without the assent of two thirds of the qualified electors of said city voting upon such proposition at an election general or special, at which such proposition shall be lawfully submitted, *provided, however*, that this section shall not be construed to prevent the ordinary sale and distribution, by the city, in the manner hereinafter prescribed, of the waters belonging to said city, to the inhabitants thereof or persons doing business therein for domestic and irrigating uses, and for manufacturing and business purposes, other than water power, or to prevent the distributing or supplying by the city, in the manner hereinafter prescribed, of surplus water, belonging to the city, to other municipal corporations for public, domestic, and business purposes, within such municipalities, respectively, or to consumers and users outside of the limits of the city, for domestic and irrigating purposes: *provided, further*, that no water shall be distributed or supplied to any person, or corporation, other than municipal, for resale, rental, or disposal to consumers; *and provided, further*, that no water shall be furnished for use outside of the limits of the city unless

the furnishing of the same, and the terms and conditions thereof, shall first be authorized by resolution, adopted by the board of water commissioners and approved by an ordinance of said city.

Charter Amendment Number Two

That Section 3 of Article II, of the charter, be amended to read as follows

Sec. 3. The officers of the municipality shall be

A mayor
Nine councilmen
A city clerk
A clerk of the mayor.
A city treasurer.
A city auditor
A city tax and license collector.
Seven members of the board of education.
A city school superintendent.
Five directors of the Los Angeles public library.
A city assessor
A city engineer.
A city attorney
A water overseer.
Five police commissioners.
A chief of police.
A chief engineer of the fire department.
Five members of the board of health.
A health officer
Five fire commissioners
Five park commissioners.
Five water commissioners
A superintendent of water works.
Three commissioners of public works.
A secertary of the board of public works.

That Section 4, of Article II, of the charter, be amended to read as follows

Sec. 4. The following officers shall be elected by the electors of the city of Los Angeles at large, to wit.

The mayor.
The city clerk
The city attorney.
The city treasurer.
The city auditor.
The city tax and license collector
The city assessor
Seven members of the board of education, and
Nine members of the council.

That Section 13, of Article III, of the charter, be amended to read as follows.

Sec. 13. The said council, consisting of nine councilmen, elected as herein provided, is the governing body of the city, and shall meet at least once a week, and shall by ordinance provide for the manner, time and place of holding all regular and special meetings.

That Section 200, of Article XIX, of the charter, be amended to read as follows:

Sec. 200. The council of said city shall by ordinance order the holding of all elections. Such ordinances shall specify the object and time of holding such election and designate the voting precincts and polling places therefor, and the names of the election officers for each precinct, who must be residents thereof, to conduct the holding of and make returns of such election; said ordinance shall be published in some daily newspaper printed and published in said city at least ten days prior to the time appointed for the holding of the election.

That Section 203, of Article XIX, of the charter be amended to read as follows:

Sec. 203. No person shall be eligible to any municipal office under this charter who at the time of his election or appointment is not a qualified elector of this city, and to be eligible to the office of member of the council, the person elected must also have been a resident of the city for at least two years next preceding his election.

Charter Amendment Number Three.

That Article XIV of the charter be amended by adding thereto, immediately after Section 146 thereof, a new section to be known as Section 146¼, and to read as follows:

Sec 146¼. The board of public works shall have charge, superintendence and control of the design, construction and establishment of an aqueduct system extending from a point in the Owens River Valley, in the State of California, to a point in the San Fernando Valley in the county of Los Angeles, in the vicinity of the city of Los Angeles, for the purpose of providing said city with a water supply from the watershed of said Owens River, *provided*, that, upon the completion of said aqueduct system, the same shall thereafter be managed, controlled and maintained by the board of water commissioners, as in the case of other water works belonging to said city

Charter Amendment Number Four

That Section 194, of Article XIX, of the charter be amended to read as follows:

ARTICLE XIX

ELECTIONS

Sec. 194. Elections to be held in said city for the purpose of electing the officers of said city, and for all other purposes, are of three kinds:

(1) Primary nominating elections.
(2) General municipal elections.
(3) Special elections.

That Section 195, of Article XIX, of the charter, be amended to read as follows:

Sec. 195. General municipal elections shall be held in said city on the first Tuesday in December, 1909, and on the first Tuesday in December every two years thereafter, at which shall be elected the elective officers in this charter provided for.

That Section 196, of Article XIX, of the charter, be amended to read as follows:

Sec. 196. The officers elected at a general municipal election shall, after they have qualified as provided in this charter, enter upon the discharge of the duties of the offices to which they have been elected on the first Monday in January of the year succeeding their election at twelve o'clock M., and shall serve for two years, and until their successors have been elected and qualified.

The officers elected at the general municipal election held on the first Tuesday in December, 1906, shall serve for three years, beginning on the first Monday in January, 1907, and until their successors have been elected and qualified.

In the case of a special election to fill a vacancy, the person elected shall, after qualifying as herein provided, enter at once upon the discharge of the duties of the office to which he has been elected, and shall serve for the remainder of the term, and until his successor shall have been elected and qualified.

That Section 197, of Article XIX, of the charter, be amended to read as follows:

Sec. 197. In the event of a vacancy in the city council, a special election for the purpose of filling the same shall be ordered and held without delay. In the event of a vacancy in any other elective office other than a vacancy in the office of member of the board of education, which shall be filled by such board, the council shall fill such vacancy for the unexpired term.

That Section 202, of Article XIX, of the charter, be amended to read as follows:

Sec. 202. All elections shall, except as herein otherwise provided, be conducted and held in accordance with the provisions of the laws of the State for the holding of general elections in effect at the time.

That Article XIX, of the charter, be amended by adding thereto, immediately after Section 206 of said Article XIX, the following sections, to be designated Sections 206*a*, 206*b*, 206*c*, 206*d*, 206*e*, 206*f*, 206*g*, 206*h*, 206*i*, 206*j*, 206*k*, 206*l*, 206*m*, 206*n*, 206*o*, 206*p*, 206*q*, and 206*r*, respectively, and to read as follows:

PRIMARY NOMINATING ELECTION.

Sec. 206*a*. Candidates to be voted for at any general municipal election, or special election to fill a vacancy, shall be nominated at a primary nominating election, and no names shall be printed upon the ballot for such general or special election other than those selected in the manner hereinafter prescribed.

Sec. 206*b*. The primary nominating election shall be held not less than three nor more than five weeks preceding such general or special election. The officers of election who shall be appointed for the primary nominating election shall be the officers of such general or special election, and such general or special election shall be held at the same places, so far as possible, and the polls shall be opened and closed at the same hours, as may be provided for the primary nominating election. All ballots, blanks and other supplies to be used at any primary nominating election, and all expenses necessarily incurred in the preparation for or the conducting of such primary election shall be paid out of the treasury of the city in the same manner, with like effect, and by the same officers, as in the case of other elections.

Sec. 206*c*. The name of no candidate for nomination shall be printed upon the primary nomination ballot unless a petition for nomination shall have been filed in his behalf, as provided herein, in substantially the following form:

We, the undersigned, qualified electors of the city of Los Angeles, county of Los Angeles, State of California, do hereby petition that the following named person or persons shall be a candidate or candidates for the office or offices hereinafter specified, to be voted for at the primary nominating election to be held for the nomination of candidates for offices of said city at the next general election, (or in case of a special election, say at a special election) for (name the office or offices to be filled).

Name of candidate.	Office.	Address.
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....

Name of petitioner. Address.

STATE OF CALIFORNIA, } ss.
County of Los Angeles }

I, ... do hereby certify that I am a qualified elector of the city of Los Angeles, that I reside at No. ..... street, in the city of Los Angeles, county of Los Angeles, State of California, and that the signatures on this sheet were signed in my presence and are genuine, and that to the best of my knowledge and belief the person so signing were at the time of so signing qualified electors of said city and that their respective residences are correctly stated as above set forth

....
.....

Subscribed and sworn to before me this ..... day of ...., A. D. .....

....

Sec. 206*d* Such petition shall consist of sheets of uniform size to be furnished by the city clerk and said petition and each separate sheet thereof shall be preceded by a heading in large clear letters or type giving name of petition, or for what office, and name of candidate nominated, in substantially the following form:

Petition for nomination of A. B. for city clerk and C. C. for city auditor, etc., etc.

Such petition shall be signed by qualified electors of the city of Los Angeles in their own proper persons only, and opposite the signature of each signer, his residence address shall be written by him, or if he is unable to write, by some one under his direction, giving the street and number when such designation by street and number can be given. At the bottom of each sheet of such petition shall be added a statement, signed by a qualified elector of the city stating his residence address, with street and number when such designation by street and number can be given, certifying that the signatures on that sheet of said petition were signed in his presence and are genuine, and that to the best of his knowledge and belief the persons so signing were at the time of signing said petition qualified electors of said city. Such statement shall be sworn to before some officer authorized to administer oaths. Such sheets, before being filed, shall be fastened together, in book form, by placing the sheets in a pile, and fastening them together at one edge in a secure and suitable manner, and then the sheets shall be numbered consecutively. The sheets shall not be fastened by pasting them together end to end, so as to form a continuous strip or roll.

Sec. 206*e*. No petition for nominations shall be held sufficient unless signed by at least one hundred qualified electors of the city. No petition for nomination shall contain the names of more than one candidate for each office. No voter may sign more than one petition for a candidate for the same office.

Sec. 206*f*. Said petition shall be presented to the city clerk not later than sixty days and not earlier than eighty days prior to the election for which such nominations are made, and the clerk shall endorse thereon the date of such presentation. The clerk shall immediately, upon the presentation to him of a petition, ascertain and determine whether or not the petition is signed by the requisite number of qualified electors. If necessary, the council shall allow the clerk extra help in this work, and the clerk shall, within five days after the presentation thereof, attach his certificate to the petition showing the result of his examination.

Sec. 206*g*. If, by the clerk's certificate, it shall appear that the petition has not been signed by the requisite number of qualified electors, it may be amended within five days from the date of said certificate by the further addition of names. The clerk shall, within five days after such amendment, make like examination of the amended petition and shall certify as to the result of his examination, but no further amendment shall be allowed.

Sec. 206*h*. If either the original or amended petition shall be found to be sufficiently signed as herein provided, the same shall be filed by the clerk. Said petition when filed, shall not be withdrawn or added to, and no signature shall be withdrawn therefrom after presentation to the clerk.

Sec. 206*i*. Immediately upon the filing of the petitions for nominations, the clerk shall enter the names of the candidates so nominated in a list and shall, not later than ten days prior to the election, certify said list as being the list of candidates nominated as required by this charter, and shall cause said certificate, together with said list of names and the offices for which the several candidates were respectively nominated, to be published at least five consecutive days prior to the primary nominating election in five of the daily newspapers published in the city.

Sec. 206*j*. Any proposed candidate may cause his name to be withdrawn and removed from the list of candidates by filing with the clerk his request and demand in writing, to that effect any time before the clerk shall have certified the list of candidates nominated.

Sec. 206*k*. The clerk shall cause the ballots to be printed and, except when voting machines are used, numbered and bound, which ballots shall contain the list of names of candidates and respective offices as published, with the following caption

"PRIMARY NOMINATING ELECTION.

CITY OF LOS ANGELES
(Inserting date thereof.)

"To vote, stamp a cross opposite the name of the candidate voted for, except that when name of candidate is written in by voter the cross shall not be made."

The names of the offices to be filled shall be arranged on the ballots in the order the officers of the city to be elected are named in this charter.

Sec. 206*l*. The names of the candidates for each office shall be arranged on the ballot of the primary nominating election in alphabetical order. There shall be nothing on any ballot indicative of the party affiliation, source of candidacy or support of any candidate.

Sec. 206*m*. Each ballot shall contain blank spaces underneath the printed names for each office, wherein the voter may write the name of any candidate whose name is not printed on the ballot and for whom he may wish to vote and in such case a cross shall not be stamped opposite such written name.

Sec. 206*n*. Any candidate to fill a vacancy and to serve the remainder of an unexpired term, shall be designated on the ballot as a candidate to fill a vacancy.

Sec. 206*o*. The two candidates receiving the highest number of votes for any given office at the primary nominating election, shall be the candidates, and the only candidates, for such office whose names shall be printed upon the ballots to be used at the general municipal election or special election, *provided*, that where more than one office of the same kind is to be filled, the candidates therefor, equaling, in number, twice the number of such offices, who receive the highest number of votes at the primary nominating election shall be the candidates and the only candidates for such offices, whose names shall be printed upon the ballot to be used at such general or special election.

Sec. 206*p*. The ballot at such general or special election shall be in the same general form as for such primary nominating election, so far as applicable, and without any indication as to the party affiliation, source of candidacy or support of any candidate.

Sec. 206*q*. Any person entitled to vote at any election held in the city of Los Angeles, shall, on the day of such election, be entitled to absent himself from any service or employment in which he is then engaged or employed, for the period of two consecutive hours between the time of opening and the time of closing the polls; and such voter shall not, because of so absenting himself, be liable to any penalty, nor shall any deduction be made on account of such absence from his usual salary or wages.

Sec. 206*r*. Nothing contained in any of the foregoing sections numbered 206*a* to 206*q* inclusive, shall be deemed to apply to an election held under the provisions of Section 198 of this charter.

Charter Amendment Number Five.

That Article XX. of the charter, be amended to read as follows:

ARTICLE XX.

CONTRACTS

Sec. 207 The city of Los Angeles shall not be and is not bound by any contract (except such a contract as is now or may be hereafter authorized by this charter to be made in behalf of the city by a board or officer of the city), unless the city council shall have first caused notice to be published for not less than five days in a daily newspaper, printed and published in the city of Los Angeles, inviting proposals to perform the same, and thereafter shall have let said contract to the lowest responsible bidder furnishing security for its performance, satisfactory to the city council; *provided*, that any such contract shall not be made or be binding on the city unless first authorized by resolution passed by the council, subject to approval by the mayor and passage over his veto by the council, and the provisions of Sections 37 and 38 of this charter are hereby made applicable to every such resolution; that any such contract shall be made in writing, the draft thereof approved by the council, and the same ordered to be, and be, signed, on behalf of the city, by the mayor, or some other person authorized thereto by resolution, and that the approval, as to form, of such contract by the city attorney, as required by Section 49 of this charter, shall be endorsed on the draft thereof before the council shall have power to approve the same; *provided, further*, that the council may by resolution authorize any officer, committee, or agent, of the city to bind the city for the payment of a sum of money, not exceeding $500, without a contract in writing and without any previous publication of notice inviting proposals or the presentation to or approval by the mayor of such resolution.

Charter Amendment Number Seven.

That the charter be amended by adding a new article thereto, to be known as Article XXV, and to read as follows

ARTICLE XXV.

ANNEXATIONS CONSOLIDATION OF CITY AND COUNTY GOVERNMENTS, ESTABLISHMENT AND GOVERNMENT OF BOROUGHS, HARBOR IMPROVEMENT BONDS.

SEC 257 Whenever it shall be authorized by the laws of this state, it shall be lawful, under the charter of the city of Los Angeles, to annex or join to the city of Los Angeles any contiguous city or town in Los Angeles County, incorporated under the general laws of the State, or existing under a freeholders' charter, or any contiguous territory in said county, within any part of which the whole of any such city or town may be included, to be governed under the charter of the city of Los Angeles, and the question of annexation or joinder to the city of Los Angeles may be voted upon at an election to be called and held as provided by law.

It shall also be lawful to consolidate the city and county governments within the boundaries of the city of Los Angeles as now or hereafter established whenever the same shall be authorized by the laws of this state

Sec. 258. A borough may be established in any territory hereafter annexed to the city of Los Angeles containing a population of not less than five hundred inhabitants, whether such territory in whole or in part was or was not included within the limits of any incorporated city or town at or immediately prior to the time of such annexation, in the manner, with the powers and subject to the conditions and limitations, hereinafter provided —

(*a*) The government of a borough, established under the provisions of this charter, shall be vested in a board of trustees, to consist of five members, to be elected by the qualified electors of such borough, and the other officers of such borough to be appointed by the board of trustees thereof, as hereafter provided.

(*b*) Whenever a petition shall be presented to the city council of the city of Los Angeles, signed by at least fifty per cent of the qualified voters residing in such territory, computed upon the number of votes cast at the last general state election held therein, describing the boundaries of such territory and proposed borough and stating the proposed name thereof, and praying for the establishment therein of a borough system of government, the city council of the city of Los Angeles must without delay submit to the voters of such territory, the question whether such proposed borough shall be established, at a special election to be called and held for that purpose, and cause a notice of such election to be published in a newspaper printed and published in the territory embraced within such proposed borough, if any such there be, at least once a week for a period of three successive weeks next preceding the date of such election. If there be no such newspaper, such notice shall be posted for the same period in at least five public places in such territory Such notice shall particularly describe the boundaries of such proposed borough; shall state the name thereof, and shall require the voters to cast ballots, which shall contain the words "For the establishment of the borough" or "Against the establishment of the borough," or words equivalent thereto, and also the names of the persons to be voted for to fill the office of members of the board of trustees of such proposed borough.

Such election shall be called, held and conducted, and the returns thereof shall be canvassed and the result thereof declared by the city council, in all respects as in the case of general municipal elections in the city of Los Angeles. If, upon such canvass, it appears that the majority of the votes cast are in favor of the establishment of such borough, the city council shall, by an order entered upon its minutes, declare such borough duly established, with the name thereof stated in such petition, and declare the five persons receiving, respectively, the highest number of votes for members of the board of trustees of such borough to be the duly elected members of the board of trustees thereof, and thereupon the establishment of such borough shall be complete, and such officers shall be entitled to enter immediately upon the discharge of the duties of their respective offices, upon qualifying in accordance with law The trustees elected at such election shall hold office during the remainder of the period for which the mayor of the city of Los Angeles then in office shall have been elected, and their successors in office shall be elected by the qualified voters of such borough at the same time and shall serve for like terms as shall be provided for election and duration of the term of office of mayor of the city of Los Angeles

(*c*) The board of trustees of such borough shall elect one of their number president, and shall prescribe by rules the time and place of their meetings and of their manner of procedure, and they shall have power to regulate and control all local municipal affairs throughout the said borough, excepting as to those matters and things where jurisdiction is herein conferred upon or reserved to the city of Los Angeles, and they shall also have power to levy a general tax upon the taxable property within such borough for borough uses, not exceeding one dollar upon each one hundred dollars worth of taxable property, according to the assessed value thereof.

The said board of trustees of any borough shall also have power to appoint and remove an attorney, a clerk, a treasurer, an auditor, a recorder, a marshal and necessary police officers and men, and such other officers, agents and employees as they deem necessary to conduct said borough government, *provided, however*, that the powers and duties of assessor and tax collector respectively, of such borough shall be vested in and be performed by the assessor and tax collector, respectively, of the city of Los Angeles. In case it shall be required by ordinance passed by the board of trustees of any borough, the city treasurer of Los Angeles city shall perform the duties of treasurer of such borough.

Except as herein otherwise provided, any borough established under this charter shall have the powers, and the board of trustees and officers and agents thereof, respectively, shall have the powers and perform the duties, now or hereafter conferred or imposed by the general laws of the State of California upon cities of the sixth class and the officers and agents thereof, respectively.

(*d*) The qualified voters of any borough shall be entitled to vote at all elections for officers of the city of Los Angeles and at all other elections affecting property in such borough.

(*e*) All general taxes levied and collected by, or for and on account of, any borough shall be paid over to the proper borough treasurer except as hereafter provided.

All property within any borough shall be taxable for the purpose of paying the principal and interest of any bonded or other indebtedness of the city of Los Angeles incurred after the annexation of the territory in which said borough is located and before the establishment of such borough, and of any bonds issued by said city, under the provisions of Section 262 of this charter after such annexation, and of any bonds issued for county indebtedness, in case of the consolidation of city and county governments. All taxes upon property in any borough for the purpose of paying the principal or interest of bonds issued by such borough, or of bonded or other indebtedness of said city incurred as aforesaid, or of bonds issued by said city, as aforesaid, under the provisions of Section 262 of this charter, shall be levied and collected by said city and shall be paid over to the treasurer of said city. No other taxes shall be levied or collected by said city upon property within such borough, *provided, however*, that if the whole or any part of such borough shall heretofore have been embraced within the limits of an incorporated city, and there are any outstanding bonds or other indebtedness of such city chargeable against property within such borough, the city of Los Angeles shall have power to levy and collect upon such property, from time to time, such sums as shall be found due from it on account of its just proportion of liability for any payment on the principal or interest of such indebtedness, and to pay the same in discharging such liability; *and provided, further*, that, in case of the consolidation of city and county governments, the property within any such borough shall be taxable for general purposes of such consolidated city and county, subject, however, to the limitation prescribed in Section 259 of this charter.

The principal and interest of all bonds issued by any borough shall be paid through the treasurer of the city of Los Angeles.

(*f*) The city of Los Angeles shall have exclusive jurisdiction over two streets or highways in each borough which, in themselves, or in continuation of, or in connection with, other streets or highways, extend from the present boundaries of the city of Los Angeles to the water front and to established government harbor lines, if such harbor lines shall have been established at such water front, and of two cross streets within such borough which lead to any docks, wharves, piers, or navigable waters in such borough, which streets and cross streets, and the continuations or extensions of streets, as aforesaid, shall be selected and designated by ordinance of the city council of the city of Los Angeles as harbor highways. The city of Los Angeles shall have exclusive power to control and regulate the use, maintenance and repair of such harbor highways, and the making of excavations therein, and to open, extend, widen, straighten, grade, regrade, macadamize, remacadamize, pave, repave, establish or change the grade of, or otherwise improve, the same, and shall also have exclusive power to control or acquire, own, construct and operate water, gas, electric lighting and power plants, railroads, street railroads, and electric roads and to grant franchises therefor upon and over such harbor highways. The city of Los Angeles, shall also have, throughout the whole of said city, including any such borough, the exclusive power to acquire, construct, own, operate and maintain docks, wharves, piers, canals and seawalls, and to regulate and control navigable waters, anchorage, wharfage and pilotage, and shall have the ownership, possession and control of all tide-lands and submerged lands below the line of mean high tide whether filled or unfilled, and of all water front within the limits of said city; *provided*, that not exceeding 1000 feet of water frontage continuous in one body within such borough, with any wharves, docks, piers or other improvements thereon or to be placed thereon under authority of any such borough, together with the adjoining co-terminus tide land or submerged land, is hereby reserved for the uses of such borough, and such borough shall have jurisdiction over such 1000 feet of frontage and such improvements thereon and such co-terminus tide land or submerged land for municipal purposes, and shall designate such frontage by ordinance within sixty

days after the organization of the first board of trustees of such borough. *provided, however*, that such frontage so designated shall not include any portion of water frontage or lands theretofore improved by the city of Los Angeles, except by consent of the city of Los Angeles given by ordinance adopted by its city council; *and, provided, further*, that such frontage shall be subject to all rights of way for highways, railways, street and other railroads, as may be determined from time to time by the city council of the city of Los Angeles.

Sec. 259. Whenever the consolidation of city and county governments of the territory within the city of Los Angeles becomes effective, the city council, or its successor in office, of the consolidated city and county of Los Angeles shall also exercise the powers of a board of supervisors, including the power to levy and collect taxes, as may be authorized by law, upon all property within such consolidated city and county: *provided*, that in any borough, if any there be, embraced in such consolidated city and county, not exceeding one-half of the percentage of the levy of taxes for general purposes of such consolidated city and county, shall be levied and collected from property in such borough. In all other respects such borough shall continue to exist and be governed as hereinbefore provided in this article.

Sec. 260. Whenever, in the opinion of the city attorney of Los Angeles, the public interests require him so to do, he shall be authorized, and whenever directed by the city council of Los Angeles, it shall be his duty, to commence and prosecute all actions and proceedings in the name of the city to recover possession of, or to determine adverse claims to, any highway, street, alley, water frontage, tide-land, or other property held for or dedicated to any public use.

Sec. 261. It shall be unlawful to sell, convey, alienate, transfer or lease any part of the water front, tide-lands, submerged lands, or other real property or appurtenances thereunto belonging, owned or held by the city of Los Angeles, or by any borough therein, for any public use, unless thereunto authorized by two-thirds of the qualified voters of the city voting at a general or special election at which such proposition shall have been submitted, *provided*, that whenever the city of Los Angeles shall have acquired the absolute title and possession to more than ten thousand consecutive feet (linear measurement) of water frontage and the co-terminus and adjacent tide and submerged land upon the water front, as fixed by the government harbor lines of the navigable waters of the outer or inner bay of San Pedro, not including frontage upon any island nor frontage held by any borough, nor any frontage created by construction of channels by any person or corporation other than the United States, the city of Los Angeles may lease, by ordinance, from the water frontage in excess of said ten thousand feet so owned by said city, for periods of not exceeding fifteen years, alternate frontages upon such outer or inner bay where it so owns such water frontage, as the case may be, not exceeding one thousand linear feet in a continuous body, together with the adjacent and co-terminus tide-land, to any person or corporation; and said ten thousand feet of water frontage and each alternate thousand feet of such excess water frontage, together with the adjacent and co-terminus tide and submerged land, shall be reserved for public uses as aforesaid. Each such lease shall contain a condition that in case such lease or property, or any part thereof, embraced therein, shall be transferred or subleased, or the control thereof given or granted to any person or corporation so that such person or corporation shall then own, hold or control more than two (2) thousand feet of said water front, upon any part of the outer or inner bay of San Pedro, then such lease, and all rights thereunder shall thereupon be absolutely terminated. Every such lease granted or made hereunder, shall be subject to all rights of way over the tide and submerged land embraced therein for highways, streets, railways, and street and other railroads, as may from time to time be determined by the city council.

In any case, where the city of Los Angeles or its predecessors in interest or authority shall have executed any lease or grant, or any document purporting to be such, to any person or corporation, the water front, tide-lands, and submerged lands covered thereby, shall not be deemed to be subject to be again leased or granted by the city of Los Angeles under this section until such lease or grant shall have been cancelled or otherwise terminated, and until the city of Los Angeles shall have regained peaceable possession of such property.

Sec. 262. For the purpose of opening, improving, constructing or maintaining streets, highways, or other means of public transportation, to navigable waters within the county of Los Angeles, and acquiring the necessary land therefor by purchase or condemnation, and for the further purpose of constructing and maintaining canals and waterways between such navigable waters and any such streets, highways, or means of transportation, and acquiring the necessary land therefor, by purchase or condemnation, and for the further purpose of constructing docks, wharves, and warehouses within or without the city boundary, to be owned and operated by the city, and acquiring the necessary land therefor by purchase or condemnation, the city of Los Angeles shall be authorized to incur an indebtedness.

That Article III of the charter be amended by adding seven new sections thereto to be designated as "harbor improvement bonds."

Charter Amendment Number Twenty-three

That Article III of the charter be amended by adding seven new sections thereto to be known as Sections 36*a*, 36*b*, 36*c*, 36*d*, 36*e*, 36*f*, and 36*g*, immediately after Section 36 of said article, and to read as follows

Sec 36*a*. The council shall have power, by ordinance, to provide for the planting, maintenance, or care of shade and ornamental trees in streets and other public places, and for the removal of unsightly and dead trees therefrom, and to make the cost thereof a lien and charge upon the abutting property, and to make provision for the enforcement of such lien.

Sec 36*b*. The council shall have power, by ordinance, to provide for the removal, from private lands or lots, of weeds, rubbish, or any other material which may endanger or injure neighboring property, or the health or welfare of the residents of the vicinity; to make the cost thereof a lien and charge upon such lands or lots and to make provision for the enforcement of such lien

Sec 36*c*. The council shall have power, by ordinance, to require the owners of real property in the city to remove grass, weeds or obstructions from the public sidewalks in front of their property, and, upon their default, to cause such work to be done and the cost thereof to be made a lien and charge upon such property, and to make provision for the enforcement of such lien.

Sec. 36*d* The council shall have power, by ordinance, to require the owners of real property fronting upon any street, lane, alley or other public place, in which there are sewers, water or gas mains or other mains or conduits, to connect their several premises therewith before such street, lane, alley or other public place, or the portion thereof upon which such property fronts, is paved or otherwise improved and, upon their default, cause such connections to be made and to make the cost thereof a lien and charge upon the property so connected, and to make provision for the enforcement of such lien

Sec. 36*e*. Except as otherwise provided in this charter, or in the constitution of the State of California, the council shall have power, by ordinance, to regulate and control, for any and every purpose, the use of the streets, lanes, alleys, courts and sidewalks, and other public places of the city

Sec 36*f* The council shall have power, by ordinance, to set apart as a boulevard or boulevards, any street or streets, or portions thereof, and to make regulations for the use of the same.

Sec 36*g*. The council shall have power, by ordinance, to provide for the licensing of dogs, the seizure and impounding of unlicensed dogs, the care and protection of lost, strayed or homeless dogs, for the protection of the public against dogs, and the destruction of dangerous or vicious dogs, whether licensed or not, to authorize contracts to be made in the name of the city for the care or protection of, or the prevention of cruelty to, animals, for the capture and impounding of all unlicensed dogs, and the maintenance of a shelter for lost, strayed, or homeless dogs, *provided, however*, that the compensation to be paid therefor, must not exceed, in any one year, the amount collected by the city from the payment of licenses for dogs during such year.

That Section 34 of Article III of the charter be amended to read as follows

Sec. 34. It shall, by ordinance, regulate the speed of railroad trains, engines or cars, street, or other railroad cars, automobiles and other vehicles in the city, and require persons, firms or corporations, operating railroads or street or other railroads, to station flagmen, place gates, or construct bridges, viaducts, tunnels or subways, at railroad crossings, as the council may deem proper

Charter Amendment Number Twenty-seven.

That Section 58 of the charter be amended to read as follows

ANNUAL REPORTS OF OFFICERS

Sec. 58 It shall be the duty of the mayor, city attorney, city treasurer, city assessor, city tax and license collector, chief of police, city auditor, health officer, water overseer, city clerk, city engineer, board of public works, chief engineer of the fire department, city sealer of weights and measures, city school superintendent board of directors of the Los Angeles public library, and the board of park commissioners, each to present to the council, at its meeting in the second week in July of each year, a report for the preceding year, ending on the 30th day of June last which shall show as follows.

(1) The mayor shall, in addition to his report as mayor, inform the council of the condition of the police court, the number of arrests made, the offenses charged and how disposed of, the penalties inflicted and amount of fines and from whom collected; and to that end he may require such reports from the police judges as he may deem necessary.

(2) The city attorney shall, in his report, present an abstract of all actions and proceedings in the supreme and superior courts, where the city is an interested party, and shall show what cases have been disposed of during the year, and in what manner, and the condition of those remaining on the calendar.

(3) The city treasurer shall show, in his report, specifically, the amount of all

indebtedness of the city of money received by him during the year, the date of the receipt thereof, and from whom, the amount paid out, when, and to whom, and the date and number of the demands on which the respective amounts are paid

(4) The city tax and license collector shall report the amount of money received and on what account

(5) The city assessor shall, in his report, show the amount of personal property taxes collected by him, together with the amount of any fees which he may have received on account of such collection in each case.

(6) The city auditor shall make a proper statement of the transactions of his office, as provided in Section 43

(7) The chief of police shall report the number of arrests made by him, the offenses charged and how disposed of, the number and names of the policemen employed, when appointed and when discharged, and all money and other property received from prisoners and the disposition of the same

(8) The health officer shall show the condition of the health of the city during the year, and the number of cases of diseases which he has treated, and other matters of interest pertaining to his office.

(9) The water overseer shall, in his report, show the amount of water rates or charges collected by him; and shall make a detailed statement of the condition of the water systems of the city, so far as the same are entrusted to his charge

(10) The report of the city clerk shall show the number of licenses issued, and for what amount

(11) The report of the city engineer shall show the character, cost and condition of all public works and improvements in course of construction during the year

(12) The report of the board of public works shall show the cost of erection, alteration and repair of all buildings during the year; and shall show also the general result of its inspection of buildings during the year. Said board shall report also the number of building permits issued by it

(13) The board of public works shall report upon the condition of the streets of the city and the improvements of the same during the year; and shall show what action was taken by it in the enforcement of ordinances pertaining to street obstructions and in regard to deviations from contract in the construction of public works.

(14) The report of the chief engineer of the fire department shall show the condition of the fire department and its apparatus, giving a detailed statement thereof, also the work of the department during the year.

(15) The report of the city sealer of weights and measures shall show the amount of charges collected by him, and such other matters as are entrusted to him

(16) The report of the city school superintendent shall show the number and condition of the public schools, the number of teachers and their salaries and the number of pupils in attendance.

(17) The report of the board of directors of the Los Angeles public library shall show the condition of their trust for the year ending the 30th day of June of that year; the various sums of money received from the library fund and from other sources; for what purpose such money has been expended, and the amount so expended and the balance on hand; the number of books and periodicals on hand; the number added by purchase, gift or otherwise during the year; the number lost or missing, the number of visitors attending; the number of books loaned out, and the general character and kind of such books, with such information and suggestions as it may deem of general interest.

(18) The report of the park commissioners shall show the condition of the parks, with the kind, cost and expense of the improvements, including the entire cost and expense of the department for the year ending June 30th, last preceding

That Section 150 of the charter be amended to read as follows

Sec 150 The board of public works shall present to the city council at its meeting in the second week of July, in each year, a report for the year ending on the thirtieth day of June next preceding, which shall show the amount of money received from the sale of bonds, the purposes for which such money has been expended, the amount so expended, and the balance on hand in each bond fund, and also, such information and suggestions as it may deem of general interest; and the board of public works shall also, on or before the tenth day of each month make out and present to the city council a similar statement of all expenditures during the preceding month of the moneys derived from the sale of bonds

That subdivision 4 of Section 192 of the charter be amended to read as follows

(4) The board of water commissioners shall present to the city council, at its meeting in the second week of July in each year, a report for the year ending on the thirtieth day of June next preceding, which shall show the amount of money received from all sources, the purposes for which such money has been expended, the amounts so expended, and the balance on hand; also the nature and condition of the property held by the board, with such information and suggestions as it may deem of general interest; and the board shall also, on or before the tenth day of each month, make out and present to the city council a similar statement of all receipts and expenditures during the preceding calendar month

That Section 43 of the charter be amended to read as follows

CITY AUDITOR.

Sec 43 The city auditor shall act as the general accountant and fiscal agent of the city, and shall exercise a general superintendence over all of the officers of the city charged in any manner with the receipt, collection or disbursement of the city revenues.

He shall keep a complete set of books, in which he shall set forth in a plain and business-like manner every money transaction of the city, so as to show at all times the state of each fund, from what source the money was derived, and for what purpose any money was expended, and also all collections made and paid into the treasury by each officer or any other person.

He shall, on application of any person indebted to the city, holding money payable into the city treasury, or desiring to pay money therein, certify to the city treasurer the amount thereof, to what fund applicable, and by whom to be paid He shall upon the deposit of the receipt of the city treasurer for money paid into the city treasury, charge the city treasurer with the amount received by him, and give the person paying the same a receipt therefor.

It shall be his duty to apportion among the several funds all public money at any time in the city treasury, not by law or ordinance specifically apportioned and appropriated, and forthwith notify the city treasurer of such apportionment or appropriation He shall countersign and deliver to the proper officer all licenses.

He shall report to the council at the regular meeting of each week the condition of each fund in the city treasury and the amount drawn from each fund the preceding week.

He shall make and present a report to the council at its meeting in the second week of July of each year, showing all financial business transactions of the city for the preceding year ending the 30th day of June last.

He shall audit and approve all demands against the city before payment, and keep a record of the same as hereinafter provided in article XXI

He shall on or before the first day of August in each year, make and present to the council a report as to the revenue and expenses of the city for the current fiscal year, in which he shall set forth estimates of (1), the revenue from other sources than taxation; (2), the itemized expenditures; (3), the itemized amounts necessary to be raised by taxation for each fund.

He shall perform such other duties as shall be required of him by this charter or by ordinance. He shall devote his entire time to the duties of his office.

That Section 44 of the charter be amended to read as follows

CITY TREASURER.

Sec. 44. It shall be the duty of the city treasurer to receive and keep all moneys that shall come to the city by taxation or otherwise, and to pay the same out on demands legally audited in the manner hereinafter provided; and without such auditing he shall disburse no public moneys whatever, except the principal and interest of the municipal debt when payable.

He shall receive no money into the city treasury unless accompanied by the certificate of the city auditor provided for in Section 43 hereof

He shall issue receipts in duplicate to all persons paying money into the treasury, One of which receipts shall be forthwith deposited with the city auditor.

He shall make a report at the close of each business day, to the auditor, showing all moneys received during the day, together with the number of each receipt given by him therefor, and what account and from whom received and to what fund applied

He shall, on or before the seventh day of each month, make out and present to the council a full and complete statement of the receipts and expenditures for the preceding calendar month; and he shall make such special reports from time to time as may be required by the council.

The mayor, city attorney, city auditor, the finance committee of the council, or any special committee appointed by the council, separately or collectively, and with the aid of an accountant selected by such officer or committee, shall have the right and power to examine the books of the treasurer at all times; and the mayor, auditor or finance committee shall also have the right to inspect and count all public moneys under the treasurer's control, or on deposit elsewhere. Whenever the city shall provide a proper vault and safes in the city hall for the keeping of the city money, the treasurer shall keep said moneys in said vault, except as hereinafter provided. It shall be in the power of the council, by ordinance, at any time to require the city treasurer to devote his entire time to the duties of his office

That Section 46 of the charter be amended to read as follows

CITY ASSESSOR.

Sec 46 It shall be the duty of the city assessor, in addition to any duty that may be elsewhere prescribed for him by this charter or by ordinance, to make out, within such a time as may be prescribed by ordinance of said city, either now in force or which may hereafter be passed in pursuance hereof, a full, true and correct list of all the property, both real and personal, taxable by law, within the limits of said city, with the valuation thereof, and assess the same to the persons by whom it was owned or claimed, or in whose possession or control it was, at 12 o'clock meridian on the first Monday of March next preceding

Each taxpayer in said city shall make and deliver to the city assessor annually, and at such time as shall be provided for by ordinance, a statement under oath setting forth specifically all the real and personal property owned by such taxpayer, or in his possession or under his control at 12 o'clock meridian on the first Monday of March next preceding.

It shall be the duty of the assessor to collect the taxes on all personal property, when the owner of said property is not seized of real estate in said city sufficient to afford ample security for the collection of said taxes.

In all such cases he shall be governed in fixing the amount of the tax by the rate of the tax levy for the preceding year.

Immediately after fixing the assessment on such property he shall serve on its owner or owners a notice in writing, which shall specify the assessed valuation of the property, the rate per cent and the amount of tax payable, and contain a demand for the payment of said tax within three days after service of said notice. Said notice shall be served personally, or by leaving a copy of the same at the last known place of residence of the person whose property is so assessed.

Upon the expiration of said three days after such service, if the tax demanded still remains unpaid or payment thereof be not secured to the satisfaction of the city attorney and city assessor, the assessor shall forthwith proceed to collect the same by seizure and sale of any personal property owned by the delinquent.

The said sale shall be made by him in the manner provided in Sections 3791, 3792, 3793, 3794, 3795 and 3796 of the Political Code of the State of California, *provided*, that the newspaper referred to in Section 3792 shall be published in the city, and shall be designated by the council.

As soon as the rate is fixed for the year in which such collection is made, if it be found that a sum in excess of said rate has been collected, the excess must be repaid in the same manner as other demands against the city are paid, to the person from whom the collection was made, or to his assigns. And if a sum less than the rate fixed has been collected, the deficiency must be collected as other taxes on personal property are collected.

Should the board of equalization reduce the valuation for the same year of the property so assessed, the sum collected in excess of said reduced valuation must be repaid in like manner to the person from whom the collection was made, or to his assigns. And if the valuation of said property should be increased by said board, then the deficiency must be collected as other taxes on personal property are collected.

The assessor shall carefully note upon his assessment list, and also in a book to be kept by him for the purpose, all collections made by him under this section, and shall turn over to the city treasurer all money received immediately upon its receipt.

In case the said assessor shall fail to demand, and through his fault to collect, any and all taxes which by this section he is directed to collect, he shall be and become personally liable to the city for the amount of said delinquent taxes, with interest from the date of their assessment; and the council is authorized and directed to cause proper action or actions at law to be brought against said assessor and the sureties on his official bond to recover the same.

The mode of making out assessment lists, of ascertaining the value of property and of equalizing the same shall be such as is now, or may hereafter be, prescribed by the ordinances of the city.

When such list has been made out and the same returned to the council, as prescribed by such ordinances, the council shall, at the time and in the manner in such ordinance provided, sit and act as a board of equalization, and shall have, as regards the equalization of said list, powers similar to those conferred by law upon the board of supervisors of Los Angeles county, as a board of equalization of state and county taxes.

The meetings of said board of equalization shall be public, and notice of such meetings shall be given by publication at such time and in such manner as shall be provided by ordinance. The said board shall have the power, in its discretion, to increase or diminish the amount of any or all of the assessments on said lists, both as to real and personal property; *provided*, that before any such assessments shall be increased, due notice shall be given to the owner or owners of the property the assessed value of which is sought to be increased, and such owner or owners shall have the opportunity to be heard before the board, under oath, such notice to be regulated in all respects by ordinance.

After such list has been equalized, it shall be returned to the council, which shall forthwith fix the levy or rate per cent of taxes levied for all municipal purposes for that fiscal year.

Every tax so levied shall have the force and effect of a judgment against the person and property taxed, and shall be and constitute a lien upon the real property situated in said city so assessed or owned by the party against whom such assessment is made.

Every such assessment and the lien thereof shall have the force and effect of an execution duly levied upon all property owned by the party assessed, or by the unknown owner of such property when assessed to an unknown owner. The

judgment is not satisfied nor discharged until the tax assessed against the property and the owners is paid, or the property sold for the payment thereof.

The said corporation shall have such other rights, claims and liens for the amount of such municipal taxes as may now or hereafter be given to or exercised by the people of the State of California for and on account of the assessment of state and county taxes levied in Los Angeles County.

The mode and manner of collecting such municipal taxes, and enforcing such tax lien, and the proceedings thereafter, shall substantially be the same as the mode and manner at the time prescribed by law for the collection of state and county taxes in said county; *provided, however,* that the council may, by ordinance, have the power to regulate the time or times of the collection of said taxes within each fiscal year, and prescribe by what officers the respective duties appertaining to such collection and enforcement shall be performed. All such proceedings, sales, certificates and conveyances had, made and executed by them in pursuance thereof, shall be of like force, effect and validity as is or may hereafter be given by law to like proceedings and acts in the matter of the collections of state and county taxes in said county.

That Section 205 of the charter be amended to read as follows

Sec 205 The registers used at any election held in pursuance of this charter shall be registers used at the last preceding general state election in the precincts in which such municipal election is held, together with supplemental registers showing all additional registrations, transfers, and changes, since the closing of registration for such general state election It shall be the duty of the county clerk of the county of Los Angeles to furnish such registers, together with such supplemental registers, showing all additional registrations, transfers and changes since the closing of registration for the last preceding general state election, with proper indices thereto, to the city clerk of said city at least five days before the holding of such municipal election.

Charter Amendment Number Twenty-eight.

That Section 32 of the charter be amended to read as follows

Sec 32. It shall, by ordinance, provide for the naming of streets and numbering of houses, and for regulating or preventing the exhibition of banners, flags or placards across the streets, or sidewalks, and for regulating or suppressing public criers, advertising, ringing of bells, and other noises

It shall, by ordinance, forbid the erection or display on any building or property of the city, of any banner, device or flag of any state or nation except that of the United States, the State of California, or the city of Los Angeles

The council may by ordinance authorize the expenditure of money, not to exceed the sum of five thousand dollars, in any one fiscal year, for the proper celebration of the anniversary of the declaration of national independence, and such other public celebrations, events, or demonstrations as the council may deem proper.

Charter Amendment Number Thirty-one.

That a new section be added to the charter, immediately after Section 199 thereof, to be designated as Section 199½, and to read as follows

Sec. 199½. The city council may, in calling special elections, order the consolidation thereof; *provided, however,* that not more than ten separate propositions or questions shall be submitted in any one election.

That said ten proposed amendments were, and each of them was, published for twenty days in a daily newspaper, printed and published in said city, and of general circulation therein, to wit: "The Los Angeles Daily Journal," said publication ending on the 23d day of December, 1908.

That thereafter the city council of said city, did, by an ordinance known as ordinance No. 17589 (new series) which was duly adopted on the 29th day of December, 1908, order the holding of a special municipal election in said city of Los Angeles on the 2nd day of February, 1909, which said last-mentioned date was at least forty days after the publication of said proposed amendments for twenty days in said daily newspaper of general circulation in said city of Los Angeles, to wit: "The Los Angeles Daily Journal," and did provide in said ordinance for the submission of said ten proposed amendments to the said charter, to the qualified electors of said city for their ratification at said special municipal election, which said ordinance was approved by the mayor of said city on the 29th day of December, 1908, and was published for at least ten days prior to the time appointed for the holding of said election in "The Los Angeles Daily Journal," a daily newspaper printed and published in said city.

That at said election a majority of the qualified electors voting thereon voted in favor of the ratification of and did ratify each and all of said ten proposed amendments to said charter.

That the city council of said city of Los Angeles, at a special meeting thereof held within ten days after said election, duly canvassed the returns of said election, and duly found, determined, and declared that a majority of such qualified electors, voting thereon, had voted for and ratified each and all of the said proposed amendments to said charter.

IN WITNESS WHEREOF, we have hereunto set our hands and affixed the corporate seal of the city of Los Angeles, this 5th day of February 1909

A. C. HARPER,
Mayor of the City of Los Angeles

[Seal of the City of Los Angeles]

H. J. LELANDE,
City Clerk of the City of Los Angeles.

AND WHEREAS, The said ten proposed amendments so ratified as hereinabove set forth have been duly presented and submitted to the legislature of the State of California for approval or rejection, without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved, by the Senate of the State of California, the Assembly concurring (a majority of all members elected to each house, voting for the adoption of this resolution and concurring herein), that the said ten amendments to the said charter of said city of Los Angeles hereinabove set forth, as presented, and as submitted to and adopted and ratified by the qualified electors of said city, be and the same are hereby approved, as a whole, for and as amendments to the said charter of said city of Los Angeles.

BI-WEEKLY REPORT OF COMMITTEE ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1909

MR. SPEAKER: Your Committee on Ways and Means beg leave to submit its report for the two weeks ending February 15, 1909, as follows

Feb. 1	Assembly Bill No. 249—An Act making an appropriation of five thousand dollars to pay the traveling expenses and salary of a parole officer for the Whittier State School	$5000 00
1	Assembly Bill No. 56—An Act appropriating one thousand dollars for the purchase of books and periodicals for the Whittier State School	1,000 00
1	Assembly Bill No. 447—An Act providing for a biennial appropriation in the general appropriation bill for the support and maintenance of the Bureau of Criminal Identification of the State of California	
1	Assembly Bill No. 388—An Act to provide for the erection of a training school building for the use of the State Normal School at Chico	75,000 00
1	Assembly Bill No. 838—An Act to appropriate one thousand dollars for the erection of a monument in St. Mary's Cemetery, in the city of Oakland, county of Alameda, State of California, to the memory of Honorable John J. Burke, and appointing a commission to carry out the provisions thereof	1,000 00
1	Assembly Bill No. 830—An Act to amend Sections 415 and 420 of the Political Code, all relating to the office of the Secretary of State	
1	Assembly Bill No. 831—An Act making an appropriation to pay for the rental and janitor service of quarters of the Second District Court of Appeal	7,008 34
1	Assembly Bill No. 848—An Act to provide for the gathering, compiling, printing, and distribution of statistics and information regarding the Japanese of the State, and making an appropriation therefor	10,000 00
1	Assembly Bill No. 5—Appointing a committee to represent the State at the Alaska-Yukon-Pacific Exposition at Seattle, Washington	5,000 00
1	Senate Bill No. 309—An Act making an appropriation to pay the expenses of certain district attorneys in foreclosing delinquent school land purchases	832 64
1	Senate Bill No. 361—An Act making an appropriation to pay the claim of F. W. Leavitt against the State of California	9,000 00
1	Senate Bill No. 451—An Act appropriating money to pay the claim of Leroy A. Wright against the State of California	6,000 00
3	Assembly Bill No. 751—An Act to amend Section 2572 of the Political Code of the State of California, relating to the Board of Harbor Commissioners of the Port of Eureka, and to add a new section to the Political Code, to be known as Section 2568½, also relating to the Board of Harbor Commissioners of the Port of Eureka	1,500 00
4	Assembly Bill No. 419—An Act making an appropriation of one thousand dollars to pay the claim of Edward W. Lehner against the State of California	1,000 00

Feb	4—Assembly Bill No 974—An Act providing for the dissemination of knowledge among the people of California as to the best means of preventing the spread of tuberculosis.....	$2,000 00
	4—Senate Bill No. 288—An Act appropriating money to pay the claim of M L Ward against the State of California.	2,500 00
	4—Senate Bill No. 289—An Act appropriating money to pay the claim of H S G. McCartney against the State of California	2,500 00
	4—Senate Bill No. 228—An Act appropriating money to pay the claim of W. H Cobb against the State of California.. . .	1.000 00
	4—Senate Bill No. 258—An Act appropriating money to pay the claim of J. B. Curtin against the State of California ..	2,500•00
	4—Senate Bill No 263—An Act appropriating money to pay the claim of E. F. Treadwell against the State of California .	2.500 00
	4—Senate Bill No 583—An Act to amend Section 534 of the Political Code	.....
	4—Assembly Bill No 302—An Act to amend Sections 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934, 1935, 1951, 1953, 1954, 1956, 1957, 1958, 1962, 1966, 1985, 2020, 2026, 2076, 2078, 2079, 2081, 2086, 2102, 2111, and 2112, all of the Political Code of the State of California, relating to the National Guard	.....
	4—Senate Bill No 106—An Act making an appropriation for the purchase and installment of improved material and machinery, and improvements for the State Printing Office and Bindery, and specifying the duties of the Superintendent of State Printing, Board of Examiners, State Controller, and State Treasurer in relation thereto	50,000 00
	4—Senate Bill No. 222—An Act making an appropriation of two thousand five hundred dollars for restoring certain records in the office of the Clerk of the Supreme Court in the city of San Francisco	2,500 00
	4—Senate Resolution No 4—Relative to the Alaska-Yukon-Pacific Exposition	.....
	4—Assembly Bill No. 1008—An Act to accept from the Old Soldiers' Memorial Camp Association of Northern California and E. F. Winslow Post No. 79, Grand Army of the Republic, Department of California and Nevada, the conveyance of and to vest title in the State of California of certain lands, buildings and furnishings thereon, at La Tour Soda Springs, Whitmore Postoffice, in Shasta County	10,000 00
	4—Assembly Bill No 1018—An Act to amend section four hundred and fifty-six of the Political Code, relating to the office of the Treasurer of State, his deputy and assistants and the salaries of the deputy and assistants	.....
	5—Senate Bill No. 8—An Act authorizing and directing the Board of Managers of the Agnews State Hospital to continue the reconstruction work at said hospital..... .	125,000 00
	6—Assembly Bill No 601—An Act appropriating a thousand dollars to promote moral education	1.000 00
	6—Assembly Bill No. 674—An Act making an appropriation of six thousand five hundred and twenty-seven dollars and twelve-hundredths to repay the Regents of the University of California for moneys appropriated by them to make good losses by fire and disaster, and prescribing the duties of the Controller and Treasurer of State in relation thereto	6,527 12
	6—Assembly Bill No. 675—An Act providing for investigations of plant diseases and pests, and making an appropriation therefor	15,000 00
	6—Assembly Bill No 676—An Act to provide for the improvement of the cereal crops of California.....	10,000 00
	6—Assembly Bill No 677—An Act making an appropriation of eight hundred and six and twenty-three hundredths dollars to repay the Regents of the University of California for moneys appropriated by them to complete the light and power plant at the Lick Observatory	.806 23
	6—Assembly Bill No 678—An Act making an appropriation of fifteen thousand dollars for viticultural investigation.....	15,000 00
	6—Assembly Bill No 680—An Act to appropriate the sum of one hundred and one thousand three hundred and fourteen dollars for the use and benefit of the University of California, and specifying the duties of the Controller and Treasurer of State in relation thereto....	101,314 00

Feb 6—Assembly Bill No 681—An Act to appropriate the sum of two hundred thousand dollars towards the erection of an agricultural building for the University of California. ... $200,000 00

6—Assembly Bill No. 682—An Act making an appropriation of nineteen thousand dollars for the enlargement of the photographic laboratory and fireproof vault for astronomical photographs and plates at the Lick Observatory in Santa Clara County, and for the provision of additional equipment for the Lick Observatory, and for astronomical photographs 19,000 00

6—Assembly Bill No 713—An Act to reimburse the University of California for money advanced for the use of the University Farm and Agricultural School 12,000 00

6—Assembly Bill No 844—An Act providing for the purchase of a site for an armory and State arsenal for the National Guard at the city and county of San Francisco California providing for the appointment of a commission to select and purchase said site, and providing for the erection of an armory and arsenal on said site and for the maintenance of the same and appropriating money therefor. 300,000 00

6—Assembly Bill No 1034—An Act making an appropriation for the expenses of the National Guard in case of insurrection, invasion, tumult, riot, breaches of the peace or imminent danger thereof 100,000 00

8—Assembly Bill No 1009—An Act appropriating money to be expended by and under the direction of the Department of Engineering for the purpose of rectifying the channels of the Sacramento San Joaquin, and Feather rivers and other river channels of the State..... 150,000 00

8—Assembly Bill No 1065—An Act appropriating money to pay the claim of H C. Muddox, Chris Totten and R. W Simonds against the State of California 7,500 00

8—Assembly Bill No 1066—An Act to amend sections six, seven, fifteen, and seventeen, and to add a new section known as section fifteen and a half, creating a revolving fund to an Act entitled "An Act to create for the State of California a Department of Engineering"..... 10,000 00

9—Assembly Bill No 278—An Act to provide for the digging and construction of a tunnel connecting the hydrotherapeutic building with the engine room of the female department of the Stockton State Hospital, for the purpose of conducting water pipes, heating pipes, electric wires, etc 1,400 00

9—Assembly Bill No. 279—An Act to provide for the erection, equipping, and furnishing of two convalescent cottages, one for males and one for females, at the Stockton State Hospital Farm 25,000 00

9—Assembly Bill No 657—An Act to provide for the transfer from the general fund of the State treasury to the San Francisco harbor improvement fund of the sum of $22,937 45, to reimburse said San Francisco harbor improvement fund for the costs of publishing the "Second San Francisco Seawall Act," and the "India Basin Act". 22,937 45

10—Senate Bill No. 25—An Act repealing an Act approved March 11, 1907, and entitled "An Act to increase the fixed annual appropriation for the Veterans' Home of California .. ..

10—Assembly Bill No. 276—An Act to provide for the construction of a new laundry building at the Stockton State Hospital, and the purchase of such machinery and equipments as is necessary for the operation of the same, and for the expense incurred in the removal of machinery from the old building to the new 12,000 00

11—Assembly Bill No 590—An Act to provide for the establishment and maintenance of a fish hatchery at or near Lemon Grove, in Tulare County 5,000 00

11—Assembly Bill No 766—An Act to establish the Northern California Polytechnic School in the county of Shasta.. .. .. 150,000 00

11—Assembly Bill No. 783—An Act to appropriate $3,000 for the purchase of additional furniture and equipment for the use of the State Normal School at Los Angeles, and to make necessary repairs and improvements in the buildings of said normal school..... 3,000 00

11—Assembly Bill No. 1006—An Act to appropriate money for better protection against forest and field fires. 30,000 00

11—Assembly Bill No. 746—An Act to provide for the purchase of farm machinery, tools, wagons, and harness for the University Farm and Agricultural School at Davis 3,000 00

Feb 11—Assembly Bill No 747—An Act to provide for the construction of buildings and structures, and repairs to the same, on the University Farm at Davis $85,000 00

11—Assembly Bill No. 778—An Act to provide for the purchase of live stock for and for the use of the University Farm and Agricultural School at Davis 24,000 00

11—Assembly Bill No. 779—An Act to provide for the purchase of supplies, apparatus, equipment, and furnishings of buildings, class rooms and laboratories on the University Farm at Davis 25,000 00

11—Assembly Bill No 780—An Act to provide for the extension of the lighting, power, water, and sewer systems at the University Farm and Agricultural School at Davis 5,000 00

11—Assembly Bill No 807—An Act to amend section one, section three, section eight, section nine, and section ten of an Act entitled "An Act to promote the agricultural interests of the State of California by providing county inspectors of apiaries, and defining their duties, and providing for their compensation 6,000 00

12—Assembly Bill No. 212—An Act to provide for the enlargement and re-roofing at Patton, and providing for additional machinery and remodeling 5,000 00

12—Assembly Bill No. 213—An Act providing for the construction and furnishing of a cottage for female patients at the Southern California State Hospital at Patton 40,000 00

12—Assembly Bill No. 214—An Act to provide for the construction and furnishing of a one-story bungalow for the use of the first assistant physician at the Southern California State Hospital at Patton 4,500 00

12—Assembly Bill No. 215—An Act to provide for the construction of storm drains, and the completion of storm drains on the grounds of the Southern California State Hospital at Patton 14,000 00

12—Assembly Bill No. 217—An Act to provide for the improvement of the roads, gutters and curbs on the grounds of the Southern California State Hospital at Patton 18,650 00

12—Assembly Bill No. 279—An Act to provide for the erection, equipping and furnishing of two convalescent cottages, one for males and one for females, at the Stockton State Hospital Farm 70,000 00

12—Assembly Bill No. 679—An Act making an appropriation for the purchase and acquisition of lands for the University of California 200,000 00

12—Assembly Bill No. 809—An Act to provide for the wiring of hospital buildings and other buildings in and about the grounds of the Stockton State Hospital, together with the installation of a telephone system in said buildings, consisting of all necessary equipments and fixtures 3,000 00

12—Assembly Bill No. 810—An Act to provide for the wiring of hospital buildings and all other buildings situated in and about the grounds of the Stockton State Hospital, together with the installation of an electric light plant consisting of all necessary fixtures and equipments 32,000 00

12—Assembly Bill No. 1016—An Act for the relief of J S Godeau, and appropriating the sum of $500.00 to reimburse him for horses and harness taken and used by State officials 500 00

12—Assembly Bill No. 1032—An Act to add a new section to the Political Code, to be numbered 426 ....

12—Assembly Bill No. 1052—An Act appropriating three hundred two dollars and thirty-three cents to pay the claim of Anthony Lorr 302 33

12—Assembly Bill No 1056—An Act to make an additional appropriation for the purposes of carrying out the provisions of an Act entitled "An Act to provide for the erection, equipping and furnishing of two receiving cottages, one for males and one for females, and a hydrotherapeutic building in connection therewith, with all necessary equipment and furnishings, at the Southern California State Hospital, and to make appropriations for the same," approved March 11, 1907 ..... 15,000 00

12—Assembly Bill No 1064—An Act appropriating eighty-five dollars for the payment of claim of Regal Shoe Company .. 85 00

12—Assembly Bill No. 1123—An Act to amend Section 417 of the Political Code of the State of California, relating to the salary of the Secretary of State ....

Feb 12—Senate Bill No 272—An Act making an appropriation of one thousand dollars ($1,000.00) to pay the claim of Edward W. Lehner against the State of California		$1,000 00
12—Senate Bill No 752—An Act making an appropriation to pay the deficiency in the appropriation for traveling expenses, etc., of the Railroad Commission for the fifty-ninth and sixtieth fiscal years...		3,000 00
13—Senate Bill No 320—An Act providing for a biennial appropriation in the General Appropriation Bill for the support and maintenance of the Bureau of Criminal Identification of the State of California		.....
13—Senate Bill No 712—An Act making an appropriation to pay for furnishing, painting, repairing, renovating and improving the Governor's residence..... .		5,000 00
Total		$2,080,362 51

Bills Reported Favorably

Feb. 1—Assembly Bill No 162..		$500 00
1—Assembly Bill No. 241..		2,160 00
1—Assembly Bill No 275....		55,000 00
1—Assembly Bill No. 274.....		9,000 00
1—Assembly Bill No. 533..		23,636 20
1—Assembly Bill No. 56		1,000 00
1—Assembly Bill No 249....		5,000 00
2—Assembly Bill No 88		75,000 00
2—Assembly Bill No. 831.....		7,008 34
4—Assembly Bill No 151....		2,000 00
4—Assembly Bill No 166.....		2,500 00
5—Senate Bill No 106.....		50,000 00
5—Senate Bill No. 8...		125,000 00
8—Assembly Bill No 776		3,700 00
8—Assembly Bill No. 801...		400 00
8—Senate Bill No 309..		832 04
8—Senate Bill No. 583.		.....
10—Assembly Bill No 419		1,000 00
10—Assembly Bill No. 173.		18,000 00
10—Assembly Bill No 69.....		15,000 00
10—Assembly Bill No. 620		25,000 00
10—Assembly Bill No 388		30,000 00
10—Assembly Bill No 848		10,000 00
10—Assembly Concurrent Resolution No 5.....		5,000 00
10—Senate Bill No 361..... .		9,000 00
10—Senate Bill No. 288..		2,500 00
10—Senate Bill No 289		2,500 00
10—Senate Bill No. 258.....		2,500 00
10—Senate Bill No 263..		2,500 00
10—Assembly Bill No 1009		150,000 00
10—Assembly Bill No 657.....		22,937 45
10—Senate Bill No. 25.....		.....
11—Senate Bill No. 451.....		6,000 00
		$664,674 03
Bills withdrawn from committee		170,115 55
Reductions in appropriations		46,101 00
		$880,890 58
Amount of appropriations formerly reported..... .....$3,006,791 51		
Amount of appropriations for past two weeks 2,080,362 51		
		$5,087,154 02
Bills reported favorably last report.... .....$844,133 51		
Reduction in bills last report..... ..... 25,000 00		
Bills reported favorably this report 664,674 03		
Reduction in appropriations this report 46,101 00		
Withdrawn from committee 170,115 55		
		1,750,024 09
Amount of appropriations in hands of committee $3,337,129 93		

Respectfully submitted

BEARDSLEE, Chairman.

WITHDRAWAL OF CONCURRENT RESOLUTION.

Mr. Bohnett asked for, and was granted, unanimous consent to withdraw Assembly Concurrent Resolution No. 9.

Assembly concurrent resolution withdrawn and ordered stricken from the file.

ON INTRODUCTION OF BILLS.

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1909

MR SPEAKER: Your Committee on Introduction of Bills, to whom was referred the following bills:

By Mr. Greer. An Act to regulate the repapering, recalcimining, and retinting of rooms to prevent the spread of contagious diseases

By Mr. Transue. An Act appropriating money to pay the claim of B. A. Palmer.

By Mr. Sackett: An Act to amend section five hundred and thirteen of the Political Code of the State of California, relating to the salary of Superintendent of Public Instruction

By Mr. Gibbons: An Act to amend Section 850 of the Code of Civil Procedure, relating to the notice of trial and service of notice thereof in the Justices' Court

By Mr Gibbons An Act to amend Section 340 of the Code of Civil Procedure, relating to the time for commencing certain actions.

By Mr Gibbons: An Act to amend Section 339 of the Code of Civil Procedure, relating to the time within which certain actions may be commenced

By Mr. Gibbons: An Act to amend Section 860 of the Code of Civil Procedure, relating to demurrer or answer to amended pleadings in the Justices' Courts

By Mr. Coghlan: An Act to create the office of attorney for the State Bureau of Labor Statistics

By Mr Hans—An Act to amend an Act entitled an Act to allow unincorporated towns and villages to equip and maintain a fire department and to assess and collect taxes from time to time for such purposes, and to create a board of fire commissioners

By Mr Johnson of Sacramento—An Act authorizing and directing county clerks to file without fee petitions for appointment of guardians of minors in case such minors have no property or estate

By Mr. Hawk: An Act declaring February 12th, the birthday of Abraham Lincoln, a legal holiday, and providing for half-holiday sessions in the public schools on such holiday and for certain exercises in the public schools

By Mr. Bohnett: An Act to add four new sections to the Political Code of the State of California, relating to preparing a State budget

By Mr. Wagner An Act to amend Section 29 of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of lands embraced within such districts and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897."

By Mr. Beatty: An Act to amend Section 1251 of the Code of Civil Procedure of the State of California, relating to proceedings to exercise the right of eminent domain

Have had the same under consideration, and respectfully report the same back, and recommend that permission be granted the respective authors to introduce them.

LEEDS, Chairman.

The question being upon the adoption of the report.

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

AYES—Messrs Barndollar, Beardslee, Beatty, Beban, Black, Bohnett Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Costar, Cullen, Dean, Drew, Feeley, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hawk, Hayes, Hewitt, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnston of Contra Costa, Kehoe, Leeds, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, Polsley, Preston, Pugh, Pulcifer, Rutherford, Schmitt, Silver, Stuckenbruck, Telfer, Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr Speaker—62

NOES—None

INTRODUCTION OF BILLS.

In accordance with the above report, the following bills were introduced and referred, as indicated:

By Mr. Hawk: Assembly Bill No. 1402—An Act declaring February 12th, the birthday of Abraham Lincoln, a legal holiday, and providing

for a half-day session in the public schools on such holiday, and for certain exercises in the public schools.

Bill read first time, and referred to Committee on Education.

By Mr. Bohnett: Assembly Bill No. 1403—An Act to add four new sections to the Political Code of the State of California, relating to preparing a State budget

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Wagner: Assembly Bill No. 1404—An Act to amend Section 29 of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Bill read first time, and referred to Committee on Irrigation

By Mr. Beatty: Assembly Bill No. 1405—An Act to amend Section 1251 of the Code of Civil Procedure of the State of California, relating to proceedings to exercise the right of eminent domain.

Bill read first time, and referred to Committee on Corporations.

By Mr. Greer: Assembly Bill No. 1406—An Act to regulate the repapering, recalcimining and retinting of rooms to prevent the spread of contagious diseases

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Mr. Transue: Assembly Bill No. 1407—An Act appropriating money to pay the claim of B. A. Palmer against the State of California, on account of injuries sustained while in the service of the State of California in the National Guard thereof.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Sackett: Assembly Bill No. 1408—An Act to amend section five hundred and thirteen of the Political Code of the State of California, relating to the salary of the Superintendent of Public Instruction.

Bill read first time, and referred to Committee on Ways and Means

By Mr. Gibbons (by request): Assembly Bill No. 1409—An Act to amend section eight hundred and fifty of the Code of Civil Procedure, relating to the notice of trial and service of notice thereof in the Justices' Court

Bill read first time, and referred to Committee on Judiciary

Also (by request): Assembly Bill No. 1410—An Act to amend section three hundred and forty of the Code of Civil Procedure, relating to the time for commencing certain actions.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Assembly Bill No 1411—An Act to amend Section 339 of the Code of Civil Procedure, relating to the time within which certain actions may be commenced.

Bill read first time, and referred to Committee on Judiciary

Also (by request): Assembly Bill No 1412—An Act to amend section eight hundred and sixty of the Code of Civil Procedure, relating to demurrer or answer to amended pleadings in the Justices' Courts

Bill read first time, and referred to Committee on Judiciary.

By Mr. Coghlan: Assembly Bill No. 1413—An Act to create the office of attorney for the State Bureau of Labor Statistics.

Bill read first time, and referred to Committee on Labor and Capital.

By Mr. Hans: Assembly Bill No. 1414—An Act to amend an Act entitled "An Act to amend an Act to allow unincorporated towns and villages to equip and maintain a fire department and to assess and collect taxes from time to time for such purpose, and to create a board of fire commissioners," approved March 4, 1881, amended March 6, 1899.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Johnson of Sacramento: Assembly Bill No. 1415—An Act authorizing and directing clerks to file without fee petitions for appointment of guardians of minors in case such minors have no property or estate

Bill read first time, and referred to Committee on Judiciary.

SENATE MESSAGES.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, February 16, 1909.

MR SPEAKER: I am directed to inform your honorable body that the Senate amended, and on this day passed as amended, Assembly Bill No 226—An Act to amend an Act entitled "An Act authorizing the judges of the Superior Court in all counties, and cities and counties, having a population of 200,000 or over, to appoint a secretary"—and respectfully request that your honorable body concur in said amendments

LEWIS A HILBORN, Secretary of Senate
By J W KAVANAGH Assistant Secretary

Also:

SENATE CHAMBER, SACRAMENTO, February 16, 1909.

MR SPEAKER I am directed to inform your honorable body that the Senate on this day passed Senate Bill No 513—An Act to amend Section 290*a* of the Civil Code, relating to corporations authorized to act as executor, administrator, guardian assignee, receiver, depositary or trustee

Also: Senate Bill No 232—An Act to repeal Section 644 of the Penal Code relating to enticing seamen to desert their vessels

Also Senate Bill No. 59—An Act defining the powers, and duties of physicians local health officers and boards of health in the matter of the protection of the people of the State of California from the disease known as tuberculosis, providing for requisitions and reports and making an appropriation therefor.

LEWIS A. HILBORN, Secretary of Senate
By J W KAVANAGH, Assistant Secretary.

Senate Bill No. 513 read first time, and referred to Committee on Judiciary.

Senate Bill No. 232 read first time, and referred to Committee on Labor and Capital.

Senate Bill No. 59 read first time, and referred to Committee on Public Health and Quarantine.

The question of concurring in Senate amendments to Assembly Bill No 226 continued as unfinished business.

REQUESTS PERMISSION TO INTRODUCE BILLS.

The following petitions, asking permission to introduce bills, were presented:

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1909.

MR SPEAKER I ask permission to introduce the accompanying bill, the title of which reads as follows, viz "An Act to legalize bonds to be issued and sold by municipalities, where authority for such issuance has already been given by a vote of more than two thirds of the electors of such municipality.

WAGNER,
Member Twenty-fifth District

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1909.

MR SPEAKER I ask permission to introduce the accompanying bill, the title of which reads as follows, viz: "An Act to amend the Political Code of the State of California by adding a new section thereto, to be known and numbered as Section 4196"

HAMMON,
Member Seventy-fifth District.

The above petitions referred to Committee on Introduction of Bills.

BILLS RECALLED FROM COMMITTEE.

Mr. Leeds moved that Assembly Bills Nos 359 and 430 be recalled from the Committee on Engrossment and Enrollment for the purpose of correction.

Motion carried.

RESOLUTION.

The following resolution was offered:

By Mr. Transue:

Resolved, That the State Controller be, and he is hereby, authorized and directed to draw his warrant on the contingent fund of the Assembly in favor of Cleo Lloyd, Chief Clerk of the Assembly, for the sum of four hundred dollars ($400.00), and the Treasurer is directed to pay the same, said amount being for the continuance of the mailing department.

Mr. Transue moved the adoption of the resolution.

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

AYES—Messrs. Barndollar, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Costar, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Kehoe, Macauley, Maher, McClellan, Melrose Mendenhall, Moore, Mott, Nelson, Odom, Otis, Polsley, Preston, Rutherford, Schmitt, Silver, Transue, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—60

NOES—None.

RE-REFERENCE OF BILL.

On motion of Mr. Transue, Assembly Bill No. 975 was recalled from the Committee on Claims, and referred to Committee on Ways and Means

SPECIAL FILE—THIRD READING.

Assembly Bill No. 801—An Act authorizing the State Treasurer to purchase a bond filing case, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 801 passed by the following vote:

AYES—Messrs Barndollar, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Costar, Cullen, Dean, Drew, Feeley, Flavelle Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Kehoe, Leeds, Macauley, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Polsley, Preston, Rutherford, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—65.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 151—An Act making an appropriation to pay the deficiency in the appropriation for postage and contingent expenses of the clerk of the Supreme Court for the fifty-ninth and sixtieth fiscal years.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 151 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beban, Butler, Callan, Cattell, Coghlan, Cogswell, Costar, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hayes, Hewitt, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Kehoe, Leeds, McClellan, Melrose, Mendenhall, Moore, Mott, Odom, Otis, O'Neill, Polsley, Preston, Pulcifer, Rutherford, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—59.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 166—An Act making an appropriation of $2,500 for restoring certain records in the office of the Clerk of the Supreme Court in the city of San Francisco.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 166 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Costar, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Kehoe, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Polsley, Preston, Pulcifer, Rutherford, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, and Mr. Speaker—63.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1030—An Act to amend Section 528 of the Political Code, relating to the printing of the Journals and Appendices of the Senate and Assembly.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1030 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Costar, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Kehoe, Leeds, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Polsley, Preston, Pugh, Pulcifer, Rutherford, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, and Mr. Speaker—63.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SPECIAL FILE—SECOND READING.

Assembly Bill No. 278—An Act to provide for the digging and construction of a tunnel connecting the hydrotherapeutic building with the

engine room of the female department of the Stockton State Hospital, for the purpose of conducting water pipes, heating pipes, electric wires, etc., and to make appropriations therefor.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Assembly Bill No. 278 considered

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 278, and do now report the same back, and recommend that it do pass.

STANTON, Chairman.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 810—An Act to provide for the wiring of hospital buildings and all other buildings situated in and about the grounds of the Stockton State Hospital, together with the installation of an electric light plant consisting of all necessary fixtures and equipments, and to make an appropriation therefor.

Assembly Bill No. 1160—An Act authorizing the State Surveyor General to furnish his office and vault therein, and making an appropriation therefor.

Assembly Bill No. 242—An Act making an appropriation for the maintenance and improvement of the grounds and building of Sutter's Fort.

Assembly Bill No. 163—An Act making an appropriation to pay assessments which may be levied against the Sutter Fort property by the city of Sacramento for street work.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bills.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Assembly Bills Nos. 810, 1160, 242, and 163 considered.

During second reading of bill, the following amendments were submitted by the committee:

Amend Assembly Bill No. 242 as follows:

AMENDMENT No. 1.

In Section 1, line 2, before the word "expended", insert the word "be".

Amendment adopted.

AMENDMENT NO. 2.

Insert after line 7, of the printed bill, the following:
"Sec. 2. The Controller of the State is hereby authorized and directed to draw his warrant in favor of the Board of Sutter's Fort Trustees for the amount herein, made payable in such amounts and at such times as may be approved by the State Board of Examiners, and the Treasurer is directed to pay the same.
Sec. 3. This Act shall take effect immediately."

Amendment adopted.

Amend Assembly Bill No. 163 as follows:

AMENDMENT NO. 1.

In Section 1, line 1, of the printed bill, strike out the word "six", and insert in lieu thereof the word "four".

Amendment adopted.

AMENDMENT NO. 2.

In Section 1, line 1, of the printed bill, strike out "(6,000)".

Amendment adopted.

AMENDMENT NO. 3.

After line 6, in Section 1, of the printed bill, insert the following:
"Sec. 2. The Controller of the State is hereby authorized and directed to draw his warrant in favor of said Board of Sutter's Fort Trustees in such amounts and at such times as may be approved by the State Board of Examiners, and the Treasurer is directed to pay the same."

Amendment adopted.

AMENDMENT NO 4.

In Section 2, line 1, of the printed bill, strike out the words and figures "Sec. 2", and insert in lieu thereof "Sec. 3."

Amendment adopted.

AMENDMENT NO. 5.

Immediately after line 2, of Section 2, of the printed bill, insert the following:
"Sec. 4 This Act shall take effect immediately."

Amendment adopted.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bills.

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bills Nos 810, 1160, 242, and 163, and do now report Nos 810 and 1160 back, without amendments, and recommend that they do pass; and report back Nos. 242 and 163, with amendments, and recommend that they do pass as amended

STANTON, Chairman

Assembly Bills Nos. 810 and 1160 read second time, and ordered to engrossment.

Assembly Bills Nos. 242 and 163 read second time, and ordered to reprint and engrossment.

THIRD-READING FILE.

Assembly Bill No. 650—An Act to amend Section 637*a* of the Penal Code of California, and to add thereto three new sections, to be num-

bered 637*b*, 637*c*, and 637*d*, all relating to protection of wild birds other than game birds, and their nests and eggs.

Bill read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 650 passed by the following vote:

AYES—Messrs Barndollar, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Costar, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hanlon, Hawk, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Kehoe, Leeds, Macauley, Maher, McClellan, McManus, Mendenhall, Moore, Nelson, Odom, Otis, O'Neill, Polsley, Pugh, Pulcifer, Rutherford, Sackett, Schmitt, Silver, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Young, and Mr. Speaker—60.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate

Assembly Bill No. 134—An Act to amend Section 8 of an Act entitled "An Act defining the duties and liabilities of employment agents, making the violation thereof a misdemeanor, and fixing the penalties therefor," approved February 12, 1903, approved March 18, 1905

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 134 passed by the following vote:

AYES—Messrs Barndollar, Beardslee, Beatty, Beban, Black, Callan, Cattell, Coghlan, Collier, Costar, Cullen, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Kehoe, Leeds, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Preston, Pugh, Pulcifer, Rutherford, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wyllie, Young, and Mr. Speaker—60.

NOES—Messrs Bohnett and Cogswell—2.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 312—An Act against slot machines and other gambling devices.

During the third reading of the bill, Mr. Young moved that the Speaker appoint a select committee of one to amend, as follows:

Strike out the words "unlawful", in line 1, Section 1, of the printed bill, and insert in lieu thereof the words "a misdemeanor."

Motion carried.

The Speaker appointed Mr. Young as such select committee

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1909

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 312, with instructions, do now report that the instructions of the Assembly have been carried out.

YOUNG, Select Committee.

Report of select committee, and amendment, adopted.

Bill ordered to reprint, reengrossment, and on file for passage.

RECONSIDERATION.

In compliance with his notice given on a previous day, Mr. Young moved that the vote whereby Assembly Bill No 44 was passed be reconsidered.

The roll was called, and the same was refused reconsideration by the following vote:

AYES—Messrs. Bohnett, Cattell, Drew, Gillis, Mendenhall, and Young—6.
NOES—Messrs. Barndollar, Beardslee, Beban, Callan, Collier, Costar, Cullen, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Greer, Griffiths, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Kehoe, Leeds, Macauley, Maher, McManus, Melrose, Moore, Nelson, Odom, Otis, O'Neill, Polsley, Preston, Pulcifer, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, and Mr. Speaker—52

Bill ordered transmitted to the Senate.

Assembly Bill No. 689—An Act to amend an Act entitled "An Act creating a fund for the benefit and support of high schools, and providing for its distribution by changing the term high school to secondary school, and apportioning six hundred dollars to each school in place of one third of the total," approved March 6, 1903.

During the third reading of the bill, Mr. Sackett moved that the Speaker appoint a select committee of one to amend, as follows:

On line 4, Section 5, page 2, of amended printed bill, strike out the word "two", and insert in lieu thereof the word "one".
Also: Strike out of title, in third line of same, after the word "school", the following words: "and apportioning six hundred dollars to each school in place of one third of the total amount".

Motion carried.

The Speaker appointed Mr. Sackett as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1909

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 689, with instructions, do now report that the instructions of the Assembly have been carried out.

SACKETT, Select Committee.

Report of select committee, and amendments, adopted.

Bill ordered to reprint, reengrossment, and on file for passage.

Assembly Bill No. 579—An Act amending Section 1856 of the Civil Code, relative to lien of depositary for hire on property.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 579 passed by the following vote:

AYES—Messrs. Barndollar, Beatty, Bohnett, Callan, Cattell, Coghlan, Cogswell, Collier, Cullen, Dean, Flavelle, Fleisher, Flint, Gerdes, Gillis, Griffiths, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Johnson of Placer, Leeds, Macauley, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, Polsley, Preston, Pugh, Pulcifer, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—52.
NOES—Messrs. Drew, Gibbons, Greer, Irwin, Johnson of Sacramento, and Juilliard—6

Title read and approved.

Bill ordered transmitted to the Senate.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1909.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Assembly Bill No. 436—An Act to amend an Act entitled "An Act for the certification of land titles and the simplification of the transfer of real estate," approved March 17, 1897, by amending section five of said Act.

Assembly Bill No. 437—An Act to amend an Act entitled "An Act for the certification of land titles and the simplification of the transfer of real estate," approved March 17, 1897, by amending sections six, nine, and thirteen of said Act.

Assembly Bill No 438—An Act to amend an Act entitled "An Act for the certification of land titles and the simplification of the transfer of real estate," approved March 17, 1897, by amending Section 114 thereof and by adding three new sections thereto to be numbered 114*a*, 114*b*, and 114*c*, all relating to the fees of registrars and to the use of a part thereof in the creation of an assurance fund and providing for the custody and management of said fund and the determination and disposition of claims against the same.

Assembly Bill No. 985—An Act to amend Section 4075 of the Political Code, relating to the itemizing of claims against a county.

Assembly Bill No. 935—An Act to amend Section 4268 of the Political Code of California, relating to salaries and compensation of officers, jurors and witnesses in counties of the thirty-ninth class.

Assembly Bill No 983—An Act to amend Section 4284 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the fifty-fifth class

Assembly Bill No. 931—An Act to amend section four hundred and forty-four of the Political Code, relating to transfers of money from one fund to another.

Assembly Bill No. 989—An Act to amend Section 607*e* of the Civil Code of the State of California, relating to the disposition to be made of certain fines, penalties, and forfeitures.

YOUNG, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1909.

MR SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed

Assembly Bill No. 353—An Act to repeal an Act entitled "An Act to regulate the use of illuminating gas," approved March 20, 1903.

Assembly Bill No. 354—An Act to add a new section to the Penal Code of California, to be known as six hundred and fifty-three *c*, regulating the use of illuminating gas, and providing a penalty for the violation thereof.

Assembly Bill No 355—An Act to repeal an Act entitled "An Act to provide for the change of name of school districts and the manner of making such change," approved March 16, 1903

Assembly Bill No. 356—An Act to add a new section to the Political Code of the State of California, to be known as section one thousand five hundred and seventy-five *a*, providing for the change of name of school districts and the manner of making such change.

Assembly Bill No. 357—An Act to repeal an Act entitled "An Act to provide for the disposal of moneys remaining in the building fund of any school district, after all bonds and indebtedness shall have been paid and liquidated, arising from the construction of school buildings," approved March 13, 1883.

Assembly Bill No. 358—An Act to add a new section to the Political Code of the State of California, to be known as section eighteen hundred and eighty-nine *a*, providing for moneys remaining in the building fund of any school district, after all bonds and indebtedness shall have been paid and liquidated, arising from the construction of school buildings.

Assembly Bill No. 360—An Act to repeal an Act entitled "An Act to further perpetuate the markings of the Government survey," approved March 18, 1905.

Assembly Bill No. 519—An Act to repeal an Act entitled "An Act to prevent hunting and shooting on private inclosed grounds, and the destruction of growing timber on private grounds in certain counties in the State," approved March 8, 1872.

YOUNG, Chairman.

The above reported bills ordered on file for third reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1909.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been withdrawn from engrossment:

Assembly Bill No. 359—An Act to add a new section to the Political Code of the

State of California, to be known as section four thousand two hundred and twenty-one *a*, relating to markings of government survey

Assembly Bill No. 430—An Act to amend section eight hundred and sixty-two of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, and all amendments thereto.

YOUNG, Chairman.

RECESS.

At twelve o'clock and thirty minutes P. M., the Assembly was declared at recess until two o'clock P. M. of this day.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened. Speaker P. A. Stanton in the chair.

RESOLUTION.

The following resolution was offered:

By Mr. Hammon:

Resolved, That the Committee on State Prisons and Reformatory Institutions be, and it is hereby, granted leave of absence from and including Friday, February 19, 1909, to and including Saturday, February 20, 1909, in which to visit the Preston School of Industry at Ione, it being necessary to view and inspect said school in order to act with prudence and intelligence upon bills affecting the same which have been referred to this committee, and such leave is hereby granted to each member of the said committee.

Resolution read, and referred to Committee on Rules and Regulations.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON RULES AND REGULATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1909.

MR. SPEAKER: Your Committee on Rules and Regulations, to whom was referred resolution by Mr. Hammon, have had the same under consideration, and report the following as a committee substitute:

Resolved, That the Committee on State Prisons and Reformatory Institutions be, and it is hereby, granted leave of absence from and including Friday, February 19, 1909, to and including Saturday, February 20, 1909, in which to visit the Preston School of Industry at Ione, it being necessary to view and inspect said school in order to act with prudence and intelligence upon bills affecting the same which have been referred to this committee, and such leave is hereby granted to each member of the said committee.

JOHNSTON, Chairman.

Mr. Johnston moved the adoption of the report and resolution.

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

AYES—Messrs. Barndollar, Baxter, Beatty, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Costar, Dean, Drew, Feeley, Flavelle, Flint, Gerdes, Gibbons, Greer, Griffiths, Hammon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Leeds, Lightner, Macauley, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, Preston, Pugh, Pulcifer, Rutherford, Silver, Telfer, Transue, Wagner, Webber, Whitney, Young, and Mr. Speaker—54.

NOES—Messrs Kehoe, Sackett, and Stuckenbruck—3.

RE-REFERENCE OF BILL.

On motion of Mr. Johnson of Sacramento, Senate Bill No. 110 was re-referred to Committee on Judiciary.

RESOLUTION.

The following resolution was offered:

By Mr. Leeds:

Resolved, That Senate Bill No. 1041 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

Mr. Leeds moved the adoption of the resolution.

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

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Black, Bohnett, Butler, Callan, Cattell, Collier, Costar, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, O'Neill, Preston, Pugh, Pulcifer, Rutherford, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Wilson, Young, and Mr. Speaker—63.

NOES—None.

Senate Bill No. 1041—An Act to amend an Act entitled "An Act providing for the sale of street railroad and other franchises in counties and municipalities, and providing conditions for the granting of such franchises by legislative or other governing bodies, and repealing conflicting Acts," approved March 22, 1905, Statutes of 1905, page 777 thereof.

Bill read second time, and ordered to third reading.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1041 finally passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Costar, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, O'Neill, Preston, Pugh, Pulcifer, Rutherford, Sackett, Silver, Stuckenbruck, Transue, Wagner, Webber, Whitney, Wilson, Young, and Mr. Speaker—62.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SENATE BILLS—THIRD-READING FILE.

Senate Bill No. 88—An Act to amend Section 855 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and relating to compensation of members of the board of trustees and to the officers of municipalities of the sixth class.

Bill read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 88 finally passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beatty, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Collier, Costar, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes,

Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Kehoe, Leeds, Lightner, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, O'Neill, Polsley, Preston, Pugh, Pulcifer, Rutherford, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Wilson, Young, and Mr. Speaker—62.

NOES—Mr. Gibbons—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 193—An Act to amend Section 8 of an Act entitled "An Act defining the duties and liabilities of employment agents, making the violation thereof a misdemeanor, and fixing the penalties thereof," approved February 12, 1903; approved March 18, 1905.

Bill read third time on previous day

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 193 finally passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beatty, Black, Butler, Callan, Cattell, Coghlan, Collier, Costar, Cronin, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Kehoe, Leeds, Lightner, Macauley, Maher, Melrose, Mendenhall, Moore, Mott, Nelson, O'Neill, Polsley, Preston, Pugh, Pulcifer, Rutherford, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Wilson, Young, and Mr. Speaker—58.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 131—An Act to amend Section 4225 of the Political Code, relating to the appointment, powers, duties, and compensation of health officers in counties and unincorporated towns.

Bill read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 131 finally passed by the following vote:

AYES—Messrs Barndollar, Baxter, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Costar, Cronin, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gibbons, Gillis, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, Melrose, Mendenhall, Moore, Mott, Nelson, O'Neill, Polsley, Preston, Pulcifer, Rutherford, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Wilson, Young, and Mr. Speaker—57.

NOES—None.

Title read and approved

Bill ordered transmitted to the Senate.

Senate Bill No. 206—An Act authorizing municipal corporations, other than freeholder charter cities, to change their names, and providing the procedure therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 206 finally passed by the following vote:

AYES—Messrs Barndollar, Beatty, Beban, Black, Bohnett, Callan, Cattell, Collier, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hanlon, Hans, Hawk, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Juilliard, Kehoe, Leeds, Lightner, Maher, Melrose, Mendenhall, Moore, Mott, Nelson, Polsley, Preston,

Pulcifer, Rutherford, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Young, and Mr. Speaker—48.
NOES—Messrs. Feeley, Johnson of Sacramento, and Johnson of Placer—3.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No 160—An Act to establish a bird and arbor day.

Bill read third time

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 160 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Beban, Black, Bohnett, Callan, Cattell, Collier, Cullen, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Gillis, Griffiths, Hanlon, Hans, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Juilliard, Leeds, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Perine, Polsley, Preston, Rutherford, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—48.
NOES—Mr. Johnson of Sacramento—1

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 238—An Act to amend an Act entitled "An Act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness, and the distribution of their property," approved February 10, 1903, by adding thereto a new section, to be numbered 10½.

Bill read third time

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 238 finally passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beatty, Beban, Black, Butler, Callan, Cattell, Cronin, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Macauley, Maher, Melrose, Mendenhall, Moore, Nelson, Perine, Polsley, Preston, Pugh, Rutherford, Silver, Stuckenbruck, Telfer, Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—54.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate

Senate Bill No. 47—An Act providing for the sanitation of food producing establishments, places where food is stored or distributed, and vehicles in which food is placed for transportation; regulating the health of persons by whom the materials from which food is prepared or the finished product is handled; providing for the inspection of such places, persons and things; declaring places and things in violation of this Act to be nuisances dangerous to health, and providing for the abatement of the same, making violations of this Act misdemeanors, and providing for the punishment of the same.

During the third reading of the bill Mr. Hewitt moved that the Speaker appoint a select committee of one to amend the bill as follows:

Strike out the words "or other place", in line 3, Section 7, and insert in lieu thereof the following: "or", after the word "kitchen", same line and section

Motion carried.

The Speaker appointed Mr. Hewitt as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1909

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 47, with instructions, do now report that the instructions of the Assembly have been carried out.

HEWITT, Select Committee.

Report of select committee, and amendment, adopted.

Bill ordered to reprint, and on file for passage.

Senate Bill No. 524—An Act to provide for public cemetery districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 524 finally passed by the following vote:

AYES—Messrs. Barndollar, Beban, Black, Butler, Callan, Cattell, Collier, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Macauley, Maher, Melrose, Mendenhall, Moore, Otis, Perine, Polsley, Pulcifer, Rutherford, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—50.

NOES—Messrs Leeds and Preston—2.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 655—An Act to amend Sections 3197, 3198, and 3199 of the Political Code.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 655 finally passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Beban, Butler, Callan, Cattell, Collier, Cullen, Dean, Drew, Fleisher, Flint, Gerdes, Gibbons, Gillis, Hanlon, Hans, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Macauley, Maher, McClellan, Melrose, Mendenhall, Nelson, Otis, O'Neill, Perine, Polsley, Preston, Pulcifer, Rutherford, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—54.

NOES—Mr. Feeley—1

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 3—Relative to transportation rates and urging our representatives in Congress to support measures granting increased powers to the Interstate Commerce Commission.

Mr. Johnson of Sacramento offered the following amendment:

Strike out lines 26, 27, 28, 29, and 30, on page 2, of printed bill.

During the consideration of the amendment the time for consideration of Senate bills expired, and the further consideration of amendment was continued until the next legislative day.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON INTRODUCTION OF BILLS.

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1909.

MR. SPEAKER: Your Committee on Introduction of Bills, to whom was referred the following bills.

By Mr Hammon: An Act to amend the Political Code of the State of California by adding a new section thereto, to be known and numbered as Section 419b

By Mr. Wagner: An Act to legalize bonds to be issued and sold by municipalities where the authority for such issuance has already been given by a vote of more than two thirds of the electors of such municipality.

Have had the same under consideration, and respectfully report the same back, and recommend that permission be granted the respective authors to introduce them

LEEDS, Chairman

Mr Leeds moved the adoption of the report.

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

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Callan, Cattell, Coghlan, Cogswell, Collier, Costar, Cronin, Cullen, Dean, Drew, Feeley, Flavelle Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hawk, Hayes, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, O'Neill, Perine, Polsley, Preston, Pugh, Pulcifer, Rutherford, Stuckenbruck, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—65.

NOES—None

INTRODUCTION OF BILLS.

In accordance with the above report, the following bills were introduced and referred as indicated:

By Mr Hammon: Assembly Bill No 1416—An Act to amend the Political Code of the State of California by adding a new section thereto, to be known and numbered as Section 419b.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Wagner: Assembly Bill No. 1417—An Act to legalize bonds to be issued and sold by municipalities where the authority for such issuance has already been given by a vote of more than two thirds of the electors of such municipalities

Bill read first time, and referred to Committee on Judiciary.

NOTICE OF MOTION TO RECONSIDER.

Mr. Hawk gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 579 was this day passed

Mr. Transue gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 524 was this day passed

ASSEMBLY THIRD-READING FILE—(RESUMED).

Assembly Bill No. 138—An Act to regulate and license the conducting and operating of employment agencies and to provide a revenue therefrom for the enforcement of the provisions of this Act and other Acts relating to employment agents and employment agencies

Bill read third time

The question being on the passage of the bill.

The roll was called, and Assembly Bill No 138 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beatty, Beban, Black, Butler, Callan, Cattell, Coghlan, Costar, Cullen, Dean, Drew, Feeley, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hanlon Hawk, Hayes, Hinkle, Holmquist, Hopkins, Irwin Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, Mendenhall, Moore, Mott, Nelson, Perine, Polsley, Preston, Pugh, Rutherford, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wyllie, Young, and Mr Speaker—56.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate

Assembly Bill No 934—An Act to amend an Act entitled "An Act to continue in force school teachers' certificates, State educational diplomas, and life diplomas," approved February 5, 1880.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 934 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Costar, Cullen, Dean, Drew, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hanlon, Hayes, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, Mendenhall, Moore, Nelson, O'Neill, Perine, Polsley, Preston, Pugh, Rutherford, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—54.

NOES—Messrs. Cogswell and Flavelle—2.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 136—An Act to amend an Act entitled "An Act to provide for the proper sanitary condition of factories and workshops, and the preservation of the health of the employees," approved February 6, 1889.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 136 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Costar, Cullen, Dean, Drew, Fleisher, Flint, Gerdes, Gibbons, Gillis, Hawk, Hayes, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, Mendenhall, Moore, Mott, Nelson, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Rutherford, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—60.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 429—An Act authorizing municipal corporations, other than freeholder charter cities, to change their names, and providing the procedure therefor.

WITHDRAWAL OF BILL.

Mr. Leeds asked for and was granted unanimous consent to withdraw Assembly Bill No. 429.

Bill withdrawn and ordered stricken from the file.

BILL RECALLED FROM COMMITTEE.

Mr. Leeds moved that Assembly Bill No. 1149 be recalled from the Committee on Judiciary.

Motion carried.

THIRD-READING FILE—(RESUMED).

Assembly Bill No. 442—An Act to amend "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18,

1885, by adding thereto a new section numbered 5½, providing for the doing of sidewalk work by cities in the absence of bidders for doing the same

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 442 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Costar, Cullen, Dean, Drew, Fleisher, Flint, Gerdes, Gillis, Griffiths, Hans, Hawk, Hayes, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnston of Contra Costa, Juilliard, Kehoe Lightner, Macauley, Maher, McClellan, Mendenhall, Moore, Mott, Nelson, Otis, Perine, Polsley, Preston, Rutherford, Sackett, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—57.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 730—An Act of the board of supervisors of the county of Shasta to audit and pay the claim of George W. Bush for services as Judge of the Superior Court of Shasta County.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 730 passed by the following vote:

AYES—Messrs Barndollar, Beardslee, Beatty, Black, Bohnett, Callan, Cattell, Collier, Costar, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hans, Hawk, Hayes, Hinkle, Holmquist, Hopkins, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Lightner, Macauley, Maher, McClellan, Mendenhall, Moore, Mott, Nelson, O'Neill, Perine, Polsley, Rutherford, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—53.

NOES—Mr. Johnson of Sacramento—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 655—An Act to amend Section 2524 of the Political Code, relating, to the jurisdiction, powers, and duties of the Board of State Harbor Commissioners.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 655 passed by the following vote:

AYES—Messrs Barndollar, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Costar, Dean, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Hans, Hawk, Hayes, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilhard, Kehoe, Macauley, Maher, Mendenhall, Moore, Otis, Perine, Polsley, Rutherford, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Wilson, Young, and Mr. Speaker—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No 99—An Act allowing certain pensions, and providing for the payment of the same, of employees of twenty-one years and upwards of service by the State of California in one or more of the public institutions of this State for the insane and those who shall become disabled while in the service of the State of California in one

or more of the public institutions of this State for the insane, and providing for the payment thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No 99 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Butler, Cattell, Coghlan, Collier, Cullen, Dean, Feeley, Flavelle, Fleisher, Flint, Gibbons, Gillis, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hinkle, Holmquist, Hopkins, Johnson of San Diego, Johnston of Contra Costa, Juilliard, Leeds, Lightner, Macauley, McClellan, McManus, Melrose, Moore, Mott, Nelson, Odom, Otis, O'Neill, Pugh, Rutherford, Schmitt, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, and Mr Speaker—53

NOES—Messrs. Callan, Cogswell, Drew, Gerdes, Irwin, Johnson of Sacramento, Johnson of Placer, Kehoe, Maher, Mendenhall, Perine, Polsley, Preston, Silver, Stuckenbruck, Wyllie, and Young—17.

Title read and approved.

Bill ordered transmitted to the Senate.

ADJOURNMENT.

At five o'clock and twenty minutes P. M., on motion of Mr. Mott, the Assembly was declared adjourned until ten o'clock A. M., of Thursday, February 18, 1909.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL.,
Thursday, February 18, 1909.

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. P. A. Stanton, Speaker of the Assembly, in the chair.

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

Messrs Barndollar, Baxter, Beardslee, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Dean, Drew, Flavelle, Fleisher Flint, Gerdes Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—73

Quorum present

LEAVES OF ABSENCE

On motion, leave of absence for the day was granted to Messrs. Wyatt and Odom.

PRAYER.

Prayer was offered by the Chaplain, Rev. Seren N. Marsh

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Mott, its further reading was dispensed with.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1909.

MR. SPEAKER. Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Assembly Bill No. 350—An Act to repeal an Act entitled "An Act forfeiting to the State of California all payments for State lands where a fraudulent title was sought to be obtained thereto," approved March 20, 1905.

Assembly Bill No 351—An Act to add a new section to the Political Code of the State of California, to be known as section three thousand five hundred and seventy-five, relating to forfeiture of title to lands sold by the State.

Assembly Bill No 699—An Act to amend Section 384 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, and to add a new section thereto, to be numbered 387, relating to the powers of the Governor, his salary and the salaries of certain appointees

Assembly Bill No. 70—An Act to add a new section to the Political Code, to be numbered 4085½, authorizing the board of supervisors of the several counties of this State to declare innavigable streams highways for the purpose of fishing, and providing for the use of the same

Assembly Bill No. 245—An Act entitled "An Act to amend sections three thousand one hundred and nine, and three thousand one hundred and ten of the Political Code of the State of California, relating to public cemeteries, sale of lots, keeping same in order and jurisdiction over the same"

Assembly Bill No. 751—An Act to amend Section 2572 of the Political Code of the State of California, relating to the board of harbor commissioners of the port of Eureka, and to add a new section to the Political Code, to be known as Section 2568½, also relating to the board of harbor commissioners of the port of Eureka.

Assembly Bill No. 388—An Act to provide for the erection of a training school building for the use of the State Normal School at Chico, California, to equip the same, and make an appropriation therefor.

Assembly Bill No 984—An Act to amend Section 4281 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the fifty-second class.

YOUNG, Chairman.

The above reported bills ordered on file for third reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1909

MR. SPEAKER. Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled:

Assembly Bill No 47—An Act making an appropriation to assist the State Board of Equalization in gathering data in the several counties for equalization purposes, and for the employment of expert accountants to verify reports of railroad companies made to said board.

Assembly Bill No 176—An Act providing for a biennial appropriation in the general appropriation bill for the benefit of the Governor's residence and grounds

Assembly Bill No. 611—An Act making an appropriation to pay the deficiency in the appropriation for the contingent expenses of the Bureau of Labor Statistics for the sixtieth fiscal year

Assembly Bill No. 731—An Act making an appropriation for the maintenance of the Governor's residence from January 1, 1909, to June 30, 1909.

Assembly Bill No. 124—An Act to provide for the investment of the moneys in the estates of deceased persons fund, and also to provide for payment of interest received into the state school fund.

Assembly Bill No. 125—An Act transferring the sum of $80,000 from the general fund to the estates of deceased persons fund.

Assembly Joint Resolution No. 6—Relating to irrigation by the United States Reclamation Service, in California.

And were presented to the Governor February seventeenth, at three o'clock P. M.

YOUNG, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1909.

MR SPEAKER. Your Committee on Engrossment and Enrollment beg leave to report that the following bill has been correctly enrolled.

Assembly Bill No. 172—An Act to allow unincorporated towns and villages to establish, equip and maintain public libraries, to provide for the formation, government and operation of library districts; the acquisition of property thereby; the calling and holding of elections in such districts; the assessment, collection, custody and disburse-

ment of taxes therein; and to create boards of library trustees—and was presented to the Governor February fifteenth, at two o'clock and thirty minutes P. M.

YOUNG, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1909.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly reëngrossed:

Assembly Bill No. 441—An Act to add a new section to the Code of Civil Procedure, to be numbered section one hundred and three and one half, authorizing city justices in cities and towns of the third class to appoint a clerk

Assembly Bill No. 622—An Act to amend section three thousand eight hundred and ninety-seven of the Political Code, relating to the sale and disposition of lands deeded to the State for delinquent taxes.

Assembly Bill No. 594—An Act to provide for the establishment and maintenance of public museums of natural and historical objects within municipalities

Assembly Bill No 782—An Act to amend Section 4243 of the Political Code of the State of California, relating to the compensation and expenses of officers in counties of the fourteenth class.

YOUNG, Chairman.

EXPLANATION OF VOTE.

Mr. Juilliard arose to a question of personal privilege, and explained his vote on Assembly Bill No. 99—An Act allowing certain pensions and providing for the payment of the same, of employees of twenty-one years and upwards of service by the State of California in one or more of the public institutions of this State for the insane and those who shall become disabled while in the service of the State of California in one or more of the public institutions of this State for the insane, and providing for the payment thereof—as follows:

MR. SPEAKER: I changed my vote on said bill from "No" to "Aye" for the express purpose of giving notice of reconsideration of the vote whereby the above bill was passed yesterday. Immediately thereafter my attention was diverted by a fellow member, and, unknown to me, a motion to adjourn was made and carried before I could give notice of reconsideration. Otherwise, I would have voted "No" on said bill.

SPECIAL ORDER.

The hour of ten o'clock A. M. having arrived, the special order heretofore set for this hour was taken up for consideration.

Senate Bill No. 18—An Act to define and regulate the business of banking.

Read third time, and amended on a previous day.

Mr. Johnson of Sacramento, moved that the Speaker appoint a select committee of one to amend the bill, as follows:

Strike out all of lines 61, 62, 63, 64, and 65, on page 20, of the printed bill.

Also: Strike out the words: "and other public utility and industrial", in line 67, page 20, of the printed bill, and insert the word "and" after the word "power" in line 66, page 20, of the printed bill.

Also: Strike out all of lines 82, 83, 84, and 85, on page 20, of the printed bill.

Also: Strike out all of Section 106, on page 32, of the printed bill

Also: After the word "law", in line 4, of Section 121, on page 33, of the printed bill, insert the words: "subject to the approval of the Governor".

Also: After the word "examiners", in line 8, of Section 121, on page 33, of the printed bill, insert the words: "subject to the approval of the Governor".

Motion lost.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 18 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Costar, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, Maher, McClellan,

McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—74.

NOES—Mr. Johnson of Sacramento—1.

Title read and approved.

Bill ordered transmitted to the Senate.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1909.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report they have examined and found the following bills correctly reengrossed:

Assembly Bill No. 185—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as Section 67*b*, relating to extra sessions of the Superior Court.

Assembly Bill No. 233—An Act to amend an Act approved March 23, 1901, and entitled "An Act to provide for the establishment and maintenance of public libraries within municipalities"

YOUNG, Chairman.

SPECIAL ORDER RESET.

Mr. Drew moved that the consideration of Assembly Constitutional Amendment No. 2, heretofore set as a special order for eleven o'clock A. M. of this day, be reset for ten o'clock A. M. of the next legislative day.

Mr. Greer moved as a substitute for above motion that Assembly Constitutional Amendment No. 2 be taken up for consideration immediately following the consideration of Senate bills this afternoon.

Substitute motion carried.

RECESS.

At twelve o'clock and thirty minutes P. M., the Assembly was declared at recess until two o'clock P. M. of this day.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.

Speaker P. A. Stanton in the chair.

Mr. Drew asked that Senate Joint Resolution No. 3 be taken up as unfinished business.

So ordered.

POINT OF ORDER.

Mr. Mott rose to the following point of order:

That Senate bills should be considered in regular order on file.

FURTHER POINT OF ORDER.

Mr. Drew arose to the following point of order:

That the Speaker had already ruled on the question.

POINT WELL TAKEN.

The Speaker ruled the point of order well taken.

SENATE BILLS—THIRD READING FILE—UNFINISHED BUSINESS.

Senate Joint Resolution No. 3—Relative to transportation rates and urging our representatives in Congress to support measures granting increased powers to the Interstate Commerce Commission.

The question being on the adoption of amendment to Senate Joint Resolution No. 3, submitted by Mr. Johnson of Sacramento, as follows:

Strike out all of lines 20, 21, 22, 23, 24, 25*a*, and 26, 27, 28, 29, 30, 37, 38, 39, 40, 41, 42, and 43 of printed bill.

Roll call was regularly demanded.

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

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Butler, Coghlan, Collier, Collum, Cronin, Cullen, Dean, Feeley, Flavelle, Fleisher, Greer, Hanlon, Hans, Hopkins, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Leeds, Lightner, Macauley, McClellan, McManus, Melrose, Moore, Mott, Nelson, Otis, O'Neill, Perine, Pugh, Pulcifer, Rech, Rutherford, Silver, Transue, Wagner, Wheelan, and Mr. Speaker—43

NOES—Messrs. Bohnett, Callan, Cattell, Cogswell, Costar, Drew, Flint, Gibbons, Gillis, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Placer, Juilliard, Kehoe, Maher, Mendenhall, Polsley, Preston, Sackett, Stuckenbruck, Telfer, Webber, Whitney, Wilson, Wyllie, and Young—30.

The question being on the adoption of the Senate joint resolution as amended.

A viva voce vote was taken, and Senate Joint Resolution No. 3 as amended finally adopted.

Senate Joint Resolution No. 3 ordered to reprint and to the Senate.

SENATE JOINT RESOLUTION NO 3,

Relative to transportation rates and urging our Representatives in Congress to support measures granting increased powers to the Interstate Commerce Commission.

WHEREAS, The transcontinental lines have put into effect advances in freight rates between California points and the East and vice versa; and

WHEREAS, These advances will place a burden upon manufacturers, merchants and producers to an extent approximating upwards of $10,000,000 per year; and

WHEREAS, In view of the statements made by the transcontinental railroads showing increased net earnings; and

WHEREAS, Various protests have been filed with the said transcontinental lines, prior to the going into effect of the said advances in freight rates, and

WHEREAS, The California Traffic Association and others are presenting the matter to the Interstate Commerce Commission as to the reasonableness of the rates now in effect; and

WHEREAS, There are now before the Congress of the United States several measures looking to the enlargement of the powers of the Interstate Commerce Commission so that it will be in a position to review any proposed advances in freight rates before the same go into effect; and

Resolved by the Senate of the State of California, and the Assembly, jointly, That we request the Interstate Commerce Commission to consider the protests made against the advances in freight rates at as early a date as possible and thus relieve the manufacturers, merchants and producers of our State from the increased burden placed upon them; and be it further

Resolved, That we urge our Representatives in Congress to use every effort for the furthering of the measures granting increased powers to the Interstate Commerce Commission, and particularly those measures relating to giving it the power to pass upon the reasonableness of rates prior to the taking effect of any proposed advance.

Senate Bill No. 9—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 625 of said Code of Civil Procedure, relating to verdicts of juries.

Bill read third time, and passed on file.

Senate Bill No. 352—An Act to amend Section 4041 of the Political Code, relating to the general permanent powers of boards of supervisors.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 352 finally passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beatty, Beban, Butler, Cattell, Coghlan, Collier, Collum, Cullen, Feeley, Flavelle, Fleisher, Gibbons, Greer, Hanlon, Hans, Hawk, Hayes, Hinkle, Holmquist, Hopkins, Irwin, Johnson of San Diego, Johnston of Contra Costa, Leeds, Lightner, Macauley, McManus, Melrose, Mott, Nelson, Otis, O'Neill, Preston, Pugh, Pulcifer, Rech, Rutherford, Sackett, Silver, Telfer, Transue, Wagner, Webber, Wheelan, Wilson, and Mr. Speaker—48.

NOES—Messrs. Bohnett, Callan, Cogswell, Costar, Cronin, Dean, Drew, Flint, Gillis, Hewitt, Johnson of Sacramento, Johnson of Placer, Juilhard, Kehoe, McClellan, Mendenhall, Moore, Perine, Polsley, Stuckenbruck, Whitney, Wyllie, and Young—23

Title read and approved.

Bill ordered transmitted to the Senate.

RECONSIDERATION.

In compliance with his notice given on a previous day, Mr. Transue moved that the vote whereby Senate Bill No. 524 was passed be reconsidered.

CONSIDERATION OF MOTION CONTINUED.

By unanimous consent the consideration of the above motion was continued until the next legislative day.

RECONSIDERATION.

In compliance with his notice given on a previous day, Mr. Hawk moved that the vote whereby Senate Bill No. 579 was passed be reconsidered.

CONSIDERATION OF MOTION CONTINUED.

By unanimous consent, the consideration of the above motion was continued until the next legislative day.

COMMUNICATION.

Mr. Johnson asked for and was granted unanimous consent to file and have printed in the Journal the following communication:

SACRAMENTO, February 17, 1909.

HON. J. B. CURTIN, *Sacramento, Cal*

DEAR SIR: I am in receipt of your favor of this date reading as follows:

"SACRAMENTO, CAL., February 17, 1909.

GEN. U. S. WEBB, *Sacramento, Cal.*

MY DEAR GENERAL: I append hereto Senate Bill No 258, entitled an Act appropriating money to pay the claim of J. B. Curtin against the State of California, and would kindly ask you to give me your opinion in writing whether you believe this bill constitutional, and if passed by this Legislature the Controller would be required to draw his warrant upon the State Treasurer to pay this claim. An early reply will oblige,

Very truly yours,

J. B. CURTIN,
Senator Twelfth District."

Since the receipt of your letter, I have examined Senate Bill No. 258, and am of the opinion that the same, when duly passed and approved, will be and constitute a valid obligation against the State of California, and that it will then be the duty of the Controller to draw his warrant, and of the Treasurer to pay the same, as provided in said Act.

Very respectfully,

U S. WEBB, Attorney General.

Senate Bill No. 258—An Act appropriating money to pay the claim of J. B. Curtin against the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 258 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Beban, Butler, Callan, Cattell, Coghlan, Collum, Costar, Cronin, Cullen, Drew, Feeley, Flavelle, Fleisher, Flint, Gibbons, Gillis, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, McManus, Melrose, Moore, Nelson, Otis, Perine, Preston, Pugh, Pulcifer, Rech, Rutherford, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, and Mr. Speaker—56.

NOES—Messrs. Cogswell and Mendenhall—2.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 263—An Act appropriating money to pay the claim of E. F. Treadwell against the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 263 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Beban, Butler, Callan, Cattell, Coghlan, Collier, Collum, Costar, Cronin, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gibbons, Gillis, Greer, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Hopkins, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, McClellan, McManus, Moore, Nelson, Otis, O'Neill, Perine, Preston, Pugh, Pulcifer, Rech, Rutherford, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, and Mr. Speaker—60.

NOES—Messrs Cogswell and Mendenhall—2

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 288—An Act appropriating money to pay the claim of M. L. Ward against the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 288 finally passed by the following vote:

AYES—Messrs. Barndollar, Beatty, Beban, Butler, Callan, Cattell, Coghlan, Collum, Cronin, Cullen, Drew, Flavelle, Fleisher, Flint, Gibbons, Gillis, Greer, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, McManus, Moore, Nelson, Otis, Perine, Preston, Pugh, Rech, Rutherford, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, and Mr. Speaker—52

NOES—Messrs. Cogswell and Mendenhall—2

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 289—An Act appropriating money to pay the claim of H. S. G. McCartney against the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 289 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Beban, Butler, Callan, Cattell, Coghlan, Collum, Costar, Cronin, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gibbons, Gillis, Greer, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Leeds, Lightner,

Macauley, Maher, McClellan, McManus, Moore, Nelson, Otis, O'Neill, Perine, Preston, Pulcifer, Rech, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wyllie, and Mr. Speaker—57.
NOES—Messrs. Cogswell and Mendenhall—2.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 361—An Act making an appropriation to pay the claim of F. W. Leavitt against the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 361 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Beban, Butler, Callan, Cattell, Coghlan, Cogswell, Collum, Costar, Cronin, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gibbons, Gillis, Greer, Hanlon, Hawk, Hayes, Hewitt, Hinkle Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Moore, Nelson, Otis, O'Neill, Perine, Preston, Pugh, Rech, Rutherford, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wagner, Whitney, and Wyllie—58.
NOES—Mr. Mendenhall—1

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 451—An Act appropriating money to pay the claim of Leroy A. Wright against the State of California.

Bill read third time

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 451 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beban, Cattell, Coghlan, Collum, Costar, Cronin, Cullen, Drew, Fleisher, Flint, Gibbons, Gillis, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnston of Contra Costa, Juilliard, Kehoe, Lightner, Macauley, Maher, McClellan, McManus, Mott, Nelson, Otis, O'Neill, Perine, Preston, Pugh, Rech, Sackett, Silver, Stuckenbruck, Telfer, Wagner, Wheelan, Whitney, Wyllie, and Mr. Speaker—50.
NOES—Messrs. Cogswell and Mendenhall—2.

Title read and approved.

Bill ordered transmitted to the Senate.

SPECIAL ORDER.

The consideration of Senate bills having been completed, the following special order was taken up:

Assembly Constitutional Amendment No. 2—Amending Article XX of the Constitution by adding a new section thereto, to be known as Section 21, relating to a day of rest.

The following amendment was submitted by Mr. Drew:

Amend by inserting the following: "(2½) That the Legislature shall provide that no person employed by any person, firm, or corporation be compelled to labor more than six days in a week, except in cases of emergency, and shall provide penalties for the violation thereof."

Amendment lost.

HON. J. P. TRANSUE IN THE CHAIR.

At four o'clock and twenty-five minutes P. M., Hon. J. P. Transue in the chair, Assembly Constitutional Amendment No. 2 considered.

SPEAKER IN THE CHAIR.

At four o'clock and forty-five minutes P. M., Speaker Stanton in the chair.

The question being on the adoption of the Assembly constitutional amendment.

The roll was called, and Assembly Constitutional Amendment No. 2 refused adoption by the following vote:

AYES—Messrs Barndollar, Callan, Cattell, Cogswell, Costar, Drew, Flavelle, Gillis, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Kehoe, Melrose, Mendenhall, Polsley, Rutherford, Sackett, Stuckenbruck, Telfer, Wagner, Wyllie, and Young—24.

NOES—Messrs. Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Coghlan, Collier, Collum, Cronin, Cullen, Dean, Feeley, Fleisher, Flint, Gibbons, Greer, Hanlon, Hans, Hawk, Hayes, Hopkins, Irwin, Johnson of Placer, Johnston of Contra Costa, Juilliard, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Moore, Mott, Nelson, Otis, O'Neill, Perine, Preston, Pugh, Pulcifer, Rech, Schmitt, Silver, Transue, Webber, Wheelan, Whitney, and Mr. Speaker—50.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1909

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Assembly Bill No. 847—An Act to amend Section 4269 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the fortieth class.

Assembly Bill No. 1007—An Act to amend Section 4251 of the Political Code of the State of California, concerning salaries and fees of officers in counties of the twenty-second class.

Assembly Bill No. 768—An Act to amend Section 452 of the Political Code, relating to the duties of the State Treasurer

Assembly Bill No 769—An Act to amend section three thousand eight hundred and sixty-six of the Political Code, relating to settlements with the Controller and payments into the State treasury

Assembly Bill No. 771—An Act to amend Section 675 of the Political Code of the State of California, relating to the counting of the money in the State treasury and the duties of the Treasurer, Controller, and Board of Examiners in connection therewith.

Assembly Bill No 802—An Act authorizing the payment into the general fund of the State treasury of moneys held for the redemption of certain coupons of the civil bonds of 1857, and providing for the redemption of said coupons.

Assembly Bill No. 205—An Act to amend the Code of Civil Procedure of the State of California by adding a new section thereto, to be known as Section 542a, relating to attachments

Assembly Bill No 642—An Act to prevent false and incorrect representations and advertisements concerning articles offered for sale and prescribing a punishment for the violation thereof.

Assembly Bill No. 1009—An Act appropriating money to be expended by and under the direction of the Department of Engineering for the purpose of rectifying the channels of the Sacramento, San Joaquin, and Feather rivers, and other river channels of the State, and improving the navigability of such streams.

Assembly Bill No 687—An Act to amend Section 1532 of Article II of the Political Code by defining the duties of the Superintendent of Public Instruction.

Assembly Bill No. 303—An Act to provide for health and development supervision in the public schools of the State of California.

Assembly Bill No 786—An Act to amend Section 647 of the Code of Civil Procedure of the State of California, relating to what is deemed excepted to.

Assembly Bill No. 952—An Act to amend Section 3 of an Act entitled "An Act requiring the recording of maps of subdivisions of land into lots for the purpose of sale, and prescribing the conditions on which such maps may be recorded, and prohibiting the selling or offering for sale of land by reference to said maps unless the same are recorded," approved March 15, 1907.

Assembly Bill No. 577—An Act to amend section one hundred and thirty-one of the Civil Code, relating to interlocutory divorce judgments

Assembly Bill No. 776—An Act to amend section three thousand seven hundred of the Political Code, relating to salaries of the members of the State Board of Equalization.

Assembly Bill No. 832—An Act authorizing the investment and reinvestment and

disposition of any moneys in any sinking fund of any county, city and county, or incorporated city or town

Assembly Bill No 833—An Act to add a new section to the Penal Code, to be numbered four hundred and two *e*, making it a misdemeanor for any practitioner of veterinary medicine who fails to report to the State Veterinarian certain diseases among animals.

Assembly Bill No. 827—An Act authorizing any incorporated town, city, or municipal corporation to permit the construction and maintenance of any State or county highway or boulevard over highways or streets in its incorporated limits, or any portion thereof, by the supervisors or highway commissioners of the county.

Assembly Bill No. 706—An Act to add a new section to the Penal Code, to be numbered 626*a*, to prohibit the hunting of ducks in motor boats.

Assembly Bill No 784—An Act amending section two thousand three hundred forty-nine of the Political Code, relating to certain streams and waters declared public ways.

Assembly Bill No 992—An Act to amend sections one, two, three and four of an Act entitled "An Act to encourage and provide for a general vaccination in the State of California," approved February 20, 1889.

Assembly Bill No. 723—An Act to amend Section 3546 of the Political Code of the State of California, relating to what must be contained in the statement by the Register of State Lands to the district attorney

Assembly Bill No. 1031—An Act to amend Section 3514 of the Political Code of the State of California, relative to the issuance of certificates of purchase for State land.

Assembly Bill No. 961—An Act to amend Section 8 of an Act entitled "An Act to provide for the organization and government of drainage districts for the drainage of agricultural lands other than swamp and overflowed lands, and to provide for the acquisition or construction thereby of works for the drainage of the lands embraced within such district," approved March 20, 1905

Committee Substitute for Assembly Bills Nos. 648 and 649—An Act to amend section one thousand nine hundred and eighteen of the Civil Code relating to a maximum rate of interest, and providing for forfeitures for violations thereof

Assembly Bill No 842—An Act to amend section ten of an act entitled, "An Act to create and administer a public school teachers' annuity and retirement fund in the several counties, and cities and counties in the State," approved March 26, 1895, and amended March 29, 1897, and amended March 23, 1901, and amended March 20, 1903.

Assembly Bill No 956—An Act to amend Section 650 of the Civil Code of the State of California, relating to the powers of boards of trustees of colleges and seminaries of learning.

Assembly Bill No. 173—An Act authorizing the State Veterinarian to employ during the balance of the sixtieth, and throughout the sixty-first and sixty-second fiscal years such inspectors as he may deem necessary to inspect and supervise the dipping of sheep infected with the disease known as scabies; providing for the compensation and expenses of said inspectors, and making an appropriation therefor

Assembly Bill No. 1047—An Act to add a new section to the Penal Code to be numbered section six hundred and twenty-eight *e* to prevent the catching of surf fish, yellow fin or spot-fin croaker and providing penalties therefor

Assembly Bill No 1051—An Act to amend Section 642 of the Political Code of the State of California, relating to the Fish Commissioners and their assistants, and prescribing their powers and duties

Assembly Bill No. 5—An Act to repeal an Act entitled 'An Act to create a drainage district to be called 'Sacramento Drainage District,' to promote drainage therein; to provide for the election and appointment of officers of said drainage district, defining the powers, duties, and compensation of such officers and providing for the creation, division and management of reclamation, swamp land, levee, drainage and protection districts within said Sacramento Drainage District, and providing for levying and collecting assessments upon the lands within said drainage district," approved March 20, 1905

Assembly Bill No. 979—An Act to definitely establish, and permanently locate the boundary line between the county of Lake and the county of Glenn, State of California.

Assembly Bill No. 1109—An Act to prohibit within certain limits the mooring and anchoring of house-boats in rivers and streams, and the maintaining of privies, vaults, cesspools, sewer pipes and conduits on the banks of rivers and streams, and providing for punishment for violation thereof, declaring such acts to be public nuisances, and providing for the abatement of such nuisances.

Assembly Bill No. 951—An Act to amend Section 4027 of the Political Code of California, relating to the organization of boards of supervisors

Assembly Bill No 1059—An Act pertaining to the establishment of a uniform system of county and township governments, and amending Section 4273 of the Political Code, relating to the salaries and fees of officers of counties of the forty-fourth class

Assembly Bill No. 755—An Act to add a new section to the Political Code of the State of California, to be numbered four thousand two hundred and forty-three *a*, relating to the compensation of jurors in counties of the fourteenth class

Assembly Bill No. 1050—An Act to amend Section 4256 of the Political Code of the State of California, relating to salaries and fees of county and township officers in counties of the twenty-seventh class

Assembly Bill No 767—An Act to amend Section 425 of the Political Code of the State of California.

Assembly Bill No 597—An Act to amend section thirteen hundred and forty-nine of the Code of Civil Procedure of the State of California, relating to the person or persons to whom letters testamentary on proved will may be issued.

Assembly Bill No. 563—An Act to amend Section 1793 of the Code of Civil Procedure of the State of California, relating to guardians.

Assembly Bill No 732—An Act to amend section twelve hundred and seven of the Civil Code, relating to the validating of instruments affecting real property.

Assembly Bill No 1002—An Act to amend section six hundred and fifty of the Code of Civil Procedure, relating to bills of exceptions

Assembly Bill No. 1036—An Act to add a new section to the Penal Code, relating to recording of notices of location of mining claims

Committee Substitute for Assembly Bill No. 920—An Act granting certain lands and salt marsh and tide lands of the State of California to the city of Oakland.

Assembly Bill No. 1103—An Act to amend Section 652 of the Civil Code of the State of California, relating to the consolidation of colleges and institutions of higher education.

Assembly Bill No. 278—An Act to provide for the digging and construction of a tunnel connecting the hydrotherapeutic building with the engine room of the female department of the Stockton State Hospital for the purpose of conducting water pipes, heating pipes, electric wires, etc., and to make appropriations therefor.

Assembly Bill No. 810—An Act to provide for the wiring of hospital buildings, and all other buildings situated in and about the grounds of the Stockton State Hospital, together with the installation of an electric-light plant consisting of all necessary fixtures and equipments, and to make an appropriation therefor

Assembly Bill No. 1160—An Act authorizing the State Surveyor General to furnish his office and vault therein, and making an appropriation therefor.

Assembly Bill No. 618—An Act to amend Sections 3921 and 3923 of the Political Code, relating to and defining the boundaries of Sierra and Nevada counties.

YOUNG, Chairman.

The above reported bills ordered on file for third reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1909.

MR SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly reëngrossed:

Assembly Bill No. 139—An Act to aid the enforcement of an Act entitled "An Act to enforce the educational rights of children, and providing penalties for violation of the Act," approved March 24, 1903.

Assembly Bill No. 602—An Act to amend an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State, for the construction of sewers, and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts, the assessment, levy, collection, custody, and disbursement of taxes therein, the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1891.

YOUNG, Chairman

ADJOURNMENT.

At five o'clock and fifty-five minutes P. M., on motion of Mr. Mott, the Assembly was declared adjourned until ten o'clock A. M. of Friday, February 19, 1909.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL., }
Friday, February 19, 1909. }

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. P. A. Stanton, Speaker of the Assembly, in the chair.

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

Messrs. Barndollar, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of

Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, McManus, Melrose, Mendenhall, Mott, Nelson, Odom, Otis, Perine, Polsley, Preston, Pugh, Pulcifer, Rutherford, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—68.

Quorum present.

LEAVE OF ABSENCE.

On motion, leave of absence for the day was granted to Messrs. Wyatt and Maher.

PRAYER.

Prayer was offered by the Chaplain, Rev. Seren N. Marsh.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Barndollar, its further reading was dispensed with.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1909.

MR SPEAKER: Your Committee on Judiciary, to whom was referred Senate Bill No. 269—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 35 thereof—have had the same under consideration, and respectfully report the same back, without recommendation.

JOHNSON OF SACRAMENTO, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1909.

MR. SPEAKER. Your Committee on Judiciary, to whom was referred Senate Bill No 735—An Act to amend Sections 3553 and 3555 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to proceedings against delinquent purchasers of State school lands, and costs and attorney's fees in such proceedings—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

JOHNSON OF SACRAMENTO, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1909.

MR SPEAKER Your Committee on Judiciary, to whom was referred Assembly Bill No. 1091—An Act to add a new section to the Penal Code, relating to the use of textbooks, to be known and numbered as Section 308*b*—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass, by a majority, and a minority recommend that it do pass.

JOHNSON OF SACRAMENTO, Chairman

ON BUILDING AND LOAN ASSOCIATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1909.

MR SPEAKER: Your Committee on Building and Loan Associations, to whom was referred Assembly Bill No 977—An Act to add a new section to title sixteen, of part four, of division first of the Civil Code, to be numbered six hundred and forty-eight *a*, relating to the formation of building and loan associations.

Also: Assembly Bill No. 978—An Act to amend section six hundred and forty-eight of the Civil Code, relating to building and loan associations.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

OTIS, Chairman.

ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1909.

MR SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 1211—An Act to provide for changing or modifying the grade of pub-

lic streets, lanes, alleys, courts, or other places, within municipalities—have had the same under consideration, and respectfully report the same back, with one amendment, and recommend that it do pass as amended.

FEELEY, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February, 19, 1909.

MR. SPEAKER. Your Committee on Municipal Corporations, to whom was referred Assembly Bill No 1164—An Act to amend an Act approved March 6, 1889, entitled "An Act to provide for laying out, opening, widening, extending, straightening, or closing up in whole or in part of any street, square, lane, alley, court, or place within the bounds of such city, and to condemn and acquire any and all land and property necessary or convenient for that purpose."

Also: Assembly Bill No. 1210 –An Act to amend Section 2 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, relating to street improvements

Also. Senate Bill No. 552—An Act to amend Section 852 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Also: Senate Bill No 559—An Act to validate proceedings for the reorganization of municipal corporations taken since the passage of the Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and also, since the passage of the Act entitled "An Act to provide for the classification of municipal corporations," approved March 3, 1883.

Also: Senate Bill No. 678—An Act amending sections four, ten, and eleven of an Act of the Legislature of the State of California, entitled "An Act providing for the laying out, constructing, straightening, improvement, and repair of main public highways in any county, providing for the voting, issuing, and selling of county bonds and the acceptance of donations to pay for such work and improvements, providing for a highway commission to have charge of such work and improvements, and authorizing cities and towns to improve the portions of such highways within their corporate limits and to issue and sell bonds therefor," approved March 19, 1907.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass

FEELEY, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1909.

MR. SPEAKER. Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 270—An Act declaring property infested with certain rodents to be a public nuisance; requiring owners, occupants, and persons having possession of or dominion over such property to endeavor to exterminate and destroy such rodents, providing for the inspection of property by boards of health and health officers; authorizing boards of supervisors and other governing bodies to purchase materials and employ inspectors to prosecute such work of extermination, authorizing State and local health authorities to prosecute such work in certain cases, providing for the payment of the expense thereof; making the amount of such expense a lien on the property; providing for the collection of such amount by foreclosure of such lien, and declaring any violation of the provisions thereof to be a misdemeanor—have had the same under consideration, and respectfully report the same back, and recommend that it be referred to Committee on Public Health and Quarantine.

FEELEY, Chairman.

ON INSURANCE AND INSURANCE LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1909.

MR. SPEAKER: Your Committee on Insurance and Insurance Laws, to whom was referred Assembly Bill No. 84—An Act to amend an Act entitled "An Act to provide for the organization and management of county fire insurance companies," approved April 1, 1897, and Acts amendatory thereof, by amending Sections 10 and 11 thereof—have had the same under consideration, and respectfully report the same back, with five amendments, and recommend that it do pass as amended

PULCIFER, Chairman.

ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1909.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Assembly Bill No 1083—An Act to add a new section to the Political Code of the State of California, to be known as section four thousand two hundred and sixty-five *a*, relating to the compensation of the county officers of the thirty-sixth and one-half class.

Also: Assembly Bill No. 1025—An Act to amend Section 4261 of the Political Code, relating to salaries and fees of officers in counties of the thirty-second class.

Also: Senate Bill No. 694—An Act to amend Section 4255 of the Political Code of the

State of California, relating to the salaries of officers in counties of the twenty-sixth class, and creating the office of deputy district attorney therein.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

HANS, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1909.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Senate Bill No. 243—An Act to add a new section to the Political Code, to be numbered forty-two hundred and twenty-one *a*, relating to the law library fund.

Also: Senate Bill No. 450—An Act to amend Section 4263 of the Political Code of California, relating to the compensation of officers in counties of the thirty-fourth class

Also. Senate Bill No 495—An Act to amend Section 4240 of the Political Code, relating to the salaries, fees, and mileage of officers and jurors in counties of the eleventh class.

Also: Assembly Bill No 1142—An Act to amend Section 4246 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the seventeenth class

Also: Assembly Bill No. 1084—An Act to amend section four thousand and five *c* of the Political Code of the State of California, relating to population of counties.

Also: Assembly Bill No. 1085—An Act to amend Section 4006 of the Political Code of the State of California, relating to the classification of counties, and creating a new class to be known as the thirty-six and one-half class

Also: Assembly Bill No. 1082—An Act to amend Section 4007 of the Political Code of the State of California, relating to the classification of counties.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

HANS, Chairman.

ON CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1909.

MR SPEAKER: Your Committee on Corporations, to whom was referred Assembly Bill No. 1043—An Act to add to the Penal Code of the State of California a new section, to be numbered 587*a*, prohibiting unauthorized persons from manipulating, tampering or interfering with railroad appliances, and prescribing punishment for violation of such prohibition—have had the same under consideration, and respectfully report the same back with two amendments, and recommend that it do pass as amended.

BEATTY, Chairman.

ON LABOR AND CAPITAL.

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1909.

MR SPEAKER: Your Committee on Labor and Capital, to whom was referred Assembly Bill No. 179—An Act to provide for the appointment of a bake shop inspector and four deputies; to provide for their compensation and to define their powers and duties relating to the inspection of bake shops and bakeries—have had the same under consideration, and respectfully report the same back with nine amendments, and recommend that it do pass as amended.

NELSON, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1909.

MR. SPEAKER: Your Committee on Labor and Capital, to whom was referred Assembly Bill No. 777—An Act to regulate the operation and supervision of stationary steam apparatus.

Also: Senate Bill No. 192—An Act to regulate the license and the conducting and operating of employment agencies and to provide a revenue therefrom; for the enforcement of the provisions of this Act and other Acts relating to employment agents and employment agencies.

Also: Senate Bill No. 323—An Act to provide for the temporary floors in buildings more than three stories high in the course of construction, and for the protection of the life and limb of workmen employed in such buildings from falling through joists or girders and from falling bricks, rivets, etc.

Also. Senate Bill No. 324—An Act to amend an act entitled "An Act to establish a Penal Code approved February 14, 1872, by amending a new section to said Penal Code, to be known and numbered as section four hundred and two and three quarters, relating to and furnishing or erecting of unsafe or improper scaffolding or mechanical contrivances.

Also: Senate Bill No. 633—An Act to amend an Act entitled "An Act defining the duties and liabilities of employment agents, making the violation thereof a misdemeanor, and fixing the penalties therefor," approved February 12, 1903

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

NELSON, Chairman.

ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1909.

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 714—An Act relating to issue of bonds of school districts—have had the same under

consideration, and respectfully report a substitute for said bill, and recommend that it do pass.

SACKETT, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1909.

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 673—An Act to amend Article XVI of the Political Code, in regard to county boards of education

Also: Assembly Bill No. 670—An Act to amend Section 1617 of Article VII, of the Political Code, relating and defining the powers and duties of trustees of school districts and of boards of education in cities, by changing the provisions of certain sections, by adding new sections and by renumbering certain sections

Also: Senate Bill No. 69—An Act to amend Section 1622 of the Political Code, relating to State and county school moneys being used for the payment of teachers and superintendents of schools.

Also: Assembly Bill No. 196—An Act to provide county library systems.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

SACKETT, Chairman.

ON CLAIMS.

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1909

MR. SPEAKER: Your Committee on Claims, to whom was referred Assembly Bill No. 30—An Act to pay the claim of James Touhey against the State of California, and making an appropriation therefor.

Also: Assembly Bill No 1207—An Act to pay the claim of S. B. Sumner, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass, and be re-referred to Committee on Ways and Means.

CULLEN, Chairman.

ON PUBLIC BUILDINGS AND GROUNDS.

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1909

MR. SPEAKER: Your Committee on Public Buildings and Grounds, to whom was referred Assembly Bill No. 1072—An Act making an appropriation of one thousand seven hundred and twenty-five dollars ($1,725.00), to be applied to the cost of building concrete curb and gutter along the boundary of the grounds of the State Normal School at San Jose, and defining the duties of the Controller and Treasurer in reference thereto

Also: Assembly Bill No. 101—An Act making an appropriation of three thousand four hundred and eighty dollars ($3,480 00), to be applied to the cost of grading, paving, guttering, curbing, and sidewalking Grand avenue in the city of Los Angeles, along the easterly boundary of the grounds of the State Normal School at Los Angeles, and defining the duties of the Controller and Treasurer in reference thereto.

Also Assembly Bill No 256—An Act to provide an additional appropriation for the erection of a training school building for the use of the State Normal School at San Diego, California, and to equip the same

Also: Assembly Bill No. 257—An Act to provide for making repairs and for additional equipment at the State Normal School at San Diego, California, and making an appropriation therefor

Also: Assembly Bill No 258—An Act to provide for the improvement of the campus of the State Normal School at San Diego, California, and making an appropriation therefor.

Also: Assembly Bill No. 912—An Act to provide for the erection of a training school building for the use of the State Normal School at Chico, California, to equip the same, and making an appropriation therefor.

Also: Assembly Bill No. 266—An Act making an appropriation for the construction of barns at the California Polytechnic School, and for the purchase of farm equipment for the use of said school.

Also: Assembly Bill No. 962—An Act making an appropriation for the purchase of equipment for shops and laboratories at the California Polytechnic School

Also: Assembly Bill No 963—An Act making an appropriation for the erection of a combined power and lighting plant, with a mechanical and electrical laboratory, at the California Polytechnic School.

Also: Assembly Bill No. 964—An Act making an appropriation for the construction and equipment of barns at the California Polytechnic School.

Also: Assembly Bill No 965—An Act making an appropriation for the construction and furnishing of a dining hall at the California Polytechnic School.

Also: Assembly Bill No. 966—An Act making an appropriation for the construction and furnishing of a girls' dormitory at the California Polytechnic School.

Also: Assembly Bill No 967—An Act making an appropriation for the construction and furnishing of a boys' dormitory at the California Polytechnic School.

Also: Assembly Bill No. 968—An Act making an appropriation for the construction of cottages for employees at the California Polytechnic School.

Also: Assembly Bill No 969—An Act making an appropriation for the development of water supply and an irrigation system at the California Polytechnic School.

Also: Assembly Bill No 970—An Act making an appropriation for the construction of a sewer system at the California Polytechnic School.

Also: Assembly Bill No. 971—An Act making an appropriation for the construction and equipment of poultry houses at the California Polytechnic School.

Also: Assembly Bill No. 972—An Act making an appropriation for the purchase and installation of a refrigerating plant and other creamery equipment for the California Polytechnic School

Also: Assembly Bill No. 973—An Act making an appropriation for repairing and furnishing the dormitory buildings at the California Polytechnic School.

Also: Assembly Bill No. 90—An Act making an appropriation for the construction of an addition to the hospital at the Veterans' Home of California, located at Yountville, Napa County, including a ward for the care and treatment of tuberculous patients.

Also: Assembly Bill No. 91—An Act making an appropriation to complete certain necessary improvements at the Veterans' Home of California, located at Yountville, Napa County.

Also: Assembly Bill No. 92—An Act to provide for the construction of an additional building at the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Also: Assembly Bill No. 957—An Act to provide for certain necessary improvements to the grounds and appurtenances of the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Also: Assembly Bill No. 958—An Act appropriating the sum of one thousand dollars for the purpose of installing a plant for distilling water in connection with the ice-making plant at the Veterans' Home of California, located at Yountville, Napa County.

Also: Assembly Bill No 959—An Act appropriating the sum of two thousand five hundred dollars for the purchase of sterilizers, and ambulance and hospital appliances and instruments at the Veterans' Home of California, located at Yountville, Napa County.

Also. Assembly Bill No 960—An Act providing for certain necessary repairs to the buildings and equipment of the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Also: Senate Bill No. 235—An Act to appropriate money for repainting of the State Normal School at San Francisco, and for laying a concrete sidewalk along the property of said school

Also: Senate Bill No. 239—An Act to provide for the improvement of the campus of the State Normal School at San Diego, California, and making an appropriation therefor

Also: Senate Bill No, 241—An Act to provide for making repairs and for additional equipment at the State Normal School at San Diego, California, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass, and be referred to the Committee on Ways and Means

PUGH, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1909.

MR SPEAKER. Your Committee on Public Buildings and Grounds, to whom was referred Assembly Bill No 265—An Act to provide for certain improvements at the California Polytechnic School, and making an appropriation therefor.

Also: Assembly Bill No. 267—An Act making an appropriation for the construction and furnishing of dormitories and a dining hall at the California Polytechnic School.

Have had the same under consideration, and respectfully report the same back, and recommend that the author have leave to withdraw the above numbered bills from the files of the Assembly.

PUGH, Chairman.

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1909

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No 228—An Act appropriating money to pay the claim of W. H. Cobb against the State of California.

Also: Assembly Bill No 276—An Act to provide for the construction of a new laundry building at the Stockton State Hospital, and the purchase of such machinery and equipments as are necessary for the operation of the same, and for the expense incurred in the removal of machinery from the old building to the new, and to make appropriations therefor

Also: Assembly Bill No 809—An Act to provide for the wiring of hospital buildings and other buildings in and about the grounds of the Stockton State Hospital, together with the installation of a telephone system in said buildings, consisting of all necessary equipments and fixtures, and making an appropriation therefor.

Also: Assembly Bill No. 1034—An Act making an appropriation for the expenses of the National Guard in case of insurrection, invasion, tumult, riot, breaches of peace or imminent danger thereof

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

BEARDSLEE, Chairman

HON. J. P. TRANSUE IN THE CHAIR.

At ten o'clock and fifty minutes A. M., Hon. J. P. Transue in the chair.

ON AGRICULTURE.

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1909.

MR SPEAKER: Your Committee on Agriculture, to whom was referred Senate Bill No. 649—An Act to amend Sections 2322, 2322*a*, 2322*b*, 2322*c*, 2322*d*, and 2322*e* of the Political Code, relating to county boards of horticulture—have had the same under consideration, and respectfully report the same back, with sixteen amendments, and recommend that it do pass as amended.

COGSWELL, Chairman.

ON ROADS AND HIGHWAYS.

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1909.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 1129—An Act to appropriate the sum of twenty thousand dollars for the general improvement of Lake Tahoe wagon road, and for constructing, erecting, and operating a sprinkling plant and appurtenances thereon—have had the same under consideration, and respectfully report the same back, and recommend that it do pass and be referred to Committee on Ways and Means.

GREER, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1909.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 568—An Act appropriating money for a state highway from Alturas to New Pine Creek—have had the same under consideration, and respectfully report the same back, substituting the following committee bill, and recommend that it do pass, and be re-referred to Committee on Ways and Means.

GREER, Chairman.

ON PUBLIC CHARITIES AND CORRECTIONS

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1909.

MR SPEAKER: Your Committee on Public Charities and Corrections, to whom was referred Senate Bill No 632—An Act regulating the employment and hours of labor of children and prohibiting the employment of minors under certain ages—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

COLLIER, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1909

MR. SPEAKER: Your Committee on Public Charities and Corrections, to whom was referred Senate Bill No. 21—An Act concerning dependent and delinquent minor children, providing for their care, custody and maintainance until twenty-one years of age—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

COLLIER, Chairman.

ON IRRIGATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1909.

MR SPEAKER: Your Committee on Irrigation, to whom was referred Assembly Bill No. 1024—An Act to amend Section 3 of an Act entitled "An Act to prevent the waste and flow of water from artesian wells, and prescribing penalties therefor, and defining waste and artesian wells," approved March, 1907.

Also: Assembly Bill No 742—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 47 thereof.

Have had the same under consideration, and respectfully report the same back, with one amendment, and recommend that it do pass as amended

WAGNER, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1909

MR. SPEAKER: Your Committee on Irrigation, to whom was referred Assembly Bill No 744—An Act to permit boards of directors of irrigation districts organized or existing under and by virtue of an Act of the Legislature, entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897; to provide for the payment in two installments of the assess-

ments levied under and in accordance with the provisions of said Act—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WAGNER, Chairman.

ON STATE PRISONS AND REFORMATORY INSTITUTIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1909

MR SPEAKER: Your Committee on State Prisons and Reformatory Institutions, to whom was referred Assembly Bill No. 753—An Act authorizing the State Board of Prison Directors to fix the price, terms and conditions of sale at which jute bags should be sold for the State, providing for the prosecution and punishment for offenses under the same, and repealing certain Acts—with the committee substitute—have had the same under consideration, and respectfully report the same back, and recommend that the committee substitute do pass.

HAMMON, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1909

MR. SPEAKER: Your Committee on State Prisons and Reformatory Institutions, to whom was referred Senate Bill No. 531—An Act to authorize the trustees of the Preston School of Industry and the Whittier State School to acquire property by gift, bequest or devise.

Also: Senate Bill No. 113—An Act appropriating money for a pressed brick machine for the Preston School of Industry—find it is identical with Assembly Bill No 119—An Act appropriating money for a pressed-brick machine for the Preston School of Industry

Also: Senate Bill No. 143—An Act providing for an appropriation of $1,800 00 for the purchase of a cylinder printing press for Whittier State School—is identical with Assembly Bill No 60—An Act appropriating eighteen hundred dollars for the purchase of one cylinder printing press for the Whittier State School.

Also: Senate Bill No. 144—An Act providing for an appropriation of $3,500 00 for the purchase of a Mergenthaler linotype and equipment for the Whittier State School—is identical with Assembly Bill No. 55—An Act appropriating thirty-five hundred dollars to be expended for the purchase of a Mergenthaler linotype machine and equipment for the Whittier State School.

Also: Senate Bill No. 145—An Act providing for an appropriation of $1,000 00 for the purchase of books and periodicals for the Whittier State School—is identical with Assembly Bill No. 56—An Act appropriating one thousand dollars for the purchase of books and periodicals for the Whittier State School.

Also: Senate Bill No. 146—An Act providing for an appropriation of $3,500 00 for repairs on the main building of the Whittier State School—is identical with Assembly Bill No. 53—An Act appropriating $3,500 00 for repairs on the main building of the Whittier State School

Also: Senate Bill No. 147—An Act providing for an appropriation of $5,000.00 for the erection of a manual training building on the grounds of the Whittier State School—is identical with Assembly Bill No. 59—An Act appropriating five thousand dollars to be expended in the erection of a manual training building on the grounds of the Whittier State School.

Also: Senate Bill No. 149—An Act providing for an appropriation of $2,500.00 for the purchase of a boiler for the Whittier State School—is identical with Assembly Bill No. 248—An Act providing for an appropriation of $2,500.00 to be used in the purchase of a boiler for the Whittier State School.

Also: Senate Bill No. 169—An Act appropriating money for the building and furnishing of a refectory building at the Preston School of Industry—is identical with Assembly Bill No. 112—An Act appropriating money for the building and furnishing a refectory building at the Preston School of Industry

Also: Senate Bill No. 321—An Act to amend Section 8 of an Act entitled "An Act to create a State Bureau of Criminal Identification, providing for the appointment of a director of said bureau, defining his duties, qualifications, and powers, providing for the appointment of a clerk of said bureau, and fixing his qualifications, fixing the compensation of said director and clerk, and providing for the manner of paying the same, and providing for the expense of conducting the office, approved March 20, 1905"—is identical with Assembly Bill No 446—An Act to amend Section 8 of an Act entitled "An Act to create a State Bureau of Criminal Identification, providing for the appointment of a director of said bureau, defining his duties, qualifications, and powers, providing for the appointment of a clerk of said bureau, and fixing his qualifications, fixing the compensation of said director and clerk, providing for the manner of paying the same, and providing for the expense of conducting the office," approved March 20, 1905

Having had the same under consideration, respectfully report the same back, and recommend that they do pass.

HAMMON, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1909.

MR. SPEAKER: Your Committee on State Prisons and Reformatory Institutions, to whom was referred Senate Bill No. 164—An Act appropriating money for the building and furnishing of four cottages at the Preston School of Industry—have had the same

under consideration, and respectfully report the same back, and recommend that it do pass, and be re-referred to the Committee on Ways and Means.

Also: Assembly Bill No. 1015—An Act providing for the construction and furnishing of a residence at the State prison at Folsom, and making an appropriation therefor.

Also: Assembly Bill No 1014—An Act providing for the construction of additional houses for the use of the officers, guards, and employees at the State prison at Folsom, and making an appropriation therefor

Also: Assembly Bill No. 1130—An Act to provide for the completion of the hospital for insane at Folsom State Prison, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass, and be re-referred to the Committee on Ways and Means.

HAMMON, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1909.

MR. SPEAKER. Your Committee on State Prisons and Reformatory Institutions, to whom was referred Assembly Bill No. 621—An Act to amend an Act entitled "An Act to establish a school for the discipline, education, employment, reformation, and protection of the juvenile delinquents in the State of California, to be known as the Whittier State School, by amending sections eight, eleven, sixteen, seventeen, eighteen, and twenty thereof"—have had the same under consideration, and respectfully report the same back, with eight amendments, and recommend that it do pass as amended.

HAMMON, Chairman

ON COMMON CARRIERS.

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1909.

MR. SPEAKER: Your Committee on Common Carriers, to whom was referred Assembly Bill No. 317—An Act to promote the safety of employees and travelers upon railroads by compelling common carriers by railroad to properly man their trains.

Also: Assembly Bill No. 71—An Act to repeal an Act entitled "An Act to create the office of Commissioner of Transportation, and to define its powers and duties; to fix the maximum charges for transporting passengers and freights on certain railroads, and to prevent extortion and unjust discrimination thereon," approved April 1, 1878, and also to repeal an Act entitled "An Act to organize and define the powers of the Board of Railroad Commissioners," approved April 15, 1880, and to provide for the organization of the Board of Railroad Commissioners, define its powers and duties, and the powers and duties of railroad and transportation companies, their officers, agents and employees, and to define offenses by shippers and railroad and transportation companies, their officers, agents and employees, and other persons, and providing penalties for such offenses.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

PERINE, Chairman.

ON STATE HOSPITALS AND ASYLUMS.

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1909.

MR SPEAKER: Your Committee on State Hospitals and Asylums, to whom was referred Assembly Bill No. 94—An Act authorizing and directing the Board of Managers of the Napa State Hospital to erect and furnish cottages for the accommodation of female patients at the Napa State Hospital, and making an appropriation therefor.

Also: Assembly Bill No 95—An Act authorizing and directing the Board of Managers of the Napa State Hospital to erect and furnish cottages for the accommodation of male patients at the Napa State Hospital, and making an appropriation therefor.

Also: Assembly Bill No 98—An Act authorizing and directing the Board of Managers of the Napa State Hospital to erect and construct an auditorium for the assemblage of patients at the Napa State Hospital, and to furnish and equip said buildings and making an appropriation therefor.

Also: Assembly Bill No. 100—An Act authorizing and directing the Board of Managers of the Napa State Hospital to construct and restore the principal tower of the buildings at the Napa State Hospital damaged by the earthquake of April 18, 1906, and install a clock therein, and making an appropriation therefor.

Also: Assembly Bill No. 127—An Act authorizing and directing the Board of Managers of the California Home for the Care and Training of Feeble-Minded Children to erect, construct and equip a pavilion to be used as a gymnasium for boys at the California Home for Feeble-Minded Children, and making an appropriation therefor.

Also: Assembly Bill No. 129—An Act making an appropriation for fencing at the California Home for the Care and Training of Feeble-Minded Children.

Also: Assembly Bill No 130—An Act authorizing and directing the Board of Managers of the California Home for the Care and Training of Feeble-Minded Children to purchase and install laundry machinery at the California Home for the Care and Training of Feeble-Minded Children, and making an appropriation therefor.

Also: Assembly Bill No 207—An Act authorizing and directing the Board of Managers of the Mendocino State Hospital to erect and construct an addition to the main kitchen at the said hospital; to construct in conjunction with said kitchen a dining-room for the kitchen help; to purchase a new kitchen range, steam-table and other

necessary kitchen furniture; to enlarge the cold-storage rooms at said hospital, and making an appropriation therefor.

Also: Assembly Bill No. 208—An Act making an appropriation for the purchase of additional lands for the use and benefit of the Mendocino State Hospital.

Also: Assembly Bill No 209—An Act making an appropriation for the erection and equipment of a building on the grounds of the Mendocino State Hospital to be used as a receiving ward for male and female patients, and the treatment of acute cases by hydrotherapy, electricity, and all other modern methods.

Also: Assembly Bill No. 210—An Act authorizing and directing the Board of Managers of the Mendocino State Hospital to purchase laundry machinery for the said hospital, and making an appropriation therefor.

Also: Assembly Bill No. 211—An Act making an appropriation for the erection and construction of a dairy barn on the grounds of the Mendocino State Hospital.

Also: Assembly Bill No. 595—An Act making an appropriation for the purpose of enlarging the power house at the California Home for the Care and Training of Feeble-Minded Children and for the purchase and installation therein of two steam boilers and necessary tools and machinery.

Also: Assembly Bill No. 596—An Act making an appropriation for the erection and construction of a building at the California Home for the Care and Training of Feeble-Minded Children, as an addition to the present kitchen, to be used for the accommodation of a cold storage and ice plant; for the purchase and installation in the said building of a cold storage and ice plant; for repairs to the present kitchen at said home, and for the purchase and installation in said kitchen of necessary kitchen ranges and cooking utensils.

Also: Assembly Bill No. 635—An Act authorizing and directing the Board of Managers of the Agnew State Hospital to continue the work of replacing and reconstructing and re-equipping for the accommodation and treating of patients, buildings destroyed April 18, 1906, to appropriate the sum of three hundred seventy-five thousand dollars therefor, to direct the manner of expenditure thereof, to remove restriction upon the per capita cost and authorizing and directing the State Controller to draw his warrant for the said sum, and the State Treasurer to pay the same.

Also: Assembly Bill No 669—An Act to provide for the reappropriation of the unexpended balance of money appropriated by an Act entitled "An Act making an appropriation to pay certain claims against the California Home for the Care and Training of Feeble-Minded Children," approved March 7, 1905.

Also: Assembly Bill No 749—An Act to provide for the construction and furnishing of a cottage for female patients at the Southern California Hospital at Patton, and to make appropriation for the same

Also: Assembly Bill No. 781—An Act to authorize the local Boards of Managers of the several State hospitals for the insane and homes for the feeble-minded of the State of California to employ regularly ordained ministers and priests to visit and perform spirtual duties and ministrations to the inmates of said State hospitals and homes for the feeble-minded, and to provide for their compensation.

Also: Assembly Bill No. 1062—An Act making an appropriation for furnishing the administration building at the California Home for the Care and Training of Feeble-Minded Children at Eldridge, California.

Also: Assembly Bill No 1063—An Act making an appropriation for furnishing the Manor house at the California Home for the Care and Training of Feeble-Minded Children at Eldridge, California.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass and be re-referred to the committee on Ways and Means.

FLAVELLE, Chairman.

The above reported bills, with the exception of Assembly Bills Nos. 270, 265, and 267, ordered on file for second reading:

WITHDRAWAL OF BILLS.

By unanimous consent Assembly Bills Nos. 270, 265, and 267 were withdrawn.

BILLS REFERRED TO COMMITTEE.

Assembly Bills Nos. 30, 1207, 1072, 101, 256, 259, 258, 912, 266, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 90, 91, 92, 957, 958, 959, 960, 1129, 164, 1015, 1014, 94, 95, 98, 100, 127, 129, 130, 207, 208, 209, 210, 211, 595, 596, 635, 669, 749, 781, 1062, 1063, and 1130; also Senate Bills Nos. 235, 239, and 241 referred to Committee on Ways and Means.

Committee Substitute for Assembly Bill No. 753 read and adopted.

SPEAKER IN THE CHAIR.

At eleven o'clock A. M., Speaker Stanton in the chair.

SENATE MESSAGES.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, February 17, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 13—Relative to observing the anniversary of Washington's birthday.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, February 17, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 226—An Act to authorize and direct the Board of State Harbor Commissioners to institute condemnation proceedings against certain property north of India Basin, and extending to Islais Creek, in the city and county of San Francisco, and extending the jurisdiction of said board over the same, and providing or the payment of judgments from the proceeds of bonds issued and sold under the provisions of an Act entitled "An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners, of a necessary area for a tidal basin, for wharves, docks, piers, harbors and appurtenances, in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of State officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds, and providing for the submission of this Act to a vote of the people."

Also: Senate Bill No. 227—An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners of a necessary area of a tidal basin, for wharves, docks, piers, harbors and appurtenances in the city and county of San Francisco; to create a sinking fund for the payment of said bonds, and defining the duties of State officers in relation thereto, making an appropriation of one thousand dollars for expense of printing said bonds, and providing for the submission of this Act to a vote of the people.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, February 17, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate amended, and on this day passed as amended, Assembly Bill No. 186—An Act to provide one additional judge of the Superior Court of the county of Alameda, and respectfully request your honorable body to concur in said amendment.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Assembly Concurrent Resolution No. 13 ordered to enrollment.

Senate Bill No. 226 read first time, and referred to San Francisco Delegation.

Senate Bill No. 227 read first time, and referred to San Francisco Delegation.

The question of concurring in Senate amendments to Assembly Bill No. 186 was continued as unfinished business.

REQUESTS FOR PERMISSION TO INTRODUCE BILLS.

The following petitions asking permission to introduce bills were presented:

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1909

MR SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows, viz: "An Act validating deeds made to the State for property sold for non-payment of taxes when the deeds to the State were not made within the time referred to in any law of this State, but made subsequently thereto, and subsequently sold by the tax collector pursuant to authorization of the State Controller, and validating sales and deeds made pursuant thereto of property sold to the State for non-payment of taxes, and where the deeds to the State have not been made within the

time referred to by any law of the State, and when the property has subsequently been sold by the tax collector pursuant to authorization issued by the State Controller, and where the said tax collector shall have failed or neglected to register the notice required to be mailed or given.

JOHNSON,
Member Eightieth District.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1909.

MR SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows, viz: "An Act to amend Section 4367 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the thirty-eighth class."

WAGNER,
Member Twenty-fifth District.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1909.

MR SPEAKER: I ask permission to introduce the accompanying bills, the titles of which read as follows, viz: "An Act to aid in the carrying out of the provisions of an Act entitled an Act carrying out the provisions of an Act entitled "An Act to provide for the gathering, compiling, printing and distribution of statistics and information regarding the Japanese of the State and making an appropriation therefor," making it the duty of certain officers to keep certain records and furnish such statistics and information.

Also:

An Act to appropriate the sum of $50,000 for the benefit of the Los Angeles Industrial School, and for the purpose of purchasing and paying for an appropriate site for the buildings of said school.

TRANSUE,
Member Seventy-third District.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1909.

MR. SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows, viz. "An Act appropriating $350.00, to be expended in purchase of a piano for Whittier State School.

HAMMON,
Member Seventy-fifth District.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1909.

MR SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows, viz: "An Act to propose to the people of the State of California, an amendment to the Constitution amending section nine of article eleven of said Constitution, relating to the compensation of county, city or town officers.

CATTELL,
Member Sixty-seventh District.

The above petitions referred to Committee on Introduction of Bills.

REPORT OF SELECT COMMITTEE.

The following report of Committee on Conference was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1909.

MR. SPEAKER: Your Committee on Conference concerning Assembly Bill No. 145—An Act to amend Section 1876 of the Political Code of the State of California, referring to contracts by school trustees—report that we have met a like committee of the Senate, consisting of Senators Thompson and Black, and we report that the conference committee recommend that the Assembly concur in Senate amendments to Assembly Bill No 145.

BOHNETT,
POLSLEY,
SACKETT,
Assembly Committee on Conference.

The question being on the adoption of the report.

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

AYES—Messrs. Barndollar, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Collum, Cronin, Dean, Drew, Feeley, Fleisher, Flint, Gillis, Greer, Griffiths, Hanlon, Hans, Hayes, Hewitt, Hinkle, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Macauley,

McManus, Melrose, Mendenhall, Mott, Nelson, Odom, Otis, Perine, Polsley, Preston, Pugh, Pulcifer, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, and Mr. Speaker—56.

NOES—None.

Assembly Bill No. 145 ordered transmitted to the Senate.

COMMUNICATION.

The following communication was filed by the Speaker:

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1909

MR SPEAKER: I will not be able to accompany Committee on Commerce and Navigation to San Diego and other places, and request that Hon T D. Johnston be substituted in my place

WALTER R. LEEDS.

SUBSTITUTION

T. D. Johnston is hereby substituted in place of Walter R. Leeds as above

P A. STANTON Speaker.

February 19, 1909.

RESOLUTIONS.

The following resolutions were offered:

By Committee on Rules and Regulations:

WHEREAS, There are a large number of bills before this House for consideration;

Resolved, That the following permanent rule be adopted:

RULE 40*a*. "All debate on matters other than special orders shall be limited to thirty minutes to the proponents and thirty minutes to the opponents of the measure, a total of one hour for the discussion of such measures.

JOHNSTON, Chairman

Resolution read, and consideration continued until next legislative day.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1909.

WHEREAS, Your Committee on Commerce and Navigation, to whom was granted leave of absence to visit the harbors of San Diego and San Francisco, have visited said harbors and made a thorough inspection of same.

The following members are entitled to mileage for the same, to wit: 1,264 miles for traveling as follows:

Sacramento to San Diego, 573 miles; San Diego to Los Angeles, 126 miles, Los Angeles to San Francisco, 475 miles; San Francisco to Sacramento, 90 miles:

John J. McManus	$75 84
Florence J. O'Neill	75 84
George J Black	75 84
W. R Flint	75 84
Percy Johnson	75 84
J. O. Rech	75 84
Total	$455 04

And the following are entitled to mileage from Sacramento to San Francisco, 90 miles; San Francisco to Sacramento, 90 miles.

T. D Johnston	$10 80
Frank Otis	10 80
James Feeley	10 80
	$32 40
Total	$487 44

And your committee asks that the following resolution be adopted:

"*Resolved*, That the Controller be and he hereby is directed to draw his warrant in favor of John J. McManus, chairman of said committee, for the sum of $487.44, as per above statement; said warrant to be drawn upon the fund for contingent expenses of the Assembly, and that the Treasurer be and he is hereby directed to pay the same."

JOHNSTON, Chairman

Mr. Johnston moved the adoption of the resolution.

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

AYES—Messrs. Barndollar, Beatty, Beban, Black, Callan, Cattell, Coghlan, Cogswell, Collum, Costar, Cronin, Cullen, Dean, Flavelle, Fleisher, Flint, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Leeds, Macauley, McClellan, McManus, Melrose, Mendenhall, Mott, Nelson, Odom, Otis, Perine, Polsley, Preston, Pugh, Pulcifer, Rutherford, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—61.

NOES—None.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1909.

WHEREAS, Your Committee on Public Buildings and Grounds, to whom was granted leave of absence to visit "such public buildings as they deemed essential," have visited the buildings of the following-named institutions, viz: The State Normal School at San Diego, the State Polytechnic School at San Luis Obispo, the State Normal School at San Jose, and the State Normal School at Los Angeles.

The following members are entitled to mileage for the same, to wit: 1,264 miles for traveling, as follows:

Sacramento to San Diego, 573 miles; San Diego to Los Angeles, 126 miles; Los Angeles to San Francisco, 475 miles; San Francisco to Sacramento, 90 miles:

William C. Pugh	$75 84
Samuel Fleisher	75 84
E. C. Hinkle	75 84
Walter Macauley	75 84
Robert L. Telfer	75 84
E. N. Baxter	75 84
Arthur M. Dean	75 84
Albert P. Wheelan	75 84
William J. Hanlon	75 84
Total	$682 56

And your committee asks that the following resolution be adopted:

"*Resolved*, That the Controller be and he hereby is directed to draw his warrant in favor of William C. Pugh, chairman of said committee, for the sum of $682.56, as per above statement, said warrant to be drawn upon the fund for contingent expenses of the Assembly, and that the Treasurer be and he is hereby directed to pay the same"

JOHNSTON, Chairman.

Mr. Johnston moved the adoption of the resolution.

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

AYES—Messrs Barndollar, Beardslee, Beatty, Beban, Bohnett, Callan, Cattell, Coghlan, Cogswell, Collum, Costar, Cronin, Cullen, Dean, Drew, Feeley, Flint, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Leeds, Macauley McClellan, McManus, Melrose, Mendenhall, Mott, Nelson, Odom, Otis, Perine, Polsley, Preston, Pugh, Pulcifer, Rutherford, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—59.

NOES—None

By Mr. Transue:

Resolved, That the State Controller be and he is hereby authorized to draw his warrant on the contingent fund of the Assembly, and the State Treasurer is hereby authorized to pay the same, for the sum of one hundred forty-seven dollars and forty-five cents ($147.45) in favor of J. T. Stafford, Sergeant-at-Arms of the Assembly, same being for the payment of the following bills attached:

W. F Purnell	$48 20
Mrs. C Macall	8 00
Kane-Trainor Ice Company	56 00
Frank H Veach	1 00
Green's Pharmacy	50
Pacific Telephone and Telegraph Company	4 00
H. S. Crocker Company	17 60
Scott, Stack & Lyman	12 15
Total	$147 45

Resolution read, and referred to Committee on Contingent Expenses and Accounts.

Also:

Resolved, That the State Controller be and he is hereby directed to draw his warrant in favor of W. F. Purnell for the sum of one hundred ninety-eight dollars ($198.00) on the contingent fund of the Assembly, and the Treasurer is hereby directed to pay the same, being in payment for the following bill attached:

1909.

Feb. 11—18-15*a* cash boxes at	$2.75	$49 50
9-16*a* cash boxes at	3 75	33 75
8-515 cash boxes at	4 00	32 00
Feb 15—14-15*a* cash boxes at	2 75	38 00
6-16*a* cash boxes at	3 75	22 50
lettering 55 at	25	13 75
2 boxes $3 75, lettering 25,	$4.00	8 00
Total		$198 00

Resolution read, and referred to Committee on Contingent Expenses and Accounts.

RE-REFERENCE OF BILLS.

On motion of Mr. Mott, Assembly Bill No. 843 was recalled from the Committee on County and Township Governments and referred to Committee on Public Printing.

UNFINISHED BUSINESS.

Assembly Bill No. 196—An Act to provide county library systems.

Mr. Sackett moved that the Speaker appoint a select committee of one to amend the bill as follows:

AMENDMENT No. 1.

Amend by striking out all of Section 2, of printed bill, and inserting in lieu thereof the following:

Section 2. The board of supervisors of any county may submit the question of establishing a county library system to a vote of the electors of such county in the following manner:

"They shall, not less than fourteen days before the annual election of school trustees, send notices, to the board of trustees of each school district in the county, declaring that a vote on the question of establishing a county library will be taken at the coming election of school trustees. The trustees shall post such notice in three public places within the district The board of supervisors shall thereupon prepare two sets of ballots, one reading "for a county library" and the other "against a county library", and send a sufficient number of them to the board of school trustees in each school district in the county These ballots shall be kept on hand at the place where said election is held, and each elector voting at such election may use one of those ballots to express his wishes regarding the establishing of a county library. Such election for the establishment of a county library shall be conducted substantially in the manner prescribed for the election of school trustees, except that the result shall be certified to the county board of supervisors, instead of the county superintendent of schools.

"In cities where no election for school trustees is held on the day on which such elections are held in other school districts of the county, the county board of supervisors may order a special election on the question of establishing a county library, to be held on the same day as in the school districts outside of such city, and be conducted substantially as elections for the issue of county bonds are now conducted

"After the certificates of the election officers have been received by the county board of supervisors, the said board shall canvass and declare the result, and thereafter, if a majority of the votes cast are for a county library, may pass an ordinance establishing a county library as herein provided."

AMENDMENT No. 2

Amend Section 3 of printed bill so as to read as follows:

"Section 3. Not less than five days before any election regarding the establishing of a county library, as provided in section two of this Act, the board of trustees, common council, or other legislative body of any incorporated city or town in the county, or the board of trustees of any library district, may notify the board of supervisors that such city, town, or library district, does not desire to participate in the county library system, and thereafter such city, town, or library district shall not participate in such election, and its inhabitants shall not be entitled to the benefits of such county library system when established, and the property within such city, town, or library district shall not be taxed for county library purposes. But such notice may at any time be withdrawn by such city or library district."

AMENDMENT NO. 3.

Amend by striking out all of Section 5, page 2, of printed bill, and inserting in lieu thereof the following.

"Section 5. No person shall be eligible for the office of county librarian unless he has received, prior to his election, from the State Librarian, or from the librarian of the University of California, or the Leland Stanford Junior University, a certificate to the effect that in the opinion of such librarian he is well qualified for the office. If at any time there shall be established by law in this State a system of certification of qualified librarians, each county librarian elected thereafter for a first term must hold a proper certificate provided by such system, in place of the certificate above mentioned in this section The salary of the county librarian shall, in the counties of the first to tenth classes, be two thousand four hundred dollars per annum; in the counties of the eleventh to twenty-ninth classes, two thousand dollars per annum; in counties of the thirtieth to fortieth classes, one thousand five hundred dollars per annum; in counties of the forty-first to fifty-fourth classes, one thousand dollars per annum; and in counties of the fifty-fifth to fifty-eighth classes, seven hundred and fifty dollars per annum. The county librarian shall also be allowed his actual and necessary expenses incurred in traveling on the business of his office"

AMENDMENT NO. 4.

Amend by inserting in Section 11, of printed bill, after the word "tax", in line three, the words "not to exceed one mill on the dollar of assessed valuation".

AMENDMENT NO. 5.

Amend by striking out Section 14, page 5, of printed bill.

Motion carried.

The Speaker appointed Mr. Sackett as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1909.

MR SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 196, with instructions, do now report that the instructions of the Assembly have been carried out.

SACKETT, Select Committee

Report of select committee, and amendments, adopted.

Bill ordered to reprint, reengrossment, and on file for passage.

Committee Substitute for Assembly Bill No. 233—An Act amending an Act approved March 23, 1901, "An Act to provide for the establishment and maintenance of public libraries within municipalities."

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Assembly Bill No. 233 passed by the following vote:

AYES—Barndollar, Beatty, Beban, Bohnett, Callan, Cattell, Coghlan, Cogswell, Collum, Costar, Cronin, Dean, Drew, Feeley, Fleisher, Flint, Gillis, Greer, Griffiths, Hanlon, Haus, Hawk, Hewitt, Hinkle, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, McClellan, McManus, Melrose, Mendenhall, Mott, Odom, Otis, Perine, Preston, Pulcifer, Rutherford, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—56.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 226—An Act to amend an Act entitled "An Act authorizing the judges of the Superior Court in all counties, and cities and counties, having a population of 200,000 or over, to appoint a secretary."

The question being on the concurrence in Senate amendments to bill.

Bill and amendments re-referred to Committee on Judiciary.

BILL RECALLED FROM COMMITTEE.

Mr. Leeds moved that Assembly Bill No. 140 be recalled from the Committee on Engrossment and Enrollment for the purpose of corrections.

Motion carried.

SPECIAL FILE—THIRD READING.

Assembly Bill No. 699—An Act to amend Section 384 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, and to add a new section thereto, to be numbered 387, relating to the powers of the Governor, his salary, and the salaries of certain appointees.

Bill read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 699 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Beban, Black, Bohnett, Callan, Cattell, Coghlan, Collum, Costar, Cronin, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gibbons, Gillis, Griffiths, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Melrose, Mendenhall, Mott, Odom, Otis, Perine, Polsley, Preston, Pulcifer, Rutherford, Sackett, Schmitt, Transue, Wagner, Whitney, Wyllie, and Young—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

HON. T. D. JOHNSTON IN THE CHAIR.

At eleven o'clock and fifty minutes A. M., Hon. T. D. Johnston in the chair.

Assembly Bill No. 388—An Act to provide for the erection of a training school building for the use of the State Normal School at Chico, California, to equip the same, and to make an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 388 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Beban, Bohnett, Callan, Cattell, Coghlan, Collum, Costar, Cronin, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gibbons, Gillis, Griffiths, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Mendenhall, Mott, Nelson, Odom, Otis, Perine, Polsley, Preston, Pulcifer, Rutherford, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Wyllie, and Young—51.

NOES—None.

TITLE AMENDED.

Mr. Costar offered the following amendment to the title:

Strike out of the title the words: "To equip the same"

Amendment adopted.

Title, as amended, read and approved.

Bill ordered to reprint and transmitted to the Senate.

Assembly Bill No 278—An Act to provide for the digging and construction of a tunnel connecting the hydrotherapeutic building with the engine room of the female department of the Stockton State Hos-

pital, for the purpose of conducting water pipes, heating pipes, electric wires, etc., and to make appropriations therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 278 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Beban, Bohnett, Callan, Cattell, Costar, Cronin, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gibbons, Gillis, Griffiths, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, McClellan, Mendenhall, Mott, Odom, Otis, Perine, Polsley, Preston, Pulcifer, Rutherford, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, and Wyllie—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Constitutional Amendment No. 3—Proposing to amend Section 1, Article XVIII of the Constitution, so as to submit amendments at special elections.

Mr. Greer moved to amend Assembly Constitutional Amendment No. 3, as follows:

Insert after the word "by", on line 12 thereof, the following: "and the record thereof certified by".

Amendment adopted.

Assembly Constitutional Amendment No. 3 ordered to reprint, reengrossment, and on file for adoption.

Assembly Bill No. 810—An Act to provide for the wiring of hospital buildings and all other buildings situated in and about the grounds of the Stockton State Hospital, together with the installation of an electric light plant consisting of all necessary fixtures and equipments, and to make an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 810 passed by the following vote:

AYES—Messrs Barndollar, Beardslee, Bohnett, Callan, Cattell, Cogswell, Costar, Cronin, Cullen, Dean, Drew, Fleisher, Flint, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, McClellan, Melrose, Mendenhall, Mott, Odom, Otis, Perine, Polsley, Preston, Pugh, Pulcifer, Rutherford, Sackett, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, and Wyllie—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1160—An Act authorizing the State Surveyor General to furnish his office and vault therein, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1160 passed by the following vote:

AYES—Messrs Barndollar, Beardslee, Bohnett, Callan, Cattell, Collum, Costar, Cronin, Cullen, Dean, Feeley, Fleisher, Flint, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, McClellan, Mendenhall, Mott, Nelson, Odom, Otis,

Perine, Polsley, Preston, Pugh, Pulcifer, Rutherford, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Whitney, Wyllie, and Mr. Speaker--48.
NOES--None.

Title read and approved.
Bill ordered transmitted to the Senate.

SPECIAL FILE—SECOND READING.

Assembly Bill No. 447—An Act providing for a biennial appropriation in the general appropriation bill for the support and maintenance of the Bureau of Criminal Identification of the State of California.

Mr. Butler moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Hon. T. D. Johnston in the chair.

Assembly Bill No. 447 considered.

Mr. Butler moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Hon. T. D. Johnston in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1909

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No 447, and do now report the same back, and recommend that it do pass.

JOHNSTON, Chairman.

Bill read second time, and ordered to engrossment.

SPEAKER IN THE CHAIR.

At twelve o'clock and twenty minutes P. M., Speaker Stanton in the chair.

Assembly Bill No. 1114—An Act to provide for the formation, organization and government of storm water districts, for the purpose of protecting the land therein from damage from storm water and from the waters of any innavigable stream, water course, canyon or wash, for the construction of the necessary works of protection by said district, and for the levying of taxes and assessments to pay for the cost of constructing, repairing and maintaining such improvements.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1

Strike out of line 28, Section 1, page 2, of the printed bill, the word "county", and insert in lieu thereof the following: "proposed storm water district, or if there is no newspaper so published and circulated, then some newspaper of general circulation published and circulated in each county in which any part of said proposed district is situated".

Amendment adopted.

AMENDMENT No. 2

Insert at the end of line 16, Section 2, page 2, of the printed bill, the following: "Said clerk shall send a copy of said notice by registered mail postage prepaid to each owner of land in the proposed district whose name appears as such on the last completed assessment roll of the county or counties in which said proposed district lies, addressed to such owner at his address given on such assessment roll, or if no address is so given then to his last known address, or if it be known, then at the county seat of the county in which his land lies Said clerk shall make and file in his office an affidavit of such mailing showing the names and addresses of the persons to whom such notices were sent, which shall be prima facie evidence that said notices were mailed as herein required".

Amendment adopted.

AMENDMENT No 3

Insert in line 2, of Section 2, page 2, of the printed bill, after the word "newspaper" the words "or newspapers"

Amendment adopted.

AMENDMENT No. 4.

Strike out Section 30, of the printed bill, and insert the following:

"Section 30. The provisions of this Act shall be liberally construed to promote the objects thereof This Act may be designated and referred to as the 'Storm Water District Act of 1909', and shall take effect and be in force upon its passage and approval."

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 1119—An Act to provide for the presentation to and approval by the board of supervisors, registration, interest upon, time of payment and receipt in payment of assessment of warrants of Reclamation District No. 108, situated in Colusa and Yolo counties.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 765—An Act to amend sections three thousand six hundred twenty-seven, three thousand six hundred eighty, three thousand six hundred ninety-two, three thousand eight hundred thirty-nine, three thousand eight hundred forty-three, three thousand eight hundred forty-five, and three thousand eight hundred fifty-four of the Political Code, relating to the assessment, equalization and collection of taxes of the State and counties.

During second reading of bill the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 3, Section 3, subdivision 4, line 16, strike out all of said line after the word "meetings", and insert in lieu thereof the following: "the board may transact any and all business, and perform all duties imposed upon it by law."

Amendment adopted.

AMENDMENT No. 2.

On page 3, Section 3, subdivision 4, line 17, strike out the word "board."

Amendment adopted.

AMENDMENT No. 3.

On page 3, Section 3, subdivision 5, line 24, strike out the word "county" where it occurs after the word "this", and insert in lieu thereof the following: "state".

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 636—An Act to amend Section 3671 of the Political Code, relating to taxes.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 625—An Act to amend Section 1199 of the Political Code of the State of California, relating to printing of ballots.

During second reading of bill, the following amendment was submitted by the committee:

On page 1, Section 1, lines 4 and 5, of the printed bill, strike out the words "not less than eleven nor more than ".

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 177—An Act to amend Section 1115 of the Code of Civil Procedure, relative to contesting certain elections.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 1, Section 1, line 4, of the printed bill, strike out the words "Proceedings on contests."

Amendment adopted.

AMENDMENT No 2.

On page 1, Section 1, line 17, of the printed bill, strike out the word "twenty", and insert in lieu thereof the word "thirty"

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 1075—An Act to amend Section 1321 of the Political Code, relating to compensation of presidential electors.

During second reading of bill, the following amendment was submitted by the committee:

On page 1, Section 1, line 2, of the printed bill, strike out all after the word "follows", and insert in lieu thereof the following:

"1321. Presidential electors shall receive a compensation of ten dollars for their services as such elector, and mileage at the rate of ten cents per mile for each mile of travel from their domicile to the State Capitol and return"

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 204—An Act to amend Sections 1103 and 1115 of the Political Code of the State of California, relating to the compiling and indexing of a register of voters.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 1125—An Act to amend Section 1195 of the Political Code, relating to constitutional amendments, how submitted.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 1126—An Act to add a new section to the Political Code of the State of California, relating to entry of amendments and propositions on ballots.

Bill read second time, and ordered to engrossment.

RECESS.

At twelve o'clock and thirty minutes P. M., the Assembly was declared at recess until two o'clock P. M. of this day.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.

Speaker P. A. Stanton in the chair.

MOTION.

Mr. Juilliard moved that when the Assembly adjourn on Saturday, February 20, 1909, it do so at twelve o'clock and thirty minutes P. M., and adjourn until ten o'clock A. M., of Monday, February 22, 1909.

Motion carried.

SENATE BILLS—THIRD-READING FILE.

Senate Bill No. 9—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 625 of said Code of Civil Procedure, relating to verdicts of juries.

Bill read third time.

SPECIAL ORDER SET.

Mr. Preston moved that the further consideration of bill be made a special order for eleven o'clock A. M. of Wednesday, February 24, 1909.

Mr. Perine moved to amend by making the time two o'clock P. M.

Motion carried.

The question being upon the motion of Mr. Preston as amended, a viva voce vote was taken and motion as amended adopted.

SENATE BILLS—SECOND-READING FILE.

Senate Bill No. 453—An Act to amend Section 4247 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the eighteenth class

Bill read second time, and ordered on file for third reading.

Senate Bill No. 271—An Act authorizing the Controller of State to appoint an inheritance tax deputy and prescribing his duties.

Mr. Mott moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Senate Bill No. 271 considered.

Mr. Mott moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 271, and do now report the same back, and recommend that it do pass.

STANTON, Chairman.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 696—An Act to amend Section 1579 of the Code of Civil Procedure, relating to and authorizing executors and administrators to make leases of the real estate of decedents.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 708—An Act authorizing the investment and reinvestment and disposition of any moneys in any sinking fund of any county, city and county, or incorporated city or town.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 520—An Act authorizing and directing the directors of the State Agricultural Society to have wells bored on the ground of the State Agricultural Society, near the city of Sacramento, State of California; to install suitable pumping machinery, and erect tanks for pressure for irrigation and fire protection purposes, and to furnish and equip a complete pumping plant for the use of said State Agricultural Society, and making an appropriation therefor.

Senate Bill No. 521—An Act authorizing and directing the directors of the State Agricultural Society to make arrangements by day's work, or by contract, for leveling and planting the grounds, and painting and repairing the buildings, at the State Agricultural Park, near the city of Sacramento, State of California, and making an appropriation therefor.

Senate Bill No. 522—An Act authorizing and directing the directors of the State Agricultural Society to erect a new building at Agricultural Park, near the city of Sacramento, State of California, to be known and designated Machinery Hall; fixing the requirements thereof, and making an appropriation therefor.

Senate Bill No. 523—An Act making an appropriation for the completion of two buildings on the grounds of the State Agricultural Society, near the city of Sacramento, State of California, known as Agricultural Pavilion and Manufacturers' Pavilion.

Senate Bill No 272—An Act making an appropriation of one thousand dollars ($1,000.00) to pay the claim of Edward W. Lehner against the State of California.

Senate Bill No. 752—An Act making an appropriation to pay the deficiency in the appropriation for traveling expenses, etc., of the Railroad Commission for the fifty-ninth and sixtieth fiscal years.

Mr. Johnson of Sacramento moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bills.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Senate Bills Nos. 520, 521, 522, 523, 272, and 752 considered.

Mr. Johnson of Sacramento moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1909

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bills Nos 520, 521, 522, 523, 272, and 752, and do now report the same back and recommend that they do pass.

STANTON, Chairman

Bills read second time, and ordered on file for third reading.

Senate Bill No. 40—An Act to amend Sections 2136, 2137, 2138, 2140, 2141, 2142, 2145, 2153, 2154, 2161, 2162, 2163, 2167*a*, 2168, 2170, 2171, 2172, 2176, 2177, 2179, 2180, 2181, 2187, 2189, 2192, 2193, and 2195 of the Political Code, relating to the powers and duties of the State Commission in Lunacy, to the government and management of State hospitals for the insane and other incompetent persons, and to the care, custody, apprehension, commitment, and maintenance of insane and other incompetent persons.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 104—An Act to amend Section 1498 of the Code of Civil Procedure, relating to the time for commencing actions on rejected claims against estates of deceased persons.

Bill read second time, and ordered on file for third reading.

Senate Bill No 564—An Act legalizing the formation and organization of reclamation district number seven hundred and thirty, in the county of Yolo, State of California.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 565—An Act fixing, establishing and defining the exterior boundaries of reclamation district number seven hundred and thirty, in the county of Yolo, State of California.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 482—An Act to amend Sections 1, 2, and 3 of an Act entitled "An Act to provide for the formation, organization, and classification of new counties for locating county seats, for the election and appointment of officers and for the adjustment and the fulfillment of the rights and obligations arising between such new counties and other counties," approved March 15, 1907.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 328—An Act to provide for work upon and construction of sidewalks within municipalities.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend the title so that it shall read as follows: "An Act to provide for work upon and the construction of sidewalks and curbing within municipalities."

Amendment adopted.

AMENDMENT No. 2.

In Section 6 after the word "sidewalk," in line 5, strike out the word "be" and insert the word "is".

Amendment adopted.

AMENDMENT No. 3.

In Section 11, line 2, strike out the word "warrants" and insert the word "warrant".

Amendment adopted.

AMENDMENT No. 4.

Renumber "Sec. 19" by calling it "Sec 20", and insert a new section after "Sec. 18", to be known as "Sec. 19", and which shall read as follows:

"Sec 19. Whenever in the opinion of the city council it shall be convenient or proper so to do, said city council may in its discretion include under any proceedings taken under this Act the construction of curbing as well as the construction of sidewalks, or the city council may provide for the construction of curbing without the construction of sidewalks; and all the provisions of this Act whenever the city council shall elect to proceed thereunder to provide for the construction of curbing shall apply as fully to all such proceedings and to the work done thereunder, and to the assessments made for the expense of the work, and to the lien therefor as fully as if this Act specifically and particularly related in each instance to the construction of curbing. As to the construc-

tion of curbing within municipalities this Act shall be construed as a new, distinct and independent method of procedure and assessment from any provided in any Act or Acts in force at the time this Act shall take effect, which method of procedure and assessment so provided by this Act may as to the construction of curbing be followed by the city council if it elects so to do. Nothing in this Act, however, shall be construed as preventing the construction of curbing and the levy and collection of assessments for the expense thereof under the provisions of "An Act to provide for work upon streets, lanes, alleys, places, courts, and sidewalks, and for the construction of sewers within municipalities," approved March 18 1885, and the several Acts amendatory thereof and supplemental thereto."

Amendments adopted.

Bill read second time, and ordered to reprint and on file for third reading.

BILL RECALLED FROM COMMITTEE.

Mr. Perine moved that Assembly Bill No. 302 be recalled from the Committee on Engrossment and Enrollment for the purpose of amendment.

Motion carried.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON FEDERAL RELATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1909.

MR SPEAKER Your Committee on Federal Relations, to whom was referred Assembly Joint Resolution No. 8—Relative to the assent of the State of California to grants, purposes, and conditions of the Act of Congress entitled "An Act to provide for an increased appropriation for agricultural experiment stations and regulating the expenditures thereof," approved March 16, 1906—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

MOTT, Chairman

Assembly Joint Resolution No. 8 ordered on file for adoption.

THIRD-READING FILE.

Assembly Bill No 302—An Act to amend Sections 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934, 1935, 1951, 1953, 1954, 1956, 1957, 1958, 1962, 1966, 1985, 2020, 2026, 2076, 2078, 2079, 2081, 2086, 2102, 2111, and 2112, all of the Political Code of the State of California, relating to the National Guard

During the third reading of the bill, Mr. Butler moved that the Speaker appoint a select committee of one to amend the bill as follows:

On page 4, Section 4, line 6, after the comma following the word "colonel", insert the following: "to be known as the Assistant Adjutant General".

Also: On page 10, Section 12, line 14, strike out the letter "r", in the word "officer"

Motion carried.

The Speaker appointed Mr. Butler as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1909

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 302, with instructions, do now report that the instructions of the Assembly have been carried out.

BUTLER, Select Committee.

Report of select committee, and amendments, adopted

Bill ordered to reprint and reëngrossment, and on file for passage.

SPECIAL ORDER RESET.

On motion of Mr. Hawk, the reconsideration of Assembly Bill No. 579 was continued until the next legislative day.

SPECIAL ORDER RESET.

On motion of Mr. Transue, the reconsideration of Senate Bill No. 524 was continued until the next legislative day.

THIRD-READING FILE—(RESUMED).

Assembly Bill No. 1050—An Act to amend Section 4256 of the Political Code of the State of California, relating to salaries and fees of county and township officers in counties of the twenty-seventh class.

During the third reading of the bill, Mr. Griffiths moved that the Speaker appoint a select committee of one to amend the bill as follows:

Strike out the words "deputy county clerk", on line 10, on page 1, of the printed bill, and insert in lieu thereof the word "copyist".

Also: Strike out the words "deputy county clerk" on lines 11, and 12 of the printed bill, and insert in lieu thereof the word "copyist".

Motion carried.

The Speaker appointed Mr. Griffiths as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1909.

MR SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 1050, with instructions, do now report that the instructions of the Assembly have been carried out.

GRIFFITHS, Select Committee.

Report of select committee, and amendments, adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No. 5—An Act to repeal an Act entitled "An Act to create a drainage district to be called 'Sacramento Drainage District,' to promote drainage therein; to provide for the election and appointment of officers of said drainage district; defining the powers, duties and compensation of such officers, and providing for the creation, division and management of reclamation, swamp land, levee, drainage and protection districts within said Sacramento Drainage District, and providing for levying and collecting assessments upon the land within said drainage district," approved March 20, 1905.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 5 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Bohnett, Callan, Cattell, Coghlan, Cogswell, Cronin, Dean, Drew, Fleisher, Flint, Gillis, Greer, Griffiths, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Kehoe, Leeds, McClellan, McManus, Mendenhall, Mott, Nelson, Odom, Otis, Preston, Rutherford, Sackett, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON INTRODUCTION OF BILLS.

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1909.

MR SPEAKER: Your Committee on Introduction of Bills, to whom was referred the following bills:

By Mr. Transue: An Act to appropriate the sum of $50,000 for the benefit of the Los Angeles Industrial Trade School

By Mr. Transue: An Act to aid in the carrying out of the provisions of an Act entitled "An Act to provide for the gathering, compiling, printing, and distribution of statistics, etc., regarding the Japanese."

By Mr. Wagner: An Act to amend Section 4267 of the Political Code of the State of California, relating to the salaries and fees of officers in counties of the thirty-eighth class.

By Mr Hammon An Act to appropriate three hundred and fifty dollars, to be expended for the Whittier State School.

By My Cattell: A resolution to propose to the people of the State of California an amendment to the Constitution amending section nine of article eleven of said Constitution, relating to the compensation of county, city, or town officers.

By Mr. Johnson of San Diego: An Act validating deeds made to the State for property sold for non-payment of taxes, etc.

Have had the same under consideration, and respectfully report the same back, and recommend that permission be granted the respective authors to introduce them.

LEEDS, Chairman

Mr. Leeds moved the adoption of the report.

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Leeds moved a call of the House.

Motion carried.

Time, three o'clock and forty-five minutes P. M.

The Speaker directed the Sergeant-at-Arms to close the doors

The doors were closed, and the Chief Clerk was directed to call the roll.

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

Messrs. Barndollar, Baxter, Beban, Callan, Cattell, Coghlan, Cogswell, Cronin, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gillis, Greer, Griffiths, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, McManus, Mendenhall, Mott, Nelson, Odom, Otis, Polsley, Preston, Rech, Rutherford, Sackett, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—51.

The Chief Clerk announced the absentees.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the House.

Messrs. Beardslee, McClellan, Perine, Melrose, and Collier were brought before the bar of the House, and on motion excused

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH

At four o'clock and thirty-five minutes P M. further proceedings under the call of the House was dispensed with, on motion of Mr Beardslee

The roll of absentees was called

The report was refused adoption by the following vote:

AYES—Messrs. Barndollar, Baxter, Beban, Bohnett, Callan, Cattell, Coghlan, Cogswell, Cronin, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gillis, Greer, Griffiths, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Irwin, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, McManus, Mendenhall, Mott, Nelson, Odom, Otis, Polsley, Preston, Rech, Rutherford, Sackett, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—51.

NOES—Mr. Johnson of Sacramento—1.

NOTICE OF MOTION TO RECONSIDER

Mr Johnson of Sacramento gave notice that on the next legislative day he would move a reconsideration of the vote whereby the report of the Committee on Introduction of Bills was this day refused adoption.

Assembly Joint Resolution No. 8—Relating to the assent of the State of California to grants, purposes and conditions of the Act of Congress entitled "An Act to provide for an increased appropriation for agricultural experiment stations and regulating the expenditure thereof," approved March 16, 1906.

Assembly joint resolution read and adopted

Assembly Joint Resolution No. 8 ordered transmitted to the Senate

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1909

MR SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled:

Assembly Bill No 33—An Act to amend Section 2965 of the Civil Code, relating to the effect of mortgages upon personal property removed from the county where situated when mortgaged.

Assembly Bill No. 34—An Act to amend Section 2955 of the Civil Code, relating to what kinds of personal property may be mortgaged.

Assembly Bill No 140—An Act to amend sections nine and ten of an Act entitled "An Act to establish and support a Bureau of Labor Statistics," approved March 3, 1883

Assembly Bill No 174—An Act providing for the eradication of the disease known as scabies in sheep; providing for the duties of the State Veterinarian in relation thereto; making certain acts in relation to sheep infected with such disease a misdemeanor; providing for a lien against such sheep for expenses and costs in the extermination of such disease, making certain persons liable for a violation of this Act, and providing for the enforcement of said lien.

Assembly Bill No 175—An Act to amend an Act entitled "An Act providing for the extermination of the boophilus annulatus tick, defining certain crimes, and providing for certain civil and criminal actions," approved March 21, 1907, by amending sections one, two, three, and four thereof, and by adding a new section thereto, to be known and numbered as section one and one half.

Assembly Bill No. 235—An Act amending Section 2300 of the Political Code, relating to the state library fund

Assembly Bill No. 246—An Act to amend Section 1565 of the Political Code, referring to teachers' institute and library funds.

Assembly Bill No 295—An Act to add a new section to the Political Code, to be numbered forty-two hundred and fifty *a*, relating to and fixing the compensation of grand and trial jurors in the Superior Courts in counties of the twenty-first class.

And were presented to the Governor February nineteenth, at two o'clock P. M

YOUNG, Chairman

RESOLUTION.

The following resolution was offered:

By Committee on Rules and Regulations:

SACRAMENTO, CAL., February 19, 1909.

Resolved, That whereas the Committee on State Hospitals and Asylums did visit the State institutions at Highlands, Napa, Stockton, Ukiah, and Glen Ellen; therefore, be it

Resolved, That they be allowed the amounts set opposite their names

Mr Flavelle	$101 16
Mr Beban	101 16
Mr. Cullen	101 16
Mr. Hayes	101 16
Mr. Schmitt	101 16
Mr. Collum	101 16
Mr. Hopkins	36 00
Mr. Cattell	36 00
Mr. Webber	65 16
Mr Preston	18 00
Total	$762 12

And that the Controller be and he is hereby directed to draw his warrant in favor of J. W. Flavelle for the sum of $762.12, and the Treasurer is hereby directed to pay the same, and the said J. W. Flavelle shall pay the various amounts to the persons entitled thereto.

JOHNSTON, Chairman

Mr. Johnston moved the adoption of the resolution.

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

AYES—Messrs Barndollar, Baxter, Beardslee, Bohnett, Callan, Cattell, Cogswell, Collier, Cronin, Dean, Feeley, Flavelle, Fleisher, Flint, Gillis, Greer, Griffiths, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, McClellan, McManus, Mendenhall, Mott, Nelson, Odom, Otis, Perine, Polsley, Preston, Rech, Rutherford, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr Speaker—55

NOES—None.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON CLAIMS.

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1909

MR. SPEAKER: Your Committee on Claims, to whom was referred Assembly Bill No. 9—An Act to pay the claim of the county of Sacramento against the State of California.

Also Assembly Bill No. 924—An Act making an appropriation to pay the claim of August Vollmer against the State of California.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass, and be re-referred to the Committee on Ways and Means.

CULLEN, *Chairman*

The above reported bills ordered on file for second reading, and referred to Committee on Ways and Means.

THIRD-READING FILE—(RESUMED).

Assembly Bill No. 955—An Act to amend Section 4241 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the twelfth class.

During the third reading of the bill, Mr. Cronin moved that the Speaker appoint a select committee of one to amend the bill, as follows:

On line 7, page 1, of the printed bill, strike out the word "five", and insert in lieu thereof the word "three".

Also, Amend Section 15, page 4, of the printed bill, to read as follows:

"15. Each member of the board of supervisors twelve hundred dollars, for all services rendered and including mileage and services as road commissioner, *provided*, that when required to go on business to any point outside of said county, they shall be allowed actual necessary expenses."

Also: To add a new subdivision to be known as subdivision 18, to read as follows:

"18. This Act shall take effect immediately."

Motion carried.

The Speaker appointed Mr. Cronin as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1909

MR SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 955, with instructions, do now report that the instructions of the Assembly have been carried out

CRONIN, Select Committee

Report of select committee, and amendments, adopted.

Bill ordered to reprint, reëngrossment, and on file for passage

Assembly Bill No. 847—An Act to amend Section 4269 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the fortieth class.

During third reading of bill, Mr. Johnson of Placer moved that the Speaker appoint a select committee of one to amend the bill, as follows:

On page 1, line 10, of the printed bill, strike out the word "other"

Also: On page 1, line 10, after the word "law", in the printed bill insert the "he".

Also: On page 1, line 10, after the word "law", in the printed bill, insert the words "to retain".

Also, On page 2, line 23, after the word "and", in the printed bill, strike out the words "all such sums as may be allowed by the board of supervisors", and insert in lieu thereof the words "also the sum of twenty-five dollars per annum"

Motion carried

The Speaker appointed Mr. Johnson of Placer as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1909

MR. SPEAKER. Your select committee of one, to whom was referred Assembly Bill No. 847, with instructions, do now report that the instructions of the Assembly have been carried out.

JOHNSON OF PLACER, Select Committee.

Report of select committee, and amendments, adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No. 776—An Act to amend Section 3700 of the Political Code, relating to salaries of the members of the State Board of Equalization.

During third reading of bill, Mr. Transue moved that the Speaker appoint a select committee of one to amend the bill as follows:

On line 4, Section 1, page 1, of printed bill, strike out the word "five", and insert in lieu thereof the word "four".

Motion carried.

The Speaker appointed Mr Transue as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read.

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1909

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 776, with instructions, do now report that the instructions of the Assembly have been carried out

TRANSUE, Select Committee

Report of select committee, and amendments, adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No. 1007—An Act to amend Section 4251 of the Political Code of the State of California, concerning salaries and fees of officers in counties of the twenty-second class.

During third reading of bill, Mr. Dean moved that the Speaker appoint a select committee of one to amend the bill, as follows:

On page 7, line 213, strike out the word "twelve", and insert in lieu thereot the word "fifteen".

Also: On page 2, line 31, strike out the word "charge", and insert in lieu thereof the word "change".

Motion carried.

The Speaker appointed Mr. Dean as such select committee

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1909

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 1007, with instructions, do now report that the instructions of the Assembly have been carried out

DEAN, Select Committee

Report of select committee, and amendments, adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

ADJOURNMENT.

At five o'clock and five minutes P. M., on motion of Mr. Beardslee, the Assembly was declared adojurned until ten o'clock A. M. of Saturday, February 20, 1909

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL., Saturday, February 20, 1909.

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. P. A. Stanton, Speaker of the Assembly, in the chair

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

Messrs Barndollar, Baxter, Beardslee, Beban, Bohnett, Callan, Cattell, Coghlan, Cogswell, Collier, Cronin, Dean, Drew, Flavelle, Fleisher, Flint, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Irwin, Johnson of Sacramento, Johnson of San Diego, Kehoe, Leeds, Lightner, McClellan, McManus, Mendenhall, Mott, Nelson, Odom, Otis, Perine, Polsley, Preston, Rech, Rutherford, Sackett, Stuckenbruck, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—54

Quorum present.

LEAVES OF ABSENCE.

On motion, leave of absence for the day was granted to Messrs. Wyatt, Johnson of Placer, Telfer, Hans, Schmitt, Maher, and Melrose, and to Messrs Gillis and Melrose for Monday, February 22, 1909

PRAYER

Prayer was offered by the Chaplain, Rev. Seren N Marsh

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Cattell, its further reading was dispensed with

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1909.

MR SPEAKER Your Committee on Judiciary, to whom was referred Senate Bill No. 778—An Act to amend section four hundred and nine of the Political Code of California, relating to the distribution of Statutes and Journals, and reports of State officers and Journals

Also. Assembly Bill No 1115—An Act to amend an Act entitled "An Act to define trust and to provide for criminal penalties and civil damages, and punishment of corporations, persons, firms, and associations, or persons connected with them, and to promote free competition in commerce and all classes of business in this State," approved March 23, 1907.

Also· Assembly Bill No. 1220—An Act to amend Section 928 of the Penal Code of the State of California, relating to the duties of grand juries.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended.

JOHNSON OF SACRAMENTO, Chairman

Also·

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1909

MR SPEAKER. Your Committee on Judiciary, to whom was referred Assembly Bill No. 64—An Act to amend Section 1425 of the Political Code, relating to the control of the University of California by Regents

Also· Assembly Bill No. 65—An Act to amend Section 1427 of the Political Code, relating to the appointment of ex officio Regents of the University of California.

Also Assembly Bill No 66—An Act to amend Section 353 of the Political Code, relating to ex officio Regents of the University of California

Report the same back, with a committee substitute for said bills, and recommend that said substitute do pass, by a majority vote, and a minority recommendation that it do not pass

JOHNSON OF SACRAMENTO, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1909

MR SPEAKER Your Committee on Judiciary, to whom was referred Assembly Bill No 1127—An Act to legalize, confirm, and validate assessments of real estate made between the years 1880 and 1908 inclusive, which real estate, under such assessments, has been struck off and sold to the State of California.

Also· Senate Bill No. 217—An Act to amend the Political Code of the State of California by adding a new section thereto, to be numbered section four thousand one hundred and thirty-five *a*, validating defectively recorded instruments, and providing for the imparting of notice by the same to subsequent purchasers or encumbrancers

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass

JOHNSON OF SACRAMENTO, Chairman

ON PUBLIC HEALTH AND QUARANTINE

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1909

MR SPEAKER Your Committee on Public Health and Quarantine, to whom was referred Senate Bill No 59—An Act defining the powers and duties of physicians local health officers and boards of health in the matter of the protection of the people of the State of California from the disease known as tuberculosis, providing for requisitions and reports and making an appropriation therefor

Also: Senate Bill No. 526—An Act to amend Section 22½ of an Act entitled "An Act to provide for the formation, government, operation and dissolution of sanitary districts in any part of the State for the constructing of sewers and other sanitary purposes, the acquisition of the property thereof, the calling of election in such district; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provisions for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1891

Also· Assembly Bill No 1256—An Act to amend Section 3 of an Act entitled "An Act for the registration of deaths, the issuance and registration of burial and disinterment permits and the establishment of registration districts in counties, cities and counties, cities and incorporated towns, under the superintendence of the State Bureau of Vital Statistics, and prescribing the powers and duties of registrars, coroners, physicians, undertakers, sextons, and other persons in relation to such registration and fixing penalties for the violation of this Act," approved March 18, 1895.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass

BARNDOLLAR, Chairman

Also·

ASSEMBLY CHAMBER SACRAMENTO, February 20, 1909

MR. SPEAKER Your Committee on Public Health and Quarantine, to whom was referred Assembly Bill No 936—An Act adding a new section to the Penal Code, to be known as Section 1231, relating to application to the State Board of Health by a person condemned to death for a physical examination, and for their recommendation to the Governor that such person is physically fit for medical treatment, tests or

experiments in the interest of science, and providing for their recommendation in such matter, and the reprieving of such person—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended

BARNDOLLAR, Chairman

ON PUBLIC LANDS AND FORESTRY

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1909

MR. SPEAKER Your Committee on Public Lands and Forestry, to whom was referred Assembly Bill No. 1145—An Act to amend Section 3495 of the Political Code of the State of California, relating to school lands belonging to the State and the affidavit of applications to purchase the same.

Also Assembly Bill No 1144—An Act to amend Section 3498 of the Political Code of the State of California, relating to approvals of applications for State lands

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

FLINT, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1909

MR. SPEAKER Your Committee on Public Lands and Forestry, to whom was referred Assembly Bill No. 762—An Act to provide for the reforestation, the cutting of fire lanes and fire trails on the San Bernardino Forest Reserve, and to make an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and be referred to Committee on Ways and Means

FLINT, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1909

MR. SPEAKER Your Committee on Public Lands and Forestry, to whom was referred Assembly Bill No. 1146—An Act to add a new section to the Political Code of the State of California to be known as Section 3495*a*, and relating to applications to purchase State lands, requiring a deposit of money to accompany the application and providing for the filing of additional applications—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

FLINT, Chairman

ON WAYS AND MEANS

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1909

MR SPEAKER Your Committee on Ways and Means, to whom was referred Assembly Bill No. 1032—An Act to add a new section to the Political Code, to be numbered 426.

Also, Assembly Bill No. 690—An Act to amend Section 515 of the Political Code, and to provide for the appointment of a statistician, a bookkeeper, and a clerk and stenographer for the Superintendent of Public Instruction, and to fix their compensation.

Also Assembly Bill No. 700—An Act to amend Sections 654, 684, and 685 of the Political Code, relating to the Board of Examiners

Also Assembly Bill No 701—An Act to amend Sections 484, 485, 486, and 500 of the Political Code, relating to the salary of the Surveyor General and to the salaries of appointees in the office of the Surveyor General and Register of the State Land Office, and to repeal all laws in conflict therewith.

Also Assembly Bill No 811—An Act to amend sections four hundred and thirty-nine and four hundred and forty of the Political Code, relating to the employees in the Controller's office and the salaries paid to such employees

Also Assembly Bill No. 830—An Act to amend Sections 415 and 420 of the Political Code, all relating to the office of the Secretary of State

Also, Assembly Bill No 1018—An Act to amend section four hundred and fifty-six of the Political Code, relating to the office of the Treasurer of State, his deputy and assistants and the salaries of the deputy and assistants

Also, Assembly Bill No. 93—An Act authorizing and directing the Board of Managers of the Napa State Hospital to complete the receiving and treatment buildings of the grounds of the Napa State Hospital, and to furnish and equip said buildings, and making an appropriation therefor.

Also, Assembly Bill No. 1108—An Act to amend Section 2302 of the Political Code, relating to the salary of the State Librarian.

Also: Assembly Bill No. 698—An Act to amend Section 472 and Section 475 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the duties of the Attorney General, providing for an assistant, a chief deputy, deputies, clerks, phonographic reporter and stenographers in the Attorney General's office, and fixing their salaries

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended

BEARDSLEE, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1909

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 94—An Act authorizing and directing the Board of Managers of the Napa State Hospital to erect and furnish cottages for the accommodation of female patients at the Napa State Hospital, and making an appropriation therefor.

Also: Assembly Bill No. 95—An Act authorizing and directing the Board of Managers of the Napa State Hospital to erect and furnish cottages for the accommodation of male patients at the Napa State Hospital, and making an appropriation therefor.

Also: Assembly Bill No. 97—An Act authorizing and directing the Board of Managers of the Napa State Hospital to complete and improve the water distributing system at the Napa State Hospital, including the construction of a cement reservoir for distributing purposes, and making an appropriation therefor.

Also: Assembly Bill No. 164—An Act amending Section 3 of an Act entitled "An Act for the appointment of a guardian for Sutter's Fort property, prescribing his duties, and appropriating money therefor," approved March 16, 1895.

Also: Assembly Bill No. 702—An Act to amend Section 2319 of the Political Code of the State of California, relating to the office of the State Commissioner of Horticulture, the powers and duties of said commissioner, and the salaries, duties, and qualifications of his appointees.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

BEARDSLEE, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1909.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 812—An Act to amend section three of an Act entitled "An Act to provide for the establishment, maintenance, and support of a bureau to be known as the State Mining Bureau, and for the appointment and duties of a board of trustees, to be known as the Board of Trustees of the State Mining Bureau, who shall have the direction, management, and control of said State Mining Bureau, and to provide for the appointment, duties, and compensation of a State Mineralogist, who shall perform the duties of his office under the control, direction, and supervision of the Board of Trustees of the State Mining Bureau," approved March 23, 1893, relating to the compensation of the State Mineralogist of the State Mining Bureau—have had the same under consideration, and respectfully report the same back, and recommend that it be withdrawn.

BEARDSLEE, Chairman.

The above reported bills, with the exception of Assembly Bill No. 812, ordered on file for second reading.

Assembly Bill No. 812 withdrawn.

Assembly Bill No. 672 referred to Committee on Ways and Means.

REQUESTS FOR PERMISSION TO INTRODUCE BILLS

The following petitions asking permission to introduce bills were presented:

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1909

MR. SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows, viz: "An Act to amend Section 710 of the Code of Civil Procedure, relating to the collection of moneys from judgment debtors which is in the custody of public officials.

GIBBONS,
Member Sixty-third District.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1909.

MR. SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows, viz: "An Act authorizing suits against the State concerning certain real property, and relating to the procedure therein.

OTIS,
Member Forty-seventh Assembly District.

The above petitions referred to Committee on Introduction of Bills.

MOTIONS

Mr. Irwin moved that Senate Bill No 694 be taken up for the purpose of amendment.

Motion carried.

Senate Bill No. 694—An Act to amend Section 4255 of the Political Code of the State of California, relating to the salaries of officers in counties of the twenty-sixth class, and creating the office of deputy district attorney therein

During second reading of bill, the following amendments were submitted by the committee

AMENDMENT No. 1

In line 23, page 2, of the printed bill, strike out the word "eighteen", and insert in lieu thereof the word "twelve".

Amendment adopted.

AMENDMENT No 2

Strike out all of lines 26, 27, and 28, on page 2, of the printed bill.

Amendment adopted.

AMENDMENT No 3

Strike out all of line 45, page 2, of the printed bill, and all of each and every line thereafter, down to and including line 121, on page 4, of the printed bill, and insert in lieu thereof the following:

"In townships having a population of 10,000, or more, justices of the peace shall receive a monthly salary of one hundred and twenty-five dollars per month and constables a monthly salary of one hundred and twenty-five dollars per month;

"In townships having a population of 6,000, or more, and less than 10,000, justices of the peace shall receive a monthly salary of one hundred dollars per month, and constables a monthly salary of one hundred dollars per month;

"In townships having a population of 2,185, or more, and less than 6,000, justices of the peace, shall receive a monthly salary of fifty dollars per month, and constables a monthly salary of sixty dollars per month,

"In townships having a population of 1,770, or more, and less than 2,190, justices of the peace shall receive a monthly salary of fifty dollars per month, and constables a monthly salary of seventy-five dollars.

"In townships having a population of 1,600, or more, and less than 1,770, justices of the peace shall receive a monthly salary of ten dollars per month, and constables a monthly salary of twenty dollars per month.

"In townships having a population of 1,420, or more, and less than 1,600, justices of the peace shall receive a monthly salary of forty dollars per month, and constables a monthly salary of sixty dollars per month.

"In townships having a population of 1,315, or more, and less than 1,440, justices of the peace shall receive a monthly salary of forty dollars per month, and constables a monthly salary of sixty dollars per month

"In townships having a population of 1,290 or more, and less than 1,315, justices of the peace shall receive a monthly salary of eighty dollars per month, and constables a monthly salary of ninety dollars per month;

"In townships having a population of 1,280, or more, and less than 1,300, justices of the peace shall receive a monthly salary of ninety-five dollars per month, and constables a monthly salary of one hundred dollars per month,

"In townships having a population of 1,045, or more, and less than 1,280, justices of the peace shall receive a monthly salary of forty dollars per month, and constables a monthly salary of sixty dollars per month;

"In townships having a population of 910, or more, and less than 1,045, justices of the peace shall receive a monthly salary of fifty dollars per month, and constables a monthly salary of sixty dollars per month,

"In townships having a population of 675, or more, and less than 925, justices of the peace shall receive a monthly salary of fifteen dollars per month, and constables a monthly salary of twenty dollars per month;

"In townships having a population of 545, or more, and less than 675, justices of the peace shall receive a monthly salary of twenty dollars per month, and constables a monthly salary of thirty dollars per month,

"In townships having a population of 200, or more, and less than 545, justices of the peace shall receive a monthly salary of ten dollars per month, and constables a monthly salary of ten dollars per month;

"In townships having a population of 155, or more, and less than 200, justices of the peace shall receive a monthly salary of ten dollars per month, and constables a monthly salary of fifteen dollars per month.

"The above salaries shall be in full compensation for all services of said justices of the peace and constables in criminal cases, *provided*, that each constable shall be allowed and paid out of the county treasury for transporting prisoners to the county jail the actual expenses of such transportation;

"*And provided further*, that the board of supervisors shall allow to each constable his necessary expenses for traveling, when in pursuit of criminals, or transacting any criminal business;

"Said justices of the peace and constables may retain for their own use the fees allowed by law in civil cases.

"*And provided further*, that for the purpose of this section, the population of the several townships shall be ascertained by multiplying the number of registered voters at the last preceding presidential election by five

"The salaries of township officers as herein provided for shall be paid in the same manner, at the same time, and out of same funds, that county officers are paid

"This Act shall be in full force and effect from and after its passage."

Amendment adopted

Bill read second time, and ordered to reprint and engrossment

RESOLUTION

The following resolution was taken up for consideration

WHEREAS, There are a large number of bills before this House for consideration, *Resolved*, That the following permanent rule be adopted.

RULE 40*a*. All debate on matters other than special orders shall be limited to thirty minutes to the proponents and thirty minutes to the opponents of the measure, a total of one hour for the discussion of such measures

Mr. Johnston moved that the consideration of the resolution be continued until Monday, February 22, 1909.

Motion carried.

RECONSIDERATION

In compliance with his notice given on a previous day, Mr Johnson of Sacramento moved that the vote whereby the report of the Committee on Introduction of Bills was refused adoption be reconsidered.

The roll was called, and the same was reconsidered by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beban, Bohnett, Callan, Cattell, Coghlan, Cogswell, Collier, Cronin, Dean, Drew, Flavelle, Fleisher, Flint, Gibbons, Gillis, Greer, Griffiths, Hawk, Hayes, Hewitt, Hinkle, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Kehoe, Leeds, Lightner, McClellan, McManus, Mendenhall, Mott, Nelson, Odom, Otis, Perine, Polsley, Preston, Rutherford, Sackett, Stuckenbruck, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, and Mr. Speaker—52

NOES—None

SPECIAL ORDER SET.

On motion of Mr Johnson of Sacramento, the consideration of the above was made a special order for Tuesday, February 23, 1909, at ten o'clock A. M.

CORRECTION OF JOURNAL

Mr McManus moved to correct the Journal of February 19, 1909, as follows:

Add on page 13, after Percy Johnson, the name of

J. O. Rech $75 84

And change the total to $487.44, and change $379 20 to $455 04, also in body of resolution change $411 60 to $487.44

Motion carried.

RE-REFERENCE OF BILL

On motion of Mr. Beardslee, Assembly Bill No. 767 was withdrawn from the file and referred to Committee on Ways and Means.

SPECIAL ORDERS RESET.

On motion of Mr Johnson of Sacramento, the reconsideration of Assembly Bill No. 579 was continued until Tuesday, February 23, 1909

On motion of Mr. Transue, the reconsideration of Senate Bill No 524 was continued until Tuesday, February 23 1909

SPECIAL FILE—THIRD READING.

Assembly Bill No. 276—An Act to provide for the construction of a new laundry building at the Stockton State Hospital, and the purchase of such machinery and equipments as is necessary for the operation of the same and for the expense incurred in the removal of machinery from the old building to the new, and to make appropriations therefor

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No 276 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beban, Bohnett, Callan, Cattell, Coghlan, Cogswell, Collier, Cronin, Dean, Drew, Flavelle, Fleisher, Flint, Gibbons, Gillis, Greer, Griffiths, Hawk, Hayes, Hewitt, Hinkle, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Contra Costa, Kehoe, Leeds, Lightner, McClellan, McManus, Mendenhall, Mott, Nelson, Odom, Otis, Perine, Polsley, Preston Rutherword, Sackett, Stuckenbruck, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, and Mr. Speaker—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate

SPECIAL FILE—SECOND READING.

Assembly Bill No. 809—An Act to provide for the wiring of hospital buildings and other buildings in and about the grounds of the Stockton State Hospital, together with the installation of a telephone system in said buildings, consisting of all necessary equipments and fixtures, and making an appropriation therefor.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Assembly Bill No. 809 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read·

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 809, and do now report the same back, and recommend that it do pass.

STANTON, Chairman

Bill read second time, and ordered to engrossment.

Committee substitute for Assembly Bill No. 1023—An Act to amend Sections 10, 15, 16, etc., of an Act to establish a school for the discipline, education, reformation and protection of juvenile delinquents, etc.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 1034—An Act making an appropriation for the expenses of the National Guard in case of insurrection, invasion, tumult, riot, breaches of the peace or imminent danger thereof.

Mr. Perine moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill

Motion carried

IN COMMITTEE OF THE WHOLE

Speaker Stanton in the chair

Assembly Bill No. 1034 considered.

Mr. Perine moved that the committee do now rise and report in favor of the passage of the bill

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No 1034, and do now report the same back, and recommend that it do pass.

STANTON, Chairman.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 621—An Act to amend an Act entitled "An Act to establish a school for the discipline, education, employment, reformation, and protection of juvenile delinquents in the State of California, to be known as the 'Whittier State School,' by amending sections eight, eleven, sixteen, seventeen, eighteen, and twenty thereof."

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No 1

In Section 1, page 1, line 1, of the printed bill, strike out the word "eight", and insert in lieu thereof "eleven".

Amendment adopted.

AMENDMENT No. 2.

On page 1, Section 8, beginning in line 6, of the printed bill, strike out all of Section 8.

Amendment adopted.

AMENDMENT No. 3.

On page 2, Section 2, of the printed bill, strike out all of lines 1 and 2

Amendment adopted.

AMENDMENT No. 4.

On page 2, line 1, Section 3, of the printed bill, strike out the figure "3", and insert in lieu thereof "2".

Amendment adopted.

AMENDMENT No. 5

On page 3, Section 4, line 1, of the printed bill strike out the figure "4", and insert in lieu thereof "3".

Amendment adopted.

AMENDMENT No 6.

On page 3, Section 5, line 1, of the printed bill, strike out the figure "5", and insert in lieu thereof "4".

Amendment adopted.

AMENDMENT No. 7.

On page 3, Section 6, line 1, of the printed bill, strike out the figure "6", and insert in lieu thereof "5".

Amendment adopted.

AMENDMENT No. 8.

On page 4, Section 7, line 1, of the printed bill, strike out the figure "7", and insert in lieu thereof "6".

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment

THIRD-READING FILE—(RESUMED).

Assembly Bill No. 951—An Act to amend Section 4027 of the Political Code of California, relating to the organization of boards of supervisors.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 951 passed by the following vote:

AYES—Messrs Barndollar, Beardslee, Beban, Bohnett, Callan, Cattell, Cogswell, Collier, Cronin, Dean, Drew, Flavelle, Fleisher, Flint, Gibbons, Gillis, Griffiths, Hawk, Hayes, Hewitt, Hinkle, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Kehoe, Leeds, Lightner, McManus, Mendenhall, Mott, Nelson, Odom, Otis, Perine, Polsley, Preston, Rutherford, Sackett, Stuckenbruck, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, and Mr. Speaker—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate

WITHDRAWAL OF BILL.

Mr. Johnson of San Diego asked for and was granted unanimous consent to withdraw Assembly Bill No. 252

Assembly Bill No. 252 withdrawn, and ordered stricken from the file.

Assembly Bill No. 69—An Act to make an appropriation for the location, survey, and construction of a state highway from Emigrant Gap, Placer County, in an easterly direction through what is known as Truckee Pass, to the west end of Donner Lake, in Nevada County

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 69 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beban, Bohnett, Callan, Cattell, Cogswell, Collier, Cronin, Dean, Drew, Flavelle, Fleisher, Flint, Gibbons, Gillis, Greer, Griffiths, Hawk, Hayes, Hewitt, Hinkle, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Kehoe, Leeds, Lightner, McClellan, McManus, Mendenhall, Mott, Nelson, Odom, Otis, Perine, Polsley, Preston, Rutherford, Sackett, Stuckenbruck, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, and Mr. Speaker—51.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Concurrent Resolution No. 8—Relative to the appointment of a committee of five by the Governor to investigate the feasibility of dividing the State into fish and game districts.

The question being on the adoption of the Assembly concurrent resolution.

The roll was called, and Assembly Concurrent Resolution No. 8 adopted by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beban, Bohnett, Callan, Cattell, Cogswell, Collier, Cronin, Dean, Drew, Flavelle, Fleisher, Flint, Gibbons, Gillis, Greer, Griffiths, Hawk, Hayes, Hewitt, Hinkle, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Kehoe, Leeds, McManus, Mendenhall, Mott, Nelson, Odom, Otis, Perine, Polsley, Preston, Rutherford, Sackett, Stuckenbruck, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, and Mr. Speaker—48

NOES—None

Assembly concurrent resolution ordered transmitted to the Senate.

ASSEMBLY CONCURRENT RESOLUTION NO. 8.

Relative to appointment of a committee of five by the Governor, to investigate the feasibility of dividing the State into fish and game districts.

Be it resolved by the Assembly of the State of California, the Senate concurring, That a committee of five persons be appointed by the Governor for the purpose of investigating into the feasibility of dividing the State of California into fish and game districts, as contemplated by the constitutional amendment adopted in 1902, and to gather such information as will enable said committee to make a full and comprehensive report thereon to the thirty-ninth session of the legislature.

That said committee be and it is hereby empowered to administer oaths and issue subpœnas requiring persons residing in this State to appear and testify before said committee.

Said committee shall have and is hereby given power and authority to incur all necessary expense to perform the duties herein specified and make its report to the Governor and the next legislature, and to make in such report such recommendation and prepare such laws as will carry out the purpose of this resolution.

That the expenses to be incurred under the authority of this resolution shall not exceed in the aggregate, the sum of $5,000.00, and such amount shall be payable one half out of the contingent fund of the Assembly, and one half out of the contingent fund of the Senate. The State Controller shall draw his warrants upon the funds upon the presentation of claims audited by the committee and filed by the chairman thereof, and the State Treasurer shall pay the same.

Assembly Bill No. 1009—An Act appropriating money to be expended by and under the direction of the Department of Engineering for the purpose of rectifying the channels of the Sacramento, San Joaquin, and Feather rivers, and other river channels of the State, and in improving the navigability of such streams.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1009 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beban, Bohnett, Callan, Cattell, Collier, Cronin, Dean, Drew, Flavelle, Fleisher, Flint, Gibbons, Greer, Griffiths, Hawk, Hayes, Hewitt, Hinkle, Johnson of Sacramento, Johnson of San Diego, AYES—52

Kehoe, Leeds, Lightner, McClellan, McManus, Mendenhall, Mott, Nelson, Odom, Otis, Perine, Polsley, Preston, Rutherford, Sackett, Stuckenbruck, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, and Mr Speaker—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate

Assembly Bill No. 594—An Act to provide for the establishment and maintenance of public museums of natural and historical objects within municipalities.

Bill read third time on previous day.

Mr. Fleisher moved that the Speaker appoint a select committee of one to amend the bill as follows:

In title of printed bill, strike out period after the word "municipalities", and insert the following: "of the fourth, fifth and sixth class not having a freeholders charter".

Also: On page 1, line 3 Section 1, after the word "California" insert the following "of the fourth, fifth, and sixth class not having a freeholders' charter"

Also: On page 2, line 10, Section 3, after the word "other" insert the word "two".

Also: On page 2, line 14, Section 4, strike out the words "board of education", and insert in lieu thereof the words "superintendent of public instruction".

Also: On page 3, line 1, Section 5, strike out the word "museums", and insert in lieu thereof the word "museum".

Also: On page 4, line 12, Section 7, after the word "provided" strike out the balance of said line, also all of line 13 and line 14, and on line 15 the words "and sixth class".

Also: On page 5, line 4, Section 11, after the word "by" strike out the words "more than"

Motion carried

The Speaker appointed Mr Fleisher as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 594, with instructions, do now report that the instructions of the Assembly have been carried out

FLEISHER, Select Committee

Report of select committee and amendments adopted.

Bill ordered to reprint, reëngrossment, and on file for passage

WITHDRAWAL OF BILL.

Mr. McClellan asked for, and was granted, unanimous consent to withdraw Assembly Bill No. 619.

Assembly Bill No 619 withdrawn and ordered stricken from the file

Assembly Bill No. 687—An Act to amend Section 1532 of Article II of the Political Code, by defining the duties of the Superintendent of Public Instruction.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 687 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beban, Bohnett, Callan, Cattell, Cogswell, Dean, Drew, Flavelle, Fleisher, Flint, Gibbons, Greer, Griffiths, Hawk, Hayes, Hewitt, Hinkle, Irwin, Johnson of Sacramento, Johnson of San Diego, Kehoe, Leeds, Lightner, McClellan, McManus, Mendenhall, Mott, Nelson, Odom, Otis, Perine, Polsley, Preston, Rech, Rutherford, Sackett, Stuckenbruck, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, and Mr Speaker—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate

Assembly Bill No 825—An Act to amend Section 4277 of the Political Code.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 825 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beban, Bohnett, Callan, Cattell, Cogswell, Collier, Dean, Drew, Flavelle, Fleisher, Flint, Gibbons, Greer, Hawk, Hayes, Hewitt, Hinkle, Irwin, Johnson of Sacramento, Johnson of San Diego, Kehoe, Leeds, Lightner, McClellan, McManus, Mendenhall, Mott, Nelson, Odom, Otis, Perine, Polsley, Preston, Rech, Rutherford, Sackett, Stuckenbruck, Transue, Wagner, Webber, Wilson, Wyllie, and Mr. Speaker—46

NOES—Mr. Wheelan—1

Title read and approved.

Bill ordered transmitted to the Senate.

SENATE BILLS—THIRD-READING FILE

Senate Bill No. 708—An Act authorizing the investment and reinvestment and disposition of any moneys in any sinking fund of any county, city and county, or incorporated city or town

Bill read third time.

The question being on the passage of the bill

The roll was called, and Senate Bill No. 708 finally passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Bohnett, Callan, Cattell, Cogswell, Dean, Drew, Flavelle, Fleisher, Flint, Gibbons, Greer, Griffiths, Hawk, Hayes, Hewitt, Hinkle, Johnson of Sacramento, Johnson of San Diego, Kehoe, Leeds, Lightner, McClellan, McManus, Mendenhall, Mott, Nelson, Odom, Otis, Perine, Polsley, Preston, Rech, Sackett, Stuckenbruck, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—46

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

THIRD-READING FILE—(RESUMED).

Assembly Bill No 1109—An Act to prohibit within certain limits the mooring and anchoring of house boats in rivers and streams and the maintaining of privies, vaults, cesspools, sewer pipes, and conduits on the banks of rivers and streams, and providing for punishment for violation thereof, declaring such acts to be public nuisances, and providing for the abatement of such nuisances

Bill read third time

The question being on the passage of the bill

The roll was called, and Assembly Bill No 1109 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Bohnett, Callan, Cattell, Cogswell, Dean, Drew, Flavelle, Fleisher, Gibbons, Griffiths, Hawk, Hayes, Hewitt, Hinkle, Irwin, Johnson of Sacramento, Johnson of San Diego, Juilliard, Kehoe, Lightner, McManus, Mendenhall, Mott, Nelson, Odom, Otis, Perine, Polsley, Preston, Rech, Sackett, Stuckenbruck, Transue, Wagner, Webber, Wheelan, Whitney, Wyllie, Young, and Mr. Speaker—42.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Committee Substitute for Assembly Bills Nos 648 and 649—An Act to amend section one thousand nine hundred and eighteen of the Civil

Code, relating to a maximum rate of interest and providing for forfeitures for violations thereof.

Bill read third time, and passed on file

SENATE BILLS—SECOND-READING FILE

Senate Bill No. 192—An Act to regulate and license the conducting and operating of employment agencies, and to provide a revenue therefrom, for the enforcement of the provisions of this Act and other Acts relating to employment agents and employment agencies

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1

Amend by striking out in Section 4, line 5, page 2, of printed bill, after the word "in", the words "a city", and insert in lieu thereof the following word: "cities".

Amendment adopted.

AMENDMENT No. 2.

Amend by inserting in Section 4, line 5, page 2, of printed bill, after the word "first", the following: "first and one half"

Amendment adopted.

AMENDMENT No. 3

Amend by striking out in Section 4, line 5, page 2, of printed bill, after the word "second", the word "class", and insert in lieu thereof the following word: "classes".

Amendment adopted

Bill read second time, and ordered to reprint and engrossment

ASSEMBLY BILLS—THIRD-READING FILE—(RESUMED).

Assembly Bill No. 303—An Act to provide for health and development supervision in the public schools of the State of California

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 303 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Bohnett, Callan, Cattell, Cogswell, Cronin, Dean, Drew, Flavelle, Fleisher, Flint, Gibbons, Greer, Griffiths, Hawk, Hewitt, Irwin, Johnson of San Diego, Juilliard, Kehoe, Leeds, Lightner, McClellan, McManus, Mendenhall, Mott, Nelson, Odom, Otis, Perine, Polsley, Rech, Rutherford, Sackett, Stuckenbruck Transue, Wagner, Webber, Wilson, Wyllie, Young, and Mr. Speaker—44.

NOES—Mr Whitney—1.

Title read and approved

Bill ordered transmitted to the Senate.

Assembly Bill No. 989—An Act to amend Section 607c of the Civil Code of the State of California, relating to the disposition to be made of certain fines, penalites, and forfeitures.

Bill read third time

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 989 passed by the following vote:

AYES—Messrs. Barndollar, Baxter Beardslee Bohnett, Callan, Cattell, Cogswell, Cronin, Dean, Drew, Fleisher, Flint, Gibbons, Greer, Griffiths, Hanlon, Hawk, Haves, Hewitt, Irwin, Johnson of San Diego, Juilliard, Kehoe, Lightner, McClellan, McManus, Mendenhall, Nelson, Odom, Otis, Perine, Polsley, Preston, Rech, Ruther-

ford, Sackett, Stuckenbruck, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, and Young—45.
NOES—None.

Title read and approved.
Bill ordered transmitted to the Senate

HON. WALTER R. LEEDS IN THE CHAIR.

At eleven o'clock and forty minutes A. M., Hon. Walter R. Leeds in the chair.

Assembly Bill No. 979—An Act to definitely establish and permanently locate the boundary line between the county of Lake and the county of Glenn, State of California

Bill read third time.

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 979 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Bohnett, Callan, Cattell, Cogswell, Cronin, Dean, Drew, Fleisher, Flint, Gibbons, Greer, Griffiths, Hanlon, Hawk, Hayes, Hewitt, Irwin, Johnson of San Diego, Juilhard, Kehoe, Leeds, Lightner, McClellan, Meudenhall, Nelson, Odom, Otis, Perine, Polsley, Preston, Rech, Rutherford, Sackett, Stuckenbruck Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, and Young—45
NOES—None.

Title read and approved.
Bill ordered transmitted to the Senate.

Assembly Bill No. 956—An Act to amend Section 650 of the Civil Code of the State of California, relating to the powers of the boards of trustees for colleges and seminaries of learning.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 956 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Bohnett, Callan, Cattell, Cogswell, Collier, Dean, Drew, Flavelle, Fleisher, Flint, Gibbons, Greer, Griffiths, Hanlon, Hawk, Hewitt, Irwin, Johnson of San Diego, Juilhard, Kehoe, Leeds, Lightner, McClellan, Meudenhall, Nelson, Otis, Perine, Polsley, Preston, Rech, Sackett, Transue, Wagner, Webber, Wheelan, Whitney Wilson, Wyllie, and Young—42
NOES—None.

Title read and approved.
Bill ordered transmitted to the Senate.

Assembly Bill No. 622—An Act to amend section three thousand eight hundred and ninety-seven of the Political Code, relating to the sale and disposition of lands to the State for delinquent taxes

Bill read third time on previous day.

During the consideration of the bill, Mr Johnson of San Diego moved that the Speaker appoint a select committee of one to amend the bill as follows:

On page 3, Section 1, line 61, after the word "required" insert the following: "Together with the sum of three dollars be retained as a fee by the collector"

Motion carried.

The Speaker appointed Mr Johnson of San Diego as such select committee

REPORT OF SELECT COMMITTEE

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1909

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 622, with instructions do now report that the instructions of the Assembly have been carried out

JOHNSON OF SAN DIEGO, Select Committee

Report of select committee, and amendment, adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No. 410—An Act to amend Section 536 of the Penal Code, relating to false statements by consignees and others, and to add a new section to the Penal Code, to be numbered Section 536*a*, imposing certain duties upon consignees and others.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No 410 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Bohnett, Callan, Cattell, Cogswell, Collier, Cronin, Drew, Flavelle, Fleisher, Flint, Gibbons, Greer, Griffiths, Hanlon, Hawk, Hewitt, Irwin, Johnson of San Diego, Juilliard, Kehoe, Leeds, Lightner, McClellan, McManus, Mendenhall, Nelson, Odom, Otis, Perine, Polsley, Rech, Rutherford, Sackett, Stuckenbruck, Transue Wagner, Webber, Whitney, Wilson, Wyllie, and Young—44

NOES—None

Title read and approved

Bill ordered transmitted to the Senate.

Assembly Bill No. 992—An Act to amend sections one, two, three, and four of an Act entitled "An Act to encourage and provide for a general vaccination in the State of California," approved February 20, 1889

Bill read third time

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 992 refused passage by the following vote:

AYES—Messrs Barndollar, Baxter, Callan, Cattell, Cogswell, Collier, Cronin, Dean, Drew, Flavelle, Fleisher, Flint, Greer, Griffiths, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Irwin, Johnson of San Diego, Kehoe, Leeds, Lightner, McClellan, McManus, Mendenhall, Mott, Nelson, Odom, Rech, Rutherford, Sackett, Wagner, Wheelan, Whitney, Wilson, and Young—38.

NOES—Messrs Beardslee, Bohnett Juilliard, Otis Polsley, Stuckenbruck, and Transue—7

NOTICE OF MOTION TO RECONSIDER

Mr Beardslee gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 992 was this day refused passage

SENATE BILLS—THIRD-READING FILE—(RESUMED).

Senate Bill No 564—An Act legalizing the formation and organization of reclamation district number seven hundred and thirty, in the county of Yolo, State of California

Bill read third time.

The question being on the passage of the bill

The roll was called, and Senate Bill No 564 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Bohnett, Callan, Cattell, Collier, Cronin, Dean, Drew, Flavelle, Fleisher, Flint, Gibbons, Griffiths, Hanlon, Hawk, Hayes,

Hewitt, Hinkle, Irwin, Johnson of San Diego, Juilliard, Kehoe, Leeds, Lightner, McClellan, McManus, Mendenhall, Nelson, Odom, Otis, Perine, Polsley, Rech, Rutherford, Sackett, Stuckenbruck, Transue, Wagner, Whitney, Wilson, Wyllie, and Young—44.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate

WITHDRAWAL OF BILLS.

Mr Wilson asked for and was granted unanimous consent to withdraw Assembly Bill No. 668.

Assembly Bill No. 668 withdrawn and ordered stricken from the file.

Mr Rech asked for and was granted unanimous consent to withdraw Assembly Bills Nos. 515, 556, 891, 886, 885, 901, 902, 895.

Bills Nos 515, 556, 891, 886, 885, 901, 902, 895, withdrawn and ordered stricken from the file

SPEAKER IN THE CHAIR.

At twelve o'clock and fifteen minutes P. M. Speaker Stanton in the chair.

SECOND-READING FILE.

Assembly Bill No. 144—An Act to provide for a state highway from Saratoga Gap into the California Redwood Park, and to make an appropriation therefor.

Mr. Bohnett moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Assembly Bill No 144 considered.

Mr. Bohnett moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE

The following report of Committee of the Whole was received and read.

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1909

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No 144, and do now report the same back, and recommend that it do pass.

STANTON, Chairman

Bill read second time, and ordered to engrossment.

Assembly Bill No. 387—An Act to provide for the continuation of the construction of the highway known as King's River Highway, to declare it a state highway, and to make an appropriation therefor.

Mr. Beardslee moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Assembly Bill No. 387 considered.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In Section 2, line 2, of the printed bill, strike out the word "fifty", and insert in lieu thereof the word "twenty-five"

Amendment adopted.

AMENDMENT No 2

In Section 2, line 3, of the printed bill, strike out the following: "($50,000)".

Amendment adopted.

AMENDMENT No. 3

In Section 2, line 5, of the printed bill, strike out the words and figures "On May 1, 1909, five thousand dollars", also strike out all of lines 6, 7, and 8, and insert in lieu thereof the following: "On May 1, 1909, five thousand dollars, on July 1, 1909, ten thousand dollars, and on January 1, 1910, ten thousand dollars."

Amendment adopted.

Mr. Beardslee moved that the committee do now rise and report in favor of the passage of the bill as amended.

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1909

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 387, and do now report the same back, and recommend that it do pass

STANTON, Chairman

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 640—*An Act to provide for state highway from* Mereno to Beaumont, in Riverside County.

Mr. Beardslee moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Assembly Bill No. 640 considered.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1

In the second line of the title strike out the word "Mereno", and insert in lieu thereof the word "Moreno"

Amendment adopted.

AMENDMENT No. 2

Immediately after line 11, in Section 1, of the printed bill, insert the following: "The sum hereby appropriated is available as follows: On July 1, 1909, the sum of twelve thousand five hundred dollars, and on July 1, 1910, the sum of twelve thousand five hundred dollars."

Amendment adopted.

Mr. Beardslee moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 640, and do now report the same back, and recommend that it do pass.

STANTON, Chairman.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 760—An Act to amend Sections 2322, 2322*a*, 2322*b*, 2322*c*, 2322*d*, 2322*e* of the Political Code, relating to county boards of horticulture.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT NO 1

Amend by inserting before the word "or", in line 11, Section 1, page 1, of the printed bill, the words "Johnson grass (*Sorghum halepense*)"

Amendment adopted.

AMENDMENT NO. 2

Amend by inserting after the word "saltwort", in line 15, Section 1, page 1, of the printed bill, the words "Johnson grass"

Amendment adopted.

AMENDMENT NO 3.

Amend by striking out all the words in lines 37 and 38, and all the words to and including the word "Governor", on line 39, Section 1, page 2, of the printed bill, and insert in place thereof the following: "of three persons who shall be owners of orchard or vineyard property, or actively engaged in horticultural or viticultural production, or educated and trained in horticultural or viticultural science"

Amendment adopted.

AMENDMENT NO. 4

Amend by striking out all the words on line 42, of Section 1, page 2, of the printed bill, after the period following the word "commissioner," and all words thereafter to and including the word "created", on line 45 thereof, and by inserting in lieu thereof the following: "Said board of examiners shall be appointed by the Governor, and shall hold office for the term of four years and until their successors are appointed and qualified. Vacancies in said board of examiners shall be filled by appointment by the Governor, the appointee to hold for the remainder of the unexpired term. Said board shall appoint one of their number treasurer, who shall receive all money collected by or for the board, and disburse the same only in payment of the actual necessary expenses of said board for traveling, printing, postage, and other incidental matters. Said board shall biennially report to the Governor a detailed statement of their receipts and disbursements"

Amendment adopted.

AMENDMENT NO. 5

Amend by striking out of line 50, Section 1, page 2, of the printed bill the word "postering", and insert in lieu thereof the word "posting".

Amendment adopted.

AMENDMENT NO 6

Amend by striking out in line 54, Section 1, page 2, of the printed bill, everything after the period to the end of the line, and insert the following: "Said examination shall be in writing, and the board of horticultural examiners may appoint one of

their own number, or some other reliable and competent person to supervise the taking of such examination in each county and forward the papers of each applicant to the board for consideration. Each applicant for examination shall before taking the examination be required to pay a fee of five dollars therefor, which shall be delivered to the person supervising the examination and by him transmitted to the treasurer of said board Within twenty days after the examination is held".

Amendment adopted.

AMENDMENT No 7

Amend by striking out of line 63, Section 1 page 3, of the printed bill the word "mames", and insert in lieu thereof the word "names".

Amendment adopted.

AMENDMENT No. 8

Amend by striking out of line 78, Section 1 page 3, of the printed bill, the word "commissioners", and insert in lieu thereof the word "examiners"

Amendment adopted.

AMENDMENT No 9.

Amend by striking out of line 85, Section 1, page 3, of the printed bill, the period, and insert in lieu thereof a semicolon, and after the semicolon the following: *provided* that all county boards of horticulture existing at the time of the passage of this Act shall continue in office, with full power as heretofore existing until the election or appointment to succeed them, of a county horticultural commissioner under the provisions of this Act."

Amendment adopted.

AMENDMENT No. 10.

Amend by inserting after the word "saltwort", in line 12, Section 2, page 4, of the printed bill, the words "Johnson grass"

Amendment adopted.

AMENDMENT No. 11.

Amend by inserting in line 13, Section 2, page 4, of the printed bill, after the word "shall" the words "in writing".

Amendment adopted.

AMENDMENT No. 12.

Amend by inserting after the word "saltwort" in line 18, Section 2, page 4, of the printed bill, the words "Johnson grass"

Amendment adopted.

AMENDMENT No. 13

Amend by striking out of line 19, Section 2, page 4, of the printed bill, the words "that he shall".

Amendment adopted.

AMENDMENT No. 14.

Amend by inserting after the word "saltwort", line 22, Section 2, page 4, of the printed bill, the words "Johnson grass"

Amendment adopted.

AMENDMENT No. 15

Amend by inserting after the word "saltwort", line 27, Section 2, page 4, of the printed bill, the words "Johnson grass".

Amendment adopted.

AMENDMENT No. 16.

Amend by striking out of line 30, Section 2, page 4, of the printed bill, the words "or they may be served".

Amendment adopted.

AMENDMENT No. 17.

Amend by striking out of line 31, Section 2, page 4, of the printed bill, the period and the word "Wherever" and insert in lieu thereof a semicolon, and after the semicolon, the words "*provided, however*, that if".

Amendment adopted.

AMENDMENT No. 18.

Amend by striking out of line 34, Section 2, page 4, of the printed bill, the word "where"

Amendment adopted.

AMENDMENT No. 19

Amend by striking out of line 36, Section 2, page 4, of the printed bill, the word "where", and insert in lieu thereof the word "if"

Amendment adopted.

AMENDMENT No. 20.

Amend by inserting after the word "saltwort", line 45, Section 2, page 5, of the printed bill, the words "Johnson grass".

Amendment adopted.

AMENDMENT No. 21.

Amend by striking out everything from and including the word "jurisdiction", in line 48, Section 2, page 5, of the printed bill, to and including the word "specified", in line 56 thereof, and insert in lieu thereof the following: "county, and the proper notice thereof shall have been served, as herein provided, and such nuisance shall not have been abated within the time specified in such notice".

Amendment adopted.

AMENDMENT No. 22.

Amend by inserting after the word "saltwort", in line 60, Section 2, page 5, of the printed bill, the words "Johnson grass".

Amendment adopted.

AMENDMENT No 23

Amend by striking out the period in line 6, Section 3, page 6, of the printed bill, and insert in lieu thereof a comma, and after the comma the following: "and may with the consent and approval of the board of supervisors, appoint two deputy horticultural commissioners from the list of names certified to the board of supervisors by the State Board of Horticultural Examiners"

Amendment adopted.

AMENDMENT No. 24

Amend by inserting after the period in line 5, Section 5, page 6, of the printed bill, the words "The deputy commissioners shall receive five dollars per day each, during the time actually employed as such officers"

Amendment adopted.

AMENDMENT No. 25.

Amend by striking out in line 6, Section 5, page 6, of the printed bill, the word "five", and insert in lieu thereof the word "six."

Amendment adopted.

AMENDMENT No 26

Amend by striking out of line 8, Section 5, page 6, of the printed bill, the word "dutied", and insert in lieu thereof the word "duties".

Amendment adopted.

AMENDMENT No 27.

Amend by inserting in line 7, Section 6, page 7, of the printed bill, after the word "his" the words "deputies and"

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 986—An Act making an appropriation to pay the expenses of inspection and analysis of drugs.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Assembly Bill No. 986 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 986, and do now report the same back, and recommend that it do pass.

STANTON, Chairman

Bill read second time, and ordered to engrossment.

Assembly Bill No 434—An Act to amend Section 628*a* of the Penal Code of the State of California, relating to the protection and preservation of striped bass.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 724—An Act to amend Section 1874 of the Political Code, adding certain new sections, and changing the number of Section 1874*a*, all relating to text-books.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out of Section 1874*a*, lines 49 and 50, of printed bill, the words, "including civic righteousness", and inserting in lieu thereof the words, "emphasizing principles of good citizenship".

Amendment adopted.

AMENDMENT No. 2.

Amend by inserting, in Section 1, line 4, of printed bill, after the figures "1874*i*", the words "and by changing Section 1874*a* to 1874*j*".

Amendment adopted.

AMENDMENT No. 3.

Amend by inserting on line 14, of printed bill, after the word "said", the word "state"

Amendment adopted

AMENDMENT No. 4

Amend by striking out of line 8 of printed bill, the word "common", and inserting in lieu thereof the word "elementary".

Amendment adopted.

AMENDMENT No. 5

Amend by striking out of Section 1874*b*, lines 76 and 77, of the printed bill, the words "time of the completion, purchase, or leasing of the electrotype plates of said book or books", and inserting in lieu thereof the words "date the book or books are ready for sale and distribution".

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment

Assembly Bill No. 1118—An Act to amend section four thousand two hundred and seventy-six of the Political Code, relating to the compensation of officers of counties of the forty-seventh class.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 1117—An Act to add a new section to the Political Code, to be numbered 4271*a*, authorizing boards of supervisors in counties of the forty-second class to appoint assistants to the county surveyor.

Bill read second time, and ordered to engrossment

Assembly Bill No. 1137—An Act to amend Section 4274 of the Political Code of the State of California, relating to the compensation of officers of counties of the forty-fifth class

Bill read second time, and ordered to engrossment.

Assembly Bill No. 1071—An Act to amend Section 4258 of the Political Code (as amended in 1907, Statutes of 1907, pages 499 and 500 thereof), relating to the compensation of officers of counties of the twenty-ninth class

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No 1

On pages 4 and 5, Section 1, line 101, of printed bill, strike out all of subdivision 17.

Amendment adopted.

AMENDMENT No. 2

On page 2, Section 1, line 22, of printed bill, strike out the word "services", and insert in lieu thereof the following: "service"

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 1152—An Act to amend an Act entitled "An Act to insure the better education of practitioners of veterinary medicine, and to regulate the practice of veterinary medicine in the State of California, to provide for the creation of a board of five members who shall act under and in accordance with the provisions of this Act; to provide for their appointment, and define their powers, duties, and compensation; to define offenses committed by acts done contrary to the provisions of this Act, and providing penalties for the violation thereof; providing for the revocation or suspension, in certain cases, of licenses issued hereunder, and to repeal an Act entitled "An Act to regulate the practice of veterinary medicine and surgery in the State of California," approved March 23, 1893, amended and approved March 20, 1903, and all other laws in conflict herewith, by amending Section 7 of this Act

Bill read second time, and ordered to engrossment

Assembly Bill No 695—An Act to amend "An Act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force relating to estrays," approved March 23, 1901, by adding a new section thereto, to be known as section nine *a*, relating to appointment of poundkeepers outside of incorporated cities

Bill read second time, and ordered to engrossment.

Assembly Bill No. 1147—An Act to amend Section 2 of an Act entitled "An Act regulating the employment and hours of labor of children; providing employment of minors under certain ages; prohibiting the employment of minors under certain ages; prohibiting the employment of certain illiterate minors; providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penal-

ties for the violation hereof," approved February 20, 1905, and all amendments thereto

Bill read second time, and ordered to engrossment

Assembly Bill No. 23—An Act to repeal an Act entitled "An Act concerning actions for libel and slander," approved March 23, 1872.

Bill read second time, and ordered to engrossment

Assembly Bill No. 261—An Act to amend Section 1855*a* of the Code of Civil Procedure, relating to secondary evidence of public records or documents lost or destroyed by fire or other calamity; also providing that in such case decrees of distribution and partition, and deeds made, pursuant to or under a judgment, or order of court, shall prima facie be deemed made under proceedings duly had.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 662—An Act to amend Section 666 of the Penal Code of the State of California, relating to punishment for second offenses.

Bill read second time, and ordered to engrossment

Assembly Bill No 664—An Act to add a new section to the Penal Code of the State of California, to be numbered 667, relating to punishment for second offenses.

Bill read second time, and ordered to engrossment

Assembly Bill No. 845—An Act to amend the Civil Code of the State of California by adding thereto a new section, to be known as Section 231, relating to the adoption of children

Bill read second time, and ordered to engrossment.

Assembly Bill No. 1099—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as Section 1191*a*, relating to liens upon real estate, where reputed owner, after notice from health officer or governing board of any city, town or sanitary district, refuses, neglects or fails to connect dwelling-houses and plumbing with sewer, and work and materials furnished to be held to have been done at the instance of such owner, or person claiming any interest therein

Bill read second time, and ordered to engrossment

Assembly Bill No. 1104—An Act to add a new section to the Code of Civil Procedure of California, to be known as Section 1789*a*, relating to conveyances by guardians

Bill read second time, and ordered to engrossment

Assembly Bill No 1105—An Act to add a new section to the Code of Civil Procedure of California, to be known as Section 1810*a*, relating to conveyances by guardians.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 1120—An Act to amend Section 198 of the Civil Code, relating to the care, custody, education, and control of minors

Bill read second time, and ordered to engrossment.

Assembly Bill No 1048—An Act to amend Section 1619 of the Code of Civil Procedure, relating to fees of attorneys of executors and administrators.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 27—An Act to provide for the employment of a clerk by certain justices of the peace, and to pay the salaries of such clerk.

During second reading of bill, the following amendment was submitted by the committee:

After the word "clerk", in line 10, of Section 1, of the printed bill, insert the words "subject to the approval of the board of supervisors of the county"

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 584—An Act to amend Section 1425 of the Penal Code of the State of California, relating to the jurisdiction of Justices' Courts.

During second reading of bill, the following amendment was submitted by the committee:

After the word "township", in line 3, of Section 1, of the printed bill, strike out the period, insert a comma and the words "or in an adjoining township"

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 974—An Act providing for the dissemination of knowledge among the people of California as to the best means of preventing the spread of tuberculosis, and making an appropriation therefor.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Assembly Bill No. 974 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1909

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 974, and do now report the same back, and recommend that it do pass.

STANTON, Chairman

Bill read second time, and ordered to engrossment.

Assembly Bill No. 411—An Act to add a new section to the Political Code, to be known and numbered as Section 4248*a*, relating to the restoration of certificates of birth, marriage, licenses, marriage certificates or certificates of death, or the records thereof, which may have been lost, injured, mutilated, or destroyed by conflagration or other public calamity, or for the establishment or proof of births, marriages, or deaths, occurring at periods when there existed no statutes in this State for the registration of the same.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 775—An Act to amend Section 922 of the Code of Civil Procedure of the State of California, relating to Justices' Courts.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 1003—An Act to amend Section 607*e* of the Civil Code of the State of California, relative to fines, penalties, and forfeitures imposed and collected under the provisions of any law of this State, relating to or affecting children or animals, and also relative to the compensation of societies incorporated and organized for the prevention of cruelty to animals.

During second reading of bill, the following amendment was submitted by the committee:

Strike out all of Section 2 of the printed bill

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 1066—An Act to amend sections six, seven, fifteen, and seventeen, and to add a new section known as section fifteen and a half, creating a revolving fund to an Act entitled "An Act to create for the State of California a department of engineering, to provide for the appointment of the officers and employees thereof, defining its powers and prescribing the duties of said department, its officers and employees, to provide the compensation of such officers and employees, to make an appropriation for the salaries and other expenses for the remainder of the fifty-eighth fiscal year, and making certain acts a felony," and repealing an Act entitled 'An Act creating a Commissioner of Public Works, defining his duties and powers, and fixing his compensation,'" approved February 9, 1900, and all Acts or parts of Acts amendatory thereof, also repealing an Act entitled "An Act to create a department of highways for the State of California, to define its duties and powers, to provide for the compensation of officers and employees thereof, and to provide for the compensation of said officers and employees, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year," approved February 1, 1907; also repealing an Act entitled "An Act providing for an auditing board to the Commissioner of Public Works, authorizing and directing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredges, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage to condemn lands and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this Act," approved March 17, 1897, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to provide for the appointment, duties, and compensation of a Débris Commissioner, and to make an appropriation to be expended under his directions in the discharge of his duties as such commissioner," approved March 24, 1893, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to create the office of Lake Tahoe Wagon Road Commissioner, providing the term of office and compensation of such commissioner, defining his duties, and making an appropriation for the salary and expenditures provided for and authorized by this Act," approved April 1, 1897, and all Acts and parts of Acts amendatory thereof, approved March 11, 1907

Mr. Beardslee moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Assembly Bill No. 1066 considered.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Strike out title of bill and insert the following:

An Act to amend sections six, seven, fifteen, seventeen and nineteen of an Act entitled "An Act to create for the State of California a department of engineering, to provide for the appointment of the officers and employees thereof, defining its powers and prescribing the duties of said department, its officers and employees, to provide the compensation of such officers and employees, to make an appropriation for the salaries and other expenses for the remainder of the fifty-eighth fiscal year and making certain acts a felony and repealing an Act entitled "An Act creating a commissioner of public works defining his duties and powers and fixing his compensation," approved February ninth, nineteen hundred, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to create a department of highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employees thereof, and to provide for the compensation of said officers and employees, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year," approved April first, eighteen hundred and ninety-seven; also repealing an Act entitled "An Act providing for the appointment of an auditing board to the commissioner of public works, authorizing and directing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredges, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn lands and property for the purposes aforesaid, making certain Acts a felony, and making an appropriation of money for the purposes of this Act," approved March seventeenth, eighteen hundred and ninety-seven, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to provide for the appointment, duties and compensation of a Débris Commissioner, and to make an appropriation to be expended under his directions in the discharge of his duties as such commissioner," approved March twenty-fourth, eighteen hundred and ninety-three, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to create the office of Lake Tahoe Wagon Road Commissioner, providing the term of office and compensation of such commissioner, defining his duties, and making an appropriation for the salary and expenditures provided for and authorized by this Act," approved April first, eighteen hundred and ninety-seven, and all Acts or parts of Acts amendatory thereof," approved March eleventh, nineteen hundred and seven, relating to the officers and employees of the department of engineering, their powers, duties and salaries, and appropriating money to provide a revolving fund for said department.

Amendment adopted.

AMENDMENT No. 2.

Strike out the words "An Act to amend sections six, seven, fifteen and seventeen, and to add a new section known as section fifteen and a half to an Act entitled".

Amendment adopted.

AMENDMENT No. 3.

After the word "two", insert the words "clerks and".

Amendment adopted.

AMENDMENT No. 4

Strike out the period ( ) after the word "whole", and insert in lieu thereof the following: ", but after approval of the plans, specifications and estimates by the advisory board of the Department of Engineering, if, in the opinion of such Department of Engineering, the acceptance of any bid or bids shall not be for the best interests of the State, or if in the opinion of such Department of Engineering the acceptance of any further bids after the rejection of all bids submitted shall not be for the best interests of this State, it may be legal for them to direct that the work or improvement of any State building, road or any other improvement be done upon a day's labor basis.

Amendment adopted

AMENDMENT No. 5

On page 5, Section 2, line 32, strike out the words, "It is expressly given that the"; also strike out all of lines 33, 33*a*, 34, 35, 36, 37, 38, 39, 40, 41 of said Sec-

tion 2; also strike out the words "disburse all money on said claims," of line 42 of said Section 2, and insert in lieu thereof the following "When such work is so placed upon a day's labor basis, any appropriation which is now available, or which is now or may be appropriated to become available, is by this Act taken out of the control of any board of trustees, directors, commissioners, officers or other body to whom it has been appropriated, and placed exclusively under the control of the Department of Engineering, and the claims for said work shall be approved by the Department of Engineering, and audited by the Board of Examiners, upon whose audit the Controller shall draw his warrant and the Treasurer shall pay the same"

Amendment adopted.

AMENDMENT No. 6.

On page 6, Section 4, strike out all of said Section 4, and insert in lieu thereof the following:

"Sec. 4. Section 17 of said Act is hereby amended to read as follows:

"Sec. 17. The State Engineer shall receive the sum of five thousand dollars ($5,000) per annum, each Assistant State Engineer shall receive three thousand dollars ($3000) per annum; the State Architect shall receive forty-eight hundred dollars ($4800) per annum; each of the five draughtsmen shall receive two thousand dollars ($2000) per annum; the architectural designer shall receive twenty-four hundred dollars ($2400.) per annum; the mechanical engineer shall receive twenty-seven hundred dollars ($2700.) per annum; the testing engineer shall receive twenty-one hundred dollars ($2100.) per annum; each of two filing clerks shall receive eighteen hundred dollars ($1800.) per annum, the secretary shall receive twenty-four hundred dollars ($2400.) per annum; the blue print pressman shall receive fifteen hundred dollars ($1500.) per annum; each clerk and stenographer shall receive fifteen hundred dollars ($1500.) per annum, and the porter and messenger shall receive nine hundred dollars ($900.) per annum. Such salaries shall be paid at the same time and in the same manner as are the salaries of other State officers. The two assistant State Engineers and the State Architect shall each furnish the State with a bond in the sum of ten thousand dollars ($10,000) for the faithful performance of their duties. Said bonds must be approved by the Governor of the State of California and filed in the office of the Secretary of State. Each and every one of the above mentioned officers shall take the oath of office prescribed for other State officers. The members of the advisory board, the State Engineer and the officers and employees of the department of engineering shall be allowed their necessary traveling expenses while engaged in the discharge of their duties within the State."

Amendment adopted

AMENDMENT No. 7

On page 5, printed bill, line 27, after the word "state" insert the following, except work on property of the State on the water front of the city and county of San Francisco, under the jurisdiction of the Board of State Harbor Commissioners".

Amendment adopted.

AMENDMENT No. 8

On pages 6 and 7, Section 5, strike out all of said Section 5, and insert in lieu thereof the following:

"Sec. 5. Section 19 of said Act is hereby amended to read as follows:

"Sec. 19. The sum of $10,000 is hereby appropriated out of any money in the State treasury not otherwise appropriated to provide and maintain a permanent revolving fund for the payment of salaries and wages of employees in the Department of Engineering when employed upon public work at or for any State institution other than those employees whose salaries are fixed and determined by Section 17 of this Act. Such payment so made for salaries and wages shall be charged against the institution for which such work is performed and in favor of the Department of Engineering, and when collected by said department, shall be paid into the revolving fund hereby created.

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Mr. Beardslee moved that the committee do now rise and report in favor of the passage of the bill as amended.

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 1066, and do now report the same back, and recommend that it do pass as amended.

STANTON, Chairman.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 1154—An Act to amend Section 1272 of the Penal Code of California, relating to admission to bail pending appeal.

During second reading of bill, the following amendment was submitted by the committee:

Strike out the words "When admitted to bail after conviction and upon appeal", in lines 3 and 4, of Section 1, of the printed bill.

Amendment adopted

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 29—An Act to amend Sections 3, 6, 9, 10, 11, 12, 14, 15, 16, and 20 of an Act entitled "An Act for the prevention of the manufacture, sale, or transportation of adulterated, mislabeled, or misbranded drugs, regulating the traffic in drugs, and providing penalties for violation thereof." approved March 11, 1907.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 2, Section 3, of the printed bill, on line 6, strike out the word "state".

Amendment adopted.

AMENDMENT No. 2.

On page 2, Section 3, line 7, of the printed bill, strike out the words "foods and".

Amendment adopted.

AMENDMENT No. 3.

On page 2, Section 3, line 19, strike out the word "state".

Amendment adopted.

AMENDMENT No. 4.

On page 2, Section 3, line 20, strike out the period after the word "analysis", and insert in lieu thereof the words "of drugs" Add also "For the purposes of this Act, the State Board of Pharmacy is hereby authorized to establish a laboratory, and appoint a director for the same, for the analysis and examination of drugs which said laboratory shall be under the supervision of the State Board of Pharmacy, and shall be located at such place as the State Board of Pharmacy may select."

Amendment adopted.

AMENDMENT No. 5.

Page 3, Section 7, line 3, of the printed bill, strike out the word "state", and insert in lieu thereof the word "said".

Amendment adopted.

AMENDMENT No. 6.

On page 3, Section 7, line 5, strike out the word "August", and insert in lieu thereof the word "July".

Amendment adopted.

AMENDMENT No. 7.

On page 4, Section 8, line 4 of the printed bill, strike out the word "state", and insert in lieu thereof the word "said".

Amendment adopted.

AMENDMENT NO. 8.

On page 4, Section 8, line 19, of the printed bill, strike out the word "state", and insert in lieu thereof the word "said".

Amendment adopted.

AMENDMENT NO. 9.

On page 5, Section 9, line 15, of the printed bill, strike out the word "state", and insert in lieu thereof the word "said".

Amendment adopted.

AMENDMENT NO. 10.

On page 5, Section 10, strike out lines 3, 4, 5, 6, 7, 8, 9, and 10 of the printed bill, and insert the following: "Section 20. One half of all fines collected by any court or judge for the violations of the provisions of this Act shall be paid to the county treasurer of the county in which the prosecution is conducted, and the other half shall be paid to the State Board of Pharmacy."

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 997—An Act to amend Section 650 of the Civil Code, relating to the powers of boards of trustees and colleges, and seminaries of learning.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 998—An Act to amend Section 649 of the Civil Code, relating to articles of incorporation of colleges and seminaries of learning.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 1123—An Act to amend Section 417 of the Political Code of the State of California, relating to the salary of the Secretary of State.

Mr. Beardslee moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Assembly Bill No. 1123 considered.

Mr. Beardslee moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 1123, and do now report the same back, and recommend that it do pass.

STANTON, Chairman.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 947—An Act to provide for the increase of the amount of capital stock and shares in corporations organized for the purpose of supplying or delivering water to their own stockholders.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 435—An Act to amend Section 632½ of the Penal

Code of the State of California, relating to the protection and preservation of steelhead trout.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 1, Section 1, line 2, of the printed bill, after the word "follows" insert the following:

"632½. Every person who, between the first day of February and the first day of April, of any year, takes, catches, kills, destroys, or has in his possession, any steelhead trout, or".

Amendment adopted.

AMENDMENT No. 2.

On page 1, Section 1, line 3, of the printed bill, strike out the figures "632½"; also the words "Every person".

Amendment adopted.

AMENDMENT No. 3.

On page 1, Section 1, line 4, of the printed bill, strike out the word "April", and insert in lieu thereof the word "February".

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 977—An Act to add a new section to title sixteen of part four of division first of the Civil Code, to be numbered six hundred and forty-eight *a*, relating to the formation of building and loan associations.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 978—An Act to amend section six hundred and forty-eight of the Civil Code, relating to building and loan associations.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 1211—An Act to provide for changing or modifying the grade of public streets, lanes, alleys, courts, or other places, within municipalities.

During second reading of bill, the following amendment was submitted by the committee:

Strike out Section 7, page 6, lines 1 and 2, of the printed bill, being the whole of said section, and insert in lieu thereof the following

"Section 7. This Act shall in nowise affect Sections 38 to 52, both inclusive, of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, or amendments thereto, or any other Acts on the same subject, but is intended to and does provide an alternate system of proceedings for changing or modifying the grades of public streets, lanes, alleys, places, or courts in municipalities, and it shall be within the discretion of the city council of any municipality to proceed in making such change or modification of grade, either under the provisions of this Act, or under the provisions of said sections of said Act hereinbefore mentioned, or amendments thereto; but when any proceedings are commenced under this Act the provisions of this Act and of such amendments thereof as may be hereafter adopted, and no other shall apply to all such proceedings, and any provisions contained in said Act or any Acts in conflict with the provisions hereof shall be void and of no effect as to the proceeding commenced under the provisions of this Act."

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 1164—An Act to amend an Act approved March 6, 1889, entitled "An Act to provide for laying out, opening, widening, extending, straightening, or closing up in whole or in part of any street, square, lane, alley, court, or place within the bounds of such city, and to condemn and acquire any and all land and property necessary or convenient for that purpose."

Bill read second time, and ordered to engrossment.

Assembly Bill No. 1210—An Act to amend Section 2 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, relating to street improvements.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 84—An Act to amend an Act entitled "An Act to provide for the organization and management of county fire insurance companies," approved April 1, 1897, and Acts amendatory thereof, by amending Sections 10 and 11 thereof.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 1, Section 1, lines 6 and 7, of the printed bill, strike out the words "*an adjoining county*", and insert in lieu thereof the following words: "any county next adjoining the county wherein such company is organized".

Amendment adopted.

AMENDMENT No. 2.

On page 2, Section 2, line 19, of the printed bill, strike out the word "**shall**", and insert in lieu thereof the word "may".

Amendment adopted.

AMENDMENT No. 3.

On page 2, Section 2, line 20, of the printed bill, after the word "**arbitration**", strike out the period, and in lieu thereof insert a comma and the following words: "and in that event".

Amendment adopted.

AMENDMENT No. 4.

On page 2, Section 2, line 26, of the printed bill, strike out the word "**shall**", and insert in lieu thereof the word "to".

Amendment adopted.

AMENDMENT No. 5.

On page 3, Section 2, line 29, of the printed bill, after the word "company", strike out the comma, and insert the following: "and to the insured".

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 1083—An Act to add a new section to the Political Code of the State of California, to be known as section four thousand two hundred and sixty-five *a*, relating to the compensation of the county officers of the thirty-sixth and one-half class.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 1, Section 1, line 8, strike out the word "two", and insert in lieu thereof the word "four".

Amendment adopted.

AMENDMENT No. 2

On page 1, Section 1, line 13, strike out the word "three", and insert in lieu thereof the word "two".

Amendment adopted.

AMENDMENT No. 3

On page 2, Section 1, line 23, strike out the word "five", and insert in lieu thereof the word "eight".

Amendment adopted.

AMENDMENT No. 4.

On page 2, Section 1, line 26, strike out the word "five", and in lieu thereof insert the word "eight"

Amendment adopted.

AMENDMENT No. 5.

On page 2, Section 1, line 37, strike out the word "five", and insert in lieu thereof the word "eight".

Amendment adopted.

AMENDMENT No. 6.

On page 2, Section 1, line 40, strike out the word "five", and insert in lieu thereof the word "ten".

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 1025—An Act to amend Section 4261 of the Political Code, relating to salaries and fees of officers in counties of the thirty-second class.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 1, Section 1, line 13, of the printed bill, after the word "deputies" insert the words: "which offices are hereby created, ".

Amendment adopted.

AMENDMENT No. 2

On page 2, Section 1, line 23, of the printed bill, after the word "deputy" insert the words: "which offices are hereby created, ".

Amendment adopted

AMENDMENT No. 3.

On page 2, section 1, line 28, of the printed bill, after the word "recorder" where it appears the second time, insert the words, "which office is hereby created, ".

Amendment adopted.

AMENDMENT No. 4.

On page 2, Section 1, line 30, of the printed bill, after the word "recorder," insert the words: "which office is hereby created, ".

Amendment adopted

AMENDMENT No. 5.

On page 2, Section 1 line 31, of printed bill, after the word "recorders" insert the words: "which offices are hereby created, ".

Amendment adopted.

AMENDMENT No. 6.

On page 2, Section 1, line 36, of printed bill, after the word "deputy" insert the words: "which office is hereby created, ".

Amendment adopted.

AMENDMENT No. 7.

On page 2, Section 1, line 41, of printed bill, add the following. "In counties of this class, the treasurer may appoint one deputy, which office is hereby created, who shall receive a salary of nine hundred dollars per annum, to be paid at the same time and in the same manner and out of the same fund as the treasurer is paid."

Amendment adopted.

AMENDMENT No. 8.

On page 2, Section 1, line 42, of printed bill, add the following: "*provided*, that in counties of this class, the tax collector may appoint such deputies as he may require, which offices are hereby created, whose compensation, which shall be paid by the county, shall not exceed the sum of nine hundred dollars per annum in the aggregate."

Amendment adopted.

AMENDMENT No. 9.

On page 2, Section 1, line 43, of printed bill, add the following: "*provided*, that in counties of this class, the assessor may appoint such deputies as he may require, which offices are hereby created, whose compensation, which shall be paid by the county, shall not exceed the sum of nine hundred dollars per annum in the aggregate."

Amendment adopted.

AMENDMENT No. 10.

On page 2, Section 1, line 53, of printed bill, after the word "deputy" insert the words "which office is hereby created."

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 1142—An Act to amend Section 4246 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the seventeenth class.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 1084—An Act to amend section four thousand and five of the Political Code of the State of California, relating to the population of counties.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 1085—An Act to amend section four thousand and six of the Political Code of the State of California, relating to the classification of counties, and creating a new class to be known as the thirty-sixth and one-half class.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 1082—An Act to amend section four thousand and seven of the Political Code of the State of California, relating to the classification of counties.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 1043—An Act to add to the Penal Code of the State of California a new section, to be numbered 587*a*, prohibiting unauthorized persons from manipulating, tampering, or interfering with railroad appliances, and prescribing punishment for violation of such prohibition.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No 1.

Amend by striking out the following word, "five", in line 14, page 1, of the printed bill, and inserting in lieu thereof the word "one".

Amendment adopted.

AMENDMENT No 2.

Amend by striking out the following word, 'six', in line 15, page 1, of the printed bill, and inserting in lieu thereof the word "three".

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment

Assembly Bill No. 179—An Act to provide for the appointment of a bake shop inspector and four deputies; to provide for their compensation and to define their powers and duties relating to the inspection of bake shops and bakeries.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No 1.

On page 1, Section 1, lines 5, 6, 7, 8, 9, and 10, strike out the words: "*provided however*, that the term 'bakery' shall not be deemed to include restaurants, hotels, cafés, boarding houses, or other public eating places, wherein such products are pre-

pared to be used and are used exclusively with meals and served in such restaurants, hotels, cafés, boarding houses, or other public eating places."

Amendment adopted.

AMENDMENT No 2.

On page 1, lines 1, 2, 3, 4, 5, and 6 strike out the words: "SEC 2. Within thirty days after this Act becomes a law the Governor shall appoint one bake shop inspector, who shall hold office for the term of four years The bake shop inspector so appointed may appoint four assistants; such assistants may be removed at any time within the discretion of the bake shop inspector," and insert in lieu thereof the following: "Sec. 2. Within thirty days after this Act becomes a law, the State Board of Health shall appoint one bake shop inspector, and as many deputies as they may deem necessary; such inspector and deputies may be removed at any time within the discretion of the State Board of Health."

Amendment adopted.

AMENDMENT No 3

On page 1, Section 1, lines 6 and 7, strike out the word "assistants", and insert in lieu thereof the following: "Deputies".

Amendment adopted.

AMENDMENT No. 4.

On page 2, Section 2, line 12, strike out the word "Governor", and insert in lieu thereof the following: "State Board of Health."

Amendment adopted.

AMENDMENT No. 5.

On page 2, Section 2, lines 12 and 13, strike out the words "on the first day of September of each year"

Amendment adopted.

AMENDMENT No 6.

On page 2, Section 3 lines 21 to 25, strike out the words "but no floor shall be constructed in a bakery room for the manufacture of bread and other products of flour or meal in bakery establishments, where the floor of said room is more than four feet below the level of the street, sidewalk, or adjacent ground."

Amendment adopted.

AMENDMENT No 7.

On page 3, Section 3, lines 52, 53, and 54, strike out the words: "or in any room used in connection with, or belonging to any bakery The rooms of every bakery shall be not less than eight feet high," and insert in lieu thereof the following: "The workroom of every bakery shall be no less than eight feet high."

Amendment adopted.

AMENDMENT No. 8

On page 4, Section 5, lines 1, 2, 3, 4, and 5, strike out all of Section 5 of printed bill, and insert in lieu thereof the following.

"SEC 5 It shall be unlawful for any person, firm or corporation, to keep, or cause or permit to be kept, any animal or fowl in any bakery, or in any storage room connected with or belonging to any bakery, or in any building in which any bakery is located. Cats excepted"

Amendment adopted.

AMENDMENT No. 9.

On page 5, Sections 10, 11, 12, and 13, strike out the words of those four sections, and insert in lieu thereof the following

"SEC. 10. Every person, firm, company or corporation maintaining a bakery shall pay annually a license tax of five dollars to the State treasury. The sum so paid shall be kept in a fund known as the public bakery fund, and expended only as herein provided.

"SEC. 11. That on or before the first day of July, 1909, all persons referred to in Section 10 hereof shall procure from the State Treasurer a license for one year.

"SEC. 12. The sum so raised shall be expended in payment of the salary of the State bake shop inspector, who shall receive two thousand dollars a year, payable monthly, and the salaries of the deputies who shall each receive fifteen hundred dollars a year payable monthly. In addition, the State bake shop inspector and deputies shall be paid their actual and necessary traveling and other expenses while engaged in the work necessary to carry out the provisions of this Act. Incidental expenses and witness fees in prosecutions for violations of this Act shall also be paid

from the 'public bakery fund.' Said money shall only be paid out on warrants issued by the State Controller on bills approved by State Board of Health.

"SEC. 13. After an inspection of a bakery has been made by the bake shop inspector, or deputy and same is found to conform to the provisions of this Act, State Board of Health shall issue a certificate to the owner or operator of such bakery, that it is conducted in compliance with all the provisions of this Act, but where orders are issued by said inspector to improve the conditions of a bakery, no such certificate shall be issued until such order and provisions of this Act have been complied with.

"SEC. 14. Any person, firm, company, or corporation, violating any of the provisions of this Act, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five ($25 00) dollars, nor more than five hundred ($500 00) dollars, or shall be imprisoned in the county jail for the term not exceeding six (6) months or by both such fine and imprisonment."

Amendment adopted

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 777—An Act to regulate the operation and supervision of stationary steam apparatus.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 673—An Act to amend article XVI of the Political Code in regard to county boards of education.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No 1

Amend by inserting in line 1, page 1, of the printed bill, before the word "article", the words "Section 1"

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out of line 3, page 1, the word "Section "

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out of line 7, page 1, the word "the" before the word "members", and inserting in lieu thereof the words "a majority of the".

Amendment adopted.

AMENDMENT No. 4.

Amend by striking out of lines 8 and 9, page 1, the word "grammar", and insert in lieu thereof the word "elementary."

Amendment adopted.

AMENDMENT No. 5.

Strike out of line 10, page 1, the word "high", and insert in lieu thereof the word 'secondary."

Amendment adopted.

AMENDMENT No. 6.

Insert in line 12, page 1, after the letter "a', the word "secondary".

Amendment adopted.

AMENDMENT No. 7.

Strike out of line 12, page 1, the words "of the high school grade."

Amendment adopted.

AMENDMENT No. 8.

Amend line 13, page 1, by inserting after the word "superintendent" the words "of schools."

Amendment adopted.

AMENDMENT No. 9.

In line 14, page 1, strike out the words "high school", and insert in lieu thereof the word "secondary."

Amendment adopted.

AMENDMENT No 10

In line 29, page 2, strike out the figure "3" after the word "subdivision", and insert in lieu thereof the word "three."

Amendment adopted.

AMENDMENT No. 11.

In line 1, Section 1770, strike out the figure "1", and insert the word "First."

Amendment adopted.

AMENDMENT No. 12.

In line 10, same section, strike out the figure "2" after the word "division", and insert in lieu thereof the word "two."

Amendment adopted.

AMENDMENT No. 13.

In line 12, same section, strike out the figure "2", and insert in lieu thereof the word "Second."

Amendment adopted.

AMENDMENT No. 14.

In line 20, same section, strike out the figure "3", and insert in lieu thereof the word "Third."

Amendment adopted.

AMENDMENT No. 15.

In line 29, same section, strike out the figure "4", and insert in lieu thereof the word "Fourth"

Amendment adopted.

AMENDMENT No. 16.

In line 3, Section 1771 strike out the figure "1", and insert in lieu thereof the word "First."

Amendment adopted.

AMENDMENT No. 17.

In line 5, same section, strike out the figure "2", and insert in lieu thereof the word "Second."

Amendment adopted.

AMENDMENT No. 18

In line 6, same section, strike out the words "grammar school", and insert in lieu thereof the word "elementary"

Amendment adopted.

AMENDMENT No. 19.

In line 9, same section, strike out the figure "3", and insert in lieu thereof the word "Third."

Amendment adopted.

AMENDMENT No. 20.

In line 12, same section, strike out the word "school."

Amendment adopted.

AMENDMENT No. 21.

In line 14, same section strike out the word "school."

Amendment adopted.

AMENDMENT No. 22.

In line 22, same section, strike out the figure "4", and insert in lieu thereof the word "Fourth"

Amendment adopted.

AMENDMENT No. 23.

In same line, same section, strike out the figure "4", after the word "subdivision", and insert in lieu thereof the word "fourth."

Amendment adopted.

AMENDMENT No. 24.

In line 26, same section, insert after the word "board" the words "of education."

Amendment adopted.

AMENDMENT No 25.

In line 34, same section, insert after the word "by" the words "the county superintendent of schools and."

Amendment adopted.

AMENDMENT No. 26.

In line 34 strike out the word "four", after the word "least", and insert in lieu thereof "three other."

Amendment adopted.

AMENDMENT No. 27

In line 37, same section, strike out the figure "5", and insert in lieu thereof the word "Fifth."

Amendment adopted.

AMENDMENT No. 28.

In line 50, same section, strike out the figure "6", and insert in lieu thereof the word "Sixth."

Amendment adopted.

AMENDMENT No. 29

In line 51, same section, strike out the word "or."

Amendment adopted.

AMENDMENT No. 30.

In line 51, same section, insert after the word "teaching" the words "or persistent defiance of, and refusal to obey the laws regulating the duties of teachers.".

Amendment adopted.

AMENDMENT No 31.

In line 56, same section, strike out the word "or"

Amendment adopted.

AMENDMENT No. 32.

In line 56, same section, insert after the word "teaching" the words "or persistent defiance of and refusal to obey the laws regulating the duties of teachers.".

Amendment adopted.

AMENDMENT No. 33.

In line 64, same section, strike out the figure "7", and insert in lieu thereof the word "Seventh"

Amendment adopted.

AMENDMENT No. 34

In line 65, same section, strike out the figure "8", and insert in lieu thereof the word "Eighth."

Amendment adopted.

AMENDMENT No. 35

In line 70, same section, insert after the word "board" the words "of education"

Amendment adopted.

AMENDMENT No 36.

Strike out all of line 71 of same section.

Amendment adopted.

AMENDMENT No 37.

In line 72, same section, strike out the figure "9" and insert in lieu thereof the word "Ninth"

Amendment adopted.

AMENDMENT No. 38.

In line 4, Section 1772, strike out the figure "1", and insert in lieu thereof the word "First."

Amendment adopted.

AMENDMENT No. 39.

In same line 4, same section, strike out the words "grammar school", and insert in lieu thereof the word "elementary."

Amendment adopted.

AMENDMENT No. 40.

In line 5, same section, strike out the word "studies", and insert in lieu thereof the word "subjects."

Amendment adopted.

AMENDMENT No. 41.

In line 11, same section, insert a comma after the word "states", and strike out the word "and."

Amendment adopted.

AMENDMENT No. 42.

In line 14, same section, strike out the figure "2", and insert in lieu thereof the word "Second."

Amendment adopted.

AMENDMENT No. 43.

In line 25, same section, strike out the words "in all cases except for shop work in": and also all of lines 26, 27, 28, 29, 30, 31, 32, and 33, and insert in lieu thereof the following: "upon credentials must, in all cases except for shop work, furnish proof of at least six years of education after completing the work of the elementary schools, of which six years of education, at least one year must have been devoted to special study of the subject or subjects for which a special certificate is desired; and must also furnish proof of at least ten months' successful teaching, or of at least six months' successful training for teaching, in a teachers' training school of high standing, which six months of training shall be in addition to the six years of education specified above."

Amendment adopted.

AMENDMENT No. 44.

In line 1, Section 1775, strike out the figure "1", and insert in lieu thereof the word "First."

Amendment adopted.

AMENDMENT No. 45.

In line 3, same section, strike out the word "school."

Amendment adopted.

AMENDMENT No. 46.

In line 5, strike out the figure "2", after the word "subdivision", and insert in lieu thereof the word "two."

Amendment adopted.

AMENDMENT No. 47

In line 11, same section, strike out the figure "5", and insert in lieu thereof the word "five".

Amendment adopted.

AMENDMENT No. 48.

In line 12, same section, strike out the semicolon after the word "code", and insert in lieu thereof a period

Amendment adopted.

AMENDMENT No 49.

Strike out all of line 12, of same section, after the word "code": also lines 13 and 14.

Amendment adopted.

AMENDMENT No. 50.

Strike out all of subdivision 3, lines 26 to 34 inclusive, page 7, and insert in lieu thereof the following: "(3) To holders of diplomas of graduation of a four-year course at the University of California or Leland Stanford Junior University, when said holder of such diploma shall have had six months' training in one of the state normal schools of this State, or has had eight months' successful experience in teaching in the public schools of California after graduation."

Amendment adopted.

AMENDMENT No. 51.

In line 47, page 8, strike out the figure "2", and insert in lieu thereof the word "Second."

Amendment adopted.

AMENDMENT No. 52

In line 52, page 8, strike out the figure "3", and insert in lieu thereof the word "Third."

Amendment adopted.

AMENDMENT No. 53

In line 60, page 8, strike out the figure "4", and insert in lieu thereof the word "Fourth."

Amendment adopted.

AMENDMENT No. 54.

In line 67, page 8, strike out the figure "3", and insert in lieu thereof the word "three."

Amendment adopted.

AMENDMENT No. 55

In line 77, page 8, strike out the figure "5", and insert in lieu thereof, the word "Fifth."

Amendment adopted.

AMENDMENT No. 56.

In line 89, page 8, insert after the word "board" the words "of education"

Amendment adopted.

AMENDMENT No. 57.

In line 96, page 9, strike out the figure "3", and insert in lieu thereof the word "three."

Amendment adopted.

AMENDMENT No 58.

In line 5, Section 1778, page 9, strike out the figure "3", and insert in lieu thereof the word "three."

Amendment adopted.

AMENDMENT No 59.

In line 8, Section 1778, page 9, strike out the figure "1", and insert the word "First."

Amendment adopted.

AMENDMENT No. 60.

In line 18, page 10, strike out the figure "2", and insert the word "Second."

Amendment adopted.

AMENDMENT No. 61.

In line 24, page 10, strike out the figure "3", and insert the word "Third."

Amendment adopted.

AMENDMENT No. 62.

In line 26, page 10, strike out the figure "1", and insert the word "one."

Amendment adopted.

AMENDMENT No. 63.

In line 29, page 10, strike out the figure "4", and insert the word "Fourth."

Amendment adopted.

AMENDMENT No. 64.

In line 32, page 10, strike out the figure "5", and insert in lieu thereof the word "Fifth."

Amendment adopted.

AMENDMENT No. 65.

Strike out of lines 32 and 33 the words "except the primary grade."

Amendment adopted.

AMENDMENT No. 66.

In line 42, page 10, strike out the figure "6", and insert in lieu thereof the word "Sixth."

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 71—An Act to repeal an Act entitled "An Act to create the office of commissioner of transportation, and to define its powers and duties; to fix the maximum charges for transporting passengers and freights on certain railroads, and to prevent extortion and unjust discrimination thereon," approved April 1, 1878, and also to repeal an Act entitled "An Act to organize and define the powers of the Board of Railroad Commissioners," approved April 15, 1880, and to provide for the organization of the Board of Railroad Commissioners, define its powers and duties, and the powers and duties of employees, and to define offenses by shippers and railroad and transportation companies, their officers, agents and employees, and other persons, and providing penalties for such offenses.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1

On page 2, Section 2, line 1, of the printed bill, strike out the word "four", and insert in lieu thereof the word "five".

Amendment adopted.

AMENDMENT No. 2.

On page 2, Section 4, line 3, of printed bill, after the word "appear" insert the word "in".

Amendment adopted.

AMENDMENT No. 3

On page 2, Section 4, line 4, of printed bill, following the comma after the word "board" strike out the word "in".

Amendment adopted.

AMENDMENT No. 4.

On page 2, Section 2, line 14, of printed bill, strike out the word "fifty", and insert in lieu thereof the words "one hundred".

Amendment adopted.

AMENDMENT No. 5.

On page 3, Section 5, line 1, of printed bill, insert the words "and county" after the word "city".

Amendment adopted.

AMENDMENT No 6

On page 4, Section 10, line 2, of printed bill, after the word "all", insert the words "orders and".

Amendment adopted.

AMENDMENT No. 7.

On page 4, Section 13, line 3, of printed bill, following the comma after the word "trustees" insert the following "receivers, lessees".

Amendment adopted.

AMENDMENT No. 8.

On page 5, Section 17, line 3, of printed bill, insert a comma and the word "records" after the word "books."

Amendment adopted.

AMENDMENT No. 9.

On page 7, Section 21, line 10, of printed bill, after the figures "$1,000" insert the following "or by imprisonment in the county jail of not less than thirty nor more than ninety days, or by both such fine and imprisonment".

Amendment adopted.

AMENDMENT No. 10.

On page 10, Sec. 32, of printed bill, strike out all of said section 32, and insert in lieu thereof the following: "Sec. 32. The commission shall prescribe and enforce reasonable orders, rules and regulations for the furnishing of suitable cars to any and all persons applying therefor for the transportation of all kinds of freight in carload lots of which the railroad or transportation company to whom the application is made is a common carrier; the time within which the same shall be furnished; the manner of the application therefor; the time for the loading and of the unloading thereof for demurrage and reciprocal demurrage and for the reasonably prompt transportation of cars."

Amendment adopted.

AMENDMENT No. 11.

On page 12, Section 39, line 24, of the printed bill, insert a comma after the word "rate", and insert the word "rule" after the comma.

Amendment adopted.

AMENDMENT No. 12.

On page 14, Section 42, line 2, of the printed bill, after the word "advance", insert the words "or lower".

Amendment adopted.

AMENDMENT No. 13.

Strike out all of Sec. 44, on pages 15 and 16, of printed bill, and insert in lieu thereof the following: "Sec. 44. Any person, firm, company or corporation, or any mercantile, commercial or traffic association or organization, or any body politic, may complain of any charge, rate, rule or regulation made or established by, or any order or decision of, the commission, or of anything done or omitted to be done by any railroad or transportation company, or on account of any act or practice by any railroad or transportation company, by filing with said commission a complaint, setting forth the cause or causes of such complaint in concise language. Any charge, rate, rule, regulation, order or decision alleged in such complaint to be unjust illegal, unreasonable, injurious or discriminatory as between or against places or persons, shall be a proper subject for hearing, investigation, order and decision of said commission, notwithstanding any previous act, order or decision of said commission with respect to, or in connection therewith. Upon such complaint being filed with the commission a copy of the same shall be served on the railroad or transportation company concerned, and the commission shall fix a time and place when and where the said company shall answer the same. Thereafter the commission shall investigate and determine such complaint, under such rules and modes of procedure as it may adopt. If the commission shall find that there has been a violation of any rule, regulation, order or decision of the commission, it shall determine if the same was willful; if it shall find that such violation was not willful, it may call upon said company to pay and satisfy the damage done to the complainant by such violation, if any such damage should appear, stating the amount of such damage, or shall decree that said company shall conform with the order, rule or regulation of the commission, as the case may be, and if the said company should comply with such order or decision of the commission within the time specified by the commission in such order or decision, judgment of satisfaction shall be thereafter entered by said commission; but if said company shall not pay said damage or conform with the rule, regulation, order or decision of the commission, within the time specified by said commission, or if the commission shall find such violation to be willful, it shall thereupon impose the fine provided by law for such violation, and shall thereupon institute such action or proceeding in

the courts as may be necessary to enforce the decision or order of the commission, or for the collection of said fine If any complaint filed under this section shall allege that any such charge, rate, rule, regulation, order or decision complained of is unjust, illegal, unreasonable, injurious, or discriminatory as between or against places or persons, then said commission, after a full hearing upon said complaint, shall have power to suspend, vacate or annul any and all former acts, orders or decisions of said commission concerning said charge, rate, rule, regulation, order or decision so complained of, and to make, establish and enforce such other or different charge, rate, rule, regulation or order as it shall determine to be just and proper. All damage awarded by the commission under the provisions of this section shall be collected by action therefor instituted by the person to whom such damage has been awarded, if such damage remains unpaid after the time fixed by the commission for payment thereof. Actions or proceedings by the commission to enforce any order or decision or by any party to collect any award of damages, shall be instituted in the proper court in the county, or city and county in which the violation complained of occurred, or in any county or city and county into or through which said railroad or transportation may run or operate The commission, when requested to do so by either party, or whenever it may deem it necessary, may employ a phonographic reporter, and require all testimony taken before it to be reduced to writing, and such testimony, when reduced to writing and certified under the hand and seal of said commission, shall be admissible in evidence upon the trial in any court of any cause or proceeding growing out of the same act or transaction or involving the same subject-matter between the same parties No complaint filed under this section, or under Section 52 of this Act, shall at any time be dismissed because of the absence of direct damage to the plaintiff or complainant The provisions of this section shall not be deemed to abridge or affect the right of any person, firm, company or corporation to institute in any court any character of action against any railroad or transportation company for any wrong or damage suffered by such person, company, firm or corporation by reason of any cause whatever, or for any remedy or penalty that may be due him, or to which he may be entitled under this Act or any law whatsoever"

Amendment adopted.

AMENDMENT No 14

On page 18, Section 49, of printed bill, after the period following the word "commission", in lines 4 and 5, of printed bill, insert the following. "Such service shall be personal or by mailing such certified copy thereof, in a sealed package with postage prepaid to the person or firm or corporation to be affected thereby or, in case of a corporation, to any officer or agent thereof upon whom a summons may be served in accordance with the provisions of the Code of Civil Procedure"

Amendment adopted.

AMENDMENT No. 15

On page 18, Section 50, strike out all of said section following the comma after the word "rules", in line 5, and insert in lieu thereof the following: "and regulations; in the making of orders and in the doing of other acts required of it under this Act"

Amendment adopted.

AMENDMENT No 16

Strike out all of Section 52, on pages 18 and 19, of printed bill, and insert in lieu thereof the following: "Sec 52 If any railroad or transportation company or other party be dissatisfied with any charge, rate, rule, regulation, classification, act, order, or decision made, established or adopted by the commission, such dissatisfied company or party may file a complaint in the Superior Court of the State of California, in and for the city and county of San Francisco, against said commission as defendant, setting forth the particular cause or causes of objection to such charge, rate, regulation, classification, act, order or decision of said commission, or to any one or more of them. Said action shall have precedence over all other cases of a different nature, except criminal cases, and shall be tried and determined as other civil actions in said court. The court may at any time when necessary to a complete determination of the controversy, order other parties to be brought in, and to that end may order amended or supplemental pleadings or cross-complaint filed and summons thereon to be issued and served Upon the determination of such cause the said court shall enter judgment confirming the charge, rate, rule, regulation, classification, act, order or decision of the commission, or may declare the same void, if said court shall declare any charge, rate, rule, regulation, classification, act, order or decision of the commission to be void, said court shall thereupon require said commission to immediately establish a reasonable and just charge, rate, rule, regulation, order or classification and grant such other and further remedy as may be appropriate. Either party in said action may appeal to the court having

jurisdiction of said cause, and said appeal shall have precedence in said court of all cases of a different character therein pending, except criminal cases."

Amendment adopted.

AMENDMENT No. 17.

On page 19, Sec. 53, of the printed bill, strike out the words "reasonable and unjust to it or them", in lines 4 and 5, and insert in lieu thereof the following: "unreasonable or unjust or discriminatory".

Amendment adopted.

AMENDMENT No. 18.

On page 19, Sec. 54, of printed bill, after the word "railroad", in lines 10 and 11, insert the words "or transportation".

Amendment adopted.

AMENDMENT No 19.

On page 20, Sec 55, line 10, of printed bill, strike out the word "unjust".

Amendment adopted.

AMENDMENT No. 20.

On page 20, Sec 55, line 10, of printed bill, after the word "railroad", insert the words "or transportation company."

Amendment adopted.

AMENDMENT No. 21.

On page 20, Sec. 56, line 1, strike out the word "unjust".

Amendment adopted.

AMENDMENT No 22.

On page 20, Sec. 56, after the word "railroad", in lines 1 and 2 of the printed bill, insert the words "or transportation company".

Amendment adopted.

AMENDMENT No. 23.

On page 20, Sec. 57, line 1, of printed bill, insert after the word "railroad" the words "or transportation".

Amendment adopted.

AMENDMENT No. 24

On page 20, Sec. 57, line 8, of printed bill, strike out the word "tonnage", and insert in lieu thereof the word "freight".

Amendment adopted.

AMENDMENT No. 25

On page 20, Sec 57, line 4, of printed bill, strike out the word "tonnage", and insert in lieu thereof the word "freight".

Amendment adopted.

AMENDMENT No. 26.

On page 20, Sec. 57, line 10, of printed bill, strike out the word "unjust".

Amendment adopted.

AMENDMENT No 27.

On page 121, Sec. 58, line 48, of printed bill, after the period following the word "times", insert the following: "*Provided further*, that nothing in this Act shall be so construed as to prohibit the issuance of passenger transportation in exchange for advertising space in newspapers and other publications at full rates."

Amendment adopted.

AMENDMENT No. 28.

On page 23, Sec. 63, line 24, after the word "railroad", insert the words "or transportation".

Amendment adopted.

AMENDMENT No. 29

On page 25, Sec. 65, line 1, of printed bill, after the word "suits", insert the following "other than those instituted before the commission".

Amendment adopted.

Bill read second time, and ordered to re-reprint and engrossment.

Assembly Bill No. 744—An Act to permit boards of directors of irrigation districts organized or existing under and by virtue of an Act of Legislature, entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897; to provide for the payment in two installments of the assessments levied under and in accordance with the provisions of said Act

Bill read second time, and ordered to engrossment

Assembly Bill No. 742—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby, of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 47 thereof

During second reading of bill, the following amendment was submitted by the committee:

On page 1, Section 47, line 5, strike out the word "two", and insert in lieu thereof the following: "five"

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 1024—An Act to amend Section 3 of an Act entitled "An Act to prevent the waste and flow of water from artesian wells, and prescribing penalties therefor, and defining waste and artesian wells," approved March, 1907.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No 1

On page 2, Section 1, line 14, of the printed bill, after the word "fish" strike out the comma and the words "or the preservation of game"

Amendment adopted.

AMENDMENT No. 2.

On page 2, Section 1, line 16, of the printed bill, strike out the words "or the preservation of game"

Amendment adopted.

AMENDMENT No. 3.

On page 2, Section 1, line 19, of the printed bill, after the word "act" strike out the period and insert a comma and the following words: "*provided* that nothing herein shall prevent the running of artesian water into an artificial pond or storage reservoir, if used thereafter for a beneficial purpose"

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

REFERENCE OF BILLS.

Mr. Preston moved that Assembly Bill No. 695 be withdrawn from the file, and referred to the Committee on Revision and Reform of Laws.

Also: That Senate Bill No. 805 be withdrawn from the Committee on Judiciary, and be re-referred to Committee on Live Stock, Dairies, and Dairy Products.

Also: That Assembly Bill No. 740 be withdrawn from Committee on Judiciary, and re-referred to the Committee on Revision and Reform of Laws.

Also: That Assembly Bill No. 738 be withdrawn from the Committee on Judiciary, and re-referred to Committee on Live Stock, Dairies, and Dairy Products.

Motion carried

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1909

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Assembly Bill No 803—An Act authorizing the payment into the general fund of the State treasury of moneys held for the redemption of certain coupons of the Central Pacific Railroad bonds of 1864, and providing for the redemption of said coupons.

Assembly Bill No 406—An Act regulating the sale of those parts of the beds of the navigable streams of the State, which parts have been abandoned by the State and governmental authority for navigable purposes.

Assembly Bill No. 1033—An Act to amend section forty-two hundred and sixty-four of the Political Code, relating to salaries and fees of officers of counties of the thirty-fifth class.

Assembly Bill No. 7—An Act to amend an Act entitled "An Act to repeal Title II of Part IV of the Political Code, and to add a new Title II of Part IV of said Code in place thereof, relating to the establishment of a uniform system of county and township governments," approved March 18, 1907, by adding a new article and section to chapter six of said Act, to be known as Article XI, Section 4205, relating to the registration of voters, and the selection and appointment of a registrar of voters, in counties of the fifth class, and prescribing his powers, duties, and compensation.

Assembly Bill No. 250—An Act to amend Section 1874 of the Political Code of California, relating to standing committee on text-books.

Assembly Bill No. 709—An Act to amend Section 4234 of the Political Code of the State of California, relating to the compensation of officers of counties of the fifth class and their assistants and deputies

Assembly Bill No 683—An Act to provide for the permanent support and improvement of the University of California by the levy of a rate of taxation and the creation of a fund therefor.

YOUNG, Chairman.

The above reported bills ordered on file for third reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1909.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly reengrossed

Assembly Bill No. 656—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to amend an Act entitled "An Act to amend section six of an Act entitled 'An Act concerning the water front of the city and county of San Francisco,' approved March 15, 1878, and to confer further powers upon the Board of State Harbor Commissioners," approved March 17, 1880,' approved March 19, 1889, conferring further powers upon the said board," approved March 26, 1895,' approved March 23, 1901,'" approved March 18, 1905.

Assembly Bill No. 763—An Act to allow unincorporated towns and villages to establish, equip, and maintain systems of street lights on public highways, to provide for the formation, government, and operation of highway lighting districts; the calling and holding of elections in such districts, the assessment, collection, custody, and disbursements of taxes therein; and the creation of ex officio boards of supervisors

Assembly Bill No. 704—An Act to amend Section 281 of the Code of Civil Procedure of the State of California, relating to penalty for practicing without a license

Assembly Bill No. 671—An Act to prevent the formation and prohibit the existence of secret oath-bound fraternities in the public schools.

YOUNG, Chairman.

ADJOURNMENT.

At twelve o'clock and thirty minutes P. M., the Assembly was declared adjourned until ten o'clock A M. of Monday, February 22, 1909

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL., Monday, February 22, 1909.

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. P. A. Stanton, Speaker of the Assembly, in the chair.

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

Messrs Barndollar, Baxter, Beatty, Bohnett, Callan, Cattell, Collier, Costar, Cullen, Dean, Feeley, Flavelle, Fleisher, Flint, Gerdes, Greer, Griffiths, Hammon, Hanlon, Hawk, Hayes, Hinkle, Holmquist, Johnson of San Diego, Johnston of Contra Costa, Juilliard, Macauley, McClellan, Mendenhall, Moore, Mott, Otis, O'Neill, Perine, Preston, Pugh, Rech, Rutherford, Sackett, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Wyllie, Young, and Mr Speaker—48

Quorum present.

LEAVES OF ABSENCE.

On motion, leave of absence for the day was granted to Messrs. Wyatt, Johnson of Placer, Melrose, Gillis, Johnson of Sacramento, Cronin, Collum, Beban, McManus, and Polsley.

PRAYER.

Prayer was offered by the Chaplain, Rev. Seren N. Marsh.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Cattell, its further reading was dispensed with.

APPROVAL OF JOURNAL.

On motion of Mr. Transue, the Journals of Monday, February 15, Tuesday, February 16, Wednesday, February 17, Thursday, February 18, Friday, February 19, and Saturday, February 20, 1909, were approved as corrected by the Minute Clerk.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1909.

MR SPEAKER: Your Committee on Education, to whom was referred Senate Bill No. 354—An Act to amend Section 1775 of the Political Code of the State of California, relating to the duties of county boards of education.

Also: Senate Bill No. 814—An Act to add a new section to the Political Code, to be numbered 1580, relating to joint school districts upon the organization of new counties or changes in county boundaries.

Also: Assembly Bill No 1138—An Act to amend Section 1552 of the Political Code of the State of California, relating to the traveling expenses of county, and city and county superintendents.

Also: Assembly Bill No 630—An Act entitled "An Act to amend Section 1564 of Article IV of the Political Code by increasing the allowance of money for conducting separate teachers' institutes."

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

SACKETT, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1909

MR SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No 1040—An Act establishing a State Polytechnic School at Escondido, county of San Diego, State of California, and making an appropriation for the construction of said building and the maintenance of said school—report the same back, without recommendation, and suggest that it be referred to the Committee on Ways and Means.

Also: Assembly Bill No 1234—An Act for the establishment in the city of Santa Barbara of a State Normal School of Manual Arts and Home Economics, and making an appropriation therefor—report the same back, with recommendation that it do pass, and that it be referred to the Committee on Ways and Means

SACKETT, Chairman.

ON CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1909.

MR. SPEAKER: Your Committee on Corporations, to whom was referred Assembly Bill No 1042—An Act to add to the Penal Code of the State of California a new section, to be numbered 587*b*, to prevent trespassing upon railroad locomotives, tenders, cars, and trains—have had the same under consideration, and respectfully report the same back, with two amendments, and recommend that it do pass as amended.

BEATTY, Chairman

ON REVISION AND REFORM OF LAWS

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1909

MR. SPEAKER: Your Committee on Revision and Reform of Laws, to whom was referred Assembly Bill No 361—An Act to add two new sections to the Penal Code of the State of California, to be known as Sections 596*a* and 596*b*, relating to the unlawful administering of drugs to animals on exhibition

Also: Assembly Bill No. 362—An Act to repeal an Act entitled "An Act to prevent tampering with animals, and to prevent the giving or administering of poisons or drugs to horses, cattle, dogs, animals, and other live stock, except for medical purposes, and making the same a misdemeanor," approved March 23, 1901

Also: Assembly Bill No 363—An Act to add to Chapter III, Title VII, Part III, of the Political Code of the State of California, thirteen new sections, to be numbered as Sections 3074½, 3075½, 3080*a*, 3080*b*, 3080*c*, 3080*d*, 3080*e*, 3080*f*, 3080*g*, 3080*h*, 3080*i*, 3080*j*, and 3084, relating to the issuance and registration of burial and disinterment permits, and the establishment of registration districts in counties, cities and counties, cities and incorporated towns, under the superintendence of the State Bureau of Vital Statistics, and prescribing the powers and duties of registrars, coroners, physicians, undertakers, sextons, and other persons in relation to such registration, and fixing the penalty for the violation thereof.

Also: Assembly Bill No 364—An Act to repeal an Act entitled "An Act for the registration of deaths, the issuance and registration of burial and disinterment permits and the establishment of registration districts in counties, cities and counties, cities and incorporated towns, under the superintendence of the State Bureau of Vital Statistics and prescribing the powers and duties of registrars, coroners, physicians, undertakers, sextons, and other persons, in relation to such registration, and fixing the penalties for the violation of this Act," approved March 18, 1905.

Also: Assembly Bill No. 365—An Act to add a new section to the Political Code of the State of California, to be known as Section 1580, confirming the organization of school districts.

Also: Assembly Bill No. 366—An Act to repeal an Act entrtled "An Act confirming the organization of school districts," approved March 18, 1905.

Also: Assembly Bill No. 367—An Act to add three new sections to the Political Code of the State of California, to be known as Sections 686, 687, and 688, providing for the exchange of commodities between the public institutions owned or managed and controlled by the State, or the political divisions thereof

Also: Assembly Bill No. 368—An Act to repeal an Act entitled "An Act providing for the exchange of commodities between the public institutions owned or managed and controlled by the State, or the political divisions thereof, ' approved March 18, 1905.

Also: Assembly Bill No. 516—An Act to repeal an Act entitled "An Act to prevent persons from unlawfully using or wearing the badge of the Grand Army of the Republic of this State," approved March 10, 1887

Also: Assembly Bill No. 518—An Act to repeal an Act entitled "An Act to protect the school districts of this State from injury during the year 1880, by the operation of Section 12 of Article XIII of the Constitution," approved April 15, 1880.

Also: Assembly Bill No. 521—An Act to repeal an Act entitled "An Act to regulate and protect bee-keeping in the county of San Bernardino," approved March 27, 1878.

Also: Assembly Bill No 522—An Act to repeal an Act entitled "An Act prescribing how judgment, which may be recovered against any city and county of over one hundred thousand population, shall be paid," approved March 26, 1895

Also. Assembly Bill No. 523—An Act to repeal an Act entitled "An Act to provide for the appointment and salary of a clerk in the office of the Superintendent of Public Instruction and to make an appropriation therefor," approved March 27, 1895.

Also: Assembly Bill No. 524—An Act to repeal an Act entitled "An Act providing that all encampments of the National Guard shall be held at the State camp of instruction, unless otherwise ordered," approved March 20, 1899.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended

RECH, Chairman.

The above reported bills ordered on file for second reading.

Assembly Bill No. 1234 referred to Committee on Ways and Means.

SENATE MESSAGE.

The following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, February 19, 1909

MR. SPEAKER. I am directed to inform your honorable body that the Senate on this day adopted Senate Constitutional Amendment No 3—To amend Section 9 of Article XIII of the Constitution, relative to the State and county boards of equalization and their powers and duties.

LEWIS A HILBORN, Secretary of Senate
By J. W. KAVANAGH, Assistant Secretary

Senate Constitutional Amendment No. 3 read first time, and referred to Committee on Revenue and Taxation.

WITHDRAWAL OF BILLS.

Mr. Rech asked for and was granted unanimous consent to withdraw Assembly Bills Nos. 338 and 339.

Bills withdrawn and ordered stricken from the file.

RESOLUTION.

The following resolution was offered:

By Committee on Rules and Regulations:

SACRAMENTO, CAL., February 22, 1909

WHEREAS, The Committee on Public Lands and Forestry did visit the Big Basin State Park at Boulder Creek; therefore, be it

Resolved, That they be allowed the amounts set opposite their names:

Mr. Flint	$26 64
Mr. Gillis	26 64
Mr Maher	26 64

And the Controller be, and he is hereby, directed to draw his warrant in favor of W. R. Flint for the sum of $79.92, and the Treasurer is hereby directed to pay the same, and the said W. R. Flint shall pay the various amounts to the persons entitled thereto.

JOHNSTON, Chairman.

Mr. Johnston moved the adoption of the resolution.

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

AYES—Messrs. Barndollar, Baxter, Beatty, Bohnett, Callan, Cattell, Collier, Costar, Cullen, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Greer, Griffiths, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of San Diego, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Preston, Pulcifer, Rech, Rutherford, Sackett, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Wilson, Wyllie, Young, and Mr Speaker—52.

NOES—None.

RESOLUTION.

The following resolution was taken up for consideration:

WHEREAS, There are a large number of bills before this House for consideration, *Resolved*, That the following permanent rule be adopted:

RULE 40*a*. All debate on matters other than special orders shall be limited to thirty minutes to the proponents and thirty minutes to the opponents of the measure, a total of one hour for the discussion of such measures

Mr Johnston moved the adoption of the resolution.

Motion carried.

MOTION.

Mr. Greer moved that Assembly Concurrent Resolution No. 3 be taken up for consideration.

Motion carried.

The following amendment was offered by Mr. Greer:

Amend Assembly Concurrent Resolution No 3, as amended on February 11, 1909, as follows: Strike out the amendment inserted on above date, as follows: "and the record thereof certified by."

Amendment adopted.

SPECIAL FILE—SECOND READING.

Assembly Bill No. 93—An Act authorizing and directing the Board of Managers of the Napa State Hospital to complete the receiving and treatment buildings of the grounds of the Napa State Hospital, and to furnish and equip said buildings, and making an appropriation therefor.

Mr. Griffiths moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Assembly Bill No. 93 considered.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No 1

Strike out the word "and" in the fourth line of the title of the printed bill, and insert a period after the word "hospital"; also, in the same line, strike out the word "and", also, strike out all of line 5 and line 6 of the title

Amendment adopted.

AMENDMENT No 2

In Section 1, line 1, of the printed bill, strike out the following: "$45,000.00", and insert in lieu thereof "thirty-five thousand dollars".

Amendment adopted.

AMENDMENT No 3.

In Section 1, line 4, of the printed bill, after the word "hospital" insert a comma and strike out the words "not more"

Amendment adopted.

AMENDMENT No. 4.

In Section 1, line 5, of the printed bill, strike out the following: "than $35,000 00 of".

Amendment adopted.

AMENDMENT No 5.

In Section 1, line 5, of the printed bill, after the word "which" insert the word "sum".

Amendment adopted.

AMENDMENT No. 6.

In Section 1, line 7, of the printed bill, insert a period after the word "hospital".

Amendment adopted.

AMENDMENT No. 7.

In Section 1, lines 7 and 8, of the printed bill, strike out the words "and not more than $10,000 00 of which shall be used for the furnishing and equipment thereof".

Amendment adopted.

Mr. Griffiths moved that the committee do now rise and report in favor of the passage of the bill, as amended.

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of the Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 93, and do now report the same back, and recommend that it do pass as amended

STANTON, Chairman.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 97—An Act authorizing and directing the Board of Managers of the Napa State Hospital to complete and improve the water distributing system at the Napa State Hospital, including the construction of a cement reservoir for distributing purposes, and making an appropriation therefor.

Assembly Bill No. 94—An Act authorizing and directing the Board of Managers of the Napa State Hospital to erect and furnish cottages for the accommodation of female patients at the Napa State Hospital, and making an appropriation therefor.

Assembly Bill No. 95—An Act authorizing and directing the Board of Managers of the Napa State Hospital to erect and furnish cottages for the accommodation of male patients at the Napa State Hospital, and making an appropriation therefor.

Mr. Griffiths moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bills.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Assembly Bills Nos. 97, 94, and 95 considered.

Mr. Griffiths moved that the committee do now rise and report in favor of the passage of the bills.

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bills Nos 97, 94, and 95, and do now report the same back, and recommend that they do pass.

STANTON, Chairman.

Bills read second time, and ordered to engrossment.

THIRD-READING FILE.

Assembly Bill No. 185—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as Section 67*a*, relating to extra sessions of the Superior Court.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 185 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Bohnett, Callan, Cattell, Collier, Costar, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Greer, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of San Diego, Juilliard, Kehoe, Leeds, Macauley, McClellan, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Preston, Rech, Rutherford, Sackett, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wilson, and Mr. Speaker—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

HON. WILLIAM J. HANLON IN THE CHAIR

At ten o'clock and forty-five minutes A. M., Hon. William J. Hanlon in the chair.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read (unanimous consent having been obtained for its reception):

THE LOS ANGELES DELEGATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1909.

MR SPEAKER: The Los Angeles Delegation to whom was referred Assembly Bill No. 264—An Act to amend Section 6 of an Act to establish police courts in cities of the first and one-half class—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

LEEDS, Chairman

MOTION.

Mr. Leeds moved that Assembly Bill No. 264 be taken up for consideration.

Motion carried.

Assembly Bill No. 264—An Act to amend section six of an Act entitled "An Act to establish police courts in counties of the first and one-half class, to fix their jurisdiction, and provide for officers of said courts, and to fix the compensation of certain officers thereof," approved March 5, 1901, relating to clerks in police courts in cities of the first and one-half class.

The following amendment was submitted by Mr. Leeds:

On line 16, Section 1, page 2, of printed bill strike out the words "two thousand and four," and insert in lieu thereof the following: "twenty-one"

Amendment adopted.

Bill ordered to reprint and engrossment.

THIRD-READING FILE—(RESUMED).

Assembly Bill No. 763—An Act to allow unincorporated towns and villages to establish, equip and maintain systems of street lights on

public highways, to provide for the formation, government and operation of highway lighting districts; the calling and holding of elections in such districts; the assessment, collection, custody, and disbursement of taxes therein; and the creation of ex officio boards of highway lighting commissioners.

Bill read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 763 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Bohnett, Callan, Cattell, Costar, Cullen, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson of San Diego, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, McClellan, Mendenhall, Moore, Mott, Nelson Odom, Otis, O'Neill, Perine, Preston, Pulcifer, Rech, Rutherford, Sackett, Stuckenbruck, Transue, Wagner, Webber, Wilson, and Wyllie—50.

NONE—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 704—An Act to amend Section 281 of the Code of Civil Procedure of the State of California, relating to penalty for practicing without a license.

Bill read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 704 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beatty, Bohnett, Callan, Cattell, Collier, Dean, Flavelle, Fleisher, Flint, Gerdes, Greer, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of San Diego, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Preston, Pulcifer, Rech, Rutherford, Sackett, Stuckenbruck, Transue, Wagner, Wilson, and Wyllie—46.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

REQUEST FOR PERMISSION TO INTRODUCE BILL.

The following petition asking permission to introduce bill was presented:

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1909

MR SPEAKER. I ask permission to introduce the accompanying bill, the title of which reads as follows, viz: An Act to amend an Act entitled "An Act providing for the extermination of the boophilus annulatus tick, defining certain crimes and providing for certain civil and criminal actions," approved March 21, 1907, by amending sections one, two, three, and four thereof, and by adding a new section thereto to be known and numbered as section one and one half

TRANSUE,
Member Seventy-third District

The above petition referred to Committee on Introduction of Bills.

THIRD-READING FILE—(RESUMED).

Assembly Bill No. 70—An Act authorizing the board of supervisors of the several counties of this State to declare innavigable streams highways for the purpose of fishing and providing for the use of the same

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 70 passed by the following vote:

AYES—Messrs. Barndollar, Beatty, Bohnett, Callan, Cattell, Collier, Costar, Cullen, Dean, Flavelle, Fleisher, Flint, Gerdes, Greer Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes Hewitt, Holmquist, Irwin, Johnson of San Diego, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, Mendenhall, Moore, Mott, Odom, Otis, O'Neill, Perine, Pulcifer Rutherford, Sackett, Stuckenbruck, Transue, Wagner, and Wyllie—43
NOES—Mr. Preston—1.

Title read and approved

Bill ordered transmitted to the Senate.

Assembly Bill No. 245—An Act entitled "An Act to amend Sections 3109 and 3110 of the Penal Code of the State of California, relating to public cemeteries, sale of lots, keeping same in order, and jurisdiction over the same."

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 245 passed by the following vote:

AYES—Messrs. Barndollar, Beatty, Bohnett, Callan, Cattell, Collier, Costar, Cullen, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Holmquist, Irwin, Johnson of San Diego, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, McClellan, Mendenhall, Moore, Mott, Odom, Otis, O'Neill, Perine, Preston, Pulcifer, Rutherford, Sackett, Stuckenbruck, Telfer, Transue, Wagner, Wilson, Wyllie, and Young—49
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 751—An Act to amend Section 2572 of the Political Code of the State of California, relating to the board of harbor commissioners of the port of Eureka, and to add a new section to the Political Code, to be known as Section 2568½, also relating to the board of harbor commissioners of the port of Eureka.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 751 passed by the following vote:

AYES—Messrs. Barndollar, Beatty, Bohnett, Callan, Cattell, Costar, Cullen, Dean, Drew, Feeley, Fleisher, Flint, Gerdes, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of San Diego, Juilliard, Kehoe, Leeds, Macauley, McClellan, Mendenhall, Moore, Mott, Nelson, Otis, O'Neill, Perine, Preston, Pulcifer, Rech, Rutherford, Sackett, Stuckenbruck, Telfer, Wagner, Wilson, Wyllie, and Young—46.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Committee Substitute for Assembly Bill No. 298—An Act to amend Section 531 of Article XII of the Political Code, relating to the duties of the Superintendent of State Printing.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Assembly Bill No. 298 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Black, Bohnett, Callan, Cattell, Collier, Costar, Cullen, Dean, Drew, Feeley, Fleisher, Flint, Gerdes, Greer, Griffiths, Hanlon, Hans, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Juilliard, Kehoe, Leeds, Macauley,

McClellan, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Preston, Pulcifer, Rech, Rutherford, Sackett, Stuckenbruck, Transue, Wagner, Webber, Wilson, and Wyllie—49

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 935—An Act to amend Section 4268 of the Political Code of California, relating to salaries and compensation of officers, jurors, and witnesses in counties of the thirty-ninth class.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Assembly Bill No 935 passed by the following vote:

AYES—Messrs Barndollar, Bohnett, Callan, Cattell, Costar, Cullen, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Greer, Griffiths, Hanlon, Hans, Hawk, Hewitt, Hinkle, Holmquist, Irwin Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, McClellan, Mendenhall, Moore, Mott, Nelson, Odom, Otis O'Neill, Perine, Pulcifer, Rech, Rutherford, Sackett, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wilson, and Wyllie—46.

NOES—None.

Title read and approved

Bill ordered transmitted to the Senate.

Assembly Bill No 931—An Act to amend Section 444 of the Political Code, relating to transfers of money from one fund to another.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No 931 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Black, Bohnett, Callan, Cattell, Collier, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, McClellan, Mendenhall, Moore, Mott, Odom, Otis, O'Neill, Perine, Preston, Pulcifer, Rech, Rutherford, Sackett, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wilson, Wyllie, and Young—52.

NOES—None.

Title read and approved

Bill ordered transmitted to the Senate.

Assembly Bill No 768—An Act to amend Section 452 of the Political Code, relating to the duties of the State Treasurer.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No 768 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Black, Bohnett, Callan, Cattell, Collier, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, McClellan, Mendenhall, Moore, Nelson, Odom, Otis, O'Neill, Perine, Preston, Pulcifer, Rech, Rutherford, Sackett, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wilson, Wyllie, Young, and Mr. Speaker—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 769—An Act to amend Section 3866 of the Political Code, relating to settlements with the Controller and payments into the State treasury.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No 769 passed by the following vote:

AYES—Messrs. Barndollar, Black, Bohnett, Callan, Cattell, Collier, Cullen, Dean, Drew, Feeley, Fleisher, Flint, Gerdes, Griffiths. Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, McClellan, Mendenhall, Moore, Odom, Otis, O'Neill, Perine, Rutherford, Sackett, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wilson, Wyllie, and Young—44.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 771—An Act to amend Section 675 of the Political Code of the State of California, relating to the counting of the money in the State treasury, and the duties of the Treasurer, Controller, and Board of Examiners in connection therewith.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 771 passed by the following vote:

AYES—Messrs. Barndollar, Black, Bohnett, Callan, Cattell, Collier, Cullen, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Greer, Hammon, Hanlon, Hans, Hawk, Hewitt, Hinkle, Holmquist, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, McClellan, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Preston, Rech, Rutherford, Sackett, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wilson, Wyllie, Young, and Mr. Speaker—48
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 802—An Act authorizing the payment into the general fund of the State treasury of moneys held for the redemption of certain coupons of the civil bonds of 1867, and providing for the redemption of said coupons.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 802 passed by the following vote:

AYES—Messrs. Barndollar, Black, Bohnett, Callan, Cattell, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Greer, Hammon, Hanlon, Hans, Hayes, Hinkle, Holmquist, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Preston, Rech, Rutherford, Sackett, Stuckenbruck, Telfer, Transue, Wagner, Wilson, Wyllie, Young, and Mr. Speaker—45
NONE—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 803—An Act authorizing the payment of moneys held for the redemption of certain coupons of the Central Pacific Railroad bonds of 1864, and providing for the redemption of said coupons.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 803 passed by the following vote:

AYES—Messrs. Barndollar, Black, Bohnett, Callan, Cattell, Collier, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, Mendenhall, Moore, Odom, Otis, O'Neill, Perine, Preston, Rech,

Rutherford, Sackett, Stuckenbruck, Telfer, Transue, Wagner, Wilson, Wyllie, Young, and Mr. Speaker—46.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 205—An Act to amend the Code of Civil Procedure of the State of California, by adding a new section thereto, to be known as Section 542*a*, relating to attachments.

Bill read third time

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 205 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Black, Bohnett, Callan, Cattell, Cullen, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Greer, Griffiths, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Preston, Rutherford, Sackett, Telfer, Transue, Wagner, Wilson, Wyllie, Young, and Mr. Speaker—45.
NOES—Mr. Stuckenbruck—1

Title read and approved

Bill ordered transmitted to the Senate.

Assembly Bill No. 952—An Act to amend Section 3 of an Act entitled "An Act requiring the recording of maps of subdivisions of land into lots for the purpose of sale, and prescribing the conditions on which such maps may be recorded and prohibiting the selling or offering for sale of land by reference to said maps unless the same are recorded."

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 952 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Callan, Cattell, Collier, Costar, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Greer, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Rech, Rutherford, Sackett, Stuckenbruck, Telfer, Transue, Wagner, Wilson, Wyllie, Young, and Mr. Speaker—45.
NOES—None.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Mr. Hewitt gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 952 was this day passed.

Assembly Bill No. 577—An Act to amend Section 135 of the Civil Code, relating to interlocutory divorce judgments.

Bill read third time,

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 577 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Black, Bohnett, Callan, Cattell, Costar, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Greer Hammon, Hanlon, Hans, Hawk, Hayes, Hinkle, Holmquist, Irwin, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Rech, Rutherford, Sackett, Stuckenbruck, Telfer, Transue, Wagner, Wilson, Wyllie, Young, and Mr. Speaker—47.
NOES—Mr. Webber—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 833—An Act to add a new section to the Penal Code, to be numbered 402*e*, making it a misdemeanor for any practitioner of veterinary medicine who fails to report to the State Veterinarian certain diseases among animals.

Bill read third time.

The Speaker directed the Chief Clerk to call the roll.

The Chief Clerk began the call of the roll.

Mr. Stuckenbruck objected and stated that he wished to speak upon the passage of the bill.

The Speaker recognized Mr. Stuckenbruck.

POINT OF ORDER.

Mr. Mott arose to the following point of order:

That a roll call could not be interrupted.

POINT NOT WELL TAKEN.

The Speaker ruled the point of order not well taken, and stated that Mr. Stuckenbruck was on the floor when the roll call was ordered, and should have been recognized.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 833 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Bohnett, Callan, Collier, Costar, Cullen, Drew, Flavelle, Fleisher, Flint, Gerdes, Greer, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Pulcifer, Rech, Rutherford, Stuckenbruck, Telfer, Transue, Wagner, Webber Wilson, Wyllie, Young, and Mr. Speaker—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 618—An Act to amend Sections 3921 and 3923 of the Political Code, relating to and defining the boundaries of Sierra and Nevada counties.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 618 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Black, Bohnett, Cattell, Costar, Cullen, Dean, Drew, Feeley, Fleisher, Flint, Gerdes, Greer Griffiths, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, McClellan, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Pulcifer, Rutherford, Stuckenbruck, Transue, Wagner, Webber, Wheelan, Young, and Mr. Speaker—46.

NOES—Messrs. Telfer and Wyllie—2.

Title read and approved.

SPEAKER IN THE CHAIR.

At twelve o'clock and fifteen minutes P. M., Speaker Stanton in the chair.

Assembly Bill No. 723—An Act to amend Section 3546 of the Political Code of the State of California, relating to what must be contained in the statement by the Register of State Lands to the district attorney.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 723 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Black, Bohnett, Callan, Cattell, Collier, Costar, Cullen, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Greer, Griffiths, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, McClellan, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Preston, Rech, Rutherford, Stuckenbruck, Telfer, Transue, Wagner, Wilson, Wyllie, and Mr. Speaker—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

NOTICE OF MOTION TO RECONSIDER.

Mr. Juilliard gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 618 was this day passed.

RECONSIDERATION.

In compliance with notice given on a previous day, Mr. Transue moved that the vote whereby Assembly Bill No. 992 was refused passage be reconsidered.

QUESTION OF RECONSIDERATION CONTINUED.

On motion of Mr. Transue, the question of the reconsideration of the vote on Assembly Bill No. 992 was continued until the next legislative day.

CORRECTION OF THE JOURNAL.

Mr. Johnston moved that the Journal of Saturday, February 20, 1909, be corrected as follows:

On page 6, following the resolution on rules, change "Beardslee" to "Johnston" "Tuesday" to "Monday," and "23" to "22."

Motion carried.

RESOLUTION.

The following resolution was offered:

By Mr. Drew:

Resolved, That the name of J. C. Finegan, heretofore appointed as committee clerk, at a per diem of $4.00, be stricken from the rolls, and the name of B. Ward be substituted therefor as committee clerk, at a per diem of $4.00, said per diem to be paid out of appropriations for the contingent expenses of the Assembly. Such appointment to date from and include the 22d day of February, 1909, and the State Controller is hereby authorized and directed to draw his warrants upon the said fund in favor of said named person for the said per diem, and the State Treasurer is hereby authorized and directed to pay the same.

Resolution read, and on motion adopted.

RECESS.

At twelve o'clock and thirty minutes P. M., the Assembly was declared at recess until two o'clock P. M. of this day.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.

Speaker P. A. Stanton in the chair.

SENATE BILLS—THIRD-READING FILE.

Senate Bill No. 47—An Act providing for the sanitation of food producing establishments, places where food is stored or distributed, and vehicles in which food is placed for transportation; regulating the health of persons by whom the materials from which food is prepared or the finished product is handled; providing for the inspection of such places, persons and things; declaring places and things in violation of this Act to be nuisances dangerous to health and providing for the abatement of the same, making violations of this Act misdemeanors, and providing for the punishment of the same.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 47 finally passed by the following vote:

AYES—Messrs. Barndollar, Beatty, Black, Bohnett, Callan, Collier, Cullen, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Greer, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, McClellan, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Pugh, Rech, Rutherford, Telfer, Transue, Wagner, Webber, Wheelan, Wilson, Wyllie, and Mr. Speaker—47.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

NOTICE OF MOTION TO RECONSIDER.

Mr. Mott gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 47 was this day passed.

Senate Bill No. 271—An Act authorizing the Controller of State to appoint an inheritance tax deputy and prescribing his duties.

RE-REFERENCE OF BILL.

On motion of Mr. Transue, Senate Bill No. 271 was re-referred to the Committee on Ways and Means.

Senate Bill No. 696—An Act to amend Section 1579 of the Code of Civil Procedure, relating to and authorizing executors and administrators to make leases of the real estate of decedents.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 696 finally passed by the following vote:

AYES—Messrs. Barndollar, Beatty, Black, Bohnett, Callan, Collier, Costar, Cullen, Dean, Drew, Flavelle, Flint, Gerdes, Greer, Griffiths, Hammon, Hanlon, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, Mendenhall, Moore, Mott, Nelson, Odom, Otis O'Neill, Perine, Pugh, Pulcifer, Rech, Rutherford, Telfer, Transue, Wagner, Webber, Wilson, Wyllie, and Mr. Speaker—46.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 520—An Act authorizing and directing the directors of the State Agricultural Society to have wells bored on the ground of the State Agricultural Society, near the city of Sacramento, State of California; to install suitable pumping machinery, and erect tanks for

pressure for irrigation and fire protection purposes, and to furnish and equip a complete pumping plant for the use of said State Agricultural Society, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 520 finally passed by the following vote:

AYES—Messrs. Barndollar, Beatty, Black, Bohnett, Callan, Collier, Costar, Cullen, Dean, Drew, Flavelle, Flint, Gerdes, Greer, Griffiths, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, McClellan, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Preston, Pugh, Pulcifer, Rech, Rutherford, Sackett, Telfer, Transue, Wagner, Webber, Wheelan, Wilson, Wyllie, Young, and Mr. Speaker—52

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 521—An Act authorizing and directing the directors of the State Agricultural Society to make arrangements by day's work, or by contract, for leveling and planting the grounds, and painting and repairing the buildings, at the State Agricultural Park, near the city of Sacramento, State of California, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 521 finally passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beatty, Bohnett, Callan, Cattell, Collier, Costar, Cullen, Dean, Drew, Flavelle, Flint, Gerdes, Greer, Griffiths, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, McClellan, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Preston, Pugh, Pulcifer, Rech, Rutherford, Sackett, Telfer, Transue, Wagner, Webber, Wheelan, Wilson, Wyllie, Young, and Mr. Speaker—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 522—An Act authorizing and directing the directors of the State Agricultural Society to erect a new building at Agricultural Park, near the city of Sacramento, State of California, to be known and designated Machinery Hall; fixing the requirements thereof, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 522 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Black, Bohnett, Callan, Cattell, Collier, Costar, Cullen, Dean, Drew, Flaevlle, Fleisher, Flint, Gerdes, Greer, Griffiths, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, McClellan, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Preston, Pugh, Pulcifer, Rech, Rutherford, Sackett, Telfer, Transue, Wagner, Webber, Wheelan, Wilson, Wyllie, Young, and Mr. Speaker—55

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 523—An Act making an appropriation for the completion of two buildings on the grounds of the State Agricultural Society, near the city of Sacramento, State of California, known as Agricultural Pavilion and Manufacturers' Pavilion.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 523 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Black, Bohnett, Callan, Cattell, Collier, Costar, Cullen, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Greer, Griffiths, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, McClellan, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Preston, Pugh, Pulcifer, Rutherford, Sackett, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Wilson, Wyllie, Young, and Mr Speaker—55.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 272—An Act making an appropriation of one thousand dollars ($1,000.00) to pay the claim of Edward W. Lehner against the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 272 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Black, Bohnett, Callan, Cattell, Collier, Costar, Cullen, Dean, Flavelle, Fleisher, Flint, Gerdes, Greer, Griffiths, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnston of Contra Costa, Kehoe, Leeds, Macauley, McClellan, Mendenhall, Moore, Mott, Odom, Otis, O'Neill, Perine, Preston Pugh, Pulcifer, Rutherford, Sackett, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Wilson, Wyllie, Young, and Mr. Speaker—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 40—An Act to amend Sections 2136, 2137, 2138, 2140, 2141, 2142, 2145, 2153, 2154, 2161, 2162, 2163, 2167*a*, 2168, 2170, 2171, 2172, 2176, 2177, 2179, 2180, 2181, 2187, 2189, 2192, 2193, and 2195 of the Political Code, relating to the powers and duties of the State Commission in Lunacy, to the government and management of State hospitals for the insane and other incompetent persons, and to the care, custody, apprehension, commitment, and maintenance of insane and other incompetent persons.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 40 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Black, Bohnett, Callan, Cattell, Collier, Costar, Cullen, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnston of Contra Costa, Kehoe, Leeds, Macauley, McClellan, Mendenhall, Moore, Nelson, Odom, Otis, O'Neill, Perine, Pugh, Pulcifer, Rutherford, Sackett, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wilson, Wyllie, Young, and Mr. Speaker—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 104—An Act to amend Section 1498 of the Code of Civil Procedure, relating to the time for commencing actions on rejected claims against estates of deceased persons.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 104 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Black, Bohnett, Callan, Cattell, Collier, Costar, Cullen, Dean, Flavelle, Fleisher, Gerdes, Greer, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnston of Contra Costa, Kehoe, Leeds, Macauley, McClellan, Mendenhall, Moore, Nelson, O'Neill, Perine, Preston, Pugh, Rech, Rutherford, Sackett, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wilson, Wyllie, and Mr. Speaker—47.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 565—An Act fixing, establishing, and defining, the exterior boundaries of reclamation district number seven hundred and thirty, in the county of Yolo, State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 565 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Black, Bohnett, Callan, Cattell, Collier, Costar, Cullen, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Greer, Griffiths, Hammon, Hanlon, Hans, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnston of Contra Costa, Kehoe, Leeds, Macauley, McClellan, Mendenhall, Moore, Otis, O'Neill, Perine, Preston, Pugh, Pulcifer, Rech, Rutherford, Sackett, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Wilson, Wyllie, Young, and Mr. Speaker—52.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 482—An Act to amend Sections 1, 2, and 3 of an Act entitled "An Act to provide for the formation, organization, and classification of new counties, for locating county seats, for the election and appointment of officers and for the adjustment and the fulfillment of the rights and obligations arising between such new counties and other counties," approved March 15, 1907.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 482 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Black, Bohnett, Callan, Cattell, Collier, Costar, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Griffiths, Hammon, Hanlon, Hans, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, Mendenhall, Moore, Nelson, Odom, Otis, O'Neill, Perine, Preston, Pugh, Pulcifer, Rech, Rutherford, Sackett, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wilson, Wyllie, Young, and Mr. Speaker—52.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 752—An Act making an appropriation to pay the deficiency in the appropriation for traveling expenses, etc., of the Railroad Commission for the fifty-ninth and sixtieth fiscal years.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 752 finally passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beatty, Black, Bohnett, Callan, Cattell, Collier, Costar, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnston of Contra Costa, Kehoe,

Leeds, Macauley, Mendenhall, Moore, Nelson, Odom, Otis, O'Neill, Perine, Preston, Pugh, Pulcifer, Rutherford, Sackett, Stuckenbruck, Transue, Wagner, Webber, Wyllie, Young, and Mr. Speaker—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SENATE BILLS—SECOND-READING FILE.

Senate Bill No. 269—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 35 thereof.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 512—An Act to amend an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this act," as approved March 20, 1905, as amended, approved June 13, 1906, as amended, approved March 19, 1907, as amended, approved March 20, 1907, by amending Section 2 thereof, adding a new section, to be numbered 2*a*, and repealing Section 7 and Section 10*b* of said act.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out from lines 8 and 9, of Section 1 of the printed bill, the following: "Section 7 and."

Amendment adopted.

AMENDMENT No. 2

Amend by striking out the word "are," in Section 3, page 3, of the printed bill, and inserting in lieu, thereof the word "is".

Amendment adopted.

Bill read second time, and ordered to reprint and on file for third reading.

Senate Bill No. 587—An Act to amend an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 20, 1905, amended, approved June 13, 1906, amended, approved March 19, 1907; amended, approved March 20, 1907, by providing certain terms and conditions whereby corporations which have failed to pay the license tax mentioned in said Act may pay the same and be restored to their former rights.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 552—An Act to amend Section 852 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 559—An Act to validate proceedings for the reorganization of municipal corporations taken since the passage of the Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883; and

also since the passage of the Act entitled "An Act to provide for the classification of municipal corporations," approved March 3, 1883.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 678—An Act amending sections four, ten, and eleven of an Act of the Legislature of the State of California, entitled "An Act providing for the laying out, constructing, straightening, improvement, and repair of main public highways in any county, providing for the voting, issuing, and selling of county bonds, and the acceptance of donations to pay for such work and improvements, providing for a highway commission to have charge of such work and improvements, and authorizing cities and towns to improve the portions of such highways within their corporate limits, and to issue and sell bonds therefor," approved March 19, 1907.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 243—An Act authorizing the boards of supervisors of the several counties of the State to set apart from the fees collected by the county clerks a sum not exceeding thirty dollars in any one month, to be paid into the "Law Library Fund," designated in section forty-one hundred and ninety of the Political Code as amended in 1907, and to be used for the same purpose as said "Law Library Fund" is now used.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 450—An Act to amend Section 4263 of the Political Code, as amended in 1907, Statutes of 1907, pages 509, 510 and 511 thereof, relating to the compensation of officers in counties of the thirty-fourth class.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 495—An Act to amend Section 4240 of the Political Code, relating to the salaries, fees and mileage of officers and jurors in counties of the eleventh class.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 323—An Act to provide for temporary floors in buildings more than three stories high in the course of construction, and for the protection of the life and limb of workmen employed in such buildings from falling through joists or girders and from falling bricks, rivets, etc.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 324—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section to said Penal Code, to be known and numbered as Section 402¾, relating to the furnishing and erecting of unsafe or improper scaffolding or mechanical contrivances.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 633—An Act to amend an Act entitled "An Act defining the duties and liabilities of employment agents, making the violation thereof a misdemeanor, and fixing the penalties therefor," approved February 12, 1903.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 69—An Act to amend Section 1622 of the Political Code, relating to State and county school moneys being used for the payment of teachers and superintendents of schools.

During second reading of bill, the following amendments were submitted by the committee:

Amend by striking out of line 8, page 1, of printed bill, the words, "primary and grammar", and insert in lieu thereof, the word "elementary."

Also: By striking out the period after the word "schools", on line 10, of printed bill, and insert a semicolon in lieu thereof, and also the following words: "*provided*, that the city superintendent of schools or supervising principal of school, holds a teachers' certificate in force for the full time for which the requisition is drawn."

Amendment adopted.

Bill read second time, and ordered to reprint and on file for third reading.

Senate Bill No. 228—An Act appropriating money to pay the claim of W. H. Cobb against the State of California.

Mr. Perine moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Senate Bill No. 228 considered.

Mr. Perine moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1909.

GENTLEMEN The Committee of the Whole have had under consideration Senate Bill No. 228, and do now report the same back, and recommend that it do pass

STANTON, Chairman.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 735—An Act to amend Sections 3553 and 3555 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to proceedings against delinquent purchasers of State school lands and costs and attorney's fees in such proceedings.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 649—An Act to amend Sections 2322, 2322*a*, 2322*b*, 2322*c*, 2322*d*, and 2322*e*, of the Political Code, relating to county boards of horticulture.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out all the words after the word "consisting ', in line 37, all the words in line 38, and to and including the word "governor," in line 39, Section 1, page 2, of the printed bill, and insert in place thereof the following: "of three persons who shall be owners of orchard or vineyard property, or actively engaged in horticultural or viticultural production, or educated and trained in horticultural or viticultural science."

Amendment adopted.

AMENDMENT No 2.

Amend by striking out all the words on line 42, of Section 1, page 2, of the printed bill, after the period following the word "commissioner," and all the words thereafter to and including the word "created", on line 45 thereof, and by inserting in lieu thereof the following. "Said board of examiners shall be appointed by the Governor and shall

hold office for the term of four years and until successors are appointed and qualified. Vacancies in said board of examiners shall be filled by appointment by the Governor, the appointee to hold for the remainder of the unexpired term. Said board shall appoint one of their number treasurer, who shall receive all money collected by or for the board, and disburse the same only in payment of the actual necessary expenses of said board for traveling, printing, postage, and other incidental matters. Said board shall biennially report to the Governor a detailed statement of their receipts and disbursements."

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out of line 50, Section 1, page 2, of the printed bill, the word "postering", and insert in lieu thereof the word "posting".

Amendment adopted.

AMENDMENT No. 4

Amend by striking out in line 54, Section 1, page 3, of the printed bill, everything after the period to the end of the line, and the word "after" in line 55, and insert in lieu thereof the following: "Said examination shall be in writing, and the board of horticultural examiners may appoint one of their own number, or some other reliable and competent person to supervise the taking of such examination in each county, and forward the papers of each applicant to the board for consideration. Each applicant for examination shall before taking the examination be required to pay a fee of five dollars therefor, which shall be delivered to the person supervising the examination, and by him transmitted to the treasurer of said board within twenty days after the examination is held."

Amendment adopted.

AMENDMENT No 5.

Amend by striking out of line 78, Section 1, page 3, of the printed bill, the word "commissioners", and insert in lieu thereof the word "examiners"

Amendment adopted.

AMENDMENT No 6.

Amend by striking out of line 85, Section 1, page 3, of the printed bill, the period and insert in lieu thereof a semicolon, and after the semicolon, the following: "*provided*, that all boards of horticulture existing at the time of the passage of this Act shall continue in office, with full power as heretofore existing until the election or appointment to succeed them of a county horticultural commissioner under the provisions of this Act."

Amendment adopted.

AMENDMENT No. 7.

Amend by inserting in line 13, Section 2, page 4, of printed bill, after the word "shall" the words "in writing"

Amendment adopted.

AMENDMENT No. 8

Amend by striking out in line 19, Section 2, page 4, of the printed bill, the words "that he shall"

Amendment adopted.

AMENDMENT No. 9.

Amend by striking out of line 30, Section 2, page 4, of the printed bill, the words "or they may be served".

Amendment adopted.

AMENDMENT No. 10.

Amend by striking out of line 31, Section 2, page 4, of the printed bill, the period and the word "Wherever", and insert in lieu thereof a semicolon, and after the semicolon the words "*provided, however*, that if"

Amendment adopted.

AMENDMENT No. 11.

Amend by striking out of line 34, Section 2, page 4, of the printed bill, the word "where".

Amendment adopted.

AMENDMENT No. 12.

Amend by striking out of line 36, Section 2, page 5, of the printed bill, the word "where", and insert in lieu thereof the word "if".

Amendment adopted.

AMENDMENT No. 13

Amend by striking out everything from and including the word "jurisdiction", in line 48, Section 2, page 5, of the printed bill, to and including the word "specified", in line 54 thereof, and insert in lieu thereof the following: "county, and the proper notice thereof shall have been served as herein provided, and such nuisance shall not have been abated within the time specified in such notice".

Amendment adopted.

AMENDMENT No. 14.

Amend by striking out the period in line 6, Section 3, page 6, of the printed bill, and insert in lieu thereof a comma, and after the comma the following: "and may with the consent and approval of the board of supervisors, appoint two deputy horticultural commissioners from the list of names certified to the board of supervisors by the State Board of Horticultural Examiners".

Amendment adopted.

AMENDMENT No. 15.

Amend by inserting after the period in line 5, Section 5, page 7, of the printed bill, the words: "the deputy commissioners shall receive five dollars per day each, during the time actually employed as such officers"

Amendment adopted.

AMENDMENT No. 16.

Amend by inserting in line 7, Section 6, page 7, of the printed bill, after the word "his" the words "deputies and".

Amendment adopted.

Bill read second time, and ordered to reprint and on file for third reading.

Senate Bill No. 632—An Act to amend an Act entitled "An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

Bill read second time, and ordered on file for third reading

Senate Bill No. 21—An Act concerning dependent and delinquent minor children, providing for their care, custody, and maintenance until twenty-one years of age; providing for their trial and maintenance to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom, establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers; providing for detention homes for said children; providing for the punishment of persons responsible for, or contributing to the dependency or delinquency of children; and giving to the Superior Court jurisdiction of such offenses, and repealing inconsistent Acts.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No 1

On page 1, line 4, of the title of said bill, strike out the words "Trial and"

Amendment adopted.

AMENDMENT No 2.

On page 8, Section 101, lines 2 and 3, strike out the words "forty-first, forty-third, forty-sixth, fifty-second, fifty-third and fifty-fifth", and insert in lieu thereof the following: "forty-second, forty-third, forty-fifth, forty-sixth, forty-seventh, fifty-second and fifty-third"

Amendment adopted.

AMENDMENT No 3

On page 9, Section 14, line 8, strike out the word "favorable", and insert in lieu thereof the following "favorably".

Amendment adopted.

AMENDMENT No 4.

On page 9, Section 15, line 3, strike out the word "his", and insert in lieu thereof the following: "the".

Amendment adopted.

AMENDMENT No. 5

On page 13, Section 18, line 16, between the word "declared" and the word "delinquent" insert "a".

Amendment adopted.

AMENDMENT No 6

On page 14, Section 20, line 15, strike out the word "this", and insert in lieu thereof the following: "said".

Amendment adopted.

The following amendment was submitted by Mr. Hammon:

Amend by striking out of Section 10*m*, line 3, the figures "80", and inserting in lieu thereof the following: "35"

Amendment adopted.

Bill read second time, and ordered to reprint and on file for third reading

Senate Bill No. 531—An Act to authorize the trustees of the Preston School of Industry and the Whittier State School to acquire property by gift, bequest, or devise.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 778—An Act to amend section four hundred and nine of the Political Code of California, relating to the distribution of Statutes and Journals, and reports of State officers and Journals

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1

After the word "to" where it first occurs in line 15, of Section 1, of the printed bill, insert the words "each United States Senator and"

Amendment adopted.

AMENDMENT No. 2

Strike out from the word "and", where it last occurs in line 11, of Section 2, page 2 of the printed bill, down to the word "copy", in line 13, of Section 2, page 2 of the printed bill, both inclusive

Amendment adopted

Bill read second time, and ordered to reprint and on file for third reading

Senate Bill No. 217—An Act to amend the Political Code of the State of California by adding a new section thereto, to be numbered four thousand one hundred and thirty-five *a*, validating defectively recorded instruments, and providing for the imparting of notice by the same to subsequent purchasers or encumbrancers.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 59—An Act defining the powers and duties of physicians, local health officers, and boards of health in the matter of the protection of the people of the State of California from the disease known as tuberculosis, providing for requisitions and reports, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 526—An Act to amend Section 22½ of an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State for the constructing of sewers and other sanitary purposes, the acquisition of the property thereof; the calling of election in such district; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provisions for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1891.

Bill read second time, and ordered on file for third reading

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1909.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Assembly Bill No. 686—An Act to amend Section 1663 of the Political Code by classifying the day and evening elementary and secondary schools of California, determining who may be employed to teach in said schools, and by defining the powers of county, and city and county boards of education with respect to courses of study and the examination and graduation of pupils.

Assembly Bill No. 688—An Act to amend Section 1662 of the Political Code by determining the number of years of instruction in the day and evening elementary schools determining the age of admission to the day and evening elementary schools, and providing for separate schools for Indian, Mongolian and Chinese children, and authorizing the exclusion of children of filthy or vicious habits.

Assembly Bill No. 633—An Act entitled "An Act to amend Section 1560 of Article IV of the Political Code of California by providing for joint institutes or conventions of teachers."

Assembly Bill No. 632—An Act to amend Sections 1713 and 1714 of Article XIII of the Political Code in regard to the apportionment of school library funds.

Assembly Bill No. 620—An Act to appropriate money to protect the banks of Eel River from erosion by means of jetty work and riprap along the banks thereof.

Assembly Bill No. 598—An Act to amend section thirteen hundred and sixty-five of the Code of Civil Procedure of the State of California relating to the order of persons entitled to administer upon estates, and providing that a partner shall not be appointed administrator.

Assembly Bill No. 443—An Act to amend an Act entitled "An Act to regulate and license the hunting of game birds and animals and to provide revenue therefrom, for game preservation and restoration and to make an appropriation for the purpose of carrying out the objects of this Act," approved March 13, 1907, by amending section three thereof.

Assembly Bill No. 305—An Act to add four new sections to the Code of Civil Procedure of the State of California, to be numbered 549*a*, 549*b*, 549*c*, and 549*d*, all relating to the trial of the right to personal property when levied upon under attachment or execution.

Assembly Bill No. 254—An Act to insure the better education of practitioners of naturopathy, and to regulate the practice of naturopathy in the State of California, providing penalties for the violation thereof.

Assembly Bill No. 253—An Act for the relief of aged teachers.

Assembly Bill No. 203—An Act to amend Section 1491 of the Code of Civil Procedure of the State of California, relating to notice to creditors of deceased persons.

YOUNG, Chairman.

The above reported engrossed bills were ordered on file for third reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1909.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled:

Assembly Concurrent Resolution No. 13—Relating to the assent of the State of California to grants, purposes and conditions of the Act of Congress entitled an Act to provide for an increased annual appropriation for agricultural experiment stations and regulating the expenditures thereof, approved March 16, 1906

Assembly Bill No. 145—An Act to amend Section 1876 of the Political Code of the State of California, referring to contracts by school trustees.

And were presented to the Governor February twenty-second, at two o'clock P M.

YOUNG, Chairman

ON INTRODUCTION OF BILLS

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1909

MR. SPEAKER Your Committee on Introduction of Bills, to whom were referred the following bills, herewith return the same with the recommendation that the authors be permitted to introduce them The titles of said bills are as follows.

An Act to amend Section 710 of the Code of Civil Procedure, relating to the collection of moneys from judgment debtors which is in the custody of public officials.

An Act authorizing suits against the State concerning certain real property, and relating to the procedure therein

An Act to amend an Act entitled "An Act providing for the extermination of the boophilus annulatus tick, defining certain crimes, and providing for certain civil and criminal actions," approved March 21, 1907, by amending sections one, two, three, and four thereof, and by adding a new section thereto, to be known and numbered as section one and one half.

LEEDS, Chairman.

Consideration of the above report was, on motion, continued until next legislative day.

THIRD-READING FILE—(RESUMED)

Assembly Bill No. 961—An Act to amend Section 8 of an Act entitled "An Act to provide for the organization and government of drainage districts for the drainage of agricultural lands other than swamp and overflowed lands, and to provide for the acquisition or construction thereby of works for the drainage of the lands embraced within such district," approved March 20, 1903.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 961 passed by the following vote:

AYES—Messrs Barndollar, Beatty, Bohnett, Callan, Cattell, Collier, Costar, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Greer, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnston of Contra Costa, Kehoe, Leeds, Macauley, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Preston, Pugh, Pulcifer, Rech, Rutherford, Sackett, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wilson, and Young—48

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 203—An Act to amend Section 1491 of the Code of Civil Procedure of the State of California, relating to notice to creditors of deceased persons.

During third reading of bill, Mr. Bohnett moved that the Speaker appoint a select committee of one to amend the bill, as follows:

In lines 3 and 4, of printed bill, strike out the following: "be four months after its first publication", and insert in lieu thereof the following "be ten months after the first publication when the estate exceeds in value the sum of ten thousand dollars, and four months when it does not."

Motion carried.

The Speaker appointed Mr. Bohnett as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1909.

MR SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 203, with instructions, do now report that the instructions of the Assembly have been carried out

BOHNETT, Select Committee.

Report of select committee, and amendment, adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No. 842—An Act to amend Section 10 of an Act entitled "An Act to create and administer a public school teachers' annuity and retirement fund in the several counties, and cities and counties in the State," approved March 26, 1895, and amended March 29, 1897, and amended March 23, 1901, and amended March 20, 1903

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 842 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Bohnett, Callan, Cattell, Collier, Costar, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hewitt, Hinkle, Holmquist, Johnston of Contra Costa, Kehoe, Leeds, Moore, Mott, Nelson, Otis, O'Neill, Perine, Preston, Pugh, Pulcifer, Rech, Rutherford, Sackett, Stuckenbruck, Telfer, Transue, Wagner, Wilson, and Young—43

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

HON. C. C. YOUNG IN THE CHAIR

At three o'clock and five minutes P. M., Hon C C. Young in the chair.

Assembly Bill No. 620—An Act to appropriate money to protect the banks of Eel River from erosion by means of jetty work and riprap along the banks thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 620 passed by the following vote:

AYES—Messrs. Barndollar, Bohnett, Callan, Cattell, Collier, Costar, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Griffiths, Hammon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnston of Contra Costa, Kehoe, Leeds, Macauley, McClellan, Mendenhall, Moore, Nelson, Odom, Otis, O'Neill, Perine, Preston, Pugh, Pulcifer, Rech, Rutherford, Sackett, Telfer, Transue, Wagner, Wheelan, Wilson, Wyllie, and Young—46

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 173—An Act authorizing the State Veterinarian to employ during the balance of the sixtieth and throughout the sixty-first and sixty-second fiscal years such inspectors as he may deem necessary to inspect and supervise the dipping of sheep infected with the disease known as scabies; providing for the compensation and expenses of said inspectors, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 173 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Bohnett, Callan, Cattell, Collier, Costar, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Griffiths, Hammon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnston of Contra Costa, Kehoe, Leeds, Macauley, Mendenhall, Moore, Nelson, Odom, Otis, O'Neill, Perine, Preston, Pugh, Pulcifer, Rech, Rutherford, Sackett, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, and Young—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1051—An Act to amend Section 642 of the Political Code of the State of California, relating to the fish commissioners and their assistants, and prescribing their power and duties

Bill read third time, and passed on file.

Committee Substitute for Assembly Bill No 7—An Act to amend an Act entitled "An Act to repeal Title II of Part IV of the Political Code, and to add a new Title II of Part IV of said Code in place thereof, relating to the establishment of a uniform system of county and township governments," approved March 18, 1907, by adding a new article and section to chapter six of said Act, to be known as Article IX, Section 4205, relating to the registration of voters, and the selection and appointment of a registrar of voters, in counties of the fifth class, and prescribing his powers, duties, and compensation.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Assembly Bill No 7 passed by the following vote:

AYES—Messrs. Barndollar, Bohnett, Callan, Cattell, Collier, Costar, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Griffiths, Hammon, Hans, Hawk, Hayes, Hewitt, Hinkle Holmquist, Irwin, Johnston of Contra Costa, Kehoe, Leeds, Macauley, McClellan, Mendenhall, Moore, Odom, Otis, O'Neill, Perine, Preston, Pulcifer, Rech, Rutherford, Sackett, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, and Young—47.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Mr. Leeds moved that Assembly Bill No. 430 be taken up for the purpose of amendment.

Motion carried.

Assembly Bill No. 430—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and all amendments thereto.

The following amendment was submitted by Mr. Leeds:

Strike out all of the printed bill after the word "power", on page 1, Section 1, line 7, and insert in lieu thereof the following

1. To pass ordinances not in conflict with the Constitution and laws of this State or of the United States

2. To purchase, lease, or receive such real estate situated inside or outside of the city limits and personal property as may be necessary or proper for municipal purposes, and to control, dispose of, and convey the same for the benefit of the city or town, *provided*, they shall not have power to sell or convey any portion of any water front

3 To contract for supplying the city or town with water for municipal purposes, or to acquire, construct, repair, and manage pumps, aqueducts, reservoirs, or other works necessary or proper for supplying water for the use of such city or the inhabitants, or for irrigating purposes therein.

4. To establish, build and repair bridges, to establish, lay out, alter, keep open, improve, and repair streets, sidewalks, alleys, and other public highways, squares and parks, and places within the city or town, and to drain, sprinkle, oil, and light the same; to remove all obstructions therefrom; to establish the grades thereof; to grade, pave, macadamize, gravel, and curb the same, in whole or in part, and to construct gutters, culverts, sidewalks, and crosswalks therein, or on any part thereof; to cause to be planted, set out, and cultivated, shade trees therein, and generally to manage and control all such highways and places; and in the exercise of the powers herein granted to expend, in their discretion, the ordinary annual income and revenue of the municipality in payment of the costs and expenses of the whole or any part of such work or improvement

5. To construct, establish, and maintain drains and sewers

6. To provide fire engines and all other necessary and proper apparatus for the prevention and extinguishment of fires

7. To impose on and collect from every male inhabitant between the ages of twenty-one and sixty years, an annual street poll tax, not exceeding two dollars, and no other road poll tax shall be collected within the limits of the city.

8. To impose and collect an annual license not exceeding two dollars on every male dog, and four dollars on every female dog owned or harbored within the limits of the city

9. To levy and collect annually a property tax, which shall not exceed one dollar on each one hundred dollars

10 To license, for the purpose of revenue and regulation, all and every kind of business authorized by law and transacted and carried on in such city or town, and all shows, exhibitions, and lawful games carried on therein; to fix the rates of license tax upon the same, and to provide for the collection of the same by suit or otherwise

11. To improve the rivers and streams flowing through such city or adjoining the same; to widen, straighten, and deepen the channels thereof, and remove obstructions therefrom, to improve the water front of the city; to construct and maintain embankments and other works, to protect such city from overflow; and to acquire, own, construct, maintain, and operate on any lands bordering on any navigable bay, lake, inlet, river, creek, slough, or arm of the sea within the corporate limits of such city or contiguous thereto, wharves, chutes, piers, breakwaters, bath houses, and *life-saving stations*

12 To erect and maintain buildings for municipal purposes, and to acquire and maintain cemeteries, situated inside or outside of said city.

13. To acquire, own, construct, maintain, and operate street railways, telephone and telegraph lines, gas and other works for light, power, and heat; public libraries, museums, gymnasiums, parks, and baths; and to permit under such restrictions as they may deem proper, the laying of railroad tracks and the running of cars drawn *by horses, steam, or other power thereon, and the laying of gas and water pipes in* the public streets, and to permit the construction and maintenance of telegraph and telephone lines therein.

14. To impose fines, penalties, and forfeitures for any and all violations of ordinances, and for any breach or violation of any ordinance; to fix the penalty by fine or imprisonment, or both; but no such fine shall exceed three hundred dollars, nor the term of imprisonment exceed three months.

15. To cause all persons imprisoned for violation of any ordinance to labor on the streets, or other public property, or works within the city.

16. To establish, and maintain fire limits, and regulate building and construction and removal of buildings within the municipality

17. To issue subpœnas for attendance of witnesses, or the production of books or other documents, for the purpose of producing evidence or testimony in any action or proceeding pending before the board of trustees, which subpœnas must be signed by the president of the board of trustees and attested by the city clerk and may be served in the same manner as subpœnas are served in civil actions; *provided* that the board of trustees may also by ordinance prescribe the punishment for disobedience of a subpœna issued and served as authorized herein.

18. To expend such sum as the board of trustees shall deem proper, not to exceed five per cent of the property tax levy in any one fiscal year, for music and promotion.

19. To do and perform any and all other acts and things necessary or proper to carry out the provisions of this Act.

SEC. 2. This Act shall take effect immediately.

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 633—An Act entitled "An Act to amend Section 1560 of Article IV of the Political Code of California by providing for joint institutes or conventions of teachers.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No 633 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beatty, Bohnett Callan, Cattell, Collier, Dean, Drew, Flavelle, Fleisher Flint, Gerdes, Griffiths, Hammon, Hanlon, Hans, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnston of Contra Costa, Kehoe, Leeds, Macauley, Moore, Mott, Nelson Odom, Otis O'Neill Perine, Preston, Pulcifer, Rech, Rutherford, Sackett Telfer Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, and Young—46.

NOES—Mr Mendenhall—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1059—An Act pertaining to the establishment of a uniform system of county and township governments and amending Section 4273 of the Political Code, relating to the salaries and fees of officers of counties of the forty-fourth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1059 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Bohnett, Callan, Cattell, Collier, Costar, Cullen, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnston of Contra Costa, Kehoe, Leeds, Macauley, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Preston, Pugh, Rech, Rutherford, Sackett, Telfer, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, and Young—50

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 755—An Act to add a new section to the Political Code of the State of California, to be numbered four thousand two hundred and forty-three *a*, relating to the compensation of jurors in counties of the fourteenth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 755 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Bohnett, Callan, Cattell, Collier, Costar, Cullen, Dean, Drew, Flavelle Fleisher, Flint, Gerdes, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnston of Contra Costa, Kehoe, Leeds, Macauley, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Preston, Pugh, Rech, Rutherford, Sackett, Telfer, Transue, Wagner, Webber Wheelan, Whitney, Wilson, Wyllie, and Young—51

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

WITHDRAWAL OF BILLS.

Mr. Wilson asked for and was granted unanimous consent to withdraw Assembly Bills Nos. 597 and 598.

Bills withdrawn and ordered stricken from the file.

Assembly Bill No. 563—An Act to amend Section 1793 of the Code of Civil Procedure of the State of California, relating to guardians.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 563 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Bohnett, Callan, Cattell, Collier, Costar, Cullen, Dean, Drew, Fleisher, Flint, Gerdes, Greer, Griffiths, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnston of Contra Costa, Kehoe, Leeds, Macauley, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Preston, Rech, Rutherford, Sackett, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, and Young—46.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1036—An Act to add a new section to the Penal Code, relating to recording notices of location of mining claims.

Bill read third time and passed on file.

Committee Substitute for Assembly Bill No. 920—An Act granting certain lands and salt marsh and tide lands of the State of California to the city of Oakland.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Assembly Bill No 920 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Bohnett, Callan, Cattell, Costar, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Greer, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnston of Contra Costa, Leeds, Macauley, McClellan, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Preston, Pulcifer, Rech, Rutherford, Sackett, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, and Young—51.

NOES—None.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Mr. Preston gave notice that on the next legislative day he would move a reconsideration of the vote whereby Committee Substitute for Assembly Bill No. 920 was this day passed.

Assembly Bill No. 1103—An Act to amend Section 652 of the Civil Code of the State of California, relating to the consolidation of colleges and institutions of higher education.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1103 passed by the following vote:

AYES—Messrs Barndollar Baxter, Beatty, Black, Bohnett, Callan, Cattell, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnston of Contra Costa, Kehoe, Leeds, Macauley, Mendenhall, Moore, Nelson, Odom, Otis, O'Neill, Perine, Preston, Pugh, Pulcifer, Rech, Rutherford, Sackett, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, and Young—47

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

WITHDRAWAL OF BILL.

Mr. Wilson asked for and was granted unanimous consent to withdraw Assembly Bill No. 667.

Assembly Bill No. 686—An Act to amend Section 1663 of the Political Code, by classifying the day and evening elementary and secondary schools of California, determining who may be employed to teach in said schools, and by defining the powers of county and city and county boards of education with respect to courses of study and the examination and graduation of pupils.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 686 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beatty, Black, Bohnett, Callan, Cattell, Costar, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Hanlon, Hawk, Hayes, Hewitt, Holmquist, Irwin, Johnston of Contra Costa, Kehoe, Leeds, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Preston, Pulcifer, Rech, Rutherford, Sackett, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, and Young—43.

NOES—Mr Gerdes—1

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 688—An Act to amend Section 1662 of the Political Code, by determining the number of years of instruction in the day and evening elementary schools; determining the age of admission to the day and evening elementary schools, and providing for separate schools for Indian, Mongolian, and Chinese children, and authorizing the exclusion of children of filthy and vicious habits.

Bill read third time and passed on file.

SECOND-READING FILE—(RESUMED).

Assembly Bill No. 1115—An Act to amend an Act entitled "An Act to define trust and to provide for criminal penalties and civil damages, and punishment of corporations, persons, firms, and associations or persons connected with them, and to promote free competition in commerce and all classes of business in this State," approved March 23, 1907.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Strike out all of the title of the Act and insert in lieu thereof the following.

"An Act defining trusts, and to provide for criminal penalties and civil damages, and punishment of corporations, persons, firms, and associations, or persons connected with them, and to promote free competition in commerce and all classes of business in this State."

Amendment adopted

AMENDMENT No. 2.

After the word "to", in line 37, of Section 1, page 2, of the printed bill, insert the words "conduct its operations, or to".

Amendment adopted.

AMENDMENT No. 3.

In line 38, Section 1, page 2, of the printed bill, insert the word "so" between the words "be" and "marketed".

Amendment adopted.

AMENDMENT No. 4.

Strike out the words "at a profit", in line 38, Section 1, page 2, of the printed bill.

Amendment adopted.

AMENDMENT No. 5.

Add a new section to read as follows:
"SEC. 13 Labor, whether skilled or unskilled, is not a commodity within the meaning of this Act."

Amendment adopted.

AMENDMENT No. 6.

Add a new section to read as follows:
'SEC. 14 This Act shall take effect immediately.'

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read (unanimous consent having been obtained for its reception):

ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1909

MR SPEAKER Your Committee on Education, to whom was referred Senate Bill No 195—An Act to aid the enforcement of an Act entitled "An Act to enforce the educational rights of children," approved March 24, 1903—report the same back, with four amendments, and recommend that it do pass as amended.

SACKETT, Chairman

The above reported bill ordered on file for second reading.

COMMUNICATION.

The following telegram was filed, and on motion of Mr. Leeds, ordered printed in the Journal:

SALINAS, CALIFORNIA, February 22, 1909

John Stafford, Assembly, Sacramento, Cal.:

Mr. Wyatt wants me to send his greetings and thanks to you and every member of the Assembly for your many kind messages.

THERESA ERICKSEN,
Superintendent Jim Bardin Hospital

ADJOURNMENT.

At four o'clock and fifteen minutes P. M., on motion of Mr. Mott, the Assembly was declared adjourned until ten o'clock A. M. of Tuesday, February 23, 1909.

COMMEMORATION IN JOINT ASSEMBLY,

OF WASHINGTON'S BIRTHDAY

IN ASSEMBLY CHAMBER,
SACRAMENTO, Monday, February 22, 1909

At eight o'clock P. M. members of the Senate and Assembly, with their families and friends, occupied the Assembly Chamber for the purpose of observing the anniversary of the birthday of George Washington, first President of the United States, in conformity with the provisions of Assembly Concurrent Resolution No. 13, and the order of exercises as arranged by the "Joint Committee of Senators and

Assemblymen on Washington's Birthday Celebration," previously appointed by Hon. Warren R. Porter, Lieutenant-Governor and President of the Senate, and Hon. P. A Stanton, Speaker of the Assembly.

The following program was rendered, each number being punctuated by much appreciative applause:

PROGRAM.

Music, "America".....Sung by audience standing
Introductory . Hon Geo M Perine, Speaker pro tem of the Assembly
Chairman of the evening .....Lieutenant-Governor Warren R. Porter
Invocation.....Rev. Henry I Stark
Music .....Harmony Quartette
Mrs. A. T Fletcher. Miss Mabel Gordon.
Mrs. John Madden Mrs Robert Lloyd
Miss Edith Adams, Accompanist
Address.....Governor James N. Gillett
Music, soprano solo.....Mrs. J. A. Moynihan
Address.....Hon. John W. Stetson
Music.....Harmony Quartette
Address.....Hon. Nathan C. Coghlan
Music, baritone solo.....Mr. Robert Lloyd
Music.....Harmony Quartette
Address.....Judge Albert G Burnett
Music, "Star-Spangled Banner".....Sung by audience standing
Benediction.....Rev. S. N. Marsh

M. ESTUDILLO,
JAS. B. HOLOHAN,
LEROY A. WRIGHT,
E. L HAWK,
WALTER R LEEDS,
C. C. YOUNG,
Joint Legislative Committee on Arrangements.

J J McCARTHY, Secretary

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL., Tuesday, February 23, 1909.

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order

Hon. P. A. Stanton, Speaker of the Assembly, in the chair.

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

Messrs Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, Maher, McClellan, McManus, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr Speaker—76.

Quorum present.

LEAVES OF ABSENCE.

On motion, leave of absence for the day was granted to Messrs. Wyatt, Melrose, and Johnson of Placer.

PRAYER.

Prayer was offered by the Chaplain, Rev. Seren N. Marsh.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Macauley, its further reading was dispensed with.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON FISH AND GAME

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1909.

MR SPEAKER: Your Committee on Fish and Game, to whom was referred Assembly Bill No 929—An Act to regulate the vocation of fishing, and to provide therefrom revenue for the propagation, restoration and preservation of fish in the waters of the State of California

Also: Assembly Bill No. 1087—An Act to prevent fishing or the taking of fish by means of weirs, dams, nets, traps or seines, in False Bay or in the entrance thereto

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

COSTAR, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1909

MR. SPEAKER: Your Committee on Fish and Game, to whom was referred Assembly Bill No. 1165—An Act to amend Section 626 of the Penal Code of the State of California, relating to the protection and preservation of game—have had the same under consideration, and respectfully report the same back, with one amendment, and recommend that it do pass as amended.

COSTAR, Chairman.

ON COUNTIES AND COUNTY BOUNDARIES.

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1909

MR. SPEAKER: Your Committee on Counties and County Boundaries, to whom was referred Assembly Bill No 773—An Act to change, establish and permanently locate the boundary lines of the county of Kings, and a portion of the south and east boundary lines of the county of Fresno—have had the same under consideration, and return the same, with a majority report that it do not pass, and a minority report that it do pass

JOHNSON OF SAN DIEGO, Chairman.

ON COMMISSIONS AND PUBLIC EXPENDITURES.

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1909.

MR. SPEAKER: Your Committee on Commissions and Public Expenditures, to whom was referred Assembly Bill No. 1166—An Act to regulate contracts on behalf of the State in relation to the erection, construction, alteration, repair or improvement of any State structure, building, road, or other State improvement of any kind and to repeal an Act entitled "An Act to regulate contracts on behalf of the State in relation to erections and buildings," approved March 28, 1906—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

CATTELL, Chairman.

ON STATE PRISONS AND REFORMATORY INSTITUTIONS

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1909

MR. SPEAKER: Your Committee on State Prisons and Reformatory Institutions, to whom was referred Assembly Bill No 1111—An Act to authorize and empower the State Board of Prison Directors to insure jute and jute goods against either fire or marine loss and to pay the cost of such insurance from the revolving fund for the purchase of jute—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and be re-referred to the Committee on Ways and Means

HAMMON, Chairman.

ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1909

MR SPEAKER: Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 1092—An Act to amend Article XXX, Section 4259, of an Act entitled "An Act to repeal Title II of Part IV of the Political Code, and to add a new Title II of Part IV of said Code in place thereof, relating to the establishment of a uniform system of county and township government

Also: Assembly Bill No. 1158—An Act to amend section four thousand two hundred and sixty-six of the Political Code of the State of California, relating to salaries and fees of officers of counties of the thirty-seventh class

Also: Assembly Bill No. 1223—An Act to amend Section 4302 of the Political Code.

Also: Assembly Bill No 1086—An Act to amend section four thousand two hundred thirty-eight of the Political Code of the State of California, relating to the compensation of officers of counties of the ninth class

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

HANS, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1909.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Assembly Bill No 1281—An Act to amend Section 4239 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the tenth class.

Also Assembly Bill No. 1254—An Act to authorize the deposit of certain newspaper files kept in recorders' offices, in free public libraries.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass

HANS, Chairman

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1909.

MR SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No 279—An Act to provide for the erection, equipping and furnishing of two convalescent cottages, one for males and one for females, at the Stockton State Hospital Farm and to make appropriations for the same.

Also: Assembly Bill No 256—An Act to provide an additional appropriation for the erection of a training school building for the use of the State Normal School at San Diego, California, and to equip the same

Also: Senate Bill No. 241—An Act to provide for making repairs and for additional equipment at the State Normal School at San Diego, California, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

BEARDSLEE, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1909.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 280—An Act to provide for the erection of a water tower, tanks, pumps, boring of wells, and all necessary equipments of the same at Stockton State Hospital, for domestic use and fire purposes, and to make appropriations therefor

Also: Assembly Bill No. 30—An Act to pay the claim of James Touhey against the State of California, and making an appropriation therefor

Also: Assembly Bill No 912—An Act appropriating seventy-five thousand ($75,000) dollars to complete, equip, and furnish the buildings of the San Jose State Normal School.

Also Assembly Bill No 101—An Act making an appropriation of three thousand four hundred and eighty dollars ($3,480 00) to be applied to the cost of grading, paving, guttering, curbing and sidewalking Grand avenue, in the city of Los Angeles, along the easterly boundary of the grounds of the State Normal School at Los Angeles and defining the duties of the Controller and Treasurer, in reference thereto.

Also: Assembly Bill No 783—An Act to appropriate $3,000 for the purchase of additional furniture and equipment for the use of the State Normal School at Los Angeles and to make necessary repairs and improvements in the buildings of said Normal School

Also: Assembly Bill No. 1223—An Act to amend Sections 385 and 386 of the Political Code, relating to the salaries of the Private Secretary and the Executive Secretary of the Governor

Also: Senate Bill No 235—An Act to appropriate money for repainting of the State Normal School at San Francisco and for laying a concrete sidewalk along the property of said school.

Also: Senate Bill No 239—An Act to provide for the improvement of the campus of the State Normal School at San Diego, California, and making an appropriation therefor.

Also. Senate Bill No 712—An Act making an appropriation to pay for furnishing, painting, repairing, renovating, and improving the Governor's residence.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass

BEARDSLEE, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1909.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No 258—An Act to provide for the improvement of the campus of the State Normal School at San Diego, California, and making an appropriation therefor

Also: Assembly Bill No. 257—An Act to provide for making repairs and for additional equipment at the State Normal School at San Diego, California, and making an appropriation therefor.

Also: Assembly Bill No 608—An Act appropriating money to pay the claim of Leroy A Wright against the State of California

Have had the same under consideration, and respectfully report the same back, and recommend that they be withdrawn, being identical with Senate Bills Nos. 239, 241, and 451, respectively.

BEARDSLEE, Chairman.

The above reported bills, with the exception of Assembly Bills Nos. 257, 258, and 608, ordered on file for second reading.

Assembly Bills Nos. 257, 258, and 608 withdrawn by unanimous consent.

Assembly Bill No. 1111 referred to committee on Ways and Means.

ON CONTINGENT EXPENSES AND ACCOUNTS

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1909.

MR SPEAKER. Your Committee on Contingent Expenses and Accounts, to whom were referred resolutions introduced by Messrs Transue and Coghlan—have had the same under consideration, and respectfully report the same back, and recommend the adoption of the following resolution:

Resolved, That the Controller be and is hereby authorized and directed to draw his warrant on the contingent fund of the Assembly, and the State Treasurer is hereby directed to pay the same, for the sum of six hundred seventy-three and eighty hundredths dollars ($673 80) in favor of J. F. Stafford, Sergeant-at-Arms of the Assembly, same being for the payment of the following bills attached

Mrs. C Mackall (laundry)	$24 00
F H. Veach (machinist)	1 00
H. S. Crocker Co. (stationery)	17 60
Breuner & Co.	12 25
W. F. Purnell (stationery)	337 20
Wm. Carragher (lettering)	32 00
Wasserman-Gattmann Co. (towels)	22 80
F. R Pulford (locksmith)	54 45
Pacific Telephone and Telegraph Co (telephone)	4 00
Green's Pharmacy	50
Whiskey Hill Water Co.	84 00
Kane & Trainor Ice Co.	84 00
	$673 80

TELFER, Chairman

Mr. Telfer moved the adoption of the report and resolution.

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

AYES—Messrs Barndollar, Beardslee, Black, Bohnett, Butler, Callan, Cattell, Collier, Costar, Cronin, Cullen, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Kehoe, Leeds, Macauley, McManus, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Preston, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Wagner, Webber, Whitney, Wilson, Wyllie, and Mr. Speaker—59.

NOES—None.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1909.

MR. SPEAKER: Your Committee on Contingent Expenses and Accounts, to whom was referred the claims of W. P Fuller & Co, and Scott, Lyman & Stack, have had the same under consideration, and respectfully report the same back, and recommend that these accounts, due for permanent improvements, be re-referred to Committee on Ways and Means.

TELFER, Chairman.

The above report and bills referred to Committee on Ways and Means.

ON INTRODUCTION OF BILLS.

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1909

MR SPEAKER: Your Committee on Introduction of Bills, to whom was referred the following bills:

By Mr. Otis: An Act authorizing suits against the State concerning certain real property, and regulating the procedure therein.

By Mr Gibbons An Act to amend Section 710 of the Code of Civil Procedure, relating to the collection of money from judgment debtors which is in the custody of public officials

By Mr. Transue An Act to amend an Act entitled "An Act providing for the extermination of the boophilus annulatus tick, defining certain crimes, and providing for certain civil and criminal actions," approved March 21, 1907, by amending sections one, two, three, and four thereof, and by adding a new section thereto, to be known and numbered as section one and one half.

Have had the same under consideration, and respectfully report the same back, and recommend that permission be granted the respective authors to introduce them.

LEEDS, Chairman.

Mr. Leeds moved the adoption of the report.

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

AYES—Messrs. Barndollar, Beardslee, Beatty, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Collum, Costar, Cronin, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Kehoe, Leeds, Macauley, Maher, McClellan, McManus, Mendenhall, Moore, Mott, Nelson, Otis, O'Neill, Perine, Preston, Pugh, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Wagner, Whitney, Wilson, and Mr. Speaker—63

NOES—None

On motion of Mr. Leeds, the report of the Committee on Introduction of Bills filed on February 20th was taken up for consideration.

Mr. Leeds moved the adoption of the report.

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

AYES—Messrs. Barndollar, Beardslee, Beatty, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Collum, Costar, Cullen, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Kehoe, Leeds, Macauley, Maher, McClellan, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Preston, Pugh, Rutherford, Sackett Schmitt, Silver, Stuckenbruck, Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr Speaker—62.

NOES—None.

INTRODUCTION OF BILLS.

The following bills were introduced and referred, as indicated:

By Mr. Transue: Assembly Bill No. 1418—An Act to amend an Act entitled "An Act providing for the extermination of the boophilus annulatus tick, defining certain crimes and providing for certain civil and criminal actions," approved March 24, 1907, by amending sections one, two, three and four thereof, and by adding a new section thereto, to be known and numbered as section one and one half.

Bill read first time, and referred to Committee on Live Stock, Dairies, and Dairy Products.

By Mr. Otis: Assembly Bill No. 1419—An Act authorizing suits against the State concerning certain real property and regulating the procedure therein.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Gibbons: Assembly Bill No. 1420—An Act to amend Section 710 of the Code of Civil Procedure, relating to the collection of moneys from judgment debtors which is in the custody of public officials.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Hammon: Assembly Bill No. 1421—An Act appropriating three hundred and fifty dollars to be expended in purchase of a piano for the Whittier State School.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Wagner: Assembly Bill No 1422—An Act to amend Section

4267 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the thirty-eighth class.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Johnson of San Diego: Assembly Bill No. 1423—An Act validating deeds made to the State for property sold for non-payment of taxes where the deed to the State was not made within the time referred to in any law of this State, but made subsequently thereto and subsequently sold by the tax collector pursuant to authorization of the State Controller, and validating sales and deeds made pursuant thereto of property sold to the State for non-payment of taxes, and where the deeds to the State have not been made within the time referred to by any law of the State, and where the property has subsequently been sold by the tax collector pursuant to authorization issued by the State Controller, and where the said tax collector shall have failed or neglected to register the notice required to be mailed or given.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Transue: Assembly Bill No. 1424—An Act to aid in the carrying out of the provisions of an Act entitled "An Act to provide for the gathering, compiling, printing, and distribution of statistics and information regarding the Japanese of the State, and making an appropriation therefor," making it the duty of certain officers to keep certain records and furnish such statistics and information.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 1425—An Act to appropriate the sum of $50,000 for the benefit of the Los Angeles Industrial Trade School, and for the purpose of purchasing and paying for an appropriate site for the buildings of said school.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Cattell: Assembly Constitutional Amendment No. 31—A Resolution to propose to the people of the State of California an amendment to the Constitution of the State of California amending section nine of article eleven of said Constitution, relating to the compensation of county, city, or town officers.

Read, and referred to Committee on Constitutional Amendments.

SPECIAL ORDER.

On motion of Mr. Barndollar, the special order heretofore set for this day was taken up for consideration.

The question being on the reconsideration of the vote on Assembly Bill No. 992—An Act to amend Sections 1, 2, 3, and 4 of an Act entitled "An Act to encourage and provide for a general vaccination in the State of California," approved February 20, 1889.

The roll was called, and the same was reconsidered by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Dean, Flavelle, Fleisher, Flint, Gillis, Griffiths, Hammon, Hanlon, Hans, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson of San Diego, Johnston of Contra Costa, Kehoe, Leeds, Maher, McClellan, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Preston, Pulcifer, Rech, Rutherford, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Wilson, and Young—55.

NOES—Messrs. Drew, Gerdes, Gibbons, Greer, Hayes, Johnson of Sacramento, Macauley, Schmitt, Wyllie, and Mr. Speaker—10.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 992 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Costar, Cronin, Cullen, Dean, Flavelle, Fleisher, Flint, Gillis, Griffiths, Hanlon, Hewitt, Hinkle, Holmquist, Irwin, Johnson of San Diego, Johnston of Contra Costa, Kehoe, Leeds, Maher, McClellan, Mendenhall, Moore, Mott, Odom, Otis, Perine, Preston, Pulcifer, Rech, Rutherford, Sackett, Silver, Stuckenbruck, Telfer, Wagner, Webber, Whitney, Wilson, and Young—48.

NOES—Messrs Collum, Drew, Gerdes, Gibbons, Greer, Hawk, Hayes, Johnson of Sacramento, Macauley, O'Neill, Schmitt, Wyllie, and Mr. Speaker—13.

Title read and approved.

Bill ordered transmitted to the Senate.

SPECIAL ORDER RESET.

On motion of Mr. Hewitt, the reconsideration of the vote on Assembly Bill No. 952, was continued until Thursday, February 25, 1909.

RECONSIDERATION.

In compliance with his notice given on a previous day, Mr. Hawk moved that the vote whereby Assembly Bill No. 579 was passed be reconsidered.

The roll was called, and the same was reconsidered by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Black, Butler, Callan, Coghlan, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Dean, Drew, Feeley, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Kehoe, Lightner, Macauley, Maher, McClellan, McManus, Mendenhall, Moore, Nelson, Odom, O'Neill, Perine, Pulcifer, Rech, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, and Mr. Speaker—56.

NOES—Messrs Cattell, Flavelle, Holmquist, Hopkins, Otis, Preston, Schmitt, and Silver—8.

The question being on the passage of the bill.

POINT OF ORDER.

Mr. Coghlan rose to the following point of order:

That the amended bill was not on the members' desks, and therefore could not be considered.

POINT OF ORDER WELL TAKEN.

The Speaker ruled the point of order well taken.

Further consideration of Assembly Bill No. 579 continued as unfinished business.

SPECIAL FILE—THIRD READING

Assembly Bill No. 683—An Act to provide for the permanent support and improvement of the University of California by the levy of a rate of taxation and the creation of a fund therefor.

Bill read third time, and on motion of Mr Beardslee referred to the Committee on Ways and Means.

SPEAKER PRO TEM. IN THE CHAIR.

At eleven o'clock and fifty minutes A. M. Speaker pro tem. Perine in the chair.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1909.

MR SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Assembly Bill No. 25—An Act to amend the title of and Sections 1, 7, 8, and 9 of an Act entitled "An Act to regulate the sale of poisons in the State of California, and providing a penalty for the violation thereof," approved March 6, 1907.

Assembly Bill No 359—An Act to add a new section to the Political Code of the State of California, to be known as section four thousand two hundred and twenty-one *a*, relating to markings of government survey.

Assembly Bill No. 447—An Act providing for a biennial appropriation in the general appropriation bill for the support and maintenance of the Bureau of Criminal Identification of the State of California.

Assembly Bill No. 1119—An Act to provide for the presentation to and approval by the board of supervisors, registration, interest upon, time of payment, and receipt in payment of assessment of warrants of Reclamation District No 108, situated in Colusa and Yolo counties

Assembly Bill No 636—An Act to amend Section 3671 of the Political Code, relating to taxes

Assembly Bill No 204—An Act to amend Sections 1103 and 1115 of the Political Code of the State of California, relating to the compiling and indexing of a register of voters

Assembly Bill No. 1125—An Act to amend Section 1195 of the Political Code, relating to constitutional amendments, how submitted

Assembly Bill No. 1126—An Act to add a new section to the Political Code of the State of California relating to entry of amendments and propositions on ballots.

Assembly Bill No. 800—An Act to amend section 433 of the Political Code, relating to the duties of the Controller.

Assembly Bill No 917—An Act to amend Section 1763 of the Code of Civil Procedure of California, relating to guardians of insane or other incompetent persons

Assembly Bill No 919—An Act to create a reclamation district, to be called American River Reclamation District No 1, and providing for the control and management thereof.

Assembly Bill No. 790—An Act to amend Section 1259 of the Penal Code of the State of California, relating to what may be reviewed upon appeal taken by the defendant.

Assembly Bill No 770—An Act to amend Section 435 of the Political Code, relating to the duties of the State Controller.

Assembly Bill No 754—An Act to create a State Board of Accountancy and prescribe its duties and powers; to provide for the examination of and issuance of certificates to qualified applicants, with the designation of certified public accountant; and to provide the grade of penalty for violations of the provisions hereof.

Assembly Bill No. 735—An Act to amend Section 1576*a* of the Political Code of the State of California, relating to clerks of school districts

Assembly Bill No. 804—An Act to add a new section to the Civil Code of the State of California, to be numbered 2932*a*, relating to trust deeds and other conveyances securing the payment of money.

YOUNG, Chairman.

The above reported bills ordered on file for third reading.

SPECIAL FILE—SECOND READING.

Committee Substitute for Assembly Bill No. 753—An Act authorizing the State Board of Prison Directors to fix the price, terms, and conditions of sale at which jute bags should be sold for the State, providing for the prosecution and punishment for offenses under the same, and repealing certain acts.

Bill read second time, and ordered to engrossment.

THIRD-READING FILE.

Assembly Bill No. 139—An Act to aid the enforcement of an Act entitled "An Act to enforce the educational rights of children," approved March 24, 1903.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 139 passed by the following vote:

AYES—Messrs. Barndollar, Beatty, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Costar, Cronin, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Hanlon, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, Maher, McManus, Mendenhall, Moore, Mott, Otis, O'Neill, Perine, Polsley, Preston, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Wyllie, and Young—59

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 735—An Act to amend Section 1575*a* of the Political Code of the State of California, relating to clerks of school districts.

During the third reading of the bill, Mr. Preston moved that the Speaker appoint a select committee of one to amend the bill, as follows:

After the word "month," in line 12, Section 1, page one, of printed bill, insert the following: "And in any school district which employs not less than five nor more than nineteen teachers, the clerk of the board may, in the discretion of the board of trustees, receive a salary of not to exceed ten dollars per month"

Roll call was regularly demanded.

The roll was called, and motion carried by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Bohnett, Butler, Coghlan, Collier, Collum, Costar, Cronin, Cullen, Feeley, Flavelle, Gibbons, Greer, Hanlon, Hinkle, Johnston of Contra Costa, Juilliard, Macauley, Maher, Odom, Perine, Polsley, Preston, Pulcifer, Rech, Schmitt, Stuckenbruck, Transue, Wagner, Webber, and Wilson—35.

NOES—Messrs. Callan, Cattell, Cogswell, Dean, Drew, Fleisher, Flint, Gerdes, Gillis, Hammon, Hawk, Hayes, Hewitt, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Kehoe, McManus, Mendenhall, Moore, Otis, O'Neill, Rutherford, Sackett, Silver, Telfer, Whitney, Wyllie, and Young—30

The Speaker appointed Mr. Preston as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1909

MR SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 735, with instructions, do now report that the instructions of the Assembly have been carried out.

PRESTON, Select Committee

Report of select committee, and amendment, adopted.

Bill ordered to reprint, reengrossment, and on file for passage.

Assembly Bill No. 1033—An Act to amend Section 4264 of the Political Code, relating to salaries and fees of officers of counties of the thirty-fifth class.

During third reading of the bill, Mr. Moore moved that the Speaker appoint a select committee of one to amend the bill as follows:

In line 29, on page 2, of the printed bill, strike out the word "eleven", and insert in lieu thereof the word "twelve".

Also: On page 2, of printed bill, strike out all of lines 39, 40, 41, 42, 43, 44, and 45, and insert in lieu thereof the following:

"11. The superintendent of schools, eighteen hundred dollars per annum, and actual traveling expenses when visiting the schools of his county, which expenses shall not exceed three hundred dollars per annum, and shall be allowed and paid as a county charge"

Motion carried.

The Speaker appointed Mr. Moore as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1909.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 1033, with instructions, do now report that the instructions of the Assembly have been carried out.

MOORE, Select Committee

Report of select committee, and amendments adopted.

Bill ordered to reprint, reengrossment, and on file for passage.

MOTION.

Mr. Greer moved that the Senate be requested to return Committee Substitute for Assembly Bill No. 7 for further consideration by the Assembly.

Motion carried.

RECESS.

At twelve o'clock and thirty minutes P. M., the Assembly was declared at recess until two o'clock P. M. of this day.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.

Speaker P. A. Stanton in the chair.

SENATE BILLS—THIRD READING FILE.

Senate Bill No. 453—An Act to amend Section 4247 of the Political Code of the State of California, relating to the salaries and fees of officers of the eighteenth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 453 finally passed by the following vote:

AYES—Messrs Barndollar, Black, Bohnett, Callan, Collier, Costar, Cronin, Dean, Drew, Flavelle, Flint, Gerdes, Gillis, Hammon, Hayes, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Kehoe, Leeds, Maher, McClellan, McManus, Mendenhall, Moore, Nelson, Odom, O'Neill, Perine, Polsley, Preston, Pugh, Pulcifer, Rutherford, Sackett, Stuckenbruck, Telfer, Wagner, Wheelan, Whitney, Wilson, Wyllie, and Mr. Speaker—45.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 735—An Act to amend Sections 3553 and 3555 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to proceedings against delinquent purchasers of State school lands and costs and attorney's fees in such proceedings.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 735 finally passed by the following vote:

AYES—Messrs. Barndollar, Beatty, Black, Bohnett, Callan, Collier, Costar, Cronin, Cullen, Dean, Drew, Flavelle, Fleisher, Gerdes, Gillis, Hammon, Hans, Hays, Hewitt, Hinkle Holmquist, Irwin, Johnson of San Diego, Johnston of Contra Costa, Leeds, Macauley, Maher, McClellan, McManus, Mendenhall, Moore, Mott, Nelson, Odom,

O'Neill, Perine, Polsley, Preston, Pugh, Pulcifer, Rutherford, Sackett, Silver, Stuckenbruck, Telfer, Wagner, Wilson, Wyllie, and Mr. Speaker—49
NOES—Mr. Whitney—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 552—An Act to amend Section 852 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 552 refused passage by the following vote:

AYES—Messrs. Barndollar, Beatty, Black, Callan, Cattell, Collier, Costar, Cullen, Drew, Fleisher, Hans, Hayes, Holmquist, Johnson of Sacramento, Maher, Nelson, Perine, Polsley, Pulcifer, Sackett, Wagner, Whitney, Wilson, and Mr. Speaker—24.
NOES—Messrs. Beardslee, Bohnett, Butler, Cronin, Dean, Flavelle, Gerdes, Gibbons, Gillis, Hawk, Hewitt, Hinkle, Irwin, Johnson of San Diego, Johnston of Contra Costa, Kehoe, Leeds, Macauley, McClellan, McManus, Mendenhall, Moore, Mott, Odom, O'Neill, Preston, Pugh, Rutherford, Silver, Stuckenbruck, Telfer, Wheelan, and Wyllie—33

NOTICE OF MOTION TO RECONSIDER.

Mr. Silver gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 552 was this day refused passage.

NOTICE OF MOTION TO RECONSIDER.

Mr. Bohnett gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 735 was this day passed.

Senate Bill No. 678—An Act amending sections four, ten, and eleven of an Act of the Legislature of the State of California entitled "An Act providing for the laying out, constructing, straightening, improvement, and repair of main public highways in any county, providing for the voting, issuing, and selling of county bonds, and the acceptance of donations to pay for such work and improvements, providing for a highway commission to have charge of such work and improvements, and authorizing cities and towns to improve the portions of such highways within their corporate limits and to issue and sell bonds therefor," approved March 19, 1907.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 678 finally passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Cronin, Cullen, Dean, Drew, Flavelle, Fleisher, Gerdes, Gibbons, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Kehoe, Leeds, Macauley, Maher, McClellan, McManus, Mendenhall, Moore, Mott, Nelson, Odom, O'Neill, Perine, Polsley, Preston, Pugh, Pulcifer, Rutherford, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wganer, Whitney, Wilson, Wyllie, and Mr. Speaker—54.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

HON. J. P. TRANSUE IN THE CHAIR.

At two o'clock and thirty minutes P. M., Hon. J. P. Transue in the chair.

Senate Bill No. 495—An Act to amend Section 4240 of the Political Code, relating to the salaries, fees, and mileage of officers and jurors in counties of the eleventh class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 495 finally passed by the following vote:

AYES—Messrs Barndollar, Beatty, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Costar, Cronin, Cullen, Dean, Drew, Flavelle, Fleisher, Gerdes, Gibbons, Gillis, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnston of Contra Costa, Kehoe, Leeds, Macauley, Maher, McClellan, McManus, Mendenhall Moore, Mott, Nelson, Odom, O'Neill, Perine Polsley, Preston, Pugh, Pulcifer, Rutherford, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Wilson, and Wyllie—53.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 323—An Act to provide for temporary floors in buildings more than three stories high in the course of construction, and for the protection of the life and limb of workmen employed in such buildings from falling through joists or girders and from falling bricks, rivets, etc.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 323 finally passed by the following vote:

AYES—Messrs. Barndollar, Beatty, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Costar, Cronin, Cullen, Dean, Drew, Flavelle, Fleisher, Gerdes, Gibbons, Gillis, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Juilliard, Kehoe, Leeds, Macauley, Maher, McClellan, McManus, Mendenhall, Moore, Mott, Nelson, Odom, Perine, Polsley, Preston, Pugh, Rutherford, Silver, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Wilson, and Wyllie—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 324—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section to said Penal Code, to be known and numbered as Section 402¾, relating to the furnishing and erecting of unsafe or improper scaffolding or mechanical contrivances

Bill read third time.

The question being on the passage of the bill

The roll was called, and Senate Bill No. 324 finally passed by the following vote:

AYES—Messrs Barndollar, Beatty, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Costar, Cronin, Cullen, Dean, Drew Flavelle Fleisher, Gibbons, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Juilliard, Kehoe, Leeds, Macauley, Maher, McClellan, McManus, Mendenhall, Moore, Mott, Nelson, Odom, O'Neill, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Rutherford, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Wilson, and Wyllie—54

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No 559—An Act to validate proceedings for the reorganization of municipal corporations taken since the passage of the Act

entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883; and also since the passage of the Act entitled "An Act to provide for the classification of municipal corporations," approved March 3, 1883

During third reading of bill, Mr. Drew moved that the Speaker appoint a select committee of one to amend the bill, as follows:

Strike out of line 11, page 2, all after and including the word "provided," in said line 11, to the end of Section "1", and insert (.) period

Motion carried.

The Speaker appointed Mr. Drew as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1909.

MR. SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 559, with instructions, do now report that the instructions of the Assembly have been carried out.

DREW, Select Committee.

Report of select committee, and amendment, adopted.

Bill ordered to reprint and on file for passage.

Senate Bill No. 633—An Act to amend an Act entitled "An Act defining the duties and liabilities of employment agents, making the violation thereof a misdemeanor, and fixing the penalties therefor," approved February 12, 1903.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 633 finally passed by the following vote:

AYES—Messrs. Barndollar, Beatty, Black, Butler, Callan, Cattell, Cogswell, Collier, Costar, Cronin, Cullen, Dean, Drew, Flavelle, Fleisher, Gibbons, Gillis, Greer, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, Maher, McManus, Mendenhall, Moore, Mott, Nelson, O'Neill, Perine, Polsley, Preston, Pugh, Rech, Rutherford, Sackett, Silver, Telfer, Transue, Wagner, Wheelan, Wilson, Wyllie, and Mr Speaker—54.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate

Senate Bill No. 228—An Act appropriating money to pay the claim of W. H. Cobb against the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 228 finally passed by the following vote:

AYES—Messrs Barndollar, Black, Bohnett, Butler, Callan, Cattell Cogswell, Collier, Cronin, Cullen, Dean, Drew, Flavelle, Fleisher, Gibbons, Gillis, Greer, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa Juilliard, Kehoe, Leeds, Macauley, Maher, McManus Moore, Nelson, Odom, O'Neill, Perine, Polsley, Pulcifer, Rutherford, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, and Wyllie—52

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 632—An Act to amend an Act entitled "An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

During third reading of bill, Mr. Nelson moved that the Speaker appoint a select committee of one to amend the bill, as follows:

Amend by striking out of Section 1, in the printed bill, all of line 10, and the following words in line 11: "the commission of any public offense defined in this Act."

Motion carried.

The Speaker appointed Mr. Nelson as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1909.

MR. SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 632 with instructions, do now report that the instructions of the Assembly have been carried out.

NELSON, Select Committee.

Report of select committee, and amendment, adopted.

Bill ordered to reprint, and on file for passage.

Senate Bill No. 531—An Act to authorize the trustees of the Preston School of Industry and the Whittier State School to acquire property by gift, bequest or devise.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 531 finally passed by the following vote:

AYES—Messrs. Barndollar, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Costar, Cronin, Dean, Drew, Flavelle, Gibbons, Gillis, Hanlon, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Juilliard, Kehoe, Leeds, Maher, McManus, Mendenhall, Moore, Mott, Odom, O'Neill, Perine, Polsley, Preston, Pulcifer, Rutherford, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wyllie, and Young—46.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 217—An Act to amend the Political Code of the State of California by adding a new section thereto, to be numbered four thousand one hundred and thirty-five *a*, validating defectively recorded instruments, and providing for the imparting of notice by the same to subsequent purchasers or encumbrancers.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 217 finally passed by the following vote:

AYES—Messrs. Barndollar, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Costar, Dean, Drew, Flavelle, Fleisher, Gerdes, Gibbons, Gillis, Greer, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, Maher, McManus, Mendenhall, Moore, Odom, Otis, Perine, Polsley, Preston, Pulcifer, Rutherford, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, and Wyllie—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 59—An Act defining the powers and duties of physicians, local health officers and boards of health in the matter of the protection of the people of the State of California from the disease known as tuberculosis, providing for requisitions and reports, and making an appropriation therefor.

BILL REFERRED TO COMMITTEE.

On motion of Mr. Leeds, Senate Bill No. 59 was referred to Committee on Ways and Means.

Senate Bill No. 526—An Act to amend Section 22½ of an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State, for the constructing of sewers and other sanitary purposes, the acquisition of the property thereof; the calling of election in such district; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provisions for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1891.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No 526 finally passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Black, Bohnett, Butler, Callan, Cattell, Collier, Costar, Cronin, Dean, Drew, Feeley, Flavelle, Fleisher, Gerdes, Gillis, Greer, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, Maher, McManus, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Rutherford, Sackett, Silver, Telfer, Transue, Wagner, Wheelan, Whitney, and Wyllie—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1909.

MR SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Assembly Bill No 727—An Act to amend Section 1636 of the Political Code of the State of California, relating to taking the school census by providing for signature of parent or guardian to census, and by providing a fine for those refusing to give in the school census.

Assembly Bill No 772—An Act to amend an Act approved February 28, 1907, entitled "An Act to authorize the deposit of State moneys in banks in this State, and to repeal all Acts and parts of Acts in conflict with this Act."

Assembly Bill No. 1093—An Act to add a new section to Chapter II, Title XV, of the Penal Code, to be numbered 655, relating to trespass upon, or the unlawful relocation, or "jumping" of mines, mining and mineral claims

Assembly Bill No 1124—An Act to amend an Act entitled "An Act to prevent the sale of dairy products from unhealthy animals and produced under unsanitary conditions; to provide for the inspection of dairy stock, dairies, factories for the production of dairy products and places where dairy products are handled and sold; to improve the quality of dairy products of the State, to prevent deception in the sale of dairy products, and to appropriate money for enforcing its provisions," approved March 20, 1905, by amending Section 7 thereof, relating to the duties of the State Dairy Bureau and the appointment and qualifications of assistant agents as inspectors

Assembly Bill No. 1035—An Act to add a new section to the Penal Code, to be numbered 626o, to prohibit the hunting of ducks in sneak or scull boats.

Assembly Bill No 996—An Act to add a new section to the Penal Code, to be numbered four hundred and ninety-nine c, relating to the taking, hiring, running, driving

or using of an automobile or taking or removing therefrom any part thereof, by the owner, or the manager of an automobile garage, his agent or employee, or any other person, without the consent of the owner of such automobile and providing the punishment for a violation thereof.

Assembly Bill No 948—An Act to regulate the taking of crabs within Humboldt and Trinidad bays and the waters of the Pacific Ocean adjacent thereto, and in the Eel River, and providing a penalty for the violation thereof.

Assembly Bill No. 163—An Act making an appropriation to pay assessments which may be levied against the Sutter Fort property by the city of Sacramento for street work.

Assembly Bill No 242—An Act making an appropriation for the maintenance and improvement of the grounds and buildings of Sutter's Fort

Assembly Bill No. 302—An Act to amend sections one thousand nine hundred and twenty five, one thousand nine hundred and twenty-six, one thousand nine hundred and twenty-seven, one thousand nine hundred and twenty eight, one thousand nine hundred and twenty-nine, one thousand nine hundred and thirty, one thousand nine hundred and thirty-one, one thousand nine hundred and thirty-two, one thousand nine hundred and thirty-three, one thousand nine hundred and thirty-four, one thousand nine hundred and thirty-five, one thousand nine hundred and fifty-one, one thousand nine hundred and fifty-three, one thousand nine hundred and fifty-four, one thousand nine hundred and fifty-six, one thousand nine hundred and fifty-seven, one thousand nine hundred and fifty-eight, one thousand nine hundred and sixty-two, one thousand nine hundred and sixty-six, one thousand nine hundred and eighty-five, two thousand and twenty, two thousand and twenty six, two thousand and seventy-six, two thousand and seventy-eight, two thousand and seventy-nine, two thousand and eighty-one, two thousand and eighty-six, two thousand one hundred and two, two thousand one hundred and eleven, and two thousand one hundred and twelve, all of the Political Code of the State of California, relating to the National Guard

YOUNG, Chairman

The above reported bills ordered on file for third reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1909

MR SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly reengrossed:

Assembly Bill No. 312—An Act against slot machines and other gambling devices

Assembly Bill No 689—An Act to amend an Act entitled "An Act creating a fund for the benefit and support of high schools, and providing for its distribution by changing the term high school to secondary school," approved March 6, 1903

YOUNG, Chairman

SENATE BILLS—SECOND-READING FILE.

Senate Bill No. 354—An Act to amend Section 1775 of the Political Code of the State of California, relating to the county board of education.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 814—An Act to add a new section to the Political Code, to be numbered 1580, relating to joining school districts upon the organization of new counties or change in county boundaries.

Bill read second time, and ordered on file for third reading

Senate Bill No. 195—An Act to aid the enforcement of an Act entitled "An Act to enforce the educational rights of children," approved March 24, 1903.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No 1.

In line 2, of title of the printed bill, strike out the comma and quotation marks after the word "children", and insert in lieu thereof the following: "and providing penalties for violation of the Act"

Amendment adopted.

AMENDMENT No. 2.

In Section 1, line 12, of the printed bill, strike out the comma and quotation marks after the word "children", and insert in lieu thereof the following: "and providing penalties for violation of the act".

Amendment adopted.

AMENDMENT No. 3.

In Section 1, line 13, of the printed bill, insert after the word "school" the word "district".

Amendment adopted.

AMENDMENT No. 4.

In Section 1, line 13, of the printed bill, insert after the word "county" the word "city".

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

SPEAKER IN THE CHAIR.

At three o'clock and ten minutes P. M., Speaker Stanton in the chair.

RE-REFERENCE OF BILL.

On motion of Mr. Perine, Assembly Bill No. 30 was re-referred to the Committee on Ways and Means.

THIRD READING FILE—(RESUMED).

Assembly Bill No. 632—An Act entitled "An Act to amend Sections 1713 and 1714 of Article XIII of the Political Code, in regard to the apportionment of school library funds."

During third reading of bill Mr. Sackett moved that the Speaker appoint a select committee of one to amend the bill as follows:

Insert in line 1, page 1, of printed bill, after the words "Article III" the words "of the Political Code."

Also: Strike out of line 3, page 1, of printed bill, the word "Section."

Motion carried.

The Speaker appointed Mr. Sackett as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1909.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 632, with instructions, do now report that the instructions of the Assembly have been carried out.

SACKETT, Select Committee.

Report of select committee, and amendments, adopted.

Bill ordered to reprint, reengrossment, and on file for passage.

Assembly Bill No. 709—An Act to amend Section 4234 of the Political Code of the State of California, relating to the compensation of officers of counties of the fifth class, and their assistants and deputies.

During third reading of bill, Mr. Johnson of Sacramento moved that the Speaker appoint a select committee of one to amend the bill, as follows:

Strike out the words "two thousand five hundred", in line 88, page 3, of the printed bill, and insert in lieu thereof the words "three thousand"

Also: After the word "annum" in line 89, page 3, of the printed bill, insert the following: "he shall be allowed one chief deputy, which office is hereby created, at a salary of eighteen hundred dollars per annum and one office deputy, which office is hereby created, at a salary of fifteen hundred dollars per annum."

Also: Strike out the words "five thousand", in line 91, page 4, of printed bill, and insert in lieu thereof the words "twelve hundred".

Motion carried.

The Speaker appointed Mr. Johnson of Sacramento as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1909.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 709, with instructions, do now report that the instructions of the Assembly have been carried out.

JOHNSON OF SACRAMENTO, Select Committee.

Report of select committee, and amendments, adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

SPECIAL FILE—THIRD READING.

Assembly Bill No. 302—An Act to amend Sections 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934, 1935, 1951, 1953, 1954, 1956, 1957, 1958, 1962, 1966, 1985, 2020, 2026, 2076, 2078, 2079, 2081, 2086, 2102, 2111, and 2112, all of the Political Code of the State of California, relating to the National Guard.

Bill read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 302 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Costar, Cronin, Drew, Feeley, Flavelle, Fleisher, Gerdes, Gibbons, Hammon, Hanlon, Hawk, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Maher, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Pulcifer, Rech, Rutherford, Sackett, Silver, Stuckenbruck, Transue, Wagner, Wilson, Wyllie, Young, and Mr. Speaker—51.

NOES—Mr. Telfer—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 447—An Act providing for a biennial appropriation in the general appropriation bill for the support and maintenance of the Bureau of Criminal Identification of the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 447 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Costar, Cronin, Cullen, Drew, Feeley, Flavelle, Fleisher, Gerdes, Gibbons, Gillis, Hammon, Hanlon, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, Maher, Moore, Mott, Nelson, Odom, Otis, Perine, Polsley, Rech, Rutherford, Sackett, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Wilson, Young, and Mr. Speaker—53.

NOES—None.

Title read and approved

Bill ordered transmitted to the Senate.

Assembly Bill No. 204—An Act to amend Sections 1103 and 1115 of the Political Code of the State of California, relating to the compiling and indexing of a register of voters.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 204 passed by the following vote:

AYES—Messrs Barndollar, Bohnett, Callan, Cattell, Cogswell, Costar, Cronin, Drew, Fleisher, Flint, Gerdes, Griffiths, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist,

Irwin, Johnson of Sacramento, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Mendenhall, Moore, Mott, Odom, Otis, Polsley, Pulcifer, Rech, Rutherford, Sackett, Telfer, Transue, Wagner, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—42.

NOES—Messrs Beatty, Behan, Coghlan, Cullen, Dean, Feeley, Flavelle, Gibbons, Hopkins, Macauley, Maher, McManus, O'Neill, Perine, Pugh, Silver, Stuckenbruck, and Wheelan—18.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1125—An Act to amend Section 1195 of the Political Code, relating to constitutional amendments, how submitted.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1125 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Black, Bohnett, Callan, Cattell, Coghlan, Cogswell, Collier, Costar, Cronin, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, Maher, McManus, Mendenhall, Moore, Mott, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pulcifer, Rech, Rutherford, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wagner Wheelan, Whitney, Wilson, Young, and Mr. Speaker—62.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1126—An Act to add a new section to the Political Code of the State of California, relating to entry of amendments and propositions on ballots.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1126 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beban, Black, Bohnett, Callan, Coghlan, Cogswell, Collier, Costar, Cronin, Cullen, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hanlon, Hawk, Hayes, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, McManus, Moore, Odom, O'Neill, Perine, Polsley, Preston, Pugh, Pulcifer, Rutherford, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young and Mr Speaker—55.

NOES—None

Title read and approved

Bill ordered transmitted to the Senate

THIRD-READING FILE—(RESUMED).

Assembly Bill No. 441—An Act to add a new section to the Code of Civil Procedure, to be numbered Section 103½, authorizing city justices in cities and towns of the third class to appoint a clerk.

Bill read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 441 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beban, Black, Bohnett, Callan, Coghlan, Cogswell, Collier, Costar, Cronin, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, Maher, McClellan, McManus, Moore, Odom, Otis, O'Neill, Perine, Polsley,

Preston, Pugh, Pulcifer, Rutherford, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—59.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

RECONSIDERATION.

In compliance with his notice given on a previous day, Mr. Juilliard moved that the vote whereby Assembly Bill No. 618 was passed be reconsidered.

The roll was called, and the same was refused reconsideration by the following vote:

AYES—Messrs Bohnett, Callan, Cattell, Coghlan, Cogswell, Cronin, Drew, Flavelle, Flint, Gillis, Hayes, Hinkle, Holmquist, Irwin, Juilliard, Kehoe, Maher, Mendenhall, Otis, Polsley, Preston, Silver, Stuckenbruck, Telfer, Whitney, Wilson, and Wyllie—27.
NOES—Messrs Barndollar, Beardslee, Beban, Collier, Costar, Cullen, Feeley, Gerdes, Griffiths, Hanlon, Hawk, Hewitt, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Leeds, Macauley, McClellan, McManus, Moore, Mott, Nelson, Odom, O'Neill, Perine, Pugh, Pulcifer, Rech, Rutherford, Sackett, Transue, Wagner, and Mr Speaker—33.

Bill ordered transmitted to the Senate.

Assembly Bill No. 439—An Act to amend Section 852 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations."

WITHDRAWAL OF BILL.

Mr. Maher asked for and was granted unanimous consent to withdraw Assembly Bill 439.

Assembly Bill No. 439 withdrawn and ordered stricken from the file.

Assembly Bill No. 153—An Act to define and regulate the business of banking.

WITHDRAWAL OF BILL.

Mr. Stanton asked for and was granted unanimous consent to withdraw Assembly Bill No. 153.

Assembly Bill No. 153 withdrawn and ordered stricken from the file.

HON. NATHAN C. COGHLAN IN THE CHAIR

At four o'clock and twenty minutes P. M., Hon. Nathan C. Coghlan in the chair.

Assembly Bill No. 671—An Act to prevent the formation and prohibit the existence of secret oath-bound fraternities in the public schools.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 671 was refused passage by the following vote:

AYES—Messrs. Barndollar, Bohnett, Callan, Cattell, Coghlan, Cogswell, Costar, Cronin, Dean, Flint, Gerdes, Gibbons, Gillis, Hanlon, Hans, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Kehoe, Maher, Mendenhall, Pulcifer, Sackett, Silver, Telfer, Wagner, Wyllie and Young—30
NOES—Messrs. Beardslee, Beatty, Beban, Black, Butler, Collier, Collum, Cullen, Drew, Feeley, Flavelle, Fleisher, Greer, Griffiths, Hawk, Hopkins, Johnston of Contra Costa, Juilliard, Leeds, Macauley, McClellan, McManus, Moore, Mott, Nelson, Odom O'Neill, Perine, Polsley, Preston, Rech, Schmitt, Stuckenbruck, Transue, Wheelan, Whitney, and Wilson—37.

NOTICE OF MOTION TO RECONSIDER.

Mr. Rech gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 671 was this day refused passage.

WITHDRAWAL OF BILL.

Mr Perine asked for and was granted unanimous consent to withdraw Assembly Bill No. 409, it being identical with Senate Bill No 228, already passed by this House.

Assembly Bill No 409 withdrawn, and ordered stricken from the file.

RECONSIDERATION.

In compliance with his notice given on a previous day, Mr. Transue moved that the vote whereby Senate Bill No. 524 was passed be reconsidered.

The roll was called, and the same was refused reconsideration by the following vote:

AYES—Messrs Beatty, Butler, Coghlan, Cogswell, Collier Collum, Costar, Cronin, Drew, Feeley, Flint, Gerdes, Greer, Griffiths, Hans, Hawk, Hayes, Holmquist, Irwin, Johnson of Sacramento, Leeds, Maher, McClellan, Mott, Nelson, Odom, Perine, Preston, Pugh, Rech, Rutherford, Schmitt, Silver, Telfer, Wagner, Whitney, Wilson, and Wyllie—38.

NOES—Messrs Barndollar, Beardslee, Beban, Black, Bohnett, Callan, Cattell, Dean, Flavelle, Fleisher, Gibbons, Gillis, Hanlon Hewitt, Hinkle, Hopkins, Johnston of Contra Costa, Juilliard, Kehoe, Macauley, McManus, Moore, Otis, O'Neill, Pulcifer, Sackett, Stuckenbruck, Transue, Wheelan, and Young—30.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON COMMERCE AND NAVIGATION

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1909.

MR SPEAKER: Your Committee on Commerce and Navigation, to whom was referred Assembly Bill No 564—An Act to provide for the issuance and sale of State bonds to create a fund for the construction by the Board of State Harbor Commissioners for the bay of San Diego, of a seawall, wharves, piers, state railroad, spurs, betterments and appurtenances in the county of San Diego, to create a sinking fund for the payment of said bonds; to define the duties of State officers in relation thereto; to make an appropriation of one thousand dollars for the expense of printing said bonds, and to provide for the submission of this Act to a vote of the people—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

McMANUS, Chairman.

The above reported bill ordered on file for second reading.

ADJOURNMENT.

At five o'clock and fifteen minutes P. M., on motion of Mr. Cattell, the Assembly was declared adjourned until ten o'clock A. M. of Wednesday, February 24, 1909.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL., }
Wednesday, February 24, 1909 }

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. P. A. Stanton, Speaker of the Assembly, in the chair.

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

Messrs Barndollar, Baxter, Beardslee, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Cogswell, Collum, Costar, Cronin, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Haulon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—73

Quorum present.

LEAVES OF ABSENCE.

On motion, leave of absence for the day was granted to Messrs Wyatt and Melrose.

PRAYER.

Prayer was offered by the Chaplain, Rev. Seren N. Marsh.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr O'Neill, its further reading was dispensed with.

PETITION.

The following petition was filed:

By Mr. Sackett:

Petition in favor of the passage of "Local Option Law."
(Signed:) T. G HALL (and others)

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1909

MR SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No 603—An Act to amend the Penal Code of California by adding thereto a new section, to be numbered 181*a*, relating to the falsification of books and accounts

Also: Assembly Bill No 654—An Act to amend Section 870 of the Penal Code, relating to the keeping and furnishing of depositions on examinations in criminal charges.

Also Assembly Bill No 705—An Act to amend Section 597 of the Penal Code, relating to cruelty to animals.

Also: Assembly Bill No 826—An Act to amend Section 198, Code of Civil Procedure, relating to jurors.

Also: Assembly Bill No. 1095—An Act to amend section three thousand five hundred and eighteen of the Political Code, relating to duplicates for lost certificates of purchase of State lands.

Also: Assembly Bill No 1096—An Act to amend Section 269 of the Code of

Civil Procedure, relating to phonographic reporters for Superior Courts and providing for their appointment and duties, and also providing for copies of proceedings by them in certain cases

Also: Assembly Bill No. 1159—An Act to decrease the number of judges of the Superior Court of the county of Shasta, State of California, from two to one

Also: Assembly Bill No. 1321—An Act to amend the Civil Code of the State of California, by adding a new section thereto, to be numbered 2472, relating to appointment of agent and service of summons

Also: Senate Bill No 98—An Act to repeal an Act entitled "An Act to provide for restoration to capacity of persons adjudged to be insane, who have no guardians and who are not confined at State hospitals for the insane," approved March 23, 1901.

Also: Senate Bill No 179—An Act to amend Sections 270, 270*a*, and 270*b* of the Penal Code of California

Also: Senate Bill No. 549—An Act to amend Section 558 of the Code of Civil Procedure of the State of California, relating to the discharge of attachments.

Also: Senate Bill No. 635—An Act to amend Section 1618 of the Code of Civil Procedure of the State of California, relative to the compensation of executors and administrators.

Also: Senate Bill No 636—An Act to amend Section 2274 of the Civil Code of the State of California relative to the compensation of trustees.

Also: Senate Bill No 799—An Act to amend Section 1763 of the Code of Civil Procedure of the State of California, relating to appointment of guardians of insane and incompetent persons.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass

JOHNSON OF SACRAMENTO, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1909

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Senate Bill No. 180—An Act to amend Section 737 of the Political Code of California, relating to the salaries of superior judges—report the same back, with one amendment, and recommend that it do pass as amended.

Also: Senate Bill No. 800—An Act to amend Section 1774 of the Code of Civil Procedure of the State of California, relative to settlement of accounts of guardians of insane persons—report the same back, with one amendment, and recommend that it do pass as amended.

Also: Senate Bill No. 366—An Act providing for the labeling or stamping by the manufacturer, vendor, or person offering for sale any article of hotel, boarding, or lodging house, or domestic or office furniture, the cushions whereof are stuffed in whole or in part with materials made of secondhand or cast off clothing, rags, or cast off or secondhand material of any character, so that the label or stamp shall show the character of the materials with which such articles are so partly made or stuffed, and making the violating of any of the provisions of this Act a misdemeanor—report the same back, with one amendment, and recommend that it do pass as amended.

Also: Assembly Bill No. 104—An Act to repeal three sections of the Code of Civil Procedure, numbered 953*a*, 953*b*, and 953*c* respectively, relating to a new and alternative method for the preparation of records to be used on appeals from judgments orders or decrees of the Superior Court to the Supreme Court or District Courts of Appeal—report the same back, with one amendment, and recommend that it do pass as amended.

Also Assembly Bill No. 806—An Act to amend Section 2687 of the Political Code —report the same back, with one amendment, and recommend that it do pass as amended.

Also: Assembly Bill No 651—An Act to make uniform the law of warehouse receipts—report the same back, with nine amendments, and recommend that it do pass as amended.

Also: Assembly Bill No. 1070—An Act to add a new section to the Political Code of the State of California, to be known as Section 3251 thereof, providing pay for holidays for employees of the State of California or of any political subdivision thereof—report the same back, with two amendments, and recommend that it do pass as amended.

JOHNSON OF SACRAMENTO, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1909

MR SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No 634—An Act to add a new section to the Code of Civil Procedure, to be numbered Section 1964, and relating to disputable presumptions—report the same back, and recommend that it be referred to the Committee on Fish and Game

JOHNSON OF SACRAMENTO, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1909.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 738—An Act to add a new section, to be numbered 734, to the Civil Code of the State of California, relating to the rights of owners, especially the rights of owners of property to be protected from trespassing by and from damage done by domestic animals

Also: Assembly Bill No. 740—An Act to amend an Act entitled "An Act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force relating to estrays," approved March 23, 1901, and amended March 6, 1907, by so defining "estrays" as to include all trespassing domestic animals, charging the costs of keeping chargeable by a taker-up, and shortening time of keeping necessary.

Also: Senate Bill No. 805—An Act to amend Section 602 of the Penal Code of the State of California, relating to willful trespass.

Have had the same under consideration, and respectfully report the same back, pursuant to the direction of the Assembly.

JOHNSON OF SACRAMENTO, Chairman

ON LIVE STOCK, DAIRIES, AND DAIRY PRODUCTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1909

MR. SPEAKER: Your Committee on Live Stock, Dairies and Dairy Products, to whom was referred Assembly Bill No. 1020—An Act to amend "An Act to prohibit adulteration and deception in the sale of dairy products, defining the adulteration in dairy products, to establish standards of quality in dairy products, and to provide for enforcing its provisions," approved March 15, 1907—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

McCLELLAN, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1909.

MR. SPEAKER: Your Committee on Live Stock, Dairies and Dairy Products, to whom was referred Assembly Bill No. 1330—An Act to amend an Act entitled "An Act to prevent deception in the manufacture and sale of butter and cheese, to secure its enforcement, and to appropriate money therefor," approved March 4, 1897, by amending Section 17 of said Act—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and be re-referred to Committee on Ways and Means

McCLELLAN, Chairman

ON PUBLIC HEALTH AND QUARANTINE

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1909.

MR. SPEAKER: Your Committee on Public Health and Quarantine to whom was referred Assembly Bill No. 1155—An Act to amend Section 4 of an Act entitled "An Act for preventing the manufacture, sale, or transportation of adulterated, mislabeled or misbranded foods and liquors, and regulating the traffic therein, providing penalties, establishing a State laboratory for foods, liquors, and drugs, and making an appropriation therefor," approved March 11, 1907, relating to the adulteration of food—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

BARNDOLLAR, Chairman.

ON AGRICULTURE

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1909

MR. SPEAKER: Your Committee on Agriculture to whom was referred Assembly Bill No. 661—An Act to amend Section 717 of the Civil Code of the State of California, relating to the time that agricultural lands may be leased for agricultural or horticultural purposes

Also Assembly Bill No. 945—An Act to amend an Act entitled "An Act to form agricultural districts, to provide for formation of agricultural associations therein, and for management and control of the same by the State, and to repeal all Acts and parts of Acts in conflict with this Act," approved March 31, 1897, amendment approved March 15, 1901, by adding thereto and providing therein for a new district, to be known as Agricultural District No. 46, composed of the county of Imperial.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass

COGSWELL, Chairman.

ON LABOR AND CAPITAL.

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1909.

MR. SPEAKER: Your Committee on Labor and Capital, to whom was referred Assembly Bill No. 1282—An Act to add a new section to the Penal Code of the State

of California, to be known and numbered Section 402c—have had same under consideration, and respectfully report the same back, and recommend that it do pass

NELSON, Chairman

ON PUBLIC LANDS AND FORESTRY.

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1909

MR SPEAKER Your Committee on Public Lands and Forestry, to whom was referred Assembly Bill No 1253—An Act to authorize the State of California to release and convey to the United States such portions of the sixteenth and thirty-sixth sections of land contained in the Cleveland National Forest, formerly San Jacinto Forest Reserve (and referred to in that certain Act entitled "An Act to authorize the settlement of an existing controversy between the United States of America and the State of California, and making an appropriation to carry out the provisions of said Act." approved March 21, 1907.) as may remain after the settlement referred to in said Act has been consummated, for the purpose of reimbursing the United States for lands surrendered to it by the State, and which said lands so surrendered were thereafter sold and patented by said State

Also: Assembly Bill No 1004—An Act to authorize the Governor to accept on behalf of the State the grant of certain lands in Butte County.

Also Assembly Bill No. 1284—An Act validating the title of lands selected by the State in lieu of surveyed school sections situated within the exterior boundaries of national reservations created by proclamation of the President of the United States, and vesting the title of the State to such surveyed school sections in the United States

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass

FLINT, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1909.

MR. SPEAKER: Your Committee on Public Lands and Forestry, to whom was referred Assembly Bill No. 1005—An Act to fix the salaries of the State Forester, deputy forester, and assistant forester.

Also. Assembly Bill No. 1238—An Act to prohibit the wanton, wasteful, and unnecessary cutting and destruction of small trees and chaparral growing upon private uncultivated land in this State situated upon the mountains and catchment basins from which cities, towns, and communities receive their water supply, and to regulate the business of lumbering and cutting such trees and chaparral upon said lands, and to provide for the appointment of inspectors for said lands, and making an appropriation to provide for the expenses in connection therewith.

Also: Assembly Bill No 300—An Act providing for the construction of a water and sewer system in California Redwood Park and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that they do pass, and be re-referred to Committee on Ways and Means

FLINT, Chairman

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1909

MR. SPEAKER Your Committee on Ways and Means, to whom was referred Assembly Bill No. 1363—An Act authorizing the purchase of portraits of Speakers of the Assembly, and appropriating money therefor

Also: Assembly Bill No. 91—An Act making an appropriation to complete certain necessary improvements at the Veterans' Home of California, located at Yountville Napa County, California.

Also: Assembly Bill No 958—An Act appropriating the sum of one thousand dollars for the purpose of installing a plant for distilling water, in connection with the ice-making plant at the Veterans' Home of California, located at Yountville, Napa County.

Also: Assembly Bill No 959—An Act appropriating the sum of two thousand five hundred dollars for the purchase of sterilizers and ambulance, and hospital appliances and instruments at the Veterans' Home of California, located at Yountville, Napa County.

Also Assembly Bill No 1038—An Act authorizing and empowering the directors of the State Agricultural Society to hold State industrial and agricultural fairs at the city of Oakland, county of Alameda, State of California, and making an appropriation therefor

Also: Assembly Bill No 1408—An Act to amend section five hundred and thirteen of the Political Code of the State of California, relating to the salary of the Superintendent or Public Instruction

Also: Assembly Bill No 1403—An Act to add four new sections to the Political Code of the State of California, relating to preparing a State budget

Have had the same under consideration, and respectfully report the same back and recommend that they do pass

BEARDSLEE, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1909

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 182—An Act to authorize the directors of the Veterans' Home of California to purchase the southeast quarter of the southwest quarter of section two in township six north, range five west, M. D. M., containing forty acres of land and situate in the county of Napa, State of California, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it be withdrawn by consent of author.

BEARDSLEE, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1909

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 1111—An Act to authorize and empower the State Board of Prison Directors to insure jute and jute goods against either fire or marine loss and to pay the cost of such insurance from the revolving fund for the purchase of jute—have had the same under consideration, and respectfully report the same back, and recommend that it be returned to the House, not being properly before the committee.

BEARDSLEE, Chairman.

ON STATE HOSPITALS AND ASYLUMS.

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1909.

MR. SPEAKER: Your Committee on State Hospitals and Asylums, to whom was referred Assembly Bill No. 1368—An Act to amend section one of an Act entitled "An Act authorizing and directing the completion of the main buildings at the California Home for the Care and Training of Feeble-Minded Children, near Eldridge, Cal., and making an appropriation therefor, approved March 11, 1907—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

FLAVELLE, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1909.

MR. SPEAKER: Your Committee on State Hospitals and Asylums, to whom was referred Assembly Bill No. 206—An Act appropriating the sum of twelve thousand one hundred and fifty-five dollars ($12,155.00) to provide certain improvements to the plant and grounds of the Industrial Home of Mechanical Trades for the Adult Blind, at Oakland, California.

Also: Assembly Bill No. 1135—An Act to provide for the equipping and furnishing of the building now in process of erection at Stockton State Hospital, under the provisions of Chapter 172 of the Statutes of 1907, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass and be re-referred to the Committee on Ways and Means.

FLAVELLE, Chairman.

ON ELECTION LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1909.

MR. SPEAKER: Your Committee on Election Laws, to whom was referred Assembly Bill No. 1259—An Act to amend Section 1084 of the Political Code, relating to the qualifications and disabilities of an elector.

Also: Assembly Bill No. 1260—An Act to amend sections twelve hundred and thirty, twelve hundred and thirty-five, and twelve hundred and thirty-eight of the Political Code, relating to the challenging of persons offering to vote at elections.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

LEEDS, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1909.

MR. SPEAKER: Your Committee on Election Laws, to whom was referred Assembly Bill No. 1387—An Act to amend Section 1164 of the Political Code of the State of California, relating to proclamation at closing the polls.

Also: Assembly Bill No. 1388—An Act to amend Section 1160 of the Political Code of the State of California, relating to the time of opening and closing the polls.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended.

LEEDS, Chairman.

ON REVISION AND REFORM OF LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1909.

MR. SPEAKER: Your Committee on Revision and Reform of Laws, to whom was referred Assembly Bill No. 525—An Act to repeal an Act entitled "An Act to pro-

vide for the management of the Yosemite Valley, and the Mariposa Big Trees Grove," approved April 15, 1880.

Also: Assembly Bill No. 527—An Act to repeal an Act entitled "An Act concerning lodging houses and sleeping apartments within the limits of incorporated cities," approved April 3, 1876.

Also: Assembly Bill No. 528—An Act to repeal an Act entitled "An Act to provide for the marking, branding, or labeling of boxes, barrels or packages, containing fruits, fresh or dried, and fixing a penalty for the violation thereof, and for the appointment of inspectors under its provisions," approved March 20, 1903.

Also: Assembly Bill No. 530—An Act to repeal an Act entitled "An Act fixing the rates of interest and charges on loans upon chattel mortgages on certain personal property, and prescribing penalties for the violation of the Act," approved March 20, 1905.

Also: Assembly Bill No. 533—An Act to repeal an Act entitled "An Act requiring the marking of packages of butter containing less than six pounds and more than one-half pound, so as to advise the purchaser or others as to the weight of butter contained in such package," approved March 20, 1905.

Also: Assembly Bill No. 534—An Act to repeal an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889.

Also: Assembly Bill No. 535—An Act to repeal Section 1875 of the Political Code of the State of California, relating to penalties for the neglect to use textbooks adopted.

Also: Assembly Bill No. 536—An Act to repeal an Act entitled 'An Act to authorize the Justices of the Supreme Court to appoint a librarian for the said court, and fixing a salary," approved March 11, 1893.

Also: Assembly Bill No. 537—An Act to repeal an Act entitled "An Act to provide for a lunch hour for laborers in sawmills, shakemills, shingle-mills, and logging camps," approved February 28, 1901.

Also: Assembly Bill No. 538—An Act to repeal an Act entitled "An Act to promote emigration from the State of California," approved March 26, 1880.

Also: Assembly Bill No. 540—An Act to repeal an Act entitled "An Act to prevent discrimination against female teachers," approved March 30, 1874.

Also: Assembly Bill No. 541—An Act to repeal an Act entitled "An Act to provide for the incorporation of associations for lending money on personal property, and regulating the same, and to forbid certain loans of money, property, or credit," approved March 21, 1905.

Also: Assembly Bill No. 542—An Act to repeal an Act entitled "An Act prescribing the form of complaint in actions to recover delinquent taxes, and to authorize the bringing of suits therefor,' approved April 23, 1880.

Also: Assembly Bill No. 543—An Act to repeal an Act entitled "An Act in relation to the currency of the United States," approved March 12, 1880.

Also: Assembly Bill No. 544—An Act to repeal an Act entitled "An Act to create the office of Sheep Inspector for the State of California, to provide for the appointment, and to define the powers and duties of said officer and his deputies and their compensation, and providing for the prosecution of offenses under the same, and to suppress and prevent dissemination of scab among sheep," approved March 24, 1903.

Also: Assembly Bill No. 545—An Act to repeal an Act entitled "An Act regarding organizations, officers, and members of the National Guard who entered the United States volunteer service in the Spanish-American war of eighteen hundred and ninety-eight, their privileges and exemptions, and retirements, and providing for the return to the National Guard of such organizations, officers, and members," approved March 21, 1899.

Also: Assembly Bill No. 546—An Act to repeal an Act entitled "An Act to prevent destruction by fire of property of contiguous owners," approved March 31, 1891.

Also: Assembly Bill No. 547—An Act to repeal an Act entitled "An Act to prevent combinations to obstruct the sale of live stock in the State of California," approved February 27, 1893.

Also: Assembly Bill No. 548—An Act to repeal an Act entitled "An Act to prevent persons passing through inclosures and leaving them open, by tearing down fences, or otherwise, and to prevent hunting upon inclosed lands in the State of California," approved March 23, 1876.

Also: Assembly Bill No. 549—An Act to repeal an Act entitled "An Act to prevent persons passing through inclosures and leaving them open, and tearing down fences to make passage through inclosures," approved March 16, 1872.

Also: Assembly Bill No. 550—An Act to repeal an Act entitled "An Act to authorize the managers of orphan asylums to give their consent to the adoption of certain children under their care," approved April 1, 1878.

Also: Assembly Bill No. 554—An Act to repeal an Act entitled "An Act to regulate the sale of imitation olive oil, and to repeal an Act entitled 'An Act to regulate the sale of olive oil,'" approved March 23, 1893.

Also: Assembly Bill No. 555—An Act to repeal an Act entitled "An Act authorizing and directing district attorneys to bring suits to abate public nuisances."

Also: Assembly Bill No 557—An Act to repeal an Act entitled "An Act to abolish attorney's fees and other charges in foreclosure suits," approved March 27, 1874.

Also: Assembly Bill No 558—An Act to repeal an Act entitled "An Act relative to the meeting place of high school boards within municipal corporations," approved March 15, 1901

Also: Assembly Bill No. 559—An Act to repeal an Act entitled "An Act to provide for the levy and collection of taxes by and for school districts, except in municipal corporations of the first class," approved February 14, 1891

Also: Assembly Bill No. 560—An Act to repeal an Act entitled "An Act authorizing the appointment of certain permanent employees of the State Capitol, and fixing their compensation," approved March 30, 1874

Also: Assembly Bill No. 561—An Act to repeal an Act entitled "An Act to provide for prosecuting attorneys of police courts in cities of the second class, and regulating the compensation of such officers," approved March 23, 1901.

Also: Assembly Bill No. 562—An Act to repeal an Act entitled "An Act concerning special election," approved February 9, 1878.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended.

RECH, Chairman

ON MUNICIPAL CORPORATIONS

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1909

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 1273—An Act to provide for the disincorporation and discontinuance of fire districts where the same become wholly or partly within the corporate limits of a town or city incorporated subsequently to the organization thereof, and providing for the disposal of the property of such districts.

Also: Assembly Bill No. 1366—An Act authorizing municipal corporations to acquire and hold lands by lease or otherwise, for a term of years, for the purpose of developing and encouraging agricultural, horticultural, and botanical products and exhibiting the same, and repealing all Acts and parts of Acts in conflict with this Act

Have had the same under consideration, and respectfully report the same back, with one amendment, and recommend that same do pass as amended

FEELEY, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1909

MR SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 1261—An Act to amend Section 12 of an Act entitled "An Act to establish police courts in cities of the first and one-half class, to fix their jurisdiction and to provide for officers of said courts and fix the compensation of certain officers thereof," approved March 5, 1901, relating to the imprisonment of persons convicted in police courts in cities of the first and one-half class.

Also: Assembly Bill No. 1262—An Act authorizing municipal corporations to permit other municipal corporations to construct and maintain sewers, water mains and other conduits therein, also to construct and maintain sewers, water mains, and other conduits for their joint benefit, and at their joint expense, and to make and enter into contracts for said purposes.

Also: Assembly Bill No. 1353—An Act to amend an Act which became effective February 26, 1901, entitled "An Act to provide for local improvements upon streets lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities, such Act to be known as 'The Local Improvement Act of 1901,'" by adding thereto a new section to be numbered 20*a*

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass

FEELEY, Chairman

The above reported bills, with the exception of Assembly Bills Nos 634, 738, 740, 805, 182, and 1111, ordered on file for second reading

Assembly Bill No. 182 withdrawn by unanimous consent

Assembly Bill No. 634 referred to Committee on Fish and Game.

Assembly Bills Nos 1330, 206, and 1135 referred to Committee on Ways and Means

SENATE MESSAGES.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, February 23, 1909

MR. SPEAKER: I am directed to inform your honorable body that the Senate amended, and on this day passed as amended, Assembly Bill No. 123—An Act to

amend the Penal Code of California by adding a new section thereto, to be numbered 170c, relating to the support of indigent parents.

Also: Assembly Bill No. 11—An Act providing for the registration of the purchasers of guns, pistols, and other firearms, and providing for the punishment of dealers neglecting to register such purchasers.

Also: Assembly Bill No. 184—An Act to amend an Act entitled "An Act to provide for the establishment and quieting of title to real property in case of the loss or destruction of public records," approved June 16, 1906

And respectfully request that your honorable body concur in said amendments

LEWIS A. HILBORN, Secretary of Senate
By J. W. KAVANAH, Assistant Secretary

Mr. Johnston moved that the Assembly concur in Senate amendment to Assembly Bill No. 123

The question being put: "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 123?"

On page 1, Section 1, line 3, strike out the word "Section"

The roll was called, and Senate amendment to Assembly Bill No. 123 was concurred in by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Beban, Butler, Callan, Cattell, Cogswell, Collum, Cronin, Cullen, Dean, Drew, Feeley, Flavelle, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Leeds, Lightner, Macauley, McClellan, McManus, Mendenhall, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pulcifer, Sackett, Schmitt, Silver, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Young, and Mr. Speaker—61

NOES—None.

Assembly Bill No. 123 ordered to enrollment.

Mr. Johnson of Sacramento moved that the Assembly concur in Senate amendments to Assembly Bill No. 11

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 11?"

Strike out of Section 1, line 2, the words "guns or other firearms

Also: Strike out of Section 1, line 7, the words "gun or other firearms"

Also: Strike from title the words "gun and other firearms".

The roll was called, and Senate amendments to Assembly Bill No. 11 were concurred in by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Bohnett, Butler, Callan, Cogswell, Costar, Cronin, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Leeds, Macauley, Maher, McClellan, McManus, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Preston, Pulcifer, Schmitt, Silver, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—61

NOES—None

Assembly Bill No. 11 ordered to enrollment.

Mr. Beatty moved that the Assembly concur in Senate amendment to Assembly Bill No. 184.

The question being put: "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 184?"

On page 1, Section 1, line 7, strike out the words and figures "July 1st, (1913)", and insert in lieu thereof "January 1st, 1911"

The roll was called and Senate amendment to Assembly Bill No. 184 was concurred in by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Beban, Bohnett, Callan, Cattell, Coghlan, Cogswell, Costar, Cronin, Cullen, Dean, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle,

Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of Placer, Kehoe, Leeds, Macauley, McManus, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Preston, Pulcifer, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—61.

NOES—None

Assembly Bill No 184 ordered to enrollment.

Also·

SENATE CHAMBER, SACRAMENTO, February 23, 1909

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to Senate Bill No 88—An Act to amend Section 855 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporation," approved March 13, 1883, and relating to compensation of members of the board of trustees, and to the officers of municipalities of the sixth class.

LEWIS A. HILBORN, Secretary of Senate
By J. W. KAVANAGH, Assistant Secretary

Also:

SENATE CHAMBER, SACRAMENTO, February 23, 1909

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day ordered returned to your honorable body, as per request, Committee Substitute for Assembly Bill No. 7—An Act to amend an Act entitled "An Act to repeal Title II of Part IV of the Political Code, and to add a new Title II of Part IV of said Code in place thereof, relating to the establishment of a uniform system of county and township governments," approved March 18, 1907, by adding a new article and section to chapter six of said Act, to be known as Article XI, Section 4205, relating to the registration of voters, and the selection and appointment of a registrar of voters, in counties of the fifth class, and prescribing his powers, duties and compensation.

LEWIS A. HILBORN, Secretary of Senate
By J. W. KAVANAGH, Assistant Secretary

Mr. Greer moved that Committee Substitute for Assembly Bill No 7, which was this day returned from the Senate, be referred to the Committee on Judiciary, to inquire into the constitutionality of same

Motion carried.

Also:

SENATE CHAMBER, SACRAMENTO, February 23 1909.

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day passed Senate Bill No 648—An Act to amend Section 4253 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the twenty-fourth class

Also Senate Bill No 647—An Act to amend Sections 3627, 3680, 3692, 3839, 3843, 3845, and 3854 of the Political Code, relating to the assessment, equalization, and collection of taxes of the State and counties

Also: Senate Bill No. 554—An Act to add a new section to the Penal Code of the State of California, to be numbered 667, relating to punishment for second offenses

Also, Senate Bill No. 555—An Act to amend Section 666 of the Penal Code of the State of California, relating to punishment for second offenses

Also: Senate Bill No. 556—An Act to add a new section to the Penal Code of the State of California, to be numbered one thousand one hundred and ninety-two a relating to the ascertainment of facts relating to the records of persons convicted of offenses punishable by imprisonment in the State prison

Also; Senate Bill No 476—An Act to create a fish and game preservation fund and to unite the fish commission fund and the game preservation fund into a common fund to be known as fish and game preservation fund

Also· Senate Bill No 477—An Act to amend Part III, Chapter III, Article I of the Political Code of California by adding a new section to said Article I, to be numbered 344, relating to fish and game commissions

Also· Senate Bill No. 677—An Act to regulate the vocation of fishing, and to provide therefrom revenue for the propagation, restoration, and preservation of fish in the waters of the State of California

Also· Senate Bill No. 804—An Act to create a preserve for crabs within Humboldt and Trinidad bays and the waters of the Pacific Ocean adjacent thereto, and to regulate the taking of crabs from such preserve for commercial purposes.

Also· Committee Substitute for Senate Bill No 44—An Act for the preservation of seals or sea lions in the waters of the Santa Barbara Channel, or on, about, or near any land adjacent thereto·

Also; Senate Bill No. 64—An Act to amend Section 626f of the Penal Code relating to the protection of deer

Also: Senate Bill No. 137—An Act to add a new section to the Penal Code, to be numbered Section 628c, to prevent the catching of surf fish, yellow fin or spot-fin croaker, and providing penalties therefor

Also: Senate Bill No 478—An Act to amend Section 343 of the Political Code of California, relating to civil and executive officers.

Also: Senate Bill No. 292—An Act to amend section sixteen hundred and sixty-five of the Political Code, relative to the course of study in public schools in the State of California

Also: Senate Bill No. 505—An Act to amend section seventeen hundred and seventy-one of the Political Code of California, relative to the powers of the county board of education

Also: Senate Bill No. 762—An Act to amend Section 2295 of the Political Code relative to the powers and duties of the Board of Trustees of the State Library

Also: Senate Bill No 718—An Act appropriating seventy-five thousand ($75,000) dollars to complete, equip, and furnish the buildings of the San Jose State Normal School.

Also: Senate Bill No. 22—An Act providing for the purchase by the State Board of Forestry of that certain tract of land in Sonoma County, California, commonly known as "Armstrong Woods," for park purposes, with power to manage such property, and making an appropriation to carry out the provisions of this Act.

Also Senate Bill No 836—An Act to amend Section 4282 of the Political Code of the State of California, relating to salaries of officers of counties of the fifty-third class.

Also: Senate Bill No 890—An Act to amend Section 4233 of the Political Code of the State of California.

Also: Senate Bill No 911—An Act to amend Section 4258 of the Political Code as amended in 1907, Statutes of 1907, pages 499 and 500 thereof, relating to the compensation of officers in counties of the twenty-ninth class

Also: Senate Bill No. 594—An Act to amend an Act, approved February 28, 1907, entitled "An Act to authorize the deposit of State moneys in banks in the State and to repeal all Acts and parts of Acts in conflict with this Act"

Also: Senate Bill No. 595—An Act to amend Section 433 of the Political Code, relating to the duties of the Controller.

Also: Senate Bill No 599—An Act to amend Section 435 of the Political Code relating to the duties of the State Controller.

Also. Senate Bill No. 596—An Act to amend Section 452 of the Political Code relating to the duties of the State Treasurer.

Also: Senate Bill No. 597—An Act to amend Section 675 of the Political Code of the State of California, relating to the counting of money in the State treasury, and the duties of the Treasurer, Controller, and the Board of Examiners in connection therewith

Also Senate Bill No. 598—An Act to amend Section 3866 of the Political Code, relating to settlements with the Controller and payment into the State treasury

Also: Senate Bill No 650—An Act to amend Section 922 of the Code of Civil Procedure of the State of California, relating to Justices' Courts

Also: Senate Bill No 843—An Act providing for vacations for certain employees of the State

Also. Senate Bill No 829—An Act to add to the Penal Code of California a new section, to be numbered 633, relating to the protection and preservation of golden trout.

Also: Senate Bill No. 903—An Act to amend Section 642 of the Political Code of the State of California, relating to fish commissioners and their assistants, and prescribing their powers and duties.

Also: Senate Bill No. 330—An Act to amend Article V, Chapter VII, Title XI, Part III of the Code of Civil Procedure of the State of California, by amending Section 1577 thereof, and adding a new section thereto, to be numbered 1580, relating to the real property of decedents, minors, and incompetent persons

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary

Also:

SENATE CHAMBER, SACRAMENTO, February 23, 1909

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 10—Approving the charter of the town of Berkeley, State of California, and the alternative proposition submitted therewith, voted for and ratified by the qualified voters of said town at a special municipal election held therein for that purpose on the 30th day of January, 1909.

Also: Passed Assembly Bill No. 56—An Act appropriating one thousand dollars for the purchase of books and periodicals for the Whittier State School.

Also: Assembly Bill No 657—An Act to provide for the transfer from the general fund of the State treasury to the San Francisco harbor improvement fund of the sum of $22,937 45, to reimburse said San Francisco harbor improvement fund for the costs of publishing the "Second San Francisco Seawall Act," and the "India

Basin Act," and directing the State Controller and State Treasurer to make such transfer.

Also: Assembly Bill No. 831—An Act making an appropriation to pay for the rental and janitor service of quarters of the Second District Court of Appeal.

Also: Assembly Bill No. 626—An Act to provide for the improvement of the cereal crops of California, and appropriate money therefor.

Also: Assembly Bill No. 296—An Act to amend Section 4250 of the Political Code of the State of California, relating to the compensation and expense of officers in counties of the twenty-first class.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Assembly Concurrent Resolution No. 10 ordered to enrollment.

Assembly Bills Nos. 56, 657, 831, 626, and 296 ordered to enrollment.

Senate Bill No. 648 read first time, and referred to Committee on County and Township Governments.

Senate Bill No. 647 read first time, and referred to Committee on Revenue and Taxation.

Senate Bill No. 554 read first time, and referred to Committee on Judiciary.

Senate Bill No. 555 read first time, and referred to Committee on Judiciary.

Senate Bill No. 556 read first time, and referred to Committee on Judiciary.

Senate Bill No. 476 read first time, and referred to Committee on Fish and Game.

Senate Bill No. 477 read first time, and referred to Committee on Fish and Game.

Senate Bill No. 677 read first time, and referred to Committee on Fish and Game.

Senate Bill No. 804 read first time, and referred to Committee on Fish and Game.

Committee Substitute for Senate Bill No. 44 read first time, and referred to Committee on Fish and Game.

Senate Bill No. 64 read first time, and referred to Committee on Fish and Game.

Senate Bill No. 137 read first time, and referred to Committee on Fish and Game.

Senate Bill No. 478 read first time, and referred to Committee on Judiciary.

Senate Bill No. 292 read first time, and referred to Committee on Education.

Senate Bill No. 505 read first time, and referred to Committee on Education.

Senate Bill No. 762 read first time, and referred to Committee on State Libraries.

Senate Bill No. 718 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 22 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 836 read first time, and referred to Committee on County and Township Governments.

Senate Bill No. 890 read first time, and referred to Committee on County and Township Governments.

Senate Bill No. 911 read first time, and referred to Committee on County and Township Governments.

Senate Bill No. 594 read first time, and referred to Committee on Judiciary.

Senate Bill No. 595 read first time, and referred to Committee on Judiciary.

Senate Bill No. 599 read first time, and referred to Committee on Judiciary.

Senate Bill No. 596 read first time, and referred to Committee on Judiciary.

Senate Bill No. 597 read first time, and referred to Committee on Judiciary.

Senate Bill No 598 read first time, and referred to Committee on Judiciary.

Senate Bill No. 650 read first time, and referred to Committee on Judiciary.

Senate Bill No 843 read first time, and referred to Committee on Judiciary.

Senate Bill No 829 read first time, and referred to Committee on Fish and Game.

Senate Bill No 903 read first time, and referred to Committee on Fish and Game.

Senate Bill No 330 read first time, and referred to Committee on Judiciary.

REPORT OF SELECT COMMITTEE ON WASHINGTON'S BIRTHDAY EXERCISES

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1909

MR. SPEAKER: Your Committee on Washington's Birthday Exercises, appointed pursuant to the following resolution:

Resolved by the Assembly, the Senate concurring, That the Assembly and Senate meet in joint session at an hour and place to be selected by the committee as hereinafter provided, on February 22d, for the purpose of appropriately observing the anniversary of Washington's birthday; and be it

Resolved, That a committee of three members of the Assembly be appointed to confer with a like committee from the Senate, to arrange a program of exercises and to provide a place and fix the time of said joint meeting said committee to be appointed by the Speaker of the Assembly and the President of the Senate, respectively, and any expense incurred to be paid equally by the Assembly and Senate out of their contingent funds.

Beg leave to report that exercises were conducted in the Assembly Chamber, on the evening of February 22, 1909, and a program carried out, which has already appeared in the Journal of this Assembly, a joint session of the Assembly and Senate having been held on that occasion. Expenses were incurred as follows, to wit:

Printing programs	$30 00
Music (including piano rental)	70 00
Washington's picture, and placing decorations	20 00
Plants and flowers	10 00
Clerk	20 00
Total expenses incurred	$150 00

One half of which amount, or $75 00, is payable out of the contingent fund of the Assembly, and the remaining half, or $75 00, out of the contingent fund of the Senate.

Respectively submitted,

LEEDS,
HAWK,
YOUNG,
Committee of the Assembly.

RESOLUTION.

The following resolution was offered:

By Mr. Young:

Resolved, That the Controller be, and he is hereby, authorized to draw his warrant on the contingent fund of the Assembly, and the State Treasurer is hereby authorized

to pay the same, for the sum of seventy-five dollars ($75 00), in favor of the Sergeant-at-Arms of the Assembly, the same being for the payment of bills attached.

Mr. Young moved the adoption of the resolution.

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

AYES—Messrs. Barndollar, Beardslee, Beatty, Bohett, Callan, Cattell, Coghlan, Cogswell, Collum, Cronin, Drew, Flavelle, Fleisher, Flint, Gerdes, Gillis, Greer, Griffiths, Hanlon, Hans, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Kehoe, Leeds, Lightner, Maher, McManus, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Preston, Pugh, Pulcifer, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie Young, and Mr Speaker—53.

NOES—None.

REQUESTS FOR PERMISSION TO INTRODUCE BILLS.

The following petitions asking permission to introduce bills were presented:

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1909.

MR. SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows, viz: "An Act providing for the disposition of civil or criminal actions or proceedings in which bills of exceptions or statements on motion for new trial have been lost or destroyed by conflagration or other public calamity."

COGHLAN,
Member Forty-first District.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1909.

MR. SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows, viz: "An Act to legalize, confirm, and validate tax deeds made to the State of California for delinquent taxes and deeds made to purchasers of property sold under and in pursuance of the provisions of Sections 3897 and 3898 of the Political Code

JOHNSON OF SACRAMENTO,
Member Seventeenth District

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1909.

MR. SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows, viz: "An Act to prevent the destruction of wild game within the boundaries of the Pinnacles Forest Reserve and Pinnacles national monument, in the counties of San Benito and Monterey, in the State of California.

FLINT,
Member Fifty-eighth District

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1909

MR. SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows, viz: "An Act to allow unincorporated towns and villages to establish, equip, and maintain public libraries; to provide for the formation, government, and operation of library districts; the acquisition of property thereby; the calling and holding of elections in such districts; the assessment, collection, custody, and disbursement of taxes therein; and to create boards of library trustees

HANS,
Member Fifty-first District.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1909.

MR SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows, viz "An Act to amend Section 4271, Political Code, relating to the compensation of officers of counties of the forty-second class.

MENDENHALL,
Member Twelfth District.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1909.

MR. SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows, viz "An Act to provide for county fish hatcheries"

BOHNETT,
Member Fifty-fifth District.

UNFINISHED BUSINESS.

Assembly Bill No. 579—An Act amending Section 1856 of the Civil Code, relative to lien of depositary for hire on property.

Bill read third time, and reconsidered on previous day.

The question being on the passage of the bill.

Mr. Otis moved that the Speaker appoint a select committee of one to amend the bill as follows:

On line 7, of printed amended bill, after the word "advanced," insert the following: "at the request of the bailor"

Motion carried.

The Speaker appointed Mr. Otis as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1909.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 579, with instructions, do now report that the instructions of the Assembly have been carried out.

OTIS, Select Committee.

Report of select committee, and amendment, adopted.

Bill ordered to reprint, reengrossment, and on file for passage.

THIRD-READING FILE.

Assembly Bill No. 1093—An Act to add a new section to Chapter II, Title XV, of the Penal Code, to be numbered 655, relating to trespass upon, or the unlawful relocation, or "jumping" of, mines, mining and mineral claims.

During third reading of bill, Mr. Transue moved that the Speaker appoint a select committee of one to amend the bill, as follows:

On line 2 of the title, after Title XV, add the following: "Part 1."

Also: On line 2, of Section 1, of the printed bill, after Title V, add the following: "Part 1"

Motion carried.

The Speaker appointed Mr. Transue as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1909.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 1093, with instructions, do now report that the instructions of the Assembly have been carried out.

TRANSUE, Select Committee.

Report of select committee, and amendments, adopted.

Bill ordered to reprint, reengrossment, and on file for passage.

Assembly Bill No. 638—An Act to amend Section 261 of the Penal Code of the State of California, defining the crime of rape.

During third reading of bill, Mr. Whitney moved that the Speaker appoint a select committee of one to amend the bill as follows:

Strike out of line 3, "Rape defined."

Also: Strike out the period at the end of line 21, and insert the following: ", and is punishable by imprisonment in the State prison for not less than one year"

Motion carried.

The Speaker appointed Mr. Whitney as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1909.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 638, with instructions, do now report that the instructions of the Assembly have been carried out.

WHITNEY, Select Committee

Report of select committee, and amendments, adopted.

Bill ordered to reprint, reengrossment and on file for passage.

SPECIAL FILE—THIRD READING.

Assembly Bill No. 242—An Act making an appropriation for the maintenance and improvement of the grounds and buildings of Sutter's Fort.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 242 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Beban, Bohnett, Callan, Cattell, Coghlan, Cogswell, Costar, Dean, Drew, Flavelle, Flint, Gerdes, Gillis, Greer, Griffiths, Hanlon, Hans, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Kehoe, Leeds, Lightner, Maher, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pulcifer, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Wyllie, Young, and Mr. Speaker—55.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 163—An Act making an appropriation to pay assessments which may be levied against the Sutter Fort property by the city of Sacramento for street work.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 163 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beatty, Beban, Bohnett, Callan, Cattell Coghlan, Cogswell, Collum, Costar, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gillis, Greer, Griffiths, Hanlon, Hans, Hawk, Hayes, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Maher, Mendenhall, Moore, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Wyllie, Young, and Mr Speaker—59

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Constitutional Amendment No. 3—Proposing to amend Section 1, Article XVIII of the Constitution, so as to submit amendments at special elections.

The question being on the adoption of the Assembly constitutional amendment.

The roll was called, and Assembly Constitutional Amendment No. 3 adopted by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collum, Costar, Cullen, Dean, Drew, Feeley, Flavelle, Flint, Gerdes, Greer, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnston of Contra Costa, Juilliard, Kehoe,

Leeds, Lightner, Macauley, Maher, McClellan, McManus, Moore, Nelson, Odom, Perine, Polsley, Pugh, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wyllie, and Mr Speaker—62.

NOES—Messrs. Cronin, Gibbons, Gillis, Mendenhall, Mott, Otis, Preston, and Young—8.

Assembly constitutional amendment ordered transmitted to the Senate.

RECONSIDERATION.

In compliance with his notice given on a previous day, Mr. Rech moved that the vote whereby Assembly Bill No. 671 was refused passage be reconsidered.

The roll was called, and the same was reconsidered by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Costar, Cronin, Dean, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Lightner, Maher, McClellan, McManus, Mendenhall, Moore, Nelson, Odom, Otis, O'Neill, Perine, Preston, Pugh, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr Speaker—65.

NOES—Messrs. Beban, Drew, Hopkins, Macauley, Polsley, and Stuckenbruck—6.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 671 passed by the following vote:

AYES—Messrs. Barndollar, Beatty, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Costar, Cronin, Dean, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hanlon, Hans, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Kehoe, Lightner, McClellan, McManus, Mendenhall, Moore, Nelson, Odom, Otis, O'Neill, Perine, Preston, Pugh, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Telfer, Transue, Wagner Webber, Whitney, Wilson, Wyllie, Young, and Mr Speaker—59

NOES—Messrs. Beardslee, Beban, Cullen, Drew, Hawk, Hopkins, Juilliard, Macauley, Maher, Polsley, Stuckenbruck, and Wheelan—12.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1119—An Act to provide for the presentation to and approval by the board of supervisors, registration, interest upon, time of payment, and receipt in payment of assessment in warrants of Reclamation District No. 108, situated in Colusa and Yolo counties.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1119 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Beban, Bohnett, Butler, Callan, Coghlan, Collier, Collum, Costar, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Hanlon Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr Speaker—65

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

SPECIAL FILE—SECOND READING.

Assembly Bill No. 280—An Act to provide for the erection of a water tower, tanks, pumps, boring of wells, and all necessary equipments of

the same at Stockton State Hospital, for domestic use and fire purposes, and to make appropriations therefor.

Assembly Bill No. 783—An Act to appropriate $3,000 for the purchase of additional furniture and equipment for the use of the State Normal School at Los Angeles and to make necessary repairs and improvements in the buildings of said normal school.

Assembly Bill No. 101—An Act making an appropriation of three thousand four hundred and eighty dollars ($3,480 00) to be applied to the cost of grading, paving, guttering, curbing, and sidewalking Grand avenue, in the city of Los Angeles, along the easterly boundaries of the grounds of the State Normal School at Los Angeles, and defining the duties of the Controller and Treasurer in reference thereto.

Mr. Beardslee moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bills.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Assembly Bills Nos. 280, 783, and 101 considered.

Mr. Beardslee moved that the committee do now rise and report in favor of the passage of the bills.

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bills Nos. 280, 783, and 101, and do now report the same back, and recommend that they do pass.

STANTON, Chairman.

Bills read second time, and ordered to engrossment.

Assembly Bill No. 279—An Act to provide for the erection, equipping, and furnishing of two convalescent cottages, one for males and one for females, at the Stockton State Hospital Farm, and to make appropriations for the same.

Mr. Beardslee moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Assembly Bill No. 279 considered.

During the second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No 1.

Strike out all of the title and insert in lieu thereof the following: "An Act to provide for the erection and furnishing of a convalescent cottage at the Stockton State Hospital Farm, and to make an appropriation therefor."

Amendment adopted.

AMENDMENT No. 2.

In line 1, Section 1, of the printed bill, strike out the word "Section" and insert in lieu thereof the following: "Sec"

Amendment adopted.

AMENDMENT No. 3

In line 1, Section 1, of the printed bill, strike out the figures "70,000" and insert in lieu thereof the following: "thirty-five thousand".

Amendment adopted.

AMENDMENT No 4

In line 6, Section 1, of the printed bill, strike out the word and figure "two (2)" and insert in lieu thereof the word "one".

Amendment adopted.

AMENDMENT No. 5

In line 6, Section 1, of the printed bill, strike out the word "cottages" and insert in lieu thereof the word "cottage".

Amendment adopted.

AMENDMENT No. 6.

In lines 6 and 7, Section 1, of the printed bill, strike out "one (1) for males and one (1) for females".

Amendment adopted.

Mr. Beardslee moved that the committee do now rise and report in favor of the passage of the bill as amended.

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No 279, and do now report the same back, and recommend that it do pass as amended.

STANTON, Chairman.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 1166—An Act to regulate contracts on behalf of the State in relation to the erection, construction, alteration, repair or improvement of any State structure, building, road, or other State improvement of any kind and to repeal an Act entitled "An Act to regulate contracts on behalf of the State in relation to erections and buildings," approved March 28, 1906.

Bill read second time, and ordered to engrossment.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1909.

MR SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Assembly Bill No. 938—An Act to amend Section 1564 of the Political Code of the State of California, relating to teachers' salaries during attendance at institutes.

Assembly Bill No 809—An Act to provide for the wiring of hospital buildings and other buildings in and about the grounds of the Stockton State Hospital, together with the installation of a telephone system in said buildings, consisting of all necessary equipments and fixtures, and making an appropriation therefor

Assembly Bill No. 1023—An Act to amend Sections 15, 16*a*, 16*c*, 16*d*, 16*e*, 19, 20, and 28, and to repeal Sections 17, 18, 21, 24, 25, 27, and 29, and to add a new section thereto to be numbered Section 17, and to renumber the sections, so that they may follow consecutively, of an Act entitled "An Act to establish a school for the discipline, education, reformation and protection of juvenile delinquents, in the State of California, to be known as the Whittier State School," approved March 11, 1889, and amended March 23, 1893, and March 7, 1905, and February 7, 1907; all relating to commitments to, and paroles and discharges from, the said Whittier State School.

Assembly Bill No 1034—An Act making an appropriation for the expenses of the National Guard in case of insurrection, invasion, tumult, riot, breaches of the peace or imminent danger thereof.

Assembly Bill No 144—An Act to provide for a state highway from Saratoga Gap into the California Redwood Park, and to make an appropriation therefor.

Assembly Bill No 986—An Act making an appropriation to pay the expenses of inspection and analysis of drugs

Assembly Bill No. 434—An Act to amend Section 628*a* of the Penal Code of the State of California, relating to the protection and preservation of striped bass.

Assembly Bill No 1118—An Act to amend section four thousand two hundred and seventy-six of the Political Code, relating to the compensation of officers of counties of the forty-seventh class

Assembly Bill No. 1117—An Act to add a new section to the Political Code, to be numbered 4271*a*, authorizing boards of supervisors in counties of the forty-second class to appoint assistants to the county surveyor

Assembly Bill No. 1137—An Act to amend Section 4274 of the Political Code of the State of California, relating to the compensation of officers of counties of the forty-fifth class

Assembly Bill No 1152—An Act to amend an Act entitled "An Act to insure the better education of practitioners of veterinary medicine, and to regulate the practice of veterinary medicine in the state of California, to provide for the creation of a board of five members who shall act under and in accordance with the provisions of this Act; to provide for their appointment, and define their powers, duties and compensation; to define offenses committed by acts done contrary to the provisions of this Act, and providing penalties for the violation thereof; providing for the revocation or suspension, in certain cases, of licenses issued hereunder, and to repeal an Act entitled "An Act to regulate the practice of veterinary medicine and surgery in the State of California," approved March 23, 1893, amended and approved March 20, 1903, and all other laws in conflict herewith, by amending Section 7 of said Act.

Assembly Bill No 1147—An Act to amend Section 2 of an Act entitled 'An Act regulating the employment and hours of labor of children; prohibiting the employment of minors under certain ages; prohibiting the employment of certain illiterate minors; providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905, and all amendments thereto

Assembly Bill No 23—An Act to repeal an Act entitled "An Act concerning actions for libel and slander," approved March 23, 1872

Assembly Bill No. 261—An Act to amend Section 1855*a* of the Code of Civil Procedure, relating to secondary evidence of public records or documents lost or destroyed by fire or other calamity, also providing that in such case decrees of distribution and partition, and deeds made, pursuant to or under a judgment, or order of court, shall prima facie be deemed made under proceedings duly had

Assembly Bill No. 662—An Act to amend Section 666 of the Penal Code of the State of California, relating to punishment for second offenses.

Assembly Bill No 664—An Act to add a new section to the Penal Code of the State of California, to be numbered six hundred sixty-seven, relating to punishment for second offenses.

Assembly Bill No. 845—An Act to amend the Civil Code of the State of California by adding thereto a new section, to be known as Section 231, relating to the adoption of children.

Assembly Bill No. 1099—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as Section 1191*a*, relating to liens upon real estate, where reputed owner, after notice from health officer, or governing board of any city, town or sanitary district, refuses, neglects or fails to connect dwelling house and plumbing with sewer, and work and materials furnished to be held to have been done at the instance of such owner, or person claiming any interest therein

Assembly Bill No. 1104—An Act to add a new section to the Code of Civil Procedure of California, to be known as Section 1789*a*, relating to conveyances by guardians.

Assembly Bill No. 1105—An Act to add a new section to the Code of Civil Procedure of California, to be known as Section 1810*a*, relating to conveyances by guardians.

Assembly Bill No. 1120—An Act to amend Section 198 of the Civil Code, relating to the care, custody, education and control of minors.

Assembly Bill No. 1048—An Act to amend Section 1619 of the Code of Civil Procedure, relating to fees of attorneys of executors and administrators.

Assembly Bill No 974—An Act providing for the dissemination of knowledge among the people of California as to the best means of preventing the spread of tuberculosis, and making an appropriation therefor.

Assembly Bill No. 411—An Act to add a new section to the Political Code, to be known and numbered as Section 4248*a*, relating to the restoration of certificates of birth, marriage licenses, marriage certificates, or certificates of death, or the records thereof, which may have been lost, injured, mutilated, or destroyed by conflagration or other public calamity, or for the establishment of proof of births, marriages, or deaths, occurring at periods when there existed no statutes in this State, for the registration of the same

Assembly Bill No. 775—An Act to amend Section 922 of the Code of Civil Procedure of the State of California, relating to Justices' Courts.

Assembly Bill No 997—An Act to amend section six hundred and fifty of the Civil Code, relating to the powers of boards of trustees of colleges and seminaries of learning.

Assembly Bill No 998—An Act to amend section six hundred and forty-nine of the Civil Code, relating to articles of incorporation of colleges and seminaries of learning.

Assembly Bill No 1123—An Act to amend Section 417 of the Political Code of the State of California, relating to the salary of the Secretary of State

Assembly Bill No 947—An Act to provide for the increase of the amount of capital stock and shares in corporations organized for the purpose of supplying or delivering water to their own stockholders

Assembly Bill No 977—An Act to add a new section to title sixteen, of part four, of division first of the Civil Code, to be numbered six hundred and forty-eight *a*, relating to the formation of building and loan associations.

Assembly Bill No 978—An Act to amend section six hundred and forty-eight of the Civil Code, relative to building and loan associations.

Assembly Bill No. 1164—An Act to amend an Act approved March 6, 1889, entitled "An Act to provide for laying out, opening, widening, extending, straightening, or closing up in whole or in part of any street, square, lane, alley, court, or place within the bounds of such city, and to condemn and acquire any and all land and property necessary or convenient for that purpose"

Assembly Bill No 1210—An Act to amend Section 2 of an Act entitled, "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, relating to street improvements.

Assembly Bill No 1142—An Act to amend Section 4246 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the seventeenth class.

Assembly Bill No 1084—An Act to amend section four thousand and five of the Political Code of the State of California, relating to population of counties

Assembly Bill No. 1085—An Act to amend section four thousand and six of the Political Code of the State of California, relating to the classification of counties, and creating a new class to be known as the thirty sixth and one-half class.

Assembly Bill No 1082—An Act to amend Section 4007 of the Political Code of the State of California relating to the classification of counties

Assembly Bill No 777—An Act to regulate the operation and supervision of stationary steam apparatus.

Assembly Bill No 744—An Act to permit boards of directors of irrigation districts organized or existing under and by virtue of an Act of the Legislature, entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897; to provide for the payment of two installments of the assessments levied under and in accordance with the provisions of said Act

Assembly Bill No 94—An Act authorizing and directing the board of managers of the Napa State Hospital to erect and furnish cottages for the accommodation of female patients at the Napa State Hospital and making an appropriation therefor

YOUNG, Chairman.

The above reported bills ordered on file for third reading:

ON CONSTITUTIONAL AMENDMENTS

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1909

MR. SPEAKER. Your Committee on Constitutional Amendments, to whom was referred Assembly Constitutional Amendment No. 23, have had the same under consideration, and respectfully report the same back, and recommend that it be adopted as amended by the Committee on Constitutional Amendments

COGHLAN, Chairman.

Assembly Constitutional Amendment No. 23 ordered on file for adoption.

RECESS.

At twelve o'clock and thirty minutes P. M., the Assembly was declared at recess until two o'clock P M., of this day.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.
Speaker P. A. Stanton in the chair.

SPECIAL ORDER RESET.

On motion of Mr. Beardslee the consideration of Senate Bill No. 9 was made a special order for Thursday, February 25, 1909, at two o'clock and thirty minutes P. M.

SENATE BILLS—THIRD-READING FILE.

Senate Bill No. 328—An Act to provide for work upon and construction of sidewalks within municipalities.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 328 finally passed by the following vote:

AYES—Messrs Barndollar Baxter, Beardslee, Beatty, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Costar, Dean, Drew, Feeley, Fleisher, Flint, Gerdes, Gibbons, Gillis Greer, Griffiths, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McManus, Mendenhall, Moore Mott, Nelson, Otis, O'Neill Perine, Polsley, Pulcifer, Rech, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Wilson, Wylie, and Young—59.
NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

HON. A. M. DREW IN THE CHAIR.

At two o'clock and thirty minutes P. M., Hon. A. M. Drew in the chair.

Senate Bill No. 192—An Act to regulate and license the conducting and operating of employment agencies, and to provide a revenue therefrom, for the enforcement of the provisions of this Act and other Acts relating to employment agents and employment agencies.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 192 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Black, Butler, Callan, Cattell, Collier, Costar, Cronin, Dean, Drew, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Maher, McManus, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pulcifer, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Wilson, Wylie, and Young—55
NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 512—An Act to amend an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," as approved March 20, 1905, as amended, approved June 13, 1906, as amended, approved March 19, 1907, as amended, approved March 20, 1907, by amending Section 2 thereof, add-

ing a new section, to be numbered 2*a*, and repealing Section 7 and Section 10*b* of said Act.

Bill read third time.

On motion of Mr. Johnson of Sacramento, Senate Bills Nos. 512 and 587 were referred to the Commiteee on Revision and Reform of Laws.

Senate Bill No. 243—An Act authorizing the boards of supervisors of the several counties of the State to set apart from the fees collected by the county clerks a sum not exceeding thirty dollars in any one month to be paid into the 'law library fund' designated in section forty-one hundred and ninety of the Political Code as amended in 1907, and to be used for the same purpose as said 'law library fund' is now used.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 243 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Black, Bohnett, Callan, Cattell, Cogswell, Collier, Costar, Cronin, Dean, Drew, Feeley, Fleisher, Flint, Gerdes, Gillis, Greer, Griffiths, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe Leeds, Lightner, Maher, McClellan, McManus, Mendenhall, Moore, Mott, Odom, Otis, Perine, Polsley, Preston, Pulcifer, Rech, Rutherford, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Wilson, and Wyllie—56

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate

Assembly Bill No. 450—An Act to amend Section 4263 of the Political Code as amended in 1907, Statutes of 1907, pages 509, 510, and 511 thereof, relating to the compensation of officers in counties of the thirty-fourth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 450 finally passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Black, Bohnett, Callan, Cattell, Costar Cronin, Dean, Drew, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hanlon Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Mendenhall, Moore, Mott, Odom, Otis, O'Neill, Polsley, Preston, Pulcifer, Rutherford, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Wilson, and Wyllie—55.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No 69—An Act to amend Section 1622 of the Political Code, relating to State and county school moneys being used for the payment of teachers and superintendents of schools.

Bill read third time, and passed on file.

Senate Bill No. 269—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 35 thereof.

Bill read third time, and passed on file.

Senate Bill No. 694—An Act to amend Section 4255 of the Political Code of the State of California, relating to the salaries of officers in

counties of the twenty-sixth class, and creating the office of deputy district attorney therein.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 694 finally passed by the following vote:

AYES—Messrs Barndollar, Beardslee, Beatty, Black Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Costar, Cronin, Dean, Drew, Fleisher, Flint, Gibbons, Gillis, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilhard, Kehoe, Lightner, Macauley, Maher, McManus, Mendenhall, Moore, Odom, Otis, O Neill, Polsley, Preston, Rech, Rutherford, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Wilson, and Wyllie—52.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 354—An Act to amend Section 1775 of the Political Code of the State of California, relating to the county board of education.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No 354 finally passed by the following vote:

AYES—Messrs. Barndollar, Black, Bohnett, Butler, Cattell, Coghlan, Cogswell, Collier, Drew, Fleisher, Flint, Gerdes, Gibbons Gillis, Hanlon, Hawk, Hayes, Hewitt Hinkle, Holmquist, Hopkins, Johnson of Sacramento, Johnson of Placer, Kehoe, Leeds, Lightner, Macauley, Mott, Nelson, Odom, Otis, O'Neill, Polsley, Preston, Pulcifer, Rech, Rutherford, Sackett, Silver, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, and Wyllie—46.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 814—An Act to add a new section to the Political Code, to be numbered 1580, relating to joining school districts upon the organization of new counties or change in county boundaries.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 814 finally passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Costar, Cronin, Drew, Fleisher, Gerdes, Gibbons, Gillis, Hanlon, Hawk, Hayes, Hewitt Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Kehoe, Leeds, Lightner, Macauley, Mendenhall, Moore, Mott, Odom, Otis O Neill, Polsley, Rutherford, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, and Wyllie—49.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

SENATE BILLS—SECOND-READING FILE.

Senate Bill No. 235—An Act to appropriate money for repainting of the State Normal School at San Francisco, and for laying a concrete sidewalk along the property of said school.

Senate Bill No. 239—An Act to provide for the improvement of the campus of the State Normal School at San Diego, California, and making an appropriation therefor.

Senate Bill No. 712—An Act making an appropriation to pay for

furnishing, painting, repairing, renovating, and improving the Governor's residence.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bills.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Hon. A. M. Drew in the chair.

Senate Bills Nos. 235, 239, and 712 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bills.

IN ASSEMBLY.

Hon. A. M. Drew in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1909

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bills Nos 235, 239 and 712, and do now report the same back, and recommend that they do pass

DREW, Chairman.

Bills read second time, and ordered on file for passage.

Senate Bill No. 241—An Act to provide for making repairs and for additional equipment at the State Normal School at San Diego, California, and making an appropriation therefor.

Mr Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Hon. A. M. Drew in the chair.

Senate Bill No. 241 considered.

During second reading of the bill, the following amendments were submitted:

AMENDMENT No. 1

In line 2 of the title, strike out the words "for making repairs and".

Amendment adopted.

AMENDMENT No 2

Strike out all of Section 1 of the printed bill, and insert in lieu thereof the following: "Sec 1 There is hereby appropriated out of any money in the State treasury not otherwise appropriated, the sum of five thousand dollars, to be expended by the Board of Trustees of the State Normal School at San Diego for the purpose of purchasing additional equipment for the State Normal School at San Diego, California"

Amendment adopted.

AMENDMENT No. 3

In lines 1, 2, and 3, of Section 3, of the printed bill, strike out the following: "and for material and labor in carrying out the provisions of Section 1 of this Act"

Amendment adopted.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill as amended

Motion carried.

IN ASSEMBLY.

Hon. A. M. Drew in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1909.

GENTLEMEN. The Committee of the Whole have had under consideration Senate Bill No. 241, and do now report the same back, and recommend that it do pass as amended.

DREW, Chairman

Bill read second time, ordered to reprint, and on file for passage

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON INTRODUCTION OF BILLS.

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1909

MR SPEAKER: Your Committee on Introduction of Bills, to whom was referred the following bills:

By Mr. Coghlan: An Act providing for the disposition of civil or criminal actions, or proceedings in which bills of exception or statements on motion for new trial have been lost or destroyed by conflagration or other public calamity

By Mr Johnson of Sacramento: An Act to legalize, confirm, and validate tax deeds made to the State of California for delinquent taxes, etc

By Mr Flint: An Act to prevent the destruction of wild game within the boundaries of the Pinnacles Forest Reserve, etc

By Mr. Mendenhall: An Act to amend section four thousand two hundred and seventy-one of the Political Code, etc

By Mr Bohnett: An Act to provide for county fish hatcheries.

By Mr. Hans. An Act to allow unincorporated towns and villages to establish, equip and maintain public libraries, etc

Have had the same under consideration, and respectfully report the same back, and recommend that permission be granted the respective authors to introduce them

LEEDS, Chairman

Mr. Leeds moved the adoption of the report

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

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Costar, Cronin, Dean, Drew, Feeley, Flaveile, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hawk, Hays, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa Kehoe, Leeds, Lightner, Macauley, McClellan, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Rech, Rutherford, Sackett, Silver, Stuckenbruck, Transue, Wagner, Wheelan, Whitney, and Wilson—61

NOES—None.

INTRODUCTION OF BILLS.

The following bills were introduced and referred as indicated:

By Mr Coghlan: Assembly Bill No. 1426—An Act providing for the disposition of civil and criminal actions or proceedings in which bills of exceptions or statements on motion for new trial have been lost or destroyed by conflagration, or other public calamity.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Johnson of Sacramento: Assembly Bill No. 1427—An Act to legalize, confirm, and validate tax deeds made to the State of California for delinquent taxes, and deeds made to purchasers of property sold under and in pursuance of the provisions of sections three thousand eight hundred and ninety-seven and three thousand eight hundred and ninety-eight of the Political Code.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Flint: Assembly Bill No. 1428—An Act to prevent the destruction of wild game within the boundaries of the Pinnacles Forest

Reserve and Pinnacles National Monument, in the counties of San Benito and Monterey, in the State of California

Bill read first time, and referred to Committee on Fish and Game.

By Mr. Mendenhall: Assembly Bill No. 1429—An Act to amend section four thousand two hundred and seventy-one of the Political Code, relating to the compensation of officers in counties of the forty-second class.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Bohnett (by request): Assembly Bill No. 1430—An Act to provide for county fish hatcheries.

Bill read first time, and referred to Committee on Fish and Game.

By Mr. Hans: Assembly Bill No. 1431—An Act to allow unincorporated towns and villages to establish, equip and maintain public libraries; to provide for the formation, government and operation of library districts; the acquisition of property thereby; the calling and holding of elections in such districts; the assessment, collection, custody and disbursement of taxes therein, and to create boards of library trustees.

Bill read first time, and ordered on file without reference.

SPECIAL ORDER SET.

On motion of Mr. Silver, the reconsideration of the vote on Senate Bill No. 552 was made a special order for Thursday, February 25, 1909.

THIRD-READING FILE—(RESUMED).

Assembly Bill No. 845—An Act to amend the Civil Code of the State of California by adding thereto a new section, to be known as Section 231, relating to the adoption of children.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 845 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Butler, Callan, Cattell, Coghlan, Cogswell, Dean, Drew, Flavelle, Fleisher, Gerdes, Gibbons, Gillis, Greer, Haulon, Hawk, Hayes, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Leeds, Macauley, Maher, McManus, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Rech, Rutherford, Sackett, Silver, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wylhe, and Young—52.

NOES—Messrs. Cronin, Johnson of Placer, Kehoe, and Stuckenbruck—4.

Title read and approved.

Bill ordered transmitted to the Senate.

SPECIAL FILE—SECOND-READING—(RESUMED).

Assembly Bill No. 1111—An Act to authorize and empower the State Board of Prison Directors to insure jute and jute goods against either fire or marine loss and to pay the cost of such insurance from the revolving fund for the purchase of jute.

Bill read second time, and ordered to engrossment.

WITHDRAWAL OF BILLS.

Mr. Irwin asked for and was granted unanimous consent to withdraw Assembly Bill No. 697.

Assembly Bill No. 697 withdrawn and ordered stricken from the file.

Mr. Flavelle asked for and was granted unanimous consent to withdraw Assembly Bill No. 583.

Assembly Bill No. 583 withdrawn and ordered stricken from the file.

Mr. Wyllie asked for and was granted unanimous consent to withdraw Assembly Bill No. 591.

Assembly Bill No. 591 withdrawn and ordered stricken from the file.

THIRD-READING FILE—(RESUMED).

Assembly Bill No. 729—An Act to add a new section to the Code of Civil Procedure, to be known as Section 53*a*, relating to rehearings in the Supreme and Appellate Courts.

Bill read third time, and passed on file.

Assembly Bill No. 656—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to amend an Act entitled 'An Act to amend section six of an Act entitled 'An Act concerning the water front of the city and county of San Francisco, approved March 15, 1878, and to confer further powers upon the Board of State Harbor Commissioners.' approved March 17, 1880,' approved March 19, 1889, conferring further powers upon said board,' approved March 26, 1895,' approved March 23, 1901,' approved March 18, 1905."

Bill read third time.

The question being on the passage of the bill

The roll was called, and Assembly Bill No 656 passed by the following vote:

AYES—Messrs Barndollar, Beardslee, Beatty, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Cullum, Cronin, Cullen, Dean, Drew, Feeley, Flavelle Fleisher, Gerdes, Gibbons, Gillis, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Lightner, Macauley, Maher, McManus, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pulcifer, Rech, Rutherford, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Wilson, and Wyllie—60

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No 985—An Act to amend Section 4075 of the Political Code, relating to the itemizing of claims against a county.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 985 passed by the following vote:

AYES—Messrs Barndollar, Beardslee, Beatty, Bohnett Butler, Callan, Cattell, Cogswell, Collier, Costar, Cronin, Dean, Drew, Flavelle, Fleisher, Gerdes, Gibbons, Gillis, Griffiths, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Rech, Rutherford, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, and Wyllie—58

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 984—An Act to amend Section 4281 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the fifty-second class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 984 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Bohnett, Callan, Cattell, Cogswell, Collier, Costar, Cronin, Dean, Drew, Flavelle, Fleisher, Gerdes, Gibbons, Gillis, Griffiths, Hanlon, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa Juilhard, Kehoe, Leeds, Lightner, Maher, McClellan, Mendenhall, Moore, Mott, Nelson, Odom, Otis Perine, Polsley, Preston, Rech, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, and Wyllie—53

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 254—An Act to insure the better education of practitioners of naturopathy, and to regulate the practice of naturopathy in the State of California, providing penalties for the violation thereof.

Bill read third time, and passed on file.

SPEAKER IN THE CHAIR

At three o'clock and fifty minutes P. M., Speaker Stanton in the chair.

Assembly Bill No. 770—An Act to amend Section 435 of the Political Code, relating to the duties of the State Controller.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 770 passed by the following vote.

AYES—Messrs. Barndollar, Beardslee, Beatty, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Cronin, Dean, Drew, Flavelle, Fleisher, Gerdes, Gibbons, Gillis, Griffiths, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilhard, Kehoe, Leeds, Lightner, Macauley, Maher, Mendenhall, Moore, Mott, Nelson, Odom, Perine, Preston, Pulcifer, Rech, Rutherford, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, and Mr Speaker—57.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 772—An Act to amend an Act approved February 28, 1907, entitled "An Act to authorize the deposit of State moneys in banks of this State, and to repeal all Acts or parts of Acts in conflict with this Act."

Bill read third time

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 772 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Costar, Cronin, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gillis, Griffiths, Hanlon, Hawk, Hays, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego Johnson of Placer, Johnston of Contra Costa, Juilhard, Kehoe, Leeds, Macauley, Mendenhall, Moore, Mott, Nelson, Otis, Perine, Preston, Rech, Rutherford, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, and Mr Speaker—55

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate

Assembly Bill No. 800—An Act to amend Section 433 of the Political Code, relating to the duties of Controller.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 800 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Bohnett, Butler, Callan, Coghlan, Cogswell, Costar, Cronin, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gillis, Griffiths, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, Mendenhall, Moore Mott, Nelson, Odom, Otis, Polsley, Preston, Rech, Rutherford, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Wilson, Young, and Mr. Speaker—57.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 688—An Act to amend Section 1662 of the Political Code, by determining the number of years of instruction in the day and evening elementary schools; determining the age of admission to the day and evening elementary schools, and providing for separate schools for Indian, Mongolian and Chinese children, and authorizing the exclusion of children of filthy and vicious habits.

Bill read third time on a previous day.

Mr. Sackett moved that the Speaker appoint a select committee of one to amend the bill, as follows:

Strike out of line 17, page 2, of printed bill, the word "five", and insert in lieu thereof the word "four".

Motion carried.

The Speaker appointed Mr. Sackett as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1909.

MR. SPEAKER. Your select committee of one, to whom was referred Assembly Bill No. 688, with instructions, do now report that the instructions of the Assembly have been carried out

SACKETT, Select Committee.

Report of select committee, and amendment, adopted.

Mr Polsley moved that the Speaker appoint a select committee of one to amend the bill, as follows:

On page 2, of the printed bill, line 27, after the word "Chinese" add the word "Asiatic."

Also On page 2, of the printed bill, line 28, after the word "Mongolian" add the word "Asiatic"

Motion lost.

Bill ordered to reprint, reengrossment, and on file for passage

Assembly Bill No. 137—An Act to amend sections two, three, and four of an Act entitled "An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement thereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation thereof," approved February 20, 1905

During third reading of bill, Mr. Coghlan moved that the Speaker appoint a select committee of one to amend the bill, as follows:

AMENDMENT NO. 1.

Amend by striking out in line 1, of title to bill after the word "three" the words "and four", and inserting in lieu thereof the following: "four and six".

AMENDMENT NO. 2.

Amend by adding a new section, to be known and numbered as Section 4, to follow Section 3, and to read as follows:

Section 4 Section 6 of an Act entitled, "An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905, is hereby amended to read as follows:

"Section 6 It shall be the duty of the Commissioner of the Bureau of Labor Statistics to enforce the provisions of this Act The commissioner, his deputies and agents shall have all powers and authority of sheriffs to make arrests for violations of the provisions of this Act"

Motion carried.

The Speaker appointed Mr. Coghlan as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1909

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No 137, with instructions, do now report that the instructions of the Assembly have been carried out

COGHLAN, Select Committee

Report of select committee, and amendments, adopted.

Bill ordered to reprint, reengrossment, and on file for passage.

Assembly Bill No. 727—An Act to amend Section 1636 of the Political Code of the State of California, relating to taking the school census, by providing for signature of parent or guardian to census, and by providing a fine for those refusing to give in the school census.

During the third reading of the bill, Mr. Preston moved that the Speaker appoint a select committee of one to amend the bill, as follows:

By inserting after the word "or", in line 29, of amended printed bill the word "willfully".

Also: Strike out of line 63, page 3, of amended printed bill, the word "eight", and insert in lieu thereof the following: "Sec 2"

Motion carried

The Speaker appointed Mr. Preston as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1909

MR. SPEAKER. Your select committee of one, to whom was referred Assembly Bill No. 727, with instructions, do now report that the instructions of the Assembly have been carried out.

PRESTON, Select Committee

Report of select committee, and amendments, adopted.

Bill ordered to reprint, reengrossment, and on file for passage.

NOTICE OF MOTION TO RECONSIDER.

Mr. Gillis gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 845 was this day passed.

Assembly Bill No. 786—An Act to amend Section 647 of the Code of Civil Procedure of the State of California, relating to what is deemed excepted to.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 786 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Black, Bohnett, Butler, Callan, Coghlan, Costar, Cronin, Dean, Feeley, Flavelle, Fleisher, Gerdes, Gibbons, Gillis, Griffiths, Hanlon, Hays, Hewitt, Hinkle, Holmquist, Irwin, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, McClellan, McManus, Mendenhall, Moore, Nelson, Odom, Otis, Perine, Polsley, Preston, Rech, Rutherford, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—53

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No 754—An Act to create a State Board of Accountancy, and prescribing its duties and power

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No 754 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beatty, Black, Bohnett, Butler, Callan, Coghlan, Cogswell, Costar, Cronin, Dean, Drew, Feeley, Flavelle, Fleisher, Gerdes, Gibbons Gillis, Griffiths, Hanlon, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, Maher, McManus, Mendenhall, Moore, Mott, Odom, Otis, O'Neill, Perine, Polsley, Preston, Rech, Rutherford, Sackett, Silver, Stuckenbruck, Telfer, Wagner, Whitney, Wilson, Wyllie, and Mr Speaker—55

NOES—Mr. Young—1.

Title read and approved

Bill ordered transmitted to the Senate.

NOTICE OF MOTION TO RECONSIDER.

Mr. Polsley gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 754 was this day passed.

Assembly Bill No. 790—An Act to amend Section 1259 of the Penal Code of the State of California, relating to what may be reviewed upon appeal by the defendant.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 790 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Black, Bohnett, Butler, Coghlan, Cogswell, Costar, Cronin, Dean, Feeley, Flavelle, Fleisher, Gerdes, Gibbons, Griffiths, Hanlon, Hayes, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McManus, Moore, Mott, Odom, Otis, O'Neill, Perine, Polsley, Preston,

Rech, Rutherford, Sackett, Silver, Telfer, Wagner, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—52.
NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 996—An Act to add a new section to the Penal Code, to be numbered 409*c*, relating to the taking, hiring, running, driving, or using of an automobile, or taking or removing therefrom any part thereof, by the owner, or the manager of an automobile garage, his agent or employee, or any other person, without the consent of the owner of such automobile, and providing the punishment for the violation thereof

Bill read third time

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 996 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Black, Bohnett, Butler, Coghlan, Cogswell, Collier, Costar, Cronin, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Greer, Griffiths, Hanlon, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilhard, Kehoe, Leeds Lightner, Macauley, Maher, McClellan, McManus, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Rech, Rutherford, Sackett, Silver, Telfer, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—60
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 827—An Act authorizing any incorporated town, city, or municipal corporation to permit the construction or maintenance of any State or county highway or boulevard over highways or streets in its incorporated limits, or any portion thereof, by the supervisors or highway commissioners of the county.

Bill read third time

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 827 passed by the following vote:

AYES—Messrs Barndollar, Beardslee, Beatty, Black, Bohnett, Coghlan, Cogswell, Collier, Costar, Cronin, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Greer, Griffiths, Hanlon, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilhard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, Moore, Mott, Nelson, Otis, O'Neill, Perine, Preston, Rech, Rutherford, Sackett, Silver, Stuckenbruck, Telfer, Wagner, Wheelan, Whitney, Wilson, Wyllie, and Mr. Speaker—57
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 443—An Act to amend an Act entitled "An Act to regulate and license the hunting of game birds and animals, and to provide revenue therefrom, for game preservation and restoration, and to make an appropriation for the purpose of carrying out the objects of this Act," approved March 13, 1907, by amending Section 3 thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 443 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Black, Bohnett, Coghlan, Collier, Collum, Costar, Cronin, Dean, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Griffiths, Hanlon, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner

Macauley, Maher, McClellan, Moore, Mott, Nelson, Odom, Otis, Perine, Polsley, Preston, Rech, Rutherford, Sackett, Silver, Stuckenbruck, Telfer, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—56
NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 948—An Act to create a preserve for crabs within Humboldt and Trinidad bays and the waters of the Pacific Ocean adjacent thereto, and to regulate the taking of crabs from such preserve for commercial purposes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 948 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Black, Bohnett, Butler, Coghlan, Cogswell, Collum, Costar, Cronin, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Greer, Griffiths, Hanlon, Hayes, Hewitt, Hinkle, Hopkins, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Lightner, Macauley, Maher, McManus, Moore, Mott, Nelson, Odom, O'Neill, Perine, Preston, Rutherford, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—55
NOES—Mr. Leeds—1

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 706—An Act to add a new section to the Penal Code, to be numbered 626*n*, to prohibit the hunting of ducks in motor boats.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 706 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Black, Bohnett, Butler, Coghlan, Collier, Collum, Costar, Cronin, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Griffiths, Hanlon, Hayes Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Lightner, Macauley, Maher, McClellan, McManus, Moore, Mott, Nelson, Odom, Otis, Perine, Preston, Rutherford, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—56.
NOES—Messrs Cogswell and Polsley—2

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1035—An Act to add a new section to the Penal Code, to be numbered 626o, to prohibit the hunting of ducks in sneak, decoy, or sculling boats.

MOTION.

Mr. Cronin moved to refer Assembly Bill No. 1035 to Committee on Judiciary.

Motion lost.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 1035 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Black, Bohnett, Coghlan, Collier, Collum, Costar, Dean, Flavelle, Fleisher, Greer, Griffiths, Hanlon, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Moore, Nelson,

Otis, O'Neill, Preston, Rutherford, Sackett, Silver, Transue, Wagner, Wheelan, Young, and Mr. Speaker—42

NOES—Messrs. Cogswell, Cronin, Drew, Feeley, Flint, Gerdes, Hayes, Hopkins, Juilliard, Mott, Odom, Perine, Polsley, Stuckenbruck, Telfer, Whitney, Wilson, and Wyllie—18

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1031—An Act to amend Section 3514 of the Political Code of the State of California, relating to the issuance of certificates of purchase for State land.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1031 passed by the following vote

AYES—Messrs. Barndollar, Baxter, Beardslee, Bohnett, Coghlan, Cogswell, Collier, Costar, Cronin, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Griffiths, Hanlon, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, Maher, McClellan, McManus, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Rutherford, Schmitt, Silver, Stuckenbruck, Telfer, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—55

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 406—An Act regulating the sale of those parts of the beds of the navigable streams of the State, which parts have been abandoned by the State and governmental authority for navigable purposes.

Bill read third time, and on motion of Mr. Johnson of Sacramento, referred to the Los Angeles Delegation.

MOTION.

Mr. Mott moved that the Assembly adjourn until ten o'clock A. M. of Thursday, February 25, 1909.

Motion lost.

Assembly Bill No. 253—An Act for the relief of aged teachers.

Bill read third time, and passed on file.

Assembly Bill No. 1051—An Act to amend Section 642 of the Political Code of the State of California, relating to the fish commissioners and their assistants, and prescribing their power and duties.

Bill read third time on previous day

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1051 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Black, Coghlan, Cogswell, Collier, Collum, Costar, Dean, Drew, Fleisher, Flint, Gerdes, Griffiths, Hanlon, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, Moore, Nelson, Otis, O'Neill, Perine, Preston, Rutherford, Sackett, Schmitt, Stuckenbruck, Transue, Wagner, Whitney, Wilson, Wyllie, Young, and Mr Speaker—48

NOES—Mr. Polsley—1

Title read and approved

Bill ordered transmitted to the Senate.

Assembly Bill No. 919—An Act to create a reclamation district to be called "American River Reclamation District No. 1," and providing for the control and management thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 919 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Black, Bohnett, Coghlan, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Greer, Hanlon, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson, of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Preston, Rutherford, Sackett, Schmitt, Stuckenbruck, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr Speaker—55.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate

Assembly Bill No. 732—An Act to amend Section 1207 of the Civil Code, relating to the validating of instruments affecting real property.

Bill read third time, and passed on file

Assembly Bill No. 1002—An Act to amend Section 650 of the Code of Civil Procedure, relating to bills of exceptions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1002 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Black, Bohnett, Coghlan, Cogswell, Collier, Collum, Costar, Cronin, Drew, Flavelle, Fleisher, Flint, Gerdes, Griffiths, Hanlon, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Moore, Nelson, Otis, O'Neill, Perine, Polsley, Preston, Rutherford, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—54.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1224—An Act to amend an Act entitled "An Act to prevent the sale of dairy products from unhealthy animals and produced under unsanitary conditions; to provide for the inspection of dairy stock, dairies, factories for the production of dairy products and places where dairy products are handled and sold; to improve the quality of dairy products of the State; to prevent deception in the sale of dairy products, and to appropriate money for enforcing its provision," approved March 20, 1905, by amending Section 7 thereof, relating to the duties of the State Dairy Bureau and the appointment and qualifications of assistant agents as inspectors.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1124 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Bohnett, Coghlan, Cogswell, Collum, Costar, Cronin, Drew, Flavelle, Fleisher, Flint, Gerdes, Hanlon, Hayes, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Juilliard, Kehoe, Lightner, Macauley, Maher, McClellan, McManus, Moore, Mott, Nelson, Otis, O'Neill, Perine, Polsley, Preston, Rutherford, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr Speaker—50

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

WITHDRAWAL OF BILL

Mr. Beardslee asked for and was granted unanimous consent to withdraw Assembly Bill No. 732.

Assembly Bill No. 732 withdrawn and ordered stricken from the file.

Assembly Bill No. 28—An Act to amend the title of Sections 1, 7, 8, and 9 of an Act entitled "An Act to regulate the sale of poisons in the State of California, and providing a penalty for the violation thereof," approved March 6, 1907.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 28 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Black, Bohnett, Cogswell, Collier, Collum, Cronin, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Greer, Griffiths, Hanlon, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson, of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Macauley, Maher, McClellan, McManus, Moore, Mott, Nelson, Otis, O'Neill, Perine, Preston, Rutherford, Sackett, Schmitt, Silver, Telfer, Transue, Wagner, Wheelan, Wilson, Wyllie, Young, and Mr. Speaker—53.

NOES—Mr. Polsley—1.

Title read and approved

Bill ordered transmitted to the Senate.

Assembly Bill No. 250—An Act to amend Section 1874 of the Political Code of California, relating to standing committee on text-books.

During third reading of bill, Mr. Johnston of Contra Costa moved that the Speaker appoint a select committee of one to amend the bill, as follows:

AMENDMENT No 1.

In line 3, of printed bill, strike out the word "section"

AMENDMENT No. 2

In line 3, of printed bill, strike out the words "Standing Committee on Text-books"

AMENDMENT No 3

In line 12, of the printed bill, strike out the words "powers of committee"

AMENDMENT No 4

In line 33, of the printed bill, strike out the words "duty of county superintendent of schools"

AMENDMENT No 5.

In line 42, of the printed bill, strike out the following: "2 (Instructions, subjects of)", and insert in lieu thereof the following "Section 1874*a*"

AMENDMENT No 6

In lines 48 and 49, of the printed bill, after the words "civil government" insert the words "including civic righteousness"

AMENDMENT No 7

In line 61, of the printed bill, strike out the following "3 (Copyrights, committee may secure)", and insert in lieu thereof the following: "Section 1874*b*"

AMENDMENT No 8

In lines 72 and 73, of the printed bill, strike out the word "fifteen", and insert in lieu thereof the word "eight"

AMENDMENT No. 9

In line 85, of the printed bill, strike out the following "(books adopted to remain in force fifteen years)"

AMENDMENT No. 10.

In line 91, of the printed bill, strike out the following "(contracts)."

AMENDMENT No. 11.

In lines 94 and 95, of the printed bill, strike out the words "fifteen nor more than twenty", and insert in lieu thereof the word "eight."

AMENDMENT No. 12.

In line 100, of the printed bill, strike out the following: "4. (Refusal to use State series, penalty for)", and insert in lieu thereof the following "Section 1874*c*."

AMENDMENT No. 13.

In line 108, of the printed bill, strike out the following: "5 (Superintendent of State Printing, duties of)", and insert in lieu thereof the following: "Section 1874*d*"

AMENDMENT No. 14

In line 119, of the printed bill, strike out the following: "6. (Prices of books, how fixed)", and insert in lieu thereof the following: "Section 1874*e*."

AMENDMENT No 15.

In line 132, of the printed bill, strike out "(royalty fund)".

AMENDMENT No 16.

In line 143, of the printed bill, strike out the following. "7. (Claims for expenses of commission)", and insert in lieu thereof the following: "Section 1874 *f*"

AMENDMENT No. 17.

In line 160, of the printed bill, strike out the following· "8. (School-book fund)", and insert in lieu thereof the following: "Section 1874 *g*"

AMENDMENT No. 18.

In line 174, of the printed bill, strike out the following: "(demands against fund)".

AMENDMENT No. 19

In line 183, of the printed bill, strike out the following: "9. (Experts to pass on merits of books)", and insert in lieu thereof the following: "Section 1874*h*."

AMENDMENT No. 20.

In line 195 of the printed bill, strike out the following· "10 (Manner of distribution)", and insert the following: "Section 1874*i*."

Motion carried.

The Speaker appointed Mr. Johnston of Contra Costa as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1909.

MR SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 250, with instructions, do now report that the instructions of the Assembly have been carried out.

JOHNSTON OF CONTRA COSTA, Select Committee.

Report of select committee and amendments adopted.

Bill ordered to reprint, reengrossment, and on file for passage.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON CONSTITUTIONAL AMENDMENTS

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1909

MR SPEAKER Your Committee on Constitutional Amendments, to whom was referred Assembly Constitutional Amendment No. 19—Proposed amendment to *Article 11 of the Constitution, relative to the framing of county government acts*—

have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

COGHLAN, Chairman.

Assembly Constitutional Amendment No. 19 ordered on file for adoption.

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1909

MR SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Assembly Bill No 26—An Act to amend Sections 3, 4, 5, 6, 7, 11, 13, 14 and 16 of an Act entitled "An Act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California State Board of Pharmacy," approved March 20, 1905, and amended March 21, 1907

Assembly Bill No. 722—An Act to amend an Act entitled "An Act to regulate the practice of optometry and for the appointment of a board of examiners in the matter of said regulation," approved March 20, 1903, by amending sections one, two, five, eight, eleven, twelve thirteen, fifteen and sixteen thereof.

Assembly Bill No 95—An Act authorizing and directing the Board of Managers of the Napa State Hospital to erect and furnish cottages for the accommodation of male patients at the Napa State Hospital, and making an appropriation therefor.

Assembly Bill No 97—An Act authorizing and directing the Board of Managers of the Napa State Hospital to complete and improve the water distributing system at the Napa State Hospital, including the construction of a cement reservoir for distributing purposes, and making an appropriation therefor

YOUNG, Chairman

The above reported bills ordered on file for third reading

RESOLUTION.

The following resolution was offered:

By Mr. Johnson of Sacramento:

Assembly Concurrent Resolution No. 14—Relative to polygamy.

Read, and referred to Committee on Federal Relations.

ADJOURNMENT.

At five o'clock and forty minutes P. M., on motion of Mr. Mott, the Assembly was declared adjourned.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL., Thursday, February 25, 1909

At nine o'clock and thirty minutes A. M., pursuant to adjournment, the Assembly was called to order.

Hon. P. A. Stanton, Speaker of the Assembly, in the chair.

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

Messrs. Barndollar, Baxter, Beatty, Beban, Bohnett, Butler, Callan, Cogswell, Collier, Collum, Costar, Cronin, Drew, Flavelle, Fleisher, Flint, Gerdes, Gillis, Greer, Griffiths, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Transue, Wagner, Webber, Whitney, Wilson, Young, and Mr. Speaker—59.

Quorum present.

LEAVES OF ABSENCE.

On motion, leave of absence for the day was granted to Messrs Hammon, Wyatt, and Melrose.

PRAYER.

Prayer was offered by the Chaplain. Rev. Seren N. Marsh.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. O'Neill, its further reading was dispensed with.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON JUDICIARY

ASSEMBLY CHAMBER SACRAMENTO, February 25, 1909

MR SPEAKER Your Committee on Judiciary, to whom was referred Assembly Bill No. 408—An Act to amend Section 171 of the Code of Civil Procedure of this State, relating to the practice of law by judges or county clerks

Also: Assembly Bill No. 1335—An Act forbidding the manufacture or sale of falsely or spuriously stamped articles of merchandise made of gold or silver, or their alloys, and prescribing a penalty therefor

Also. Assembly Bill No 1378—An Act to amend Section 1444 of the Code of Civil Procedure, relating to appraisement of estates and pay of appraisers

Also Assembly Bill No. 1419—An Act authorizing suits against the State concerning certain real property and regulating the procedure therein

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass

JOHNSON OF SACRAMENTO, Chairman

Also.

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1909

MR. SPEAKER Your Committee on Judiciary, to whom was referred Assembly Bill No. 6—An Act to amend Section 170 of the Code of Civil Procedure—report the same back, with two amendments, and recommend that it do pass as amended.

Also: Assembly Bill No 652—An Act to amend sections six and seven of an Act entitled "An Act to provide for the levy and collection of taxes by and for the use of municipal corporations and cities incorporated under the laws of the State of California, except municipal corporations of the first class, and to provide for the consolidation and abolition of certain municipal offices and to provide that their duties may be performed by certain officers of the county, and fixing the compensation to be allowed for such county officers for the service so rendered to such municipal corporations'—report the same back with one amendment, and recommend that it do pass as amended

Also Assembly Bill No 1359—An Act to amend section seven hundred and seventy-four and section seven hundred and seventy-five of the Political Code, relating to the preparation and printing of the reports of decisions of the Supreme Court—report the same back, with two amendments, and recommend that it do pass as amended

Also Assembly Bill No 1360—An Act to prevent the sale of thread of cotton, linen, and silk, where such is not labeled as to its correct yardage and weight—report the same back, with two amendments, and recommend that it do pass as amended

Also Senate Bill No. 801—An Act to amend the Code of Civil Procedure of the State of California by adding a new section thereto, to be known as Section 1559, relating to payment of commissions upon sales of real property, under order of court—have had the same under consideration, and respectfully report the same back with two amendments, and recommend that it do pass as amended

JOHNSON OF SACRAMENTO Chairman

ON EDUCATION

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1909

MR SPEAKER Your Committee on Education, to whom was referred Assembly Bill No. 1402—An Act declaring February 12th, the birthday of Abraham Lincoln, a legal holiday, and providing for a half-day session in the public schools on such holi-

day, and for certain exercises in the public schools—report the same back, with recommendation that it do pass

Also: Assembly Bill No. 1102—An Act to amend Section 1696 of the Political Code of the State of California, relating to the duties of teachers—report the same back, with one amendment, and recommend that it do pass as amended.

SACKETT, Chairman

ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1909.

MR. SPEAKER Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 1357—An Act to amend Section 4252 of the Political Code of the State of California, relating to salaries, fees and compensation of officers of counties of the twenty-third class.

Also. Assembly Bill No. 1322—An Act to amend Section 4248 of the Political Code as amended in 1907, Statutes of 1907, pages 476 and 479, relating to the compensation of officers in counties of the nineteenth class.

Also: Assembly Bill No 1414—An Act to amend an Act entitled an Act to amend an Act to allow unincorporated towns and villages to equip and maintain a fire department, and to assess and collect taxes from time to time for such purpose, and to create a board of fire commissioners, approved March 4, 1881, amended March 6, 1899.

Also Assembly Bill No. 1233—An Act to amend Section 4265 of the Political Code of the State of California, relating to the compensation of officers of counties of the thirty-sixth class and their deputies and assistants

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass

HANS, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1909.

MR. SPEAKER Your Committee on County and Township Governments, to whom was referred Assembly Bill No 1356—An Act to amend Section 4270 of the Political Code of the State of California, relating to the compensation of officers of counties of the forty-first class

Also· Assembly Bill No. 1355—An Act to amend Section 4275 of the Political Code of the State of California, relating to the compensation of officers of counties of the forty-sixth class.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

HANS, Chairman

ON PUBLIC MORALS.

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1909

MR. SPEAKER Your Committee on Public Morals, to whom was referred Assembly Bill No. 566—An Act to amend Section 308 of the Penal Code of the State of California, relating to the sale of cigarettes and tobacco.

Also· Assembly Bill No 1391—An Act to add a new section to the Penal Code, to be known as Section 337*b* thereof, and relating to the publishing of tips or advance information on horse racing, and providing the punishment for the violation thereof.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

GRIFFITHS, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1909

MR SPEAKER Your Committee on Public Morals, to whom was referred Assembly Bill No. 1116—An Act to promote education regarding the laws of nature, governing the parents during reproduction, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and that it be re-referred to the Committee on Ways and Means.

GRIFFITHS, Chairman

ON MEDICAL AND DENTAL LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1909.

MR SPEAKER Your Committee on Medical and Dental Laws, to whom was referred Assembly Bill No. 1331—An Act to amend an Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulations, by amending Section 16—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

SILVER, Chairman

The above reported bills ordered on file for second reading.

Assembly Bill No. 1116 referred to Committee on Ways and Means.

ON FISH AND GAME.

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1909.

MR. SPEAKER: Your Committee on Fish and Game, to whom was referred Mr. Polsley's resolution, introduced in the Assembly February 12, 1909, report that we have heard the evidence in support of the same, and find that it is not sufficient to warrant the investigation provided for in the said resolution, and therefore recommend that further consideration of same be indefinitely postponed.

COSTAR, Chairman.

Mr. Costar moved the adoption of the report.

Motion carried.

GOVERNOR'S MESSAGE.

The following message from the Governor was received and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, February 24, 1909

To the Assembly of the State of California

I have the honor to inform your honorable body that I have approved Assembly Bill No. 374—An Act to provide for the payment of expenses incurred in making repairs on and in the Capitol building, and for the furnishing of the legislative chambers and the clerks', officers', and committee rooms therein, and all other necessary expenses incurred in so doing, and to make appropriation for the same.

Also, Assembly Bill No. 808—An Act to make an appropriation to pay the per diem and mileage of Assemblymen for the thirty-eighth session of the Legislature of the State of California, during the sixtieth fiscal year

Also: Assembly Bill No 63—An Act to add a new section to the Penal Code, to be known as section three hundred and thirty-seven *a* thereof, and relating to gambling by pool selling, bookmaking, bets, and wagers, and by providing punishment for the violation thereof

Also: Assembly Bill No. 73—An Act to amend sections one, three, four, five, six, seven, nine, ten, thirteen, fourteen, and twenty of an Act entitled "An Act to promote drainage," approved March 18, 1885.

Also: Assembly Bill No 52—An Act to amend Section 649 of the Civil Code of the State of California, relating to the incorporation of colleges and seminaries of learning.

Also, Assembly Bill No. 232—An Act to amend Section 3457 of the Political Code, relating to reclamation districts, the warrants thereof, the payments of assessments with warrants, extension of warrants, and the commencement of actions thereon

Also, Assembly Bill No 161—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by adding thereto a new section, to be known as Section 5½, providing for filing written notices of defects in street proceedings, and that certain defects not claimed shall be waived.

Also: Assembly Bill No. 731—An Act making an appropriation for the maintenance of the Governor's residence from January 1, 1909, to June 30, 1909

Also: Assembly Bill No 124—An Act to provide for the investment of the moneys in the estates of deceased persons fund, and also to provide for payment of interest received into the state school fund.

Also: Assembly Bill No. 611—An Act making an appropriation to pay the deficiency in the appropriation for the contingent expenses of the Bureau of Labor Statistics for the sixtieth fiscal year

Also: Assembly Bill No. 125—An Act transferring the sum of $80,000 from the general fund to the estates of deceased persons fund

Also: Assembly Bill No 176—An Act providing for a biennial appropriation in the general appropriation bill for the benefit of the Governor's residence and grounds

Also: Assembly Bill No 47—An Act making an appropriation to assist the State Board of Equalization in gathering data in the several counties for equalization purposes and for the employment of expert accountants to verify reports of railroad companies made to said board

Also Assembly Bill No 246—An Act to amend Section 1565 of the Political Code, relating to teachers' institute and library funds

Also: Assembly Bill No. 235—An Act amending Section 2300 of the Political Code, relating to the state library fund

Also: Assembly Bill No. 175—An Act to amend an Act entitled "An Act providing for the extermination of the boophilus annulatus tick, defining certain crimes, and providing for certain civil and criminal actions," approved March 21, 1907, by amending sections one, two, three, and four thereof, and by adding a new section thereto, to be known and numbered as section one and one half

Also: Assembly Bill No. 174—An Act providing for the eradication of the disease known as scabies in sheep; providing for the duties of the State Veterinarian in relation thereto; making certain acts in relation to sheep infected with such disease

a misdemeanor; providing for a lien against such sheep for expenses and costs in the extermination of such disease; making certain persons liable for a violation of this Act, and providing for the enforcement of said lien

Also: Assembly Bill No. 140—An Act to amend sections nine and ten of an Act entitled "An Act to establish and support a Bureau of Labor Statistics," approved March 3, 1883

Also: Assembly Bill No. 34—An Act to amend Section 2955 of the Civil Code, relating to what kinds of personal property may be mortgaged

Also: Assembly Bill No. 33—An Act to amend Section 2965 of the Civil Code, relating to the effect of mortgages upon personal property removed from the county where situated when mortgaged.

Also: Assembly Bill No. 295—An Act to add a new section to the Political Code, to be numbered forty-two hundred and fifty *a*, relating to and fixing the compensation of grand and trial jurors in the superior courts in counties of the twenty-first class

J. N. GILLETT,
Governor of the State of California.

SENATE MESSAGES.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, February 24, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendment to Senate Bill No. 655—An Act to amend Sections 3197, 3198, and 3199 of the Political Code of the State of California, relating to trade marks

Also: Senate Bill No. 47—An Act providing for the sanitation of food producing establishments, places where food is stored or distributed and vehicles in which food is placed for transportation, regulating the health of persons by whom the materials from which food is prepared or the finished product is handled, providing for the inspection of such places, persons, and things, declaring places and things in violation of this Act to be nuisances dangerous to health, and providing for the abatement of the same, making violations of this Act misdemeanors, and providing for the punishment of the same

LEWIS A. HILBORN, Secretary of Senate
By J. W. KAVANAGH, Assistant Secretary

Also:

SENATE CHAMBER, SACRAMENTO, February 24, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Constitutional Amendment No. 44—A resolution to propose to the people of the State of California an amendment of the Constitution of the State of California, providing for the classification by the Legislature of cities and towns by population for the purpose of regulating the business of banking, by amending Section 5, Article XII of the Constitution of the State of California.

LEWIS A. HILBORN, Secretary of Senate
By J. W. KAVANAGH, Assistant Secretary.

Senate Constitutional Amendment No. 44 read, and referred to Committee on Constitutional Amendments.

Also:

SENATE CHAMBER, SACRAMENTO, February 24, 1909

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed, as a case of urgency, Senate Bill No. 1235—An Act transferring money from the general fund to the state printing fund, to defray the expenses of legislative printing for the thirty-eighth session of the Legislature, and directing the State Controller and State Treasurer to make such transfer.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Senate Bill No. 1235 read first time, and ordered on file without reference.

RECONSIDERATION.

In compliance with his notice given on a previous day, Mr. Polsley moved that the vote whereby Assembly Bill No. 754 was passed be reconsidered.

The roll was called, and the same was refused reconsideration by the following vote:

AYES—Messrs Maher and Stuckenbruck—2.
NOES—Messrs Barndollar, Beatty, Bohnett, Callan, Cogswell, Collum, Costar, Cronin, Drew, Flavelle, Flint, Gerdes, Gillis, Greer, Griffiths, Hans, Hayes, Hewitt, Hinkle, Johnson of Sacramento, Johnson of Placer, Kehoe, Leeds, Lightner, Macauley, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Rutherford, Schmitt, Silver, Transue, Wagner, Whitney, Wilson, and Mr. Speaker—43

Bill ordered transmitted to the Senate.

SECOND READING FILE

Assembly Bill No 651—An Act to make uniform the law of warehouse receipts.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT NO. 1.

Strike out the word "delivered", in line 11, Section 9, page 3, of the printed bill, and insert in lieu thereof the word "deliverable".

Amendment adopted.

AMENDMENT NO. 2

After the word "could", in line 6, Section 21, page 7, of the printed bill, insert the word "not".

Amendment adopted

AMENDMENT NO. 3

Strike out the word "delivered", in line 10, Section 37, page 11, of the printed bill, and insert in lieu thereof the word "deliverable"

Amendment adopted.

AMENDMENT NO. 4.

Strike out the word "transferer", in line 2, Section 42, page 13, of the printed bill, and insert in lieu thereof the word "transferor".

Amendment adopted.

AMENDMENT NO. 5.

Strike out the word "includes", in line 2, Section 44, page 13, of the printed bill, and insert in lieu thereof the word "included"

Amendment adopted.

AMENDMENT NO. 6

Strike out the word "thereof", in line 8, Section 47, page 14, of the printed bill, and insert in lieu thereof the word "therefor".

Amendment adopted.

AMENDMENT NO. 7.

Add to Section 18 the following. "If such adverse claimant shall not bring suit and serve summons on the warehouseman within forty-eight hours after the service of notice of his adverse claim, such failure shall act as a complete abandonment of such adverse claim".

Amendment adopted.

AMENDMENT NO. 8.

Strike out all of Section 61, of the printed bill

Amendment adopted.

AMENDMENT NO. 9

Strike out the figure "2", in "Section 62", of the printed bill, and insert in lieu thereof the figure "1".

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

SPECIAL ORDER SET.

On motion of Mr. Leeds the consideration of Assembly Bill No. 651 was made a special order for Friday, February 26, 1909, at three o'clock and thirty minutes P. M.

SPECIAL FILE—THIRD READING

Committee Substitute for Assembly Bill No. 1023—An Act to amend Sections 10, 15, 16, etc., of an Act to establish a school for the discipline, education, reformation and protection of juvenile delinquents, etc

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Assembly Bill No 1023 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Gillis, Greer, Griffiths, Haus, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Kehoe, Leeds, Lightner, Macauley, Maher, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner Webber, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—61

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate

Assembly Bill No. 1034—An Act making an appropriation for the expenses of the National Guard in case of insurrection, invasion, tumult, riot, breaches of the peace or imminent danger thereof.

Bill read third time

The question being on the passage of the bill.

The roll was called, and Assembly Bill No 1034 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beatty, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Costar, Cronin, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Haus, Hayes, Hewitt, Hinkle, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Kehoe, Leeds, Lightner, Macauley, Maher, Mendenhall, Mott, Odom, Otis, O'Neill, Perine, Polsley, Preston, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, and Mr. Speaker—53.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate

Assembly Bill No 94—An Act authorizing and directing the Board of Managers of the Napa State Hospital to erect and furnish cottages for the accommodation of female patients at the Napa State Hospital, and making an appropriation therefor

Bill read third time.

The question being on the passage of the bill

The roll was called and Assembly Bill No 94 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Bohnett, Butler, Callan, Cattell, Cogswell Collier, Collum, Costar, Cronin, Cullen, Dean, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Haus, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Kehoe, Lightner, Macauley, Maher, Mendenhall, Moore, Mott, Odom, Otis, O'Neill, Perine, Preston, Rutherford, Sackett, Schmitt,

Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr Speaker—59
NOES—None

Title read and approved

Bill ordered transmitted to the Senate.

Assembly Bill No. 97—An Act authorizing and directing the Board of Managers of the Napa State Hospital to complete and improve the water distributing system at the Napa State Hospital, including the construction of a cement reservoir for distributing purposes, and making an appropriation therefor.

During third reading of bill, Mr. Griffiths moved that the Speaker appoint a select committee of one to amend the bill, as follows:

Strike out the figures "$30,000", in line 1 of the printed bill, and insert in lieu thereof the figures "$25,000".

Motion carried.

The Speaker appointed Mr Griffiths as such select committee

REPORT OF SELECT COMMITTEE

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1909

MR SPEAKER Your select committee of one, to whom was referred Assembly Bill No 97, with instructions do now report that the instructions of the Assembly have been carried out

GRIFFITHS, Select Committee

Report of select committee, and amendment adopted.

Bill ordered to reprint, reengrossment, and on file for passage

Assembly Bill No. 809—An Act to provide for the wiring of hospital buildings and other buildings in and about the grounds of the Stockton State Hospital, together with the installation of a telephone system in said buildings, consisting of all necessary equipments and fixtures, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Assembly Bill No 809 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Butler, Callan, Cattell, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hans, Hawk, Hayes, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Kehoe, Leeds, Lightner, Macauley, Mendenhall, Moore, Mott, Odom, Otis, O'Neill, Perine, Polsley, Rutherford, Schmitt, Silver, Telfer, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr Speaker—56
NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No 95—An Act authorizing and directing the Board of Managers of the Napa State Hospital to erect and furnish cottages for the accommodation of male patients at the Napa State Hospital, and making an appropriation therefor

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No 95 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Butler, Callan, Cattell, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Dean, Drew, Fleisher, Flint,

Gerdes, Gibbons, Gillis, Greer, Griffiths, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, Mendenhall, Moore, Mott, Odom, Otis, O'Neill, Polsley, Preston, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Wilson, Young, and Mr. Speaker—59.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Constitutional Amendment No 19—Proposed amendment to Article 11 of the Constitution, relative to the framing of county government acts

The question being on the adoption of the Assembly constitutional amendment.

The roll was called, and Assembly Constitutional Amendment No. 19 refused adoption by the following vote:

AYES—Messrs Barndollar, Bohnett, Callan, Cattell, Cogswell, Costar, Cronin, Fleisher, Flint, Gerdes, Gillis, Greer, Griffiths Hawk, Hayes, Hinkle, Holmquist, Johnson of Sacramento, Johnson of Placer, Kehoe, Mendenhall, Moore, Nelson, Otis, Sackett, Silver Stuckenbruck, Telfer, Wagner, Whitney, Wilson, Wyllie, and Young—38

NOES—Messrs Baxter Beatty, Butler, Collum, Cullen, Dean, Drew, Feeley, Flavelle, Gibbons, Hewitt, Irwin, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Mott, Odom, O'Neill, Polsley, Preston, Rutherford, Schmitt, Transue, Webber, and Mr. Speaker—28.

NOTICE OF MOTION TO RECONSIDER

Mr. Drew gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Constitutional Amendment No. 19 was this day refused adoption

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1909.

MR SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed.

Assembly Bill No. 913—An Act to establish a standard form of fire insurance policy and to prevent variations therefrom, excepting under certain stated conditions and restrictions.

Assembly Bill No 1045—An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation thereof, and to repeal an Act now in force relating to the same, approved March 24, 1901, except section two thereof, and amended March 20, 1903, March 20, 1905; March 6, 1907

YOUNG, Chairman

The above reported bills ordered on file for third reading.

CASE OF URGENCY

The following resolution was offered:

By Mr Transue:

Resolved, That Senate Bill No 1235 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Mr. Transue moved the adoption of the resolution

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

AYES—Messrs. Barndollar, Baxter, Beatty, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Dean, Drew, Flavelle, Fleisher, Flint,

Gerdes, Gibbons, Gillis, Griffiths, Hawk, Hayes, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Kehoe, Leeds, Macauley, Maher, McClellan, McManus, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Rutherford, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Wilson, Young, and Mr Speaker—58.

NOES—None.

Senate Bill No. 1235—An Act transferring money from the general fund to the state printing fund, to defray the expenses of legislative printing for the thirty-eighth session of the Legislature and directing the State Controller and State Treasurer to make such transfer.

Bill read second time, and ordered on file for third reading.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1235 finally passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beatty, Bohnett, Butler, Callan, Cattell, Coghlan, Collier, Collum, Costar, Cronin, Cullen, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Kehoe, Leeds, Macauley, Maher, McManus, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wilson, Young, and Mr Speaker—58

NOES—Mr Whitney—1

Title read and approved.

Bill ordered transmitted to the Senate

SPECIAL FILE—SECOND READING.

Assembly Bill No. 256—An Act to provide an additional appropriation for the erection of a training-school building for the use of the State Normal School at San Diego, California, and to equip the same.

Mr. Perine moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair

Assembly Bill No 256 considered.

During second reading of bill, the following amendment was submitted by the committee:

In line 3, Section 1, of the printed bill, strike out the word "thirty", and insert in lieu thereof the word "ten"

Amendment adopted.

Mr. Perine moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 256, and do now report the same back, and recommend that it do pass as amended

STANTON, Chairman

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 912—An Act appropriating seventy-five thousand ($75,000) dollars to complete, equip, and furnish the buildings of the San José State Normal School.

Asesmbly Bill No. 91—An Act making an appropriation to complete certain necessary improvements at the Veterans' Home of California, located at Yountville, Napa County, California.

Assembly Bill No. 958—An Act appropriating the sum of one thousand dollars for the purpose of installing a plant for distilling water, in connection with the ice-making plant at the Veterans' Home of California, located at Yountville, Napa County.

Assembly Bill No 959—An Act appropriating the sum of two thousand five hundred dollars for the purchase of sterilizers and ambulance, and hospital appliances and instruments at the Veterans' Home of California, located at Yountville, Napa County.

Assembly Bill No 1368—An Act to amend Section 1 of an Act entitled "An Act authorizing and directing the completion of the main buildings at the California Home for the Care and Training of Feeble-Minded Children, near Eldridge, Cal., and making an appropriation therefor," approved March 11, 1907.

Mr. Perine moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bills.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair

Assembly Bills Nos. 912, 91, 958, 959, and 1368 considered.

Mr. Perine moved that the committee do now rise and report in favor of the passage of the bills.

Motion carried

IN ASSEMBLY

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of the Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1909

GENTLEMEN The Committee of the Whole have had under consideration Assembly Bills Nos 912, 91, 958, 959, and 1368, and do now report the same back, and recommend that they do pass

STANTON, Chairman

Bill read second time, and ordered to engrossment.

Assembly Bill No. 1259—An Act to amend Section 1084 of the Political Code, relating to the qualifications and disabilities of an elector.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 1260—An Act to amend sections twelve hundred and thirty, twelve hundred and thirty-five and twelve hundred and thirty-eight of the Political Code, relating to the challenging of persons offering to vote at elections.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 1387—An Act to amend Section 1164 of the Political Code of the State of California, relating to proclamation at closing the polls.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 1, Section 1, line 3, of the printed bill, strike out the word "Section".

Amendment adopted.

AMENDMENT No. 2

On page 1, Section 1, line 3, of the printed bill, strike out the following words "Proclamation at closing the polls."

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 1388—An Act to amend Section 1160 of the Political Code of the State of California, relating to the time of opening and closing the polls.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 1, Section 2, line 3, of the printed bill, strike out the word "Section".

Amendment adopted.

AMENDMENT No 2.

On page 1, Section 1, line 3, of the printed bill, strike out the following words "Time of opening and closing the polls"

Amendment adopted.

Bill read second time, and ordered to reprint, and engrossment.

WITHDRAWAL OF BILL.

Mr. Nelson asked for and was granted unanimous consent to withdraw Assembly Bill No. 736.

Assembly Bill No 736 withdrawn, and ordered stricken from the file.

THIRD-READING FILE—(RESUMED).

Assembly Bill No 259 An Act providing for the appointment of a secretary to boards of education in incorporated cities or towns, and adding a new section to the Political Code, to be known as Section 1616*a*.

Bill read third time.

The question being on the passing of the bill.

The roll was called, and Assembly Bill No. 259 passed by the following vote:

AYES—Messrs. Barndollar, Beban, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Collum, Cronin, Drew, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hawk, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, McManus, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Polsley, Preston, Pulcifer, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Wagner, Webber, Whitney, Wilson, Wyllie, and Young—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

HON. W. B. GRIFFITHS IN THE CHAIR.

At eleven o'clock and twenty minutes A. M., Hon. W. B. Griffiths in the chair.

Assembly Bill No. 689—An Act to amend an Act entitled "An Act

creating a fund for the benefit and support of high schools, and providing for its distribution by changing the term high school to secondary school, and apportioning six hundred dollars to each school in place of one third of the total amount," approved March 6, 1903.

During third reading of bill, Mr. Sackett moved that the Speaker appoint a select committee of one to amend the bill as follows:

Amend title in line 3, by inserting quotation mark (") after the word "distribution".

Also: Amend by striking out of title, line 4, of printed bill, the quotation marks (") after the word "school".

Also. By inserting after the enacting clause the following: "Section 1. An Act creating a fund for the benefit and support of high schools, and providing for its distribution approved March 6, 1903, is hereby amended to read as follows:"

Also. Amend by striking out of Section 13, line 1, of printed bill, the figures "13", and inserting in lieu thereof the following. "2"

Motion carried.

The Speaker appointed Mr. Sackett as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1909

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No 689, with instructions, do now report that the instructions of the Assembly have been carried out.

SACKETT, Select Committee

Report of select committee, and amendments, adopted.

Bill ordered to reprint, reengrossment, and on file for passage

SPEAKER IN THE CHAIR.

At eleven o clock and twenty-eight minutes A. M., Speaker Stanton in the chair

Assembly Bill No 231—An Act to amend Chapter II, Title IV, of Part III of the Code of Civil Procedure of the State of California, relating to liens of mechanics, laborers, persons furnishing material, and other persons, upon real property by adding a new section to said chapter, to be numbered one thousand one hundred and eighty-three and one half, providing for liens in favor of persons furnishing power in the construction, alteration, addition to, or repair, either in whole or in part of any building, wharf, bridge, ditch, flume, aqueduct, well, tunnel, fence, machinery, railroad, wagon road, or other structure, or in transporting the material furnished and to be used for such purposes, and declaring the rank of such liens.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No 231 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Costar, Cullen, Dean, Drew, Fleisher, Flint, Gerdes, Gillis, Greer, Hawk, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McManus, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Polsley, Preston, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Wagner, Webber, Whitney, Wyllie, Young and Mr. Speaker—55.

NOES—Messrs. Gibbons and Johnson of Placer—2

Title read and approved.

Bill ordered transmitted to the Senate.

WITHDRAWAL OF BILL.

Mr. Irwin asked for and was granted unanimous consent to withdraw Assembly Bill No. 813.

Assembly Bill No. 813 withdrawn and ordered stricken from the file.

Assembly Bill No. 436—An Act to amend an Act entitled "An Act for the certification of land titles and the simplification of the transfer of real estate," approved March 17, 1897, by amending section five of said Act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 436 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Coghlan, Collier, Collum, Costar, Cullen, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Gillis, Greer, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Leeds, Lightner, Macauley, Maher, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Pulcifer, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Webber, Whitney, Wylie, and Mr. Speaker—56

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 437—An Act to amend an Act entitled "An Act for the certification of land titles and the simplification of the transfer of real estate," approved March 17, 1897, by amending sections six, nine, and thirteen of said Act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 437 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Gillis, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, Mendenhall, Moore, Nelson, Odom, Otis, Perine, Polsley, Preston, Pugh, Pulcifer, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Wagner, Webber, Whitney, Wylie, Young, and Mr. Speaker—60.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

RECONSIDERATION.

In compliance with the notice given on a previous day, Mr. Johnson of Sacramento moved that the vote whereby Assembly Bill No. 845 was passed be reconsidered.

The roll was called, and the same was refused reconsideration by the following vote:

AYES—Messrs. Bohnett, Cattell, Cogswell, Cronin, Drew, Flavelle, Fleisher, Flint, Gerdes, Gillis, Griffiths, Hayes, Hewitt, Hinkle, Johnson of Placer, Juilliard, Kehoe, Mendenhall, Odom, Otis, Perine, Polsley, Preston, Sackett, Stuckenbruck, Telfer, Whitney, Wilson, Wylie, and Young—30

NOES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Callan, Collier, Collum, Costar, Cullen, Dean, Feeley, Gibbons, Greer, Hans, Hawk, Holmquist, Irwin, Johnson of Sacramento, Johnston of Contra Costa, Leeds, Lightner, Macauley, Maher, McManus, Moore, Mott, Nelson, O'Neill, Pugh, Pulcifer, Schmitt, Silver, Transue, Wagner, Webber, and Mr. Speaker—37.

RECESS.

At twelve o'clock and thirty minutes P. M., the Assembly was declared at recess until two o'clock P. M. of this day.

REASSEMBLED.

At two o'clock P. M., the Assembly reconvened.
Speaker P. A. Stanton in the chair.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON CONSTITUTIONAL AMENDMENTS

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1909.

MR. SPEAKER. Your Committee on Constitutional Amendments, to whom was referred Assembly Constitutional Amendment No 27—A resolution to propose to the people of the State of California an amendment to the Constitution of this State, by amending section three of article four thereof, relating to the election of Assemblymen—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted

COGHLAN, Chairman

ON CORPORATIONS

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1909.

MR. SPEAKER Your Committee on Corporations, to whom was referred Assembly Bill No. 1252—An Act to amend Section 1240 and 1241 of the Code of Civil Procedure of the State of California, relating to the taking of private property for public use—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, but that it be referred to the Judiciary Committee to examine the legal phases of the matter

BEATTY, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1909

MR. SPEAKER: Your Committee on Corporations, to whom was referred Assembly Bill No. 1405—An Act to amend Section 1251 of the Code of Civil Procedure of the State of California, relating to proceedings to exercise the right of eminent domain—have had the same under consideration, and respectfully report the same back, with two amendments, and recommend that it do pass as amended, but that it be referred to the Committee on Judiciary, to examine the legal phases of the matter.

BEATTY, Chairman

ON INSURANCE AND INSURANCE LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1909.

MR. SPEAKER. Your Committee on Insurance and Insurance Laws, to whom was referred Assembly Bill No 1202—An Act to repeal Chapter VI of Title II of Part IV of Division First of the Civil Code, relating to life, health, accident, and annuity or endowment insurance on the assessment plan, and each and every section of said chapter, and to repeal the Act approved March 20 1905, adding said chapter to said Civil Code, and to repeal an Act approved March 19, 1891, and entitled "An Act relating to life, health, accident, and 'annuity or endowment insurance on the assessment plan,' and the 'conduct of the business of such insurance.'"

Also: Assembly Bill No. 1333—An Act for the regulation and control of fraternal benefit societies

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass, and that further consideration thereof be indefinitely postponed.

PULCIFER, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1909.

MR. SPEAKER: Your Committee on Insurance and Insurance Laws, to whom was referred Assembly Bill No 914—An Act to repeal section four hundred and sixteen of the Civil Code of the State of California, relating to policies, how issued and by whom signed.

Also: Assembly Bill No. 915—An Act to amend section twenty-seven hundred and fifty-six of the Civil Code of the State of California, relating to measure of indemnity.

Also: Assembly Bill No. 916—An Act to amend section twenty-five hundred and

forty-one of the Civil Code of the State of California, relating to assignment to mortgagee of thing insured.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass

PULCIFER, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1909.

MR. SPEAKER: Your Committee on Insurance and Insurance Laws, to whom was referred Assembly Bill No 1168—An Act to appropriate the sum of sixty and 51-100 dollars to pay the claim of the Security Mutual Life Insurance Company against the State of California

Also: Assembly Bill No. 1169—An Act to appropriate the sum of eleven and thirty hundredths dollars to pay the claim of the Life Association of America against the State of California

Also: Assembly Bill No 1170—An Act to appropriate the sum of $903.72 to pay the claim of the Massachusetts Mutual Life Insurance Company of Springfield against the State of California.

Also: Assembly Bill No 1171—An Act to appropriate the sum of $349.60 to pay the claim of the Minnesota Mutual Life Insurance Company against the State of California.

Also: Assembly Bill No 1172—An Act to appropriate the sum of three thousand four hundred and sixty-two and eleven one-hundredths dollars to pay the claim of the New England Mutual Life Insurance Company against the State of California.

Also: Assembly Bill No. 1173—An Act to appropriate the sum of two hundred twenty-two and eighty-five one-hundredths dollars to pay the claim of the Northwestern National Life Insurance Company against the State of California.

Also: Assembly Bill No. 1174—An Act to appropriate the sum of one thousand five hundred thirty-one and 91-100 dollars to pay the claim of the Prudential Insurance Company of America against the State of California

Also: Assembly Bill No 1175—An Act to appropriate the sum of eight hundred eighty-nine and 95-100 dollars to pay the claim of the Bankers' Life Association of Des Moines, Iowa, against the State of California

Also: Assembly Bill No 1176—An Act to appropriate the sum of one thousand seven hundred sixty-two and 79-100 dollars to pay the claim of the Germania Life Insurance Company of New York against the State of California

Also: Assembly Bill No 1177—An Act to appropriate the sum of two thousand five hundred thirty-six and seventy-six one-hundredths dollars to pay the claim of the Ætna Life Insurance Company, of Hartford, Connecticut, against the State of California.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass, and that they be re-referred to Committee on Ways and Means.

PULCIFER, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1909.

MR SPEAKER: Your Committee on Insurance and Insurance Laws, to whom was referred Assembly Bill No. 1181—An Act to repeal Section 600a of the Political Code and to reënact same as Section 603a of the Political Code.

Also: Assemby Bill No 1186—An Act to amend Section 618 of the Political Code, as to deposits required of insurance companies organized under the laws of this State

Also: Assembly Bill No. 1187—An Act to amend Section 604 of the Political Code, as to proceedings concerning insolvent insurance corporations.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

PULCIFER, Chairman.

ON STATE PRISONS AND REFORMATORY INSTITUTIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1909.

MR. SPEAKER: Your Committee on State Prisons and Reformatory Institutions, to whom was referred Assembly Bill No 1112—An Act to amend an Act entitled "An Act to add a new title to Part III of the Penal Code, to be known as Title I thereof, relating to the government and management of State prisons," approved March 18, 1907, by amending Sections 1572, 1574, 1577, 1578, and 1582 of the Penal Code, relating to the government and management of State prisons—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

HAMMON, Chairman.

ON ELECTION LAWS

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1909.

MR. SPEAKER: Your Committee on Election Laws, to whom was referred Assembly Bill No. 823—An Act to amend Section 1097 of the Political Code, relating to qualifications of persons in event of registrations—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

LEEDS, Chairman.

Assembly Constitutional Amendment No. 27 ordered on file for adoption.

The above reported bills, with the exception of Assembly Bills Nos. 1202 and 1203, ordered on file for second reading.

Mr. Pulcifer moved that consideration of Assembly Bills Nos. 1202 and 1333 be indefinitely postponed.

Motion carried.

Assembly Bills Nos. 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, and 1177 referred to Committee on Ways and Means.

Assembly Bill No. 1405 referred to Committee on Judiciary.

RESOLUTION.

The following resolution was offered:

By Mr. Transue:

ASSEMBLY CONCURRENT RESOLUTION No. 15,)

Relative to an appropriation for the fortification of San Pedro Harbor, at San Pedro, California

WHEREAS, In the General Army Appropriation Bill now pending before Congress there is an item of four hundred thousand dollars for the fortifications at San Pedro harbor at San Pedro, California; be it

Resolved by the Assembly, the Senate concurring, That our Senators in Congress be instructed, and our Representatives in Congress requested, to use all honorable means necessary to retain such item in and secure the passage of such bill; be it further

Resolved, That the Chief Clerk transmit a copy hereof to each of our Representatives in Congress.

Resolution read, and on motion adopted.

Assembly Constitutional Amendment No. 15 ordered transmitted to the Senate.

SPECIAL ORDER RESET.

On motion of Mr. Hewitt the consideration of Assembly Bill No. 952 was made a special order for Monday, March 1, 1909.

SPECIAL ORDERS—(RESUMED).

Senate Bill No. 9—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 625 of said Code of Civil Procedure, relating to verdicts of juries.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 9 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Costar, Cronin, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Gillis, Griffiths, Hammon, Hanlon, Hans, Hawk, Haves, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Maher, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pulcifer, Rech, Rutherford, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr Speaker—62.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SENATE BILLS—THIRD-READING FILE.

Senate Bill No. 632—An Act to amend an Act entitled "An Act regulating the employment and hours of labor of children, prohibiting the

employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement thereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation thereof," approved February 20, 1905.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 632 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Callan, Cattell, Cogswell, Collier, Costar, Cronin, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Gillis, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilhard, Kehoe, Leeds, Lightner, Maher, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston Pulcifer, Rech, Rutherford, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Wyllie, Young, and Mr Speaker—59.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No 21—An Act concerning dependent and delinquent minor children; providing for their care, custody, and maintenance until twenty-one years of age; providing for their trial and commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom; establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers; providing for detention homes for said children; providing for the punishment of persons responsible for or contributing to the dependency or delinquency of children, and giving to the Superior Court jurisdiction of such offenses, and repealing inconsistent Acts.

During third reading of bill, Mr. Kehoe moved that the Speaker appoint a select committee of one to amend the bill, as follows:

On page 8, Section 10*m*, line 3, strike out figures "35", and insert in lieu thereof the figures "80".

Motion lost.

Bill read third time

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 21 finally passed by the following vote:

AYES—Messrs. Barndollar, Beatty, Bohnett, Butler, Callan, Cattell, Coughlan, Cogswell, Collier, Costar, Cronin, Dean, Drew, Flavelle Fleisher, Flint, Gerdes, Gillis, Griffiths, Hammon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa Juilhard, Kehoe, Leeds Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Odom Otis O'Neill, Perine, Polsley, Preston, Pulcifer, Rech, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Wyllie, Young, and Mr Speaker—58.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 778—An Act to amend section four hundred and nine of the Political Code of California, relating to the distribution of Statutes and Journals, and reports of State officers and Journals.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 778 finally passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Costar, Cronin, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes,

Gillis, Griffiths, Hammon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis O'Neill, Perine, Polsley, Preston, Rutherford, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Wyllie, and Mr. Speaker—59.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 649—An Act to amend Sections 2322, 2322*a*, 2322*b*, 2322*c*, 2322*d*, and 2322*e*, of the Political Code, relating to county boards of horticulture.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 649 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Costar, Cronin, Cullen, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hayes, Hewitt, Hinkle, Holmquist Hopkins Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa Juilliard, Kehoe, Leeds Lightner, Macauley, McClellan, Melrose, Mendenhall Moore, Mott, Nelson Odom, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Rech, Rutherford, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Wyllie, Young, and Mr. Speaker—64

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON WAYS AND MEANS

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1909.

MR SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 9—An Act to pay the claim of the county of Sacramento against the State of California

Also Assembly Bill No. 54—An Act providing for an appropriation of thirty thousand dollars for the purpose of purchasing additional land for the Whittier State School.

Also: Assembly Bill No. 96—An Act authorizing and directing the Board of Managers of the Napa State Hospital to remodel and furnish and refurnish the general kitchen at the Napa State Hospital, and making an appropriation therefor

Also: Assembly Bill No 116—An Act appropriating money for finishing and furnishing assembly hall and equipping gymnasium at the Preston School of Industry.

Also: Assembly Bill No 118—An Act appropriating money for the equipment of the trades building at the Preston School of Industry

Also: Assembly Bill No 120—An Act appropriating money for the purchase of bedding and furniture and for repairs for the use of the Preston School of Industry

Also: Assembly Bill No 299—An Act to provide for the investigation of agricultural problems and conditions in Imperial County, and making an appropriation therefor.

Also Assembly Bill No 924—An Act making an appropriation to pay the claim of August Vollmer against the State of California

Also: Assembly Bill No 1084—An Act appropriating eighty-five dollars for the payment of claim of Regal Shoe Company

Also: Senate Bill No 113—An Act appropriating money for a pressed brick machine for the Preston School of Industry

Also: Senate Bill No 142—An Act providing for an appropriation of $1,800.00 for the purchase of a cylinder printing press for Whittier State School

Also: Senate Bill No 144—An Act providing for an appropriation of $3,500.00 for the purchase of a Mergenthaler linotype and equipment for the Whittier State School

Also: Senate Bill No. 149—An Act providing for an appropriation of $2,500.00 for the purchase of a boiler for the Whittier State School

Also: Senate Bill No 164—An Act appropriating money for the building and furnishing of four cottages at the Preston School of Industry

Also: Senate Bill No 169—An Act appropriating money for the building and furnishing of a refectory building at the Preston School of Industry

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

BEARDSLEE, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1909.

MR SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No 58—An Act appropriating twenty thousand dollars for the purpose of building two cottages on the grounds of the Whittier State School.

Also: Senate Bill No 146—An Act providing for an appropriation of $3,500 for repairs on the main building of the Whittier State School.

Also: Senate Bill No 147—An Act providing for an appropriation of $5,000 for the erection of a manual training building on the grounds of the Whittier State School

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

BEARDSLEE, Chairman.

The above reported bills ordered on file for second reading.

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1909.

MR SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 53—An Act appropriating $3,500 for repairs on the main building of the Whittier State School

Also: Assembly Bill No. 55—An Act appropriating thirty-five hundred dollars to be expended for the purchase of a Mergenthaler linotype machine and equipment for the Whittier State School

Also: Assembly Bill No. 57—An Act appropriating the sum of twelve thousand dollars for building and equipping a hospital and receiving cottage for the Whittier State School.

Also: Assembly Bill No. 59—An Act appropriating five thousand dollars to be expended in the erection of a manual training building on the grounds of the Whittier State School.

Also: Assembly Bill No 60—An Act appropriating eighteen hundred dollars for the purchase of one cylinder press for the Whittier State School

Also: Assembly Bill No 112—An Act appropriating money for the building and furnishing a refectory building at the Preston School of Industry

Also: Assembly Bill No 113—An Act appropriating money for the building and equipping of a hospital at the Preston School of Industry.

Also: Assembly Bill No 115—An Act appropriating money for the purchase of a site and right of way and the building of a reservoir and pipe line for a clear water system at the Preston School of Industry, Ione, California

Also: Assembly Bill No. 117—An Act appropriating money for the building and furnishing of four cottages at the Preston School of Industry

Also: Assembly Bill No 119—An Act appropriating money for a pressed brick machine for the Preston School of Industry.

Also: Assembly Bill No 248—An Act providing for an appropriation of $2,500 to be used in the purchase of a boiler for the Whittier State School.

Have had the same under consideration, and respectfully report the same back, and recommend that they be withdrawn by author (all except Assembly Bills Nos. 57, 113, 115), being identical with Senate Bills Nos 146, 144, 147, 143, 169, 164, 113, 149.

BEARDSLEE, Chairman.

Assembly Bills Nos. 53, 55, 57, 59, 60, 112, 113, 115, 117, 119, and 248 withdrawn by unanimous consent.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1909.

MR SPEAKER: Your Committee on Ways and Means, to whom was referred report on contingent expenses regarding the claims of W. P Fuller Co., and Scott, Lyman & Stack, have had the same under consideration, and respectfully report the same back, without recommendation

BEARDSLEE, Chairman

Mr. Beardslee moved that the above report be referred to Mr. Transue as a select committee for investigation.

Motion carried.

ON REVISION AND REFORM OF LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1909.

MR. SPEAKER: Your Committee on Revision and Reform of Laws, to whom was referred Senate Bill No 587—An Act to amend an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 20, 1905, amended, approved June 13, 1906; amended, approved March 19, 1907; amended, approved March 20 1907, by providing certain terms and conditions whereby corporations which have failed to pay the license tax mentioned in said Act may pay the same and be restored to their former rights—have had the same under consideration, and respect-

fully report the same back, with two amendments, and recommend that it do pass as amended.

Also: Senate Bill No. 512—An Act to amend an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations and making an appropriation for the purpose of carrying out the objects of this Act," as approved March 20, 1905, as amended, approved June 13, 1906, as amended, approved March 19, 1907, as amended, approved March 20, 1907, by amending Section 2 thereof, adding a new section, to be numbered 2*a*, and repealing Section 7 and Section 10*b* of said Act—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

RECH, Chairman.

ON MINING AND MINING INTERESTS

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1909

MR. SPEAKER: Your Committee on Mining and Mining Interests, to whom was referred Senate Bill No. 32—An Act to amend the Civil Code of California, by adding a new title thereto, to be numbered Title X, in Part IV of Division Second, consisting of Sections 1426, 1426*a*, 1426*b*, 1426*c*, 1426*d*, 1426*e*, 1426*f*, 1426*g*, 1426*h*, 1426*i*, 1426*j*, 1426*k*, 1426*l*, 1426*m*, 1426*n*, 1426*o*, 1426*p*, 1426*q*, 1426*r*, 1426*s*, providing for the manner of locating lode and placer mining claims, tunnel rights mill sites, and prescribing the character and amount of assessment work on mining claims, and providing for proofs of such work, and for the recordation of location notices, and proof of labor, and for the enforcement of contributions from delinquent co-owners of mining claims, and prescribing the duties of county recorders respecting the recording of location notices of, and proofs of labor on, mining claims, tunnel rights, and mill sites, and the fees to be charged therefor, and repealing Acts in conflict herewith—have had the same under consideration, and respectfully report the same back with a majority recommendation that it do pass, and a minority recommendation that it do not pass.

RUTHERFORD, Chairman.

The above reported bills ordered on file for second reading.

SENATE BILLS—THIRD-READING FILE—(RESUMED).

Senate Bill No. 195—An Act to aid the enforcement of an Act entitled "An Act to enforce the educational rights of children," approved March 24, 1903.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 195 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Bohnett, Butler, Callan, Cattell, Cogswell, Cronin, Cullen, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gillis, Griffiths, Hanlon, Haus, Hawk, Hayes, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Rutherford, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Wylie, and Mr. Speaker—59.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate

Senate Bill No 235—An Act to appropriate money for repainting of the State Normal School at San Francisco, and for laying a concrete sidewalk along the property of said school.

Bill read third time

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 235 finally passed by the following vote.

AYES—Messrs. Barndollar, Baxter, Bohnett, Callan, Cattell, Cogswell, Cronin, Cullen, Dean, Drew, Feeley, Fleisher, Flint, Gerdes, Gillis, Griffiths, Hammon, Hanlon, Haus, Hawk, Hayes, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Rutherford, Silver, Stuckenbruck, Telfer, Transue, Wagner, Whitney, and Mr. Speaker—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 239—An Act to provide for the improvement of the campus of the State Normal School at San Diego, California, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 239 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beban, Callan, Cattell, Cogswell, Cronin, Cullen, Drew, Feeley, Fleisher, Flint, Gerdes, Gillis, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Macauley, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Pugh, Rutherford, Silver, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Wyllie, and Mr. Speaker—51

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 712—An Act making an appropriation to pay for furnishing, painting, repairing, renovating, and improving the Governor's residence.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 712 finally passed by the following vote:

AYES—Messrs. Barndollar, Beban, Bohnett, Callan, Cattell, Cogswell, Cronin, Cullen, Dean, Drew, Fleisher, Flint, Gerdes, Gillis, Griffiths, Hammon, Hanlon, Hans, Hawk, Hays, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Kehoe, Leeds, Lightner, Maher, McManus, Melrose, Moore, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Rutherford, Silver, Telfer, Transue, Wagner, Whitney, Wyllie, and Mr. Speaker—49

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

RECONSIDERATION.

In compliance with his notice given on a previous day, Mr. Silver moved that the vote whereby Senate Bill No. 552 was refused passage be reconsidered.

The roll was called, and the same was reconsidered by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Bohnett, Callan, Cattell, Cogswell, Collier, Costar, Drew, Feeley, Fleisher, Flint, Gerdes, Griffiths, Hammon, Hanlon, Hans, Hawk, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego Leeds, Maher, McClellan, Melrose, Otis, Polsley, Pulcifer, Rech, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Wilson, Wyllie Young, and Mr. Speaker—43.

NOES—Messrs Beban, Butler, Cronin, Cullen, Dean, Flavelle, Gillis, Greer, Irwin, Johnson of Placer, Juilliard, Kehoe, Lightner, Macauley, McManus, Mendenhall, Mott, Nelson, Odom, O'Neill, Perine, Preston, Pugh, Rutherford, and Webber—25

MOTION.

Mr. Mott moved that Senate Bill No. 552 be referred to Committee on Municipal Corporations

Motion lost.

MOTION.

Mr Leeds moved that Senate Bill No. 552 be referred to Committee on Judiciary.

Motion carried

Assembly Bill No. 983—An Act to amend Section 4284 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the fifty-fifth class.

During the third reading of the bill, Mr. Gillis moved that the Speaker appoint a select committee of one to amend the bill, as follows:

Add the following paragraph to be numbered No. 17:

"17. The fees of grand jurors and trial jurors in the Superior Courts of said counties of the fifty-fifth class in civil and criminal cases, shall be three dollars in lawful money of the United States for each day's attendance, and mileage to be computed at the rate of fifteen cents per mile for each mile necessarily traveled in attending court, in going only. In criminal cases such fees and mileage of said trial jurors in the Superior Court shall be paid by the treasurer of the county out of the general fund of said county, upon warrants drawn by the county auditor upon the written order of the judge of the court in which said juror was in attendance, and the treasurer of said county shall pay said warrants. The board of supervisors of said county is hereby directed to make suitable appropriations for the payment of the fees herein provided for."

Also: Amend as follows: In line 9, page 1 of the printed bill, strike out the word "twenty-five", and insert in lieu thereof the word "fifty"

Motion carried.

The Speaker appointed Mr. Gillis as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1909

MR SPEAKER: Your select committee of one, to whom was referred Assembly Bill No 983, with instructions, do now report that the instructions of the Assembly have been carried out

GILLIS, Select Committee.

Report of select committee, and amendment, adopted.

Bill ordered to reprint, reengrossment, and on file for passage.

Assembly Bill No 254—An Act to insure the better education of practitioners of naturopathy, and to regulate the practice of naturopathy in the State of California, providing penalties for the violation thereof

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 254 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beban, Bohnett, Callan, Cattell, Cogswell, Cullen, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gillis, Griffiths, Hammon, Hanlon, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson of San Diego, Juilliard, Kehoe, Leeds, Lightner, Macauley, McManus, Melrose, Moore, Mott, Nelson, Odom, O'Neill, Polsley, Preston, Pugh, Pulcifer, Rech, Silver, Stuckenbruck, Transue, Wagner, Young, and Mr. Speaker—47.

NOES—Messrs. Beardslee, Dean, Hans, Johnson of Sacramento, Johnson of Placer, Maher, Perine, Rutherford, Whitney, and Wyllie—10.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 642—An Act to prevent false and incorrect representations and advertisements concerning articles offered for sale, and prescribing a punishment for the violation thereof

During third reading of bill, Mr Johnson of Sacramento moved that the Speaker appoint a select committee of one to amend the bill, as follows:

After Section 1 add the following:

SEC. 2. It shall be unlawful for any person, firm, corporation, or association, being a manufacturer of or wholesale or retail dealer in gold or silver jewelry, or gold ware, silver goods or silverware, or for any officer, manager, director or agent of such firm, corporation or association to manufacture, sell, or offer for sale or for

the purpose of selling or disposing of the same, any article of merchandise manufactured after the date when this Act takes effect, and made in whole or in part of gold or silver, or any alloy of either of said metals, and having stamped, branded, engraved or printed thereon or upon any tag, card, or label attached thereto, or upon any box, package, cover, or wrapper in which said article is incased or inclosed, any mark or word indicating or designed or intended to indicate that the gold or silver or alloy of either of said metals in such article is of a greater degree of fineness than the actual fineness or quality of such gold, silver, or alloy, according to the standards, and subject to the qualifications set forth in sections two and three of this act.

SEC. 3. In the case of articles of merchandise made in whole or in part of gold or any of its alloys so manufactured, or offered for sale, as specified in the first section of this Act the actual fineness of such gold or alloy shall not be less by more than one half of one carat than the fineness indicated by the mark stamped, branded, engraved, or printed upon any part of such article, or upon any tag, card, or label attached thereto, or upon any box, package, cover, or wrapper in which such article is incased or inclosed; except that in the case of watch cases and flat ware, so made of gold or of any of its alloys, the actual fineness of such gold or alloy shall not be less by more than three one-thousandth parts than the fineness indicated by the mark stamped, branded, engraved, or printed upon such article, or upon any tag, card, or label attached thereto, or upon any box, package, cover, or wrapper in which such article is incased or inclosed; *provided*, that in any test for the ascertainment of the fineness of any article mentioned in this section, according to the foregoing standards, the part of the article taken for the test, analysis, or assay shall be such part or portion as does not contain or have attached thereto any solder or alloy of inferior fineness used for brazing or uniting the parts of said article; *provided, further*, that in the case of any article mentioned in this section, in addition to the foregoing tests and standards, the actual fineness of the entire quantity of gold or of its alloys contained in such article, including all solder and alloy of inferior fineness used for brazing or uniting the parts of such article (all such gold, alloys, and solder being assayed as one piece), shall not be less by more than one carat than the fineness indicated by the mark stamped, branded, engraved, or imprinted upon such article or any tag, card, or label attached thereto, or upon any box, package, cover, or wrapper in which such article is incased or inclosed, it being intended that the standards of fineness and the tests or methods for ascertaining the same provided in this section for articles mentioned therein shall be concurrent and not alternative.

SEC. 4. In the case of articles of merchandise made in whole or in part of silver or any of its alloys so manufactured or offered for sale as specified in the first section of this Act the actual fineness of the silver or alloy thereof of which such article is wholly or partly composed shall not be less by more than four one-thousandth parts than the actual fineness indicated by any mark (other than the word "sterling" or the word "coin") stamped, branded, engraved, or printed upon any part of such article, or upon any tag, card, or label attached thereto, or upon any box, package, cover, or wrapper in which such article is incased or inclosed; and that no such article or tag, or label, or card attached thereto, or box, package, cover, or wrapper in which such article is incased or inclosed shall be marked, stamped, branded, engraved, or printed with the words "sterling silver" or any colorable imitation thereof, unless such article or parts thereof purporting to be silver contains nine hundred and twenty-five one-thousandth parts pure silver; and that no such article, tag, card, label, box, package, cover, or wrapper shall be marked, stamped, branded, engraved, or printed with the words "coin" or "coin silver" or colorable imitation thereof unless such article or parts thereof purporting to be silver contains nine hundred one-thousandth parts pure silver; *provided*, that in the case of all such articles whose fineness is indicated by the word "sterling" or the word "coin" there shall be allowed a divergence in the fineness of four one-thousandth parts from the foregoing standards; *provided*, that in any test for the ascertainment of the fineness of any such article mentioned in this section according to the foregoing standards the part of the article taken for the test, analysis, or assay shall be such part or portion as does not contain or have attached thereto any solder or alloy of inferior fineness used for brazing or uniting the parts of such article; *provided further*, that in the case of any article mentioned in this section, in addition to the foregoing tests and standards, the actual fineness of the entire quantity of silver or of its alloys contained in such article, including all solder and alloy of inferior fineness used for brazing or uniting the parts of such article (all such silver, alloys, and solder being assayed as one piece), shall not be less by more than ten one-thousandth parts than the fineness indicated by the marked, stamped, branded, engraved, or imprinted upon such article, or upon any tag, card, or label attached thereto, or upon any box, package, cover, or wrapper in which such article is incased or inclosed, it being intended that the standards of fineness and the tests or methods for ascertaining the same provided in this section for articles mentioned therein shall be concurrent and not alternative.

SEC. 5. In the case of articles of merchandise made in whole or in part of an inferior metal, having deposited or plated thereon or brazed or otherwise affixed thereto a plating, covering, or sheet composed of gold or silver, or of an alloy of either of said metals, and known in the market as rolled gold plate, gold plate, gold filled, silver plate, or gold or silver electroplate or by any similar designation, so

manufactured or offered for sale as specified in the first section of this act, no such article, nor any tag, card, or label attached thereto, nor any box, package, cover, or wrapper in which such article is incased or inclosed, shall be stamped, branded, engraved, or imprinted with any word or mark usually employed to indicate the fineness of gold, unless such word or mark be accompanied by other words plainly indicating that such article or part thereof is made of rolled gold plate, or gold electroplate, or is gold filled, as the case may be, and no such article, nor any tag, card, or label attached thereto, nor any box, package, cover, or wrapper in which such article is incased or inclosed, shall be stamped, branded, engraved, or imprinted with the word "sterling" or the word "coin," either alone or in conjunction with other words or marks.

SEC. 6. Each and every person, firm, corporation, or association, being a manufacturer or a wholesale or retail dealer in gold or silver jewelry, gold ware, silver goods, or silverware, who or which shall knowingly violate any of the provisions of this act, and every officer, manager, director, or managing agent of any such corporation or association having knowledge of such violation and directly participating in such violation or consenting thereto, shall be deemed guilty of a misdemeanor, and upon conviction thereto shall be punishable by a fine of not more than five hundred dollars or imprisonment for not more than three months, or both, at the discretion of the court.

SEC. 7. The expression "article of merchandise" as used in this act shall signify any goods, wares, works of art, commodity, or other thing which may be lawfully kept or offered for sale.

Motion carried.

The Speaker appointed Mr. Johnson of Sacramento as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read.

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1909.

MR SPEAKER: Your select committee of one, to whom was referred Assembly Bill No 642, with instructions, do now report that the instructions of the Assembly have been carried out.

JOHNSON OF SACRAMENTO, Select Committee.

Report of select committee, and amendment, adopted.

Bill ordered to reprint, reengrossment, and on file for passage

Assembly Bill No 938—An Act to amend Section 1563 of the Political Code of the State of California, relating to teachers' salaries during attendance at institutes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 938 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Bohnett Butler, Callan, Cattell, Cogswell, Collier, Cronin, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gillis, Hanlon, Hans, Hawk, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Polsley, Preston, Pugh, Pulcifer, Rutherford, Sackett, Silver, Telfer, Transue, Wagner, Whitney, Wyllie, Young, and Mr Speaker—58

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

HON. A. H. HEWITT IN THE CHAIR.

At four o'clock and forty-five minutes P. M., Hon. A. H. Hewitt in the chair.

Assembly Bill No. 722—An Act to amend an Act entitled "An Act to regulate the practice of optometry and for the appointment of a board of examiners in the matter of said regulation," approved March

20, 1903, by amending sections one, two, five, eight, eleven, twelve, thirteen, fifteen, and sixteen thereof.

During third reading of bill, Mr. Callan moved that the Speaker appoint a select committee of one to amend the bill, as follows:

On page 6, of the printed bill, strike out all of Section 9

Motion lost.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 722 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Beban, Cattell, Coghlan, Collier, Collum, Cullen, Dean, Feeley, Flavelle Fleisher, Flint, Gillis, Greer, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Leeds, Lightner, Macauley, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Odom, Otis, O'Neill, Preston, Pugh, Pulcifer, Rutherford, Schmitt, Silver, Transue, Wagner, and Wilson—51.

NOES—Messrs Callan, Cogswell, Drew, Gerdes Kehoe, Maher, Polsley, Stuckenbruck, Telfer, Whitney, Wyllie, and Young—12.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1007—An Act to amend Section 4251 of the Political Code of the State of California, concerning salaries and fees of officers in counties of the twenty-second class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1007 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban Bohnett, Callan, Cattell, Coghlan, Collum, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gillis, Greer, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Preston, Pugh, Pulcifer, Rutherford, Schmitt, Silver, Telfer, Transue, Wagner, Webber, Whitney, Wyllie, and Young—60

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1036—An Act to add a new section to the Penal Code, relating to recording notices of location of mining claims.

During third reading of bill, Mr. Rutherford moved that the Speaker appoint a select committee of one to amend the bill, as follows:

By striking out the words "by appropriate monuments", in line 7, Section 1, of printed bill, and inserting in lieu thereof "as required by law"

Motion carried.

The Speaker appointed Mr. Rutherford as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1909.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 1036, with instructions, do now report that the instructions of the Assembly have been carried out

RUTHERFORD, Select Committee.

Report of select committee, and amendment, adopted.

Bill ordered to reprint, reengrossment, and on file for passage.

REPORTS OF STANDING COMMITTEE.

The following reports of standing committee were received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1909.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Assembly Bill No. 639—An Act governing and regulating plumbing, providing a state plumbing board, local boards of examiners, and a state inspector of plumbing, and defining their duties, and providing for the licensing of plumbers.

Assembly Bill No. 785—An Act to provide for the transfer to the State of California by owners of patented lands therein of the right to preserve and protect wild game on such patented lands, to define the duties of the State Board of Fish Commissioners in relation to the control of such rights, and to declare the hunting of wild game within the exterior boundaries of the land to which right attaches, a misdemeanor, approved March 21, 1907.

Assembly Concurrent Resolution No. 12—Approving ten certain amendments to the charter of the city of Los Angeles in the county of Los Angeles, State of California, voted for and ratified by the qualified electors of the said city of Los Angeles, at a special municipal election held therein on the second day of February, 1909.

Assembly Bill No. 1115—An Act defining trusts, and to provide for criminal penalties and civil damages, and punishment of corporations, persons, firms, and associations, or persons connected with them, and to promote free competition in commerce and all classes of business in this State.

Committee Substitute for Assembly Bill No. 753—An Act authorizing the State Board of Prison Directors to fix the price, terms, and conditions of sale at which jute bags should be sold for the State, providing for the prosecution and punishment for offenses under the same, and repealing certain acts.

Assembly Bill No. 1114—An Act to provide for the formation, organization, and government of storm water districts, for the purpose of protecting the land therein from damage from storm water and from the waters of any unnavigable stream, water course, canyon or wash, for the construction of the necessary works of protection by said district, and for the levying of taxes and assessments to pay for the cost of constructing, repairing and maintaining such improvements.

Assembly Bill No. 765—An Act to amend sections three thousand six hundred twenty-seven, three thousand six hundred eighty, three thousand six hundred ninety-two, three thousand eight hundred thirty-nine three thousand eight hundred forty-three, three thousand eight hundred and forty-five, and three thousand eight hundred fifty-four, of the Political Code, relating to the assessment, equalization, and collection of taxes of the State and counties.

Assembly Bill No. 625—An Act to amend Section 1199 of the Political Code of the State of California, relating to printing of ballots.

Assembly Bill No. 177—An Act to amend Section 1115 of the Code of Civil Procedure, relative to contesting certain elections.

Assembly Bill No. 1075—An Act to amend Section 1321 of the Political Code, relating to the compensation of presidential electors.

Assembly Bill No. 387—An Act to provide for the continuation of the construction of the highway known as King's River Highway, to declare it a state highway, and to make an appropriation therefor.

Assembly Bill No. 1071—An Act to amend Section 4258 of the Political Code (as amended in 1907, Statutes of 1907, pages 499 and 500 thereof), relating to the compensation of officers in counties of the twenty-ninth class.

Assembly Bill No. 27—An Act to provide for the employment of a clerk by certain justices of the peace and to pay the salaries of such clerk.

Assembly Bill No. 1043—An Act to add to the Penal Code of the State of California a new section, to be numbered 587*a*, prohibiting unauthorized persons from manipulating, tampering, or interfering with railroad appliances, and prescribing punishment for violation of such prohibition.

Assembly Bill No. 1083—An Act to add a new section to the Political Code of the State of California, to be known as section four thousand two hundred and sixty-five *a*, relating to the compensation of the county officers of the thirty-sixth and one-half class.

Assembly Bill No. 435—An Act to amend Section 632½ of the Penal Code of the State of California relating to the protection and preservation of steelhead trout.

Assembly Bill No. 1154—An Act to amend Section 1272 of the Penal Code of California, relating to admission to bail pending appeal.

Assembly Bill No. 584—An Act to amend section fourteen hundred and twenty-five of the Penal Code of the State of California, relating to the jurisdiction of Justices' Courts.

Assembly Bill No. 640—An Act to provide for a state highway from Moreno to Beaumont, in Riverside County.

Assembly Bill No. 760—An Act to amend Sections 2322, 2322*a*, 2322*b*, 2322*c*, 2322*d*, and 2322*e* of the Political Code, relating to county boards of horticulture.

Assembly Bill No. 29—An Act to amend Sections 3, 6, 9, 10, 11, 12, 14, 15, 16, and 20 of an Act entitled "An Act for the prevention of the manufacture, sale, or transportation

of adulterated mislabeled, or misbranded drugs, regulating the traffic in drugs, and providing penalties for violation thereof," approved March 11, 1907.

Assembly Bill No. 84—An Act to amend an Act entitled "An Act to provide for the organization and management of county fire insurance companies," approved April 1, 1897, and Acts amendatory thereof, by amending Sections 10 and 11 thereof.

Assembly Bill No. 1025—An Act to amend Section 4261 of the Political Code, relating to salaries and fees of officers in counties of the thirty-second class.

Assembly Bill No. 1024—An Act to amend Section 3 of an Act entitled "An Act to prevent the waste and flow of water from artesian wells, and prescribing penalties therefor, and defining waste and artesian wells," approved March, 1907

Assembly Bill No 742—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 47 thereof

Assembly Bill No. 179—An Act to provide for the appointment of a bake-shop inspector and four deputies; to provide for their compensation, and to define their powers and duties relating to the inspection of bake shops and bakeries.

Assembly Bill No 621—An Act to amend an Act entitled "An Act to establish a school for the discipline, education, employment, reformation, and protection of juvenile delinquents in the State of California, to be known as the "Whittier State School," by amending sections eight, eleven, sixteen, seventeen, eighteen, and twenty thereof

Assembly Bill No 1211—An Act to provide for changing or modifying the grade of public streets, lanes, alleys, courts, or other places, within municipalities.

Assembly Bill No 1003—An Act to amend Section 607e of the Civil Code of the State of California, relative to fines, penalties, and forfeitures imposed and collected under the provisions of any law of this State relating to or affecting children or animals, and also relative to the compensation of societies incorporated and organized for the prevention of cruelty to animals.

YOUNG, Chairman.

The above reported bills ordered on file for third reading.

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1909.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly reengrossed:

Assembly Bill No. 588—An Act to provide for the erection of a training school building for the use of the State Normal School at Chico, California, and make an appropriation therefor

Assembly Bill No. 955—An Act to amend Section 4241 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the twelfth class.

Assembly Bill No. 847—An Act to amend Section 4269 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the fortieth class

Assembly Bill No. 1007—An Act to amend Section 4251 of the Political Code of the State of California, concerning salaries and fees of officers in counties of the twenty-second class

Assembly Bill No 776—An Act to amend section three thousand seven hundred of the Political Code, relating to salaries of the members of the State Board of Equalization.

Assembly Bill No 622—An Act to amend section three thousand eight hundred and ninety-seven of the Political Code, relating to the sale and disposition of lands deeded to the State for delinquent taxes

Assembly Bill No 594—An Act to provide for the establishment and maintenance of public museums of natural and historical objects within municipalities of the fourth, fifth, and sixth class not having a freeholders' charter

YOUNG, Chairman.

ADJOURNMENT.

At five o'clock and fifteen minutes P. M., on motion of Mr. Mott, the Assembly was declared adjourned until ten o'clock A. M. of Friday, February 26, 1909.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL., Friday, February 26, 1909.

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. P. A. Stanton, Speaker of the Assembly, in the chair

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

Messrs Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Costar, Cronin, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Kehoe, Leeds Lightner, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Pulcifer, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr Speaker—73.

Quorum present.

LEAVE OF ABSENCE.

On motion, leave of absence for the day was granted to Mr. Wyatt.

PRAYER.

Upon invitation of the Speaker, prayer was offered by Rev. P. H. Willis, ex-Chaplain of the Assembly.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Cullen, its further reading was dispensed with.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1909

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No 921—An Act to amend Section 928 of the Penal Code, relating to the duties of the grand jury—report the same back, with one amendment, and recommend that it do pass as amended

Also: Assembly Bill No. 1409—An Act to amend section eight hundred and fifty of the Code of Civil Procedure, relating to the notice of trial and service of notice thereof in Justices' Court—report the same back, with two amendments, and recommend that it do pass as amended

Also: Senate Bill No 264—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Sections 339 and 343 thereof, relating to pawnbrokers—report the same back, with one amendment, and recommend that it do pass as amended

JOHNSON OF SACRAMENTO, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1909

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Senate Bill No 513—An Act to amend Section 290a of the Civil Code, relating to corporations authorized to act as executor, administrator, guardian, assignee, receiver depositary or trustee.

Also: Assembly Bill No 1216—An Act to amend section one thousand six hundred and ninety-nine of the Code of Civil Procedure, relating to settlement of accounts of trustees after distribution of estates and compensation of trustees

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

JOHNSON OF SACRAMENTO, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1909

MR SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No 1416—An Act to amend the Political Code of the State of California by adding a new section thereto, to be known and numbered as Section 419*b*—have had the same under consideration, and respectfully report the same back, and recommend that it be referred to the Committee on Ways and Means

JOHNSON OF SACRAMENTO, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1909.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 1379—An Act to amend Section 690 of the Code of Civil Procedure, relating to property exempt from execution—have had the same under consideration, and respectfully report the same back, without recommendation

JOHNSON OF SACRAMENTO Chairman.

ON LIVE STOCK, DAIRIES AND DAIRY PRODUCTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1909.

MR SPEAKER: Your Committee on Live Stock, Dairies and Dairy Products, to whom was referred Assembly Bill No. 804—An Act to restrict the herding of sheep—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended

McCLELLAN, Chairman

ON PUBLIC LANDS AND FORESTRY

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1909.

MR. SPEAKER: Your Committee on Public Lands and Forestry, to whom was referred Assembly Bill No. 413—An Act to amend an Act entitled "An Act to create a fund to be known as the United States forest reserve fund and to provide for the payment out of such fund to the treasuries of the several counties entitled thereto of certain moneys received from the Government of the United States, and also to regulate the manner of expenditure by the counties of the moneys so paid," approved March 18, 1907.

Also: Assembly Bill No. 1057—An Act to amend Section 3785 of the Political Code, relating to the issuance of tax deeds for property sold for delinquent taxes.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

FLINT, Chairman.

ON STATE PRISONS AND REFORMATORY INSTITUTIONS

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1909.

MR. SPEAKER: Your Committee on State Prisons and Reformatory Institutions, to whom was referred Assembly Bill No 829—An Act to amend Section 15 of an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, relating to moneys received by the wardens thereof—have had the same under consideration, and respectfully report the same back, with committee substitute, and recommend that committee substitute do pass

HAMMON, Chairman.

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1909.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 1135—An Act to provide for the equipping and furnishing of the building now in process of erection at Stockton State Hospital under the provisions of Chapter 172 of the Statutes of 1907 and making an appropriation therefor

Also: Assembly Bill No. 1313—An Act providing for topographic surveys and investigations of the water resources of the State, and making an appropriation therefor.

Also: Assembly Bill No 1234—An Act for the establishment in the city of Santa Barbara of a State Normal School of Manual Arts and Home Economics, and making an appropriation therefor.

Also: Assembly Bill No 1330—An Act entitled "An Act to prevent deception in the manufacture and sale of butter and cheese, to secure its enforcement and to appropriate money therefor," approved March 4, 1897, by amending Section 17 of said Act.

Also: Assembly Bill No 1424—An Act to aid in the carrying out of the provisions of an Act entitled "An Act to provide for the gathering, compiling, printing and distribution of statistics and information regarding the Japanese of the State, and making an appropriation therefor," making it the duty of certain officers to keep certain records and furnish such statistics and information.

Also: Senate Bill No. 59—An Act defining the powers, and duties of physicians, local health officers, and boards of health in the matter of the protection of the people of the State of California from the disease known as tuberculosis, providing for requisitions and reports, and making an appropriation therefor.

Also: Senate Bill No. 718—An Act appropriating seventy-five thousand ($75,000)

dollars to complete, equip, and furnish the buildings of the San Jose State Normal School.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

BEARDSLEE, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1909

MR SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 236—An Act to appropriate money to enforce the provisions of an Act approved March 20, 1905, entitled "An Act to prevent the sale of dairy products from unhealthy animals and produced under unsanitary conditions; to provide for the inspection of dairy stock, dairies, factories for the production of dairy products, and places where dairy products are handled and sold, to improve the quality of dairy products of the State, to prevent deception in the sale of dairy products, and to appropriate money for enforcing its provisions"—have had the same under consideration, and respectfully report the same back, and recommend that it be withdrawn by consent of author

BEARDSLEE, Chairman

ON PUBLIC HEALTH AND QUARANTINE

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1909.

MR. SPEAKER: Your Committee on Public Health and Quarantine, to whom was referred Senate Bill No 270—An Act declaring property infested with certain rodents to be a public nuisance; requiring owners, occupants, and persons having possession of or dominion over such property to endeavor to exterminate and destroy such rodents, providing for the inspection of property by boards of health and health officers, authorizing boards of supervisors and other governing bodies to purchase materials and employ inspectors to prosecute such work of extermination; authorizing State and local health authorities to prosecute such work in certain cases, providing for the payment of the expense thereof; making the amount of such expense a lien on the property; providing for the collection of such amount by foreclosure of such lien; and declaring any violation of the provisions thereof to be a misdemeanor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BARNDOLLAR, Chairman

ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1909

MR SPEAKER: Your Committee on County and Township Governments, to whom was referred Senate Bill No 198—An Act to amend section 4249 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the twentieth class—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended

HANS, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1909.

MR SPEAKER: Your Committee on County and Township Governments, to whom was referred Assembly Bill No 265—An Act to amend section 4249 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the twentieth class—and report that it is a companion bill to Senate Bill No. 198, and recommend that it be withdrawn.

HANS, Chairman.

ON REVENUE AND TAXATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1909

MR. SPEAKER: Your Committee on Revenue and Taxation, to whom was referred Senate Bill No 667—An Act to amend Section 3671 of the Political Code, relating to taxes—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

MELROSE, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1909

MR SPEAKER: Your Committee on Revenue and Taxation, to whom was referred Senate Constitutional Amendment No 3—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending section nine of article thirteen thereof, relating to the State and county boards of equalization and their powers and duties—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted

MELROSE, Chairman

ON CLAIMS

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1909

MR. SPEAKER: Your Committee on Claims, to whom was referred Assembly Bill No 1161—An Act to pay the claim of Herman Steinman against the State of California—

have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

CULLEN, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1909.

MR SPEAKER. Your Committee on Claims, to whom was referred Assembly Bill No. 1081—An Act to appropriate money for the payment of the claim of Geo W. Bush

Also: Assembly Bill No. 1143—An Act appropriating forty-four dollars to pay the claim of W. S. Kingsbury

Also: Assembly Bill No 1227—An Act to appropriate the sum of $1,000 to pay the claim of Eugene De Sparr, etc

Also: Assembly Bill No. 1055—An Act to pay the claim of Herbert von Meyerinck against the State of California

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass and be re-referred to the Committee on Ways and Means

CULLEN, Chairman.

ON FISH AND GAME

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1909.

MR. SPEAKER: Your Committee on Fish and Game to whom was referred Assembly Bill No. 609—An Act to amend Section 636 of the Penal Code of the State of California, relating to the protection and preservation of fish

Also: Assembly Bill No 1274—An Act for the protection and propagation of shrimp

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

COSTAR, Chairman.

ON IRRIGATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1909

MR SPEAKER: Your Committee on Irrigation, to whom was referred Assembly Bill No. 1136—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Sections 22 and 57 of said Act—have had the same under consideration, and respectfully report the same back, and recommend that the enclosed committee substitute bill be substituted for Assembly Bill No 1136.

WAGNER, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1909.

MR SPEAKER. Your Committee on Irrigation, to whom was referred Senate Bill No 178—An Act to amend section fifteen of an Act entitled "An Act to provide for the organization and government of irrigation districts and to provide for the acquisition or construction thereby of works for the irrigation of lands embraced within such districts, and to provide for the distribution of water for irrigation purposes," approved March 31, 1897—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WAGNER, Chairman

ON INSURANCE AND INSURANCE LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1909.

MR SPEAKER: Your Committee on Insurance and Insurance Laws, to whom was referred Assembly Bill No. 1185—An Act to amend Section 594a of the Political Code, as to deposits of insurance companies not organized under the laws of this State—have had the same under consideration, and respectfully report the same back, with one amendment, and recommend that it do pass as amended.

PULCIFER, Chairman

ON COMMERCE AND NAVIGATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1909.

MR SPEAKER: Your Committee on Commerce and Navigation, to whom was referred Assembly Bill No 565—An Act to provide for the construction of a section of seawall on the bay of San Diego, reclaiming tide lands, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

McMANUS, Chairman

ON CONSTITUTIONAL AMENDMENTS

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1909.

MR. SPEAKER: Your Committee on Constitutional Amendments, to whom was referred Assembly Constitutional Amendment No. 16—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Article IX, of said Constitution, by adding new sections, to be numbered 14, 15, and 16, respectively, relating to the schools, their government, and their taxation.

Also: Assembly Constitutional Amendment No. 17—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Section 3 of Article IX, of said Constitution, relating to the election of superintendents of schools.

Have had the same under consideration, and respectfully report the same back, and recommend that they be adopted as amended by your committee

COGHLAN, Chairman

Also·

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1909.

MR. SPEAKER: Your Committee on Constitutional Amendments, to whom was referred Senate Bill No 296—An Act to amend section one thousand one hundred and ninety-five of the Political Code, relating to constitutional amendments and providing for the publication and distribution of a pamphlet showing a comparative statement of the operation of the present section or article of the Constitution, and of the result to be effected by the proposed amendment.

Have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

COGHLAN, Chairman

The above reported bills, with the exception of Assembly Bill No. 236, ordered on file for second reading.

Assembly Bill No 236 withdrawn by unanimous consent.

Assembly Bills Nos. 1416, 1081, 1143, 1227, and 1055 referred to Committee on Ways and Means.

Assembly Constitutional Amendments Nos. 3, 16, and 17 ordered on file for adoption.

ON ENGROSSMENT AND ENROLLMENT

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1909.

MR SPEAKER Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bill correctly engrossed:

Assembly Bill No 724—An Act to amend Section 1874 of the Political Code, adding certain new sections, and changing the number of Section 1874*a*, all relating to textbooks

YOUNG, Chairman.

The above reported bill ordered on file for third reading.

Also

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1909

MR SPEAKER Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly reengrossed:

Assembly Bill No 196—An Act to provide county library systems.

Assembly Bill No 1050—An Act to amend Section 4256 of the Political Code of the State of California, relating to salaries and fees of county and township officers in counties of the twenty-seventh class.

YOUNG, Chairman

Mr. Hammon moved that Committee Substitute for Assembly Bill No 829 be adopted.

Motion carried.

Mr. Wagner moved that Committee Substitute for Assembly Bill No. 1136 be adopted.

Motion carried.

ON CONTESTED ELECTIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1909.

MR. SPEAKER: Your Committee on Contested Elections, to whom was referred the depositions, original statement, copy of notice, and commission in the matter of the right of George J. Black to a seat in the Assembly of the State of California from the Thirtieth Assembly District, wherein Thomas F Roberts is contestant and George J. Black is contestee, have examined the pleadings and testimony submitted by the parties to said contest, and after a careful examination thereof, your committee reports that it is of the unanimous opinion that the said George J Black was duly elected to the Assembly of the State of California from the Thirtieth Assembly District, and respectfully recommend that said George J Black retain his seat as Assemblyman from said Thirtieth Assembly District.

HANLON, Chairman.

Mr Hanlon moved the adoption of the report.

Motion carried.

RESOLUTION.

The following resolution was offered:
By Mr. Hanlon:

Resolved, That the sum of one hundred and fifty dollars is hereby appropriated to George J. Black, a member of the Assembly, for expenses incurred for attorney's and justice's fees in the election contest of Roberts vs Black, in the Thirtieth Assembly District, and that the Controller be and he is hereby directed to draw his warrant on the Treasurer for the sum of one hundred and fifty dollars, in favor of George J Black, and the Treasurer is hereby instructed to pay the same, payable out of the contingent fund of the Assembly, as per itemized statement attached

Expenses on part of George J Black, Assemblyman, representing the Thirtieth District, and respondent in the contested election case of Roberts vs Black·

Justice's fees	$50 00
Attorney's fees	100 00
Total	$150 00

Mr. Hanlon moved the adoption of the resolution.

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

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Bohnett, Butler, Callan, Cattell, Costar, Cronin, Cullen, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Johnson of Sacramento, Johnson of San Diego Johnson of Placer, Johnston of Contra Costa, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pulcifer, Rutherford, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, and Mr. Speaker—63.

NOES—None.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1909.

MR. SPEAKER: Your Committee on Contested Elections, to whom was referred the depositions, original statement, copy of notice, and commission in the matter of the right of Charles A Nelson to a seat in the Assembly of the State of California from the Thirty-second Assembly District, wherein Cornelius P. Lyons is contestant and Charles A. Nelson is contestee, have examined the pleadings and testimony submitted by the parties to said contest, and after a careful examination thereof your committee reports that it is of the unanimous opinion that the said Charles A. Nelson was duly elected to the Assembly of the State of California from the Thirty-second Assembly District, and respectfully recommend that said Charles A. Nelson retain his seat as Assemblyman from said Thirty-second Assembly District.

HANLON, Chairman

Mr. Hanlon moved the adoption of the report.

Motion carried

RESOLUTION.

The following resolution was offered:
By Mr. Hanlon:

Resolved, That the sum of one hundred and fifty dollars is hereby appropriated to Charles A Nelson, a member of the Assembly, for expenses incurred for attorney's and justice's fees in the election contest of Lyons vs Nelson in the Thirty-second Assembly District, and that the Controller be and he is hereby directed to draw his warrant on the Treasurer for the sum of one hundred and fifty dollars, in favor of Charles A Nelson, and the Treasurer is hereby instructed to pay the same, payable out of the contingent fund of the Assembly, as per itemized statement attached.

Expenses on part of Charles A Nelson, Assemblyman, representing the Thirty-second District, and respondent in the contested election case of Lyons vs Nelson.

Justice's fees	$ 50 00
Attorney's fees	100 00
Total	$150 00

Mr. Hanlon moved the adoption of the resolution.

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

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Butler, Callan, Cattell, Cogswell, Costar, Cronin, Cullen, Dean, Drew, Flavelle, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pulcifer, Rutherford, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, and Mr. Speaker—63

NOES—None.

WITHDRAWAL OF BILL.

On motion of Mr. McClellan, Assembly Bill No. 1066 was withdrawn from the Committee on Engrossment and Enrollment, for the purpose of correction.

GOVERNOR'S MESSAGE.

The following message from the Governor was received and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, February 26, 1909.

To the Assembly of the State of California:

I have the honor to return herewith Assembly Bill No. 172 entitled "An Act to allow unincorporated towns and villages to establish, equip and maintain public libraries; to provide for the formation, government and operation of library districts; the acquisition of property thereby, the calling and holding of elections in such districts; the assessment, collection, custody and disbursement of taxes therein, and to create boards of library trustees" without my approval for the following reasons:

Section 12 of said Act provides that the board of library trustees shall furnish to the board of supervisors on or before the first day of September, an estimate of the money necessary to lease temporary quarters, purchase a suitable lot, procure plans and specifications and erecting a suitable building, furnishing and equipping the same, fencing and ornamenting the grounds, and of conducting and maintaining the same for the ensuing fiscal year.

Section 14 requires the board of supervisors at the time of levying county taxes, to levy a special tax upon all the taxable property within the limits of said library district sufficient in amount to provide for the various purposes specified in Section 12. The rate of taxation must be ascertained by deducting fifteen per cent from the assessed valuation of property in the district for anticipated delinquencies, and then dividing the sum asked for by the remainder of such aggregate.

To make the raising of the amount asked for more definite and positive, it is provided in Section 15 that should the supervisors fail to levy the taxes as provided in Section 14, it shall be the duty of the county auditor to make such levy.

Under Section 12 of Article XI of the Constitution, the Legislature can not impose a tax upon counties, cities, towns, or other public or municipal corporations or upon the inhabitants or property thereof, for county, city, town or other municipal purposes, but may, by general laws, vest in the corporate authorities thereof, the power to assess and collect taxes for such purposes. The Legislature can not prescribe a procedure through which such taxes would inevitably be levied, without leaving any discretion in the local authorities. The tax levying power in a county is vested in the board of supervisors. The present Act is apparently unconstitutional in that it authorizes the board of library trustees to furnish to the board of supervisors an estimate of the amount necessary to be raised by taxation, and makes it obligatory upon the supervisors to proceed to fix a rate which will realize the amount of this estimate. No discretion is left in the board of supervisors, and to more effectually prevent them from exercising any discretion, it is expressly provided that any effort to depart from the estimate submitted shall be corrected by the county auditor. The board must base its tax rate upon the amount asked for. No power is given them to hear and determine the amount necessary. They are arbitrarily required to raise the amount prescribed by a body having no legislative powers.

In other words, the Legislature has attempted to delegate to a non-legislative board the power to impose taxes in a public corporation, through the medium of a fixed and certain estimate, when the Constitution expressly prohibits the Legislature itself from imposing such taxes.

A further objection to the bill is contained in Section 39 of this Act which provides that if the board of supervisors fail to make the levy necessary to pay the bonds or interest thereon, the State Board of Equalization shall at their next session, and at each annual equalization thereafter, add to the State rate to be levied in said district, a sufficient rate to realize the amount of principal or interest past due prior to the next levy. This provision is very apparently in violation of Section 13 of Article XI of the Constitution of this State.

J. N. GILLETT,
Governor of the State of California.

The question being put: "Shall the bill become a law notwithstanding the veto of the Governor?"

The roll was called, and the question lost by the following vote:

AYES—None.

NOES—Messrs. Barndollar, Baxter, Beardslee, Beban, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Collum, Costar, Cronin, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Kehoe, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pulcifer, Rutherford, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, and Mr. Speaker—64.

SENATE MESSAGES.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, February 24, 1909.

MR SPEAKER: I am directed to inform your honorable body that the Senate amended, and on this day passed as amended, Assembly Bill No 228—An Act to amend Section 1543 of the Political Code so as to provide for suspended districts

Also: Assembly Bill No. 373—An Act to add two new sections to the Political Code, to be numbered 3196*a* and 3196*b*, relating to the protection of farm names.

Also: Assembly Bill No 647—An Act to amend Section 4280 of the Political Code, relating to counties of the fifty-first class.

Also: Assembly Bill No. 710—An Act authorizing the payment of assessments levied in Reclamation District No. 791 to be paid to the county treasurer of the county of Sacramento.

And respectfully request that your honorable body concur in said amendments.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 228?"

On page 4, Section 1, line 130, of the printed bill, after the word "claimant" insert the following: "and make a proper record thereof, and charge against the particular fund of the particular district against which such demand was allowed."

On page 5 Section 1, of the printed bill, strike out all of lines 152 to 162, both inclusive, and insert in lieu thereof the following: "Seventh. He shall have power to issue temporary certificates of equivalent grades to persons holding valid secondary or high school, elementary or grammar school, kindergarten-primary, and special certificates granted by county boards of education of California; or to persons who are graduates of colleges, normal schools, or universities, and who hold valid certificates issued outside of California, when, in the judgment of the superintendent, such certificates correspond in grade to any certificate which may be issued under the provisions of section seventeen hundred and seventy-five of the Political Code of California, which temporary certificate, when issued between July first and December thirtieth shall expire on January first following, and when issued between January first and June twenty-ninth shall expire on July first following; *provided further*, that he shall have power to issue temporary elementary certificates, valid for two years, to graduates of the University of California and to graduates of the Leland Stanford Junior University; *and provided further*, that no person shall be entitled to receive a temporary certificate more than once in the same county."

On page 6 add the following: "Sixteenth To appoint a school census marshal in any district if the board of trustees or board of education therefor fail to appoint a census marshal within the time fixed by law."

The roll was called, and Senate amendments to Assembly Bill No. 228 were concurred in by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beban, Black, Bohnett, Butler, Callan, Cattell, Collum, Costar, Cronin, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gillis, Greer, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Kehoe, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Pulcifer, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wylie, and Mr. Speaker—58.

NOES—None.

Assembly Bill No. 228 ordered to enrollment.

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 373?"

On page 1, line 4 strike out the word "Section".

On page 1, line 9, strike out the word "Section".

The roll was called, and Senate amendments to Assembly Bill No. 373 were concurred in by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Collum, Costar, Cronin, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hewitt, Hinkle, Holmquist, Hopkins, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Leeds, Macauley, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Pulcifer, Rutherford, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, and Mr. Speaker—63.

NOES—None.

Assembly Bill No. 373 ordered to enrollment.

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 647?"

Amend the title by inserting in line 2 thereof, after the word "to", the following: "salaries and fees of officers of"

On page 1, Section 1, line 3, of the engrossed bill, strike out the word "section".

The roll was called, and the Senate amendments to Assembly Bill No. 647 were concurred in by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Butler, Callan, Cattell, Cogswell, Collum, Costar, Cronin, Cullen, Dean, Drew, Feeley, Fleisher, Gerdes, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Kehoe, Leeds, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Pulcifer, Rutherford, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, and Mr. Speaker—62.

NOES—None.

Assembly Bill No. 647 ordered to enrollment.

The question being put: "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 710?"

Amend the title by striking out of line 3 thereof the word "paid," and inserting in lieu thereof the word "made".

The roll was called, and Senate amendment to Assembly Bill No. 710 was concurred in by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beban, Black, Butler, Callan, Cattell, Cogswell, Collum, Cronin, Dean, Drew Feeley, Flavelle, Fleisher, Flint, Gerdes, Gillis, Greer, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of Placer, Kehoe, Leeds, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Pulcifer, Schmitt, Silver, Stuckenbruck, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—55.

NOES—None.

Assembly Bill No. 710 ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, February 24, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day amended and passed as amended Assembly Bill No. 604—An Act to amend Section 1492 of the Political Code of the State of California, relating to the duties of the joint board of State Normal School Trustees.

Assembly Bill No. 604 ordered on file as unfinished business.

SENATE CHAMBER, SACRAMENTO, February 25, 1909

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 848—An Act to provide for the gathering, compiling, printing, and distribution of statistics and information regarding the Japanese of the State, and making an appropriation therefor

Also: Assembly Bill No 592—An Act to amend an Act entitled "An Act relating to commitments to the State School of Whittier, and to the Preston School of Industry; fixing the authority to examine and commit to such schools with the Superior Judges of the counties, and fixing the responsibilities from which commitments are made to the State for maintenance of the persons committed therefrom; providing for the manner of payment thereof, and fixing the responsibility of the parties to the counties from which their children are committed," approved March 26, 1895.

Also: Assembly Bill No. 1109—An Act to prohibit within certain limits the mooring and anchoring of house-boats in rivers and streams and the maintaining of privies, vaults, cesspools, sewer pipes, and conduits on the banks of rivers and streams, and providing for punishment for violation thereof, declaring such acts to be public nuisances, and providing for the abatement of such nuisances

Also: Assembly Bill No. 262—An Act to add a new section to the Political Code, to be numbered Section 4052*b*, relating to the disposition of property of the counties.

LEWIS A. HILBORN, Secretary of Senate
By J. W. KAVANAGH, Assistant Secretary

The above reported bills ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day refused to concur in Assembly amendments to Senate Joint Resolution No. 3—Relative to transportation rates and urging our representatives in congress to support measures granting increased powers to the Interstate Commerce Commission—and respectfully request that your honorable body recede from said amendments.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

The question being put: "Shall the Assembly recede from Assembly amendments to Senate Joint Resolution No. 3?"

The roll was called, and the Assembly refused to recede by the following vote:

AYES—Messrs. Costar, Drew, Gerdes, Gibbons, Gillis, Griffiths, Johnson of Placer, Kehoe, Maher, Mendenhall, Odom, Polsley, Preston, Stuckenbruck, Whitney, Wilson, Wyllie, and Young—18.

NOES—Messrs Barndollar, Baxter, Beardslee, Beatty, Beban, Butler, Callan, Cattell, Cogswell, Cronin, Cullen, Dean, Feeley, Flavelle, Flint, Greer, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Holmquist, Hopkins, Johnson of Sacramento, Johnston of Contra Costa, Leeds, Macauley, McManus, Melrose, Moore, Mott, Nelson, Otis, O'Neill, Perine, Pugh, Pulcifer, Silver, Transue, Wagner, Wheelan, and Mr. Speaker—43.

COMMITTEE ON CONFERENCE.

The Speaker announced the appointment of Messrs. Johnson of Sacramento, Transue, and Drew, as a committee on conference, to meet with a like committee from the Senate, for the purpose of considering Assembly amendments to Senate Joint Resolution No. 3.

Also:

SENATE CHAMBER, SACRAMENTO, February 25, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 1059—An Act pertaining to the establishment of a uniform system of county and township governments and amending Section 4273 of the Political Code, relating to the salaries and fees of officers of counties of the forty-fourth class

Also: Assembly Bill No. 655—An Act to amend Section 2524 of the Political Code, relating to the jurisdiction, powers, and duties of the Board of State Harbor Commissioners.

Also: Assembly Bill No. 934—An Act to amend an Act entitled "An Act to continue in force school teachers' certificates, State educational diplomas, and life diplomas," approved February 5, 1880

Also: Assembly Bill No 198—An Act to amend Sections 1715 and 1716 of the Political Code, relating to school libraries.

Also: Assembly Bill No. 607—An Act to amend Section 3075 of the Political Code of the State of California, relating to the office of the State Registrar of the Bureau of Vital Statistics, and the State Board of Health, and providing for deputies, clerks, and assistants, and their compensation.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

The above reported bills ordered to enrollment.

Also·

SENATE CHAMBER, SACRAMENTO, February 25, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate amended and on this day passed as amended, Assembly Bill No 227—An Act to add a new section to the Political Code, relating to the advertising of amendments to the Constitution,

Also: Assembly Bill No. 8—An Act to amend sections two hundred and seventy, two hundred and seventy-one, and two hundred and seventy-one *a* of the Penal Code of the State of California, all relating to crimes against children.

Also: Assembly Bill No. 31—An Act to amend Section 2957 of the Civil Code, relating to chattel mortgages, and the circumstances under which the same are void as to creditors and subsequent purchasers and incumbrancers.

And respectfully request that your honorable body concur in said amendments.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 227?"

In the title of the bill strike out the figures "270".
Strike out all of Section 1
Change the numbering of Sections "2" and "3" to "1" and "2"
Strike out all of Section 4.

The roll was called, and Senate amendments to Assembly Bill No. 227 were concurred in by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Bohnett, Callan, Cattell, Coghlan, Cogswell, Collum, Cronin, Cullen, Dean, Drew, Feeley, Flavelle, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Kehoe, Leeds, Lightner, Maher, McManus, Melrose, Mendenhall, Moore, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Pulcifer, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Wilson, and Mr. Speaker—61.
NOES—None.

Assembly Bill No. 227 ordered to enrollment.

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 8?"

Amend the title first line, by adding after the words "Political Code" the words "of the State of California to be numbered 1195*a*".
In Section 1, line 2, after the word "Code" insert the words "of the State of California".
In Section 1, line 3, strike out the word "Section".
Strike out all of Section 2.

The roll was called, and Senate amendments to Assembly Bill No. 8 were concurred in by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collum, Drew, Flavelle, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Kehoe, Leeds, Maher, McManus, Melrose, Mendenhall, Moore, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pulcifer, Rutherford, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Wilson, Young, and Mr. Speaker—57.
NOES—None.

Assembly Bill No. 8 ordered to enrollment.

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 31?"

On page 1, Section 1, line 5, strike out all of Sections 1 and 2 after the word "unless", and insert in lieu thereof the following:

"1. It is accompanied by the affidavit of all the parties thereto that it is made in good faith and without any design to hinder, delay, or defraud creditors;

"2. It is acknowledged or proved, certified and recorded, in like manner as grants of real property;

"3. Such mortgage shall also be void as against any such purchasers, creditors or incumbrancers who take possession of such property, or acquire a lien of record or by process of court thereon prior to the recordation of such mortgage."

The roll was called, and Senate amendments to Assembly Bill No. 31 were refused concurrence in by the following vote:

AYES—None.
NOES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Cronin, Cullen, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Gibbons,

Gillis, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pulcifer, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Transue, Wagner, Wheelan, Whitney, Wilson, Wylie, Young, and Mr. Speaker—64

Also:

SENATE CHAMBER, SACRAMENTO, February 25, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 5—Concerning the Alaska-Yukon-Pacific Exposition.

Also: Assembly Concurrent Resolution No. 11—Approving the charter of the city of Richmond.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

The above reported Assembly concurrent resolutions ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, February 25, 1909

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No 684—An Act to amend Section 4243 of the Political Code of the State of California, relating to the compensation and expenses of officers in counties of the fourteenth class.

Also: Senate Bill No. 514—An Act amending Section 4274 of the Political Code of the State of California, relating to the compensation of officers of counties of the forty-fifth class.

Also: Senate Bill No. 353—An Act to amend Section 1521 of the Political Code of the State of California, relating to the duties of the State Board of Education.

Also: Senate Bill No 652—An Act authorizing and empowering Reclamation District No 791 to construct and maintain jointly or in connection with any person, firm, corporation, reclamation district, levee district, and drainage district, public agency or municipal corporation for the construction and maintenance of joint levees or other joint work of reclamation.

Also: Senate Bill No 832—An Act to amend Section 2712 of the Political Code of California, relating to the powers of the boards of supervisors.

Also: Senate Bill No. 115—An Act to regulate the organization of fraternal insurance associations.

Also: Senate Bill No. 838—An Act to amend Section 3785 of the Political Code, relating to the issuance of tax deeds for property sold for delinquent taxes.

Also: Senate Bill No. 812—An Act to amend Section 1313 of the Civil Code, relating to devises or bequests by will.

Also: Adopted Senate Constitutional Amendment No 11—Relative to proposed amendment to Article XIII of the Constitution, providing that a mortgage, deed of trust, contract, or other obligation by which a debt is secured when land is pledged as security for the payment thereof, together with the money represented by such debt, shall be exempt from taxation, and to that end amending Section 1, and repealing Section 4, of Article XIII of the Constitution of the State of California

Also: Passed Senate Bill No. 819—An Act to amend Section 928 of the Penal Code of the State of California, relating to the duties of the grand juries.

Also: Senate Bill No. 765—An Act to amend Section 974 of the Code of Civil Procedure of the State of California, relating to appeals to the superior court

Also: Senate Bill No. 771—An Act to definitely establish and permanently locate the boundary line between the county of Lake and the county of Glenn, State of California.

Also: Senate Bill No. 921—An Act to amend Section 4248 of the Political Code, as amended in 1907, pages 476 and 479, relating to the compensation of officers in counties of the nineteenth class.

Also: Senate Bill No. 768—An Act to regulate the production and sale of certified milk.

Also: Adopted Senate Constitutional Amendment No. 37—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 7, Article IX thereof, relating to boards of education.

Also: Passed Senate Bill No. 908—An Act to amend the Code of Civil Procedure by adding a new section thereto, to be numbered 359½, providing for the time when the statutes of limitations shall commence to run against the stockholders in all private corporations, and prescribing the time thereafter within which an action may be commenced against the stockholders of any insolvent private corporation

Also: Senate Bill No. 931—An Act to add a new section to the Political Code, to be numbered 4271*a*, authorizing board of supervisors in counties of the forty-second class to appoint assistants to the county surveyor.

Also: Senate Bill No. 932—An Act to amend section four thousand two hundred and seventy-six of the Political Code, relating to the compensation of officers of counties of the forty-seventh class.

Also: Senate Bill No. 466—An Act to amend section one thousand and ninety-seven of the Political Code of the State of California, relative to the registration of voters.

LEWIS A. HILBORN, Secretary of Senate
By J. W. KAVANAGH, Assistant Secretary.

Senate Bill No. 684 read first time, and referred to Committee on County and Township Governments.

Senate Bill No. 514 read first time, and referred to Committee on County and Township Governments.

Senate Bill No. 353 read first time, and referred to Committee on Education.

Senate Bill No. 652 read first time, and referred to Committee on Swamp and Overflowed Lands and Levees and River Improvements and Drainage.

Senate Bill No. 832 read first time, and referred to Committee on County and Township Governments.

Senate Bill No. 115 read first time, and referred to Committee on Insurance and Insurance Laws.

Senate Bill No. 838 read first time, and referred to Committee on Judiciary.

Senate Bill No. 812 read first time, and referred to Committee on Judiciary.

Senate Constitutional Amendment No. 11 read first time, and referred to Committee on Revenue and Taxation.

Senate Bill No. 819 read first time, and referred to Committee on Judiciary.

Senate Bill No. 765 read first time, and referred to Committee on Judiciary.

Senate Bill No. 771 read first time, and referred to Committee on County and County Boundaries.

Senate Bill No. 921 read first time, and referred to Committee on County and Township Governments.

Senate Bill No. 768 read first time, and referred to Committee on Live Stock, Dairies, and Dairy Products.

Senate Constitutional Amendment No. 37 read first time, and referred to Committee on Education.

Senate Bill No. 908 read first time, and referred to Committee on Corporations.

Senate Bill No. 931 read first time, and referred to Committee on County and Township Governments.

Senate Bill No. 932 read first time, and referred to Committee on County and Township Governments.

Senate Bill No. 466 read first time, and referred to Committee on Election Laws.

Also:

SENATE CHAMBER, SACRAMENTO, February 26, 1909.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments Nos 1, 2, 3, 4, 5 and 6, and refused to concur in Assembly amendment No. 7 to Senate Bill No. 21—An Act concerning dependent and delinquent minor children, providing for their care, custody and maintenance until twenty-one years of age; providing for their trial and commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom, establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers; providing for detention homes for said children; providing for the punishment of persons responsible for, or contributing to, the dependency or delinquency of children; and giving to the Supe-

rior Court jurisdiction of such offenses, and repealing inconsistent acts—and respectfully request that your honorable body recede from Assembly amendment No. 7.

LEWIS A. HILBORN, Secretary of Senate
By J. N. KAVANAGH, Assistant Secretary.

The question being put: "Shall the Assembly recede from Assembly amendment No. 7 to Senate Bill No. 21?"

The roll was called, and Assembly amendment No. 7 to Senate Bill No. 21 was receded from by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Bohnett, Callan, Cattell, Collum, Costar, Cronin, Cullen, Dean, Drew, Feeley, Fleisher, Flint, Gibbons, Gillis, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Kehoe, Leeds, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pulcifer, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—62.

NOES—None.

Bill ordered transmitted to the Senate.

REQUESTS FOR PERMISSION TO INTRODUCE BILLS.

The following petitions asking permission to introduce bills were presented:

ASSEMBLY CHAMBER, SACRAMENTO. February 25, 1909.

MR SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows, viz: "An Act to amend an Act entitled 'An Act to provide for the organization, incorporation, and government of municipal corporations,' approved March 13, 1883, by adding thereto thirty-four new sections, numbered 887 to 921, inclusive, so as to provide for municipal corporations of the seventh class."

PULCIFER,
Member Fiftieth District

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1909.

MR. SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows, viz: An Act to provide for the accomplishment of the work of the direct improvement of the navigation of the Sacramento, San Joaquin and Feather rivers, of the State of California, as recommended in the special report of the California Débris Commission, dated June 30, 1907, and made jointly by John Biddle, Lieutenant Colonel, Corps of Engineers, C. H. McKinstry, Major, Corps of Engineers, and Thomas H. Jackson, Captain, Corps of Engineers, of the United States Army, and printed with the annual report of the Chief of Engineers of the United States Army, for the fiscal year ending June 30, 1907, and making an appropriation for such work.

HEWITT,
Member Eighth District.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1909.

MR. SPEAKER. I ask permission to introduce the accompanying bill, the title of which reads as follows, viz: An Act entitled "An Act to repeal an Act entitled 'An Act to provide for the accomplishment of the work of the direct improvement of the navigation of the Sacramento, San Joaquin and Feather rivers, of the State of California, as recommended in the special report of the California Débris Commission, dated June 30, 1907, and made jointly by Brigadier General, A. Mackenzie, Chief of Engineers, C H McKinstry, Major, Corps of Engineers, and Thomas H Jackson, Captain, Corps of Engineers, of the United States Army, and printed with the annual report of the Chief of Engineers of the United States Army, for the fiscal year ending June 30, 1907, and making an appropriation for such work,'" approved February 12, 1909.

HEWITT,
Member Eighth District.

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1909.

MR. SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows, viz: "An Act appropriating money to pay the claim of the Palm Iron Works against the State of California."

Also: An Act to pay claim of A. Merle & Co.
Also: An Act to pay claim of Columbia Marble Co
Also: An Act to pay claim of Russell Vail Co.

Also: An Act to pay claim of James Campbell.
Also: An Act to pay claim of Roebling Construction Co.
Also: An Act to pay claim of Bryan Elevator Co

O'NEILL,
Member Thirty-fourth District

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1909.

MR SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows, viz: "An Act making an appropriation for the maintenance and improvement of the buildings of the Mission of St. Francis de Solano, situated at Sonoma, California."

GREER,
Member Nineteenth District

The above petitions referred to Committee on Introduction of Bills.

THIRD-READING FILE.

Committee Substitute for Assembly Bills Nos. 648 and 649—An Act to amend section one thousand nine hundred and eighteen of the Civil Code, relating to a maximum rate of interest, and providing for forfeitures for violations thereof.

Mr. Mott moved that the Speaker appoint a select committee of one to amend the bill, as follows:

Strike out of line 5, page 1, printed bill, the word "ten", and insert in lieu thereof the word "fifteen".

Motion carried.

The Speaker appointed Mr. Mott as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1909.

MR. SPEAKER: Your select committee of one, to whom was referred Committee Substitute for Assembly Bills Nos. 648, and 649, with instructions, do now report that the instructions of the Assembly have been carried out

MOTT, Select Committee

Report of select committee, and amendment, adopted.

Bill ordered to reprint, reengrossment, and on file for passage.

WITHDRAWAL OF BILLS.

Mr. Leeds asked for and was granted unanimous consent to withdraw Assembly Bills Nos. 798 and 799.

Assembly Bills Nos. 798 and 799 withdrawn, and ordered stricken from the file.

Assembly Bill No. 26—An Act to amend Sections 3, 4, 5, 6, 7, 11, 13, 14, and 16 of an Act entitled "An Act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof; and for the appointment of a board, to be known as the California State Board of Pharmacy," approved March 20, 1905, and amended March 21, 1907.

During third reading of bill Mr. Bohnett moved that the Speaker appoint a select committee of one to amend the bill, as follows:

In line 35 page 6, of the printed bill, after the word "glycerine", insert the following: "witch-hazel".

Also: In line 37, page 6, of the printed bill, after the words "gopher poisons," insert the following: "and arsenical poisons used in orchard spraying".

Motion carried.

The Speaker appointed Mr. Bohnett as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1909.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 26, with instructions, do now report that the instructions of the Assembly have been carried out.

BOHNETT, Select Committee.

Report of select committee and amendments adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No. 580—An Act to amend Section 2144 of the Civil Code, relative to carrier's lien on property.

During third reading of bill, Mr. Otis moved that the Speaker appoint a select committee of one to amend the bill, as follows:

On line 4, of printed bill, after the word "rendered", insert the following: "at the owner's request".

Also: On line 6, of printed bill, after the word "advanced", insert the following: "at the owner's request"

Motion carried.

The Speaker appointed Mr. Otis as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1909.

MR SPEAKER: Your select committee of one, to whom was referred Assembly Bill No 580, with instructions, do now report that the instructions of the Assembly have been carried out.

OTIS, Select Committee.

Report of select committee, and amendments, adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

WITHDRAWAL OF BILL.

Mr. Perine asked for and was granted unanimous consent to withdraw Assembly Bill No. 1320.

Assembly Bill No. 1320 withdrawn and ordered stricken from the file.

SPECIAL ORDER RESET.

On motion of Mr. Drew the reconsideration of the vote on Assembly Constitutional Amendment No. 19 was made a special order for Tuesday, March 2, 1909.

UNFINISHED BUSINESS.

Assembly Bill No. 196—An Act to provide county library systems.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 196 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Bohnett, Butler, Callan, Cattell, Cogswell, Collum, Costar, Cronin, Cullen, Drew, Feeley, Flavelle, Fleisher, Gibbons, Gillis, Griffiths, Hammon, Hanlon, Hans, Hawk, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Kehoe, Leeds, Lightner, Macauley, Maher, McManus, Mendenhall, Moore, Mott, Nelson, Odom, Otis,

O'Neill, Perine, Preston, Pulcifer, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, and Mr. Speaker—59.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

RE-REFERENCE OF BILLS.

On motion of Mr. Johnson of Sacramento, Assembly Bills Nos. 367 and 368 were re-referred to the Committee on Judiciary.

SPECIAL FILE—THIRD READING.

Assembly Bill No. 1114—An Act to provide for the formation, organization and government of storm water districts, for the purpose of protecting the land therein from damage from storm water and from the waters of any innavigable stream, water course, canyon or wash, for the construction of the necessary works of protection by said district, and for the levying of taxes and assessments to pay for the cost of constructing, repairing and maintaining such improvements.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1114 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Bohnett, Callan, Cattell, Cogswell, Collum, Costar, Cronin, Cullen, Dean, Drew, Feeley, Fleisher, Flint, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Kehoe, Leeds, Lightner, Macauley, Maher, McManus, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Pulcifer, Rutherford, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Wilson, Young, and Mr. Speaker—62
NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 625—An Act to amend Section 1199 of the Political Code of the State of California, relating to printing of ballots.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 625 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Collum, Costar, Cronin, Cullen, Dean, Drew, Feeley, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Young, and Mr. Speaker—69.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 177—An Act to amend Section 1115 of the Code of Civil Procedure, relative to contesting certain elections

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 177 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Cogswell, Costar, Cronin, Cullen, Feeley, Fleisher, Flint, Gerdes, Gibbons, Gillis,

Griffiths, Hammon, Hanlon, Hans, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Young, and Mr Speaker—62.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1075—An Act to amend Section 1321 of the Political Code, relating to the compensation of presidential electors.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1075 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Collum, Costar, Cronin, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Hammon, Hanlon, Hans, Hawk, Hayes, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Lightner, Macauley, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Pulcifer, Rutherford, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—68.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 621—An Act to amend an Act entitled "An Act to establish a school for the discipline, education, employment, reformation, and protection of juvenile delinquents in the State of California, to be known as the 'Whittier State School,' by amending sections eight, eleven, sixteen, seventeen, eighteen, and twenty thereof."

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 621 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Collum, Costar, Cronin, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gillis, Greer, Griffiths, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Pulcifer, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—67.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

RECESS.

At twelve o'clock and thirty minutes P. M., the Assembly was declared at recess until two o'clock P. M. of this day.

REASSEMBLED.

At two o'clock P. M., the Assembly reconvened.

Speaker P. A. Stanton in the chair.

SENATE BILLS—THIRD-READING FILE

Senate Bill No. 69—An Act to amend Section 1622 of the Political Code, relating to State and county school moneys being used for the payment of teachers and superintendents of schools.

Mr. McClellan moved that the Speaker appoint a select committee of one to amend the bill, as follows:

By striking out of Section 1, line 8, the words "and the salaries", and all of lines 9, 10, 11, 12, and 13, and insert in lieu thereof a semicolon and the following, "*provided*, that any city superintendent of public schools, or supervising principal of public schools who holds a teacher's certificate in force for the full time for which the requisition is drawn may be paid out of the same money or fund used for the payment of the salaries of teachers of the elementary schools"

Motion carried.

The Speaker appointed Mr McClellan as such select committee

REPORT OF SELECT COMMITTEE

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1909.

MR. SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 69, with instructions, do now report that the instructions of the Assembly have been carried out.

McCLELLAN, Select Committee.

Report of select committee, and amendment, adopted

Bill ordered to reprint, and on file for passage.

SENATE BILLS—SECOND-READING FILE.

Senate Bill No. 113—An Act appropriating money for a pressed brick machine for the Preston School of Industry.

Senate Bill No. 143—An Act providing for an appropriation of $1,800.00 for the purchase of a cylinder printing press for Whittier State School.

Senate Bill No. 144—An Act providing for an appropriation of $3,500.00 for the purchase of a Mergenthaler linotype and equipment for the Whittier State School.

Senate Bill No 149—An Act providing for an appropriation of $2,500 00 for the purchase of a boiler for the Whittier State School.

Senate Bill No. 169—An Act appropriating money for the building and furnishing of a refectory building at the Preston School of Industry.

Senate Bill No. 164—An Act appropriating money for the building and furnishing of four cottages at the Preston School of Industry.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bills

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Senate Bills Nos. 113, 143, 144, 149, 169, and 164 considered.

Mr. Transue moved that the committee do now rise and report in favor the passage of the bills.

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bills Nos. 113, 143, 144, 149, 169, and 164, and do now report the same back, and recommend that they do pass

STANTON, Chairman.

Bills read second time, and ordered on file for third reading.

Senate Bill No. 146—An Act providing for an appropriation of $3,500.00 for repairs on the main building of the Whittier State School.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE

Speaker Stanton in the chair.

Senate Bill No. 146 considered.

During second reading of bill, the following amendment was submitted by the committee:

After line 4, Section 2, of the printed bill, add the following:

"SEC. 3. This Act shall be exempt from the provisions of the Act of the Legislature, approved March 23, 1876, relating to State erections and buildings, and all Acts amendatory thereto."

Amendment adopted.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill as amended.

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 146, and do now report the same back, and recommend that it do pass as amended.

STANTON, Chairman.

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No. 147—An Act providing for an appropriation of $5,000 for the erection of a manual training building on the grounds of the Whittier State School.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Senate Bill No. 147 considered.

During second reading of bill, the following amendment was submitted by the committee:

After line 4, of Section 2, of the printed bill, add the following:
"SEC. 3. This Act shall be exempt from the provisions of the Act of the Legislature approved March 23, 1876, relating to State erections and buildings, and all Acts amendatory thereto."

Amendment adopted.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill as amended.

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 147, and do now report the same back, and recommend that it do pass as amended.

STANTON, Chairman.

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No. 98—An Act to repeal an Act entitled "An Act to provide for restoration to capacity of persons adjudged to be insane, who have no guardians, and who are not confined at State hospitals for the insane," approved March 23, 1901.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 179—An Act to amend Sections 270, 270*a*, and 270*b* of the Penal Code of California.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 549—An Act to amend Section 558 of the Code of Civil Procedure of the State of California, relating to the discharge of attachments.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 635—An Act to amend Section 1618 of the Code of Civil Procedure of the State of California, relative to the compensation of executors and administrators.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 636—An Act to amend Section 2274 of the Civil Code of the State of California, relative to the compensation of trustees.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 799—An Act to amend Section 1763 of the Code of Civil Procedure of the State of California, relating to appointment of guardians of insane and incompetent persons.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 180—An Act to amend Section 737 of the Political Code of California, relating to the salaries of Superior Judges

During second reading of bill, the following amendment was submitted by the committee:

After the word "Orange", in line 14, of Section 1, page 1, of the printed bill, insert the word "Glenn,".

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No. 800—An Act to amend Section 1774 of the Code of Civil Procedure of the State of California, relative to settlement of accounts of guardians of insane persons.

During second reading of bill, the following amendment was submitted by the committee:

Strike out the figures "1174", in line 3, of Section 1, of the printed bill, and insert in lieu thereof the figures "1774".

Amendment adopted.

Bill read second time, and ordered to reprint and on file for third reading.

Senate Bill No. 366—An Act providing for the labeling or stamping by the manufacturer, vendor, or person offering for sale any article of hotel, boarding or lodging house, of domestic or office furniture, the cushions whereof are stuffed, in whole or in part, with materials made of secondhand or cast off clothing, rags, or cast off, or secondhand material of any character, so that the label or stamp shall show the character of the materials with which such articles are so partly made or stuffed, and making the violating of any of the provisions of this Act a misdemeanor.

During second reading of bill, the following amendment was submitted by the committee:

Strike out the words "Shoddy Bill" where they appear on page 1 of the printed bill.

Amendment adopted

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No. 801—An Act to amend the Code of Civil Procedure of the State of California, by adding a new section thereto, to be known as Section 1559, relating to payment of commissions upon sales of real property, under order of court.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Strike out the words "and no increased bid on confirmation is received", in lines 11 and 12, of Section 1, page 1, of the printed bill.

Amendment adopted.

AMENDMENT No. 2.

After the word "confirmed", in line 12, Section 1, page 1, of the printed bill, insert the words "to such purchaser".

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No. 32—An Act to amend the Civil Code of California by adding a new title thereto, to be numbered Title X, in Part IV, of Division Second, consisting of Sections 1426, 1426*a*, 1426*b*, 1426*c*, 1426*d*, 1426*e*, 1426*f*, 1426*g*, 1426*h*, 1426*i*, 1426*j*, 1426*k*, 1426*l*, 1426*m*, 1426*n*, 1426*o*, 1426*p*, 1426*q*, and 1426*r*, providing for the manner of locating lode and placer mining claims, tunnel rights, mill sites, and prescribing the character and amount of assessment work on mining claims, and providing for proofs of such work, and for the recordation of location notices, and proof of labor, and for the enforcement of contributions from the delinquent co-owners of mining claims, and prescribing the

duties of county recorders respecting the recording of location notices of, and proofs of labor on, mining claims, tunnel rights, and mill sites, and the fees to be charged therefor, and repealing an Act entitled "An Act entitled an Act relating to the working, rights of way, easement, and drainage of mines within the State of California," approved March 31, 1891.

Bill read second time, and ordered on file for third reading

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON COUNTY AND TOWNSHIP GOVERNMENTS

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1909.

MR SPEAKER Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 1237—An Act to amend Section 4244 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the fifteenth class and their deputies

Also: Assembly Bill No 1069—An Act to amend Section 4231 of the Political Code of the State of California, relating to salaries of officers of counties of the second class, their deputies and assistants

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended

HANS, Chairman

ON PUBLIC CHARITIES AND CORRECTIONS

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1909.

MR. SPEAKER Your Committee on Public Charities and Corrections, to whom was referred Assembly Bill No. 1013—An Act authorizing the State Board of Prison Directors to provide for assisting discharged prisoners to secure employment, and making an appropriation for the purpose of this Act—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and be re-referred to the Committee on Ways and Means

COLLIER, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1909

MR. SPEAKER. Your Committee on Public Charities and Corrections, to whom was referred Assembly Bill No. 142—An Act to authorize the establishment of the California State Trades and Training School.

Also: Assembly Bill No. 954—An Act to provide for the inspection of institutes receiving moneys from the State

Have had the same under consideration and respectfully report the same back, and recommend that they do pass, and recommend that Assembly Bill No. 142 be re-referred to Committee on Ways and Means

COLLIER, Chairman

The above reported bills ordered on file for second reading:

Assembly Bills Nos 1013 and 142 referred to Committee on Ways and Means.

Assembly Joint Resolution No 7—Referring to defense of the Pacific seaboard.

Mr. Coghlan offered the following amendment:

On page 1, line 16, of printed resolution, strike out the word "and", and insert in lieu thereof the word "of"

Amendment adopted.

Assembly joint resolution ordered to reprint, and on file for adoption

SPECIAL ORDER SET.

On motion of Mr. Coghlan, the consideration of Assembly Joint Resolution No. 7 was made a special order for Monday, March 1, 1909, at three o'clock and thirty minutes P. M.

SECOND-READING FILE.

Assembly Bill No. 299—An Act to provide for the investigation of agricultural problems and conditions in Imperial County, and making an appropriation therefor.

Assembly Bill No. 1064—An Act appropriating eighty-five dollars for the payment of claim of Regal Shoe Company.

Assembly Bill No. 1038—An Act authorizing and empowering the directors of the State Agricultural Society to hold State industrial and agricultural fairs at the city of Oakland, county of Alameda, State of California, and making an appropriation therefor.

Assembly Bill No. 9—An Act to pay the claim of the county of Sacramento against the State of California.

Assembly Bill No 924—An Act making an appropriation to pay the claim of August Vollmer against the State of California.

Assembly Bill No. 702—An Act to amend Section 2319 of the Political Code of the State of California, relating to the office of the State Commissioner of Horticulture, the powers and duties of said commissioner, and the salaries, duties, and qualifications of his appointees.

Assembly Bill No. 1228—An Act to amend Sections 385 and 386 of the Political Code, relating to the salaries of the Private Secretary and the Executive Secretary of the Governor

Assembly Bill No. 1408—An Act to amend section five hundred and thirteen of the Political Code of the State of California, relating to the salary of the Superintendent of Public Instruction.

Assembly Bill No. 1403—An Act to add four new sections to the Political Code of the State of California, relating to preparing a State budget.

Assembly Bill No. 164—An Act amending Section 3 of an Act entitled "An Act for the appointment of a guardian for Sutter's Fort property, prescribing his duties and appropriating money therefor," approved March 16, 1895.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bills.

Motion carried

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Assembly Bills Nos. 299, 1064, 1038, 9, 924, 702, 1228, 1408, 1403, and 164 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bills

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1909.

GENTLEMEN The Committee of the Whole have had under consideration Assembly Bills Nos. 299, 1064, 1038, 9, 924, 702, 1228, 1408, 1403, and 164, and do now report the same back, and recommend that they do pass.

STANTON, Chairman.

Bills read second time, and ordered to engrossment.

Assembly Bill No. 690—An Act to amend Section 515 of the Political Code and to provide for the appointment of a statistician, a bookkeeper, and a clerk and stenographer for the Superintendent of Public Instruction, and to fix their compensation.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Assembly Bill No. 690 considered.

During second reading of bill, the following amendment was submitted by the committee:

In Section 1, line 7, of the printed bill, strike out the word "twenty-one", and insert in lieu thereof the word "sixteen"

Amendment adopted.

By Mr. Sackett:

Strike out of Section 1, line 3, of printed bill, the word "Section".

Amendment adopted.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill as amended.

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO February 26, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 690, and do now report the same back, and recommend that it do pass as amended.

STANTON, Chairman.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 1108—An Act to amend Section 2302 of the Political Code, relating to the salary of the State Librarian

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Assembly Bill No. 1108 considered.

During second reading of bill, the following amendment was submitted by the committee:

In line 3, Section 1, of the printed bill, strike out the words "five thousand", and insert in lieu thereof the words "thirty-six hundred".

Amendment adopted.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill as amended.

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 1108, and do now report the same back, and recommend that it do pass as amended

STANTON, Chairman

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 700—An Act to amend Sections 654, 684, and 685 of the Political Code, relating to the Board of Examiners.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Assembly Bill No. 700 considered.

During second reading of bill, the following amendment was submitted by the committee:

In Section 1, line 7, of the printed bill, strike out the words "four thousand", and insert in lieu thereof the following: "thirty-six hundred"

Amendment adopted.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill as amended.

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1909

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 700, and do now report the same back, and recommend that it do pass as amended.

STANTON, Chairman

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 701—An Act to amend Sections 484, 485, 486, and 500 of the Political Code, relating to the salary of the Surveyor General and to the salaries of appointees in the office of the Surveyor General and Register of the State Land Office, and to repeal all laws in conflict therewith.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Assembly Bill No. 701 considered.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1

Strike out all of the title of the printed bill, and insert in lieu thereof the following "An Act to amend sections four hundred and eighty-four and four hundred and eighty-five of the Political Code of the State of California, and to repeal all laws in conflict therewith."

Amendment adopted.

AMENDMENT No 2.

In Section 2 line 12, of the printed bill, strike out the words "four hundred".

Amendment adopted.

AMENDMENT No 3.

In Section 2, line 13, of the printed bill, strike out the word "eight", and insert in lieu thereof the word "six"

Amendment adopted.

AMENDMENT No. 4

Strike out all of Sections 3 and 4, on page 2, of the printed bill

Amendment adopted.

AMENDMENT No. 5

Strike out on page 2 the following: "Sec 5", and insert in lieu thereof the following: "Sec. 3."

Amendment adopted.

AMENDMENT No 6.

Strike out on page 2 the following, "Sec 6", and insert in lieu thereof the following: "Sec 4."

Amendment adopted.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill as amended

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 701, and do now report the same back, and recommend that it do pass as amended

STANTON, Chairman

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 698—An Act to amend Section 472 and Section 475 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the duties of the Attorney General, providing for an assistant, a chief deputy, deputies, clerks, phonographic reporter, and stenographers in the Attorney General's office, and fixing their salaries.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Assembly Bill No. 698 considered.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1

In Section 1, line 4, of the printed bill, strike out the word "four", and insert in lieu thereof the word "three".

Amendment adopted.

AMENDMENT No. 2

In Section 1, line 9, of the printed bill, after the word "dollars", insert the word "each".

Amendment adopted.

AMENDMENT No 3.

In Section 1, line 10, of the printed bill, after the word "dollars", insert a period.

Amendment adopted.

AMENDMENT No 4.

In Section 1, lines 10, 11, and 12, of the printed bill, strike out the words "and the annual salary of one of said additional deputies shall be twenty-four hundred dollars."

Amendment adopted.

AMENDMENT No 5.

In Section 2, line 5, of the printed bill, strike out the word "one", and insert in lieu thereof the word "each".

Amendment adopted.

AMENDMENT No. 6.

In Section 2, line 5, of the printed bill, strike out the word "eighteen", and insert in lieu thereof the word "sixteen".

Amendment adopted.

AMENDMENT No 7.

In Section 2, lines 6 and 7, of the printed bill, strike out the following: "The annual salary of one of said clerks shall be sixteen hundred dollars"

Amendment adopted.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill as amended.

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 698, and do now report the same back, and recommend that it do pass as amended.

STANTON, Chairman.

Bill read second time, and ordered to reprint and on file for third reading.

Assembly Bill No. 1032—An Act to add a new section to the Political Code, to be numbered 426.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Assembly Bill No. 1032 considered.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In line 2, of the title, of the printed bill, insert after the word "Code" the words "of the State of California".

Amendment adopted.

AMENDMENT No. 2.

In line 1, Section 1, of the printed bill, strike out the word "Section", and insert in lieu thereof the following: "Sec"

Amendment adopted.

AMENDMENT No. 3

In line 1, Section 1, of the printed bill, strike out the word "Politica", and insert in lieu thereof the word "Political".

Amendment adopted.

AMENDMENT No. 4

In line 2, Section 1, of the printed bill, after the word "Code", add the words "of the State of California".

Amendment adopted.

AMENDMENT No 5.

In line 3, Section 1, strike out the word "Section".

Amendment adopted.

AMENDMENT No. 6.

After line 8, of Section 1, of the printed bill, insert the following "Sec 2. All Acts in conflict with this Act are hereby repealed"

Amendment adopted.

AMENDMENT No. 7.

In line 1, Section 2, of the printed bill, strike out the figure "2" and insert in lieu thereof the figure "3".

Amendment adopted.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill as amended.

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 1032, and do now report the same back, and recommend that it do pass as amended.

STANTON, Chairman

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 35—An Act to amend Section 103 of the Code of Civil Procedure.

During second reading of bill, the following amendment was submitted by the committee:

Strike out of line 43, page 2, of printed bill, the word "second".
Also: Before the semicolon, after the word "annum", in line 45, page 2, of printed bill, insert the following: "and every justice of the peace in any city or town of the second class shall receive a salary of thirty-six hundred dollars per annum"

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 815—An Act to amend Section 1238 of the Code of Civil Procedure, relating to the purposes for which the right of eminent domain may be exercised.

During second reading of bill, the following amendments were submitted by committee:

AMENDMENT No. 1.

After the word "districts", in line 14, Section 1, of the printed bill, strike out the comma, insert a semicolon, and the words "ponds, lakes, watersheds".

Amendment adopted.

AMENDMENT No. 2.

After the word "pipes", in line 37, page 3, of the printed bill, insert the words "and outlets natural or otherwise"

Amendment adopted.

By Mr. Hans:

On page 3, of printed bill, strike out all of Section 2

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Committee Substitute for Assembly Bill No. 714—An Act to regulate the issue of bonds of school districts in cities of the fifth class, and school districts partly within and partly without such cities of the fifth class.

On motion, duly seconded, Committee Substitute for Assembly Bill No. 714 was adopted.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 1, Section 1, line 9, of the printed bill, after the word "purchasing" insert the following: "or repairing".

Amendment adopted.

AMENDMENT No. 2

On page 2, Section 3, line 8, of the printed bill, after the word "exceeding" strike out the word "ten", and insert in lieu thereof the word "forty"

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill 670—An Act to amend Section 1617 of Article VII of the Political Code, relating to and defining the powers and duties of trustees of school districts and of boards of education in cities by changing the provisions of certain sections, by adding new sections, and by renumbering certain sections.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No 1

Insert on line 1, of printed bill, before the word "Section", the words "Section 1."

Amendment adopted.

AMENDMENT No 2

Strike out of line 3 the word "Section

Amendment adopted.

AMENDMENT No. 3

Strike out all of subdivision "Seventh", lines 31 to 59 inclusive, pages 2 and 3, of bill, and insert in lieu thereof the following: "Seventh—To employ the teachers, and excepting in city school districts having city boards of education, immediately notify the superintendent of schools, in writing of such employment, naming the grade of certificate held by the teacher employed; also to employ janitors and other employees of the school; to fix and order paid their compensation, unless the same be otherwise prescribed by law; *provided*, that no board of trustees shall enter into any contract with such employees to extend beyond the thirtieth day of June next ensuing; and *provided further*, that any board of trustees or city board of education may pay the teachers employed by them by the calendar month in twelve payments instead of by the school month, beginning such payments on the first Monday of the calendar month following the opening of school for the current school year, and continuing such payments in like manner from month to month until the teachers have been paid the full amount due to them"

Amendment adopted.

AMENDMENT No 4

Strike out all of lines 62 and 63, page 3, of printed bill.

Amendment adopted

AMENDMENT No 5

On line 64 strike out the word "Tenth", and insert in lieu thereof the word "Ninth".

Amendment adopted

AMENDMENT No 6

On line 67, strike out the word "five", and insert the word "four"

Amendment adopted.

AMENDMENT No. 7

On line 84, strike out the word "five", and insert the word "four"

Amendment adopted.

AMENDMENT No. 8

On line 87, strike out the word "five", and insert the word "four"

Amendment adopted.

AMENDMENT No. 9.

On line 90, strike out the word "Eleventh", and insert the word "Tenth".

Amendment adopted.

AMENDMENT No. 10

On line 93, strike out the word "Twelfth", and insert the word "Eleventh".

Amendment adopted.

AMENDMENT No. 11.

On line 95 strike out the word "Thirteenth", and insert the word "Twelfth"

Amendment adopted

AMENDMENT No 12.

On line 98, strike out the word "Fourteenth", and insert the word "Thirteenth"

Amendment adopted.

AMENDMENT No. 13.

On line 102, strike out the word "Fifteenth", and insert the word "Fourteenth".

Amendment adopted

AMENDMENT No. 14.

On line 108, strike out the word "Sixteenth", and insert the word "Fifteenth".

Amendment adopted.

AMENDMENT No. 15.

On line 116, strike out the word "Seventeenth", and insert the word "Sixteenth".

Amendment adopted.

AMENDMENT No. 16.

On line 122, strike out the word "Eighteenth", and insert the word "Seventeenth".

Amendment adopted.

AMENDMENT No. 17.

On line 126 strike out the word "Nineteenth", and insert the word "Eighteenth".

Amendment adopted.

AMENDMENT No. 18.

On line 129, strike out the word "Twentieth", and insert the word "Nineteenth".

Amendment adopted.

AMENDMENT No. 19.

On line 133, strike out the word "Twenty-first", and insert the word "Twentieth".

Amendment adopted.

AMENDMENT No. 20.

On line 175, strike out the word "Twenty-second" and insert the word "Twenty-first".

Amendment adopted.

AMENDMENT No. 21.

Strike out all of subdivision twenty-third, lines 182, 183, 184, 185, 186, and 187, and insert in lieu thereof the following:

"Twenty-second—Before making any contract for the expenditure of more than two hundred dollars to publish a notice calling for bids, stating the work to be done or materials or supplies to be furnished, and the time when and place where bids will be opened, at least once a week for two weeks in some daily or weekly newspaper published in the county, or if there is no such paper, then in some newspaper circulated in such county, and to let such contract to the lowest responsible bidder who will give such security for its performance as the board may require, or to reject all bids; *provided*, that nothing in this section shall be construed to prevent the board from erecting or repairing school buildings or improving school property by day's labor, providing said work does not exceed two hundred dollars in cost, otherwise, all contracts for such work and materials to be made as herein provided."

Amendment adopted.

AMENDMENT No 22.

Strike out all of subdivision twenty-fourth, lines 188, 189 190, 191 192, 193, 194, and 195

Amendment adopted.

AMENDMENT No. 23

In line 196, strike out the word "twenty-fifth", and insert in lieu thereof the word "twenty-third".

Amendment adopted.

AMENDMENT No. 24

In line 198 strike out the word "direct", and insert in lieu thereof the word "district"

Amendment adopted.

AMENDMENT No 25

In line 200 strike out the word "twenty-sixth", and insert in lieu thereof the word "twenty-fourth."

Amendment adopted.

AMENDMENT No 26

In line 203 strike out the word "ten", and insert in lieu thereof the word "fifteen."

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 1220—An Act to amend Section 928 of the Penal Code of the State of California, relating to the duties of grand juries.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

After the enacting clause insert the following.

"SECTION 1. Section 928 of the Penal Code of the State of California is hereby amended to read as follows:"

Amendment adopted.

AMENDMENT No 2.

Strike out the words in italics in line 1, Section 1, of the printed bill, "Duties of grand jury".

Amendment adopted.

AMENDMENT No. 3

After the word "compensation", in line 8, Section 1, of the printed bill, insert the words "to be approved by the judge who impaneled the grand jury".

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Committee Substitute for Assembly Bills Nos. 64, 65, and 66—An Act to amend Sections 353, 1425, 1427 of the Political Code, all relating to Regents of the University of California.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 1127—An Act to legalize, confirm, and validate assessments of real estate made between the years 1880 and 1908 inclusive, which real estate, under such assessments, has been struck off and sold to the State of California.

Bill read second time, and ordered to engrossment

Assembly Bill No 1256—An Act to amend Section 3 of an Act entitled "An Act for the registration of deaths, the issuance and registration of burial and disinterment permits, and the establishment of registration districts in counties, cities and counties, cities and incorporated towns, under the superintendence of the State Bureau of Vital Statistics, and prescribing the powers and duties of registrars, coroners, physicians, undertakers, sextons and other persons in relation to such registration, and fixing penalties for the violation of this Act," approved March 18 1905.

Bill read second time, and ordered to engrossment.

Assembly Bill No 1145—An Act to amend Section 3495 of the Political Code of the State of California, relating to school lands belonging to the State, and the affidavit on application to purchase the same.

During second reading of bill, the following amendment was submitted by the committee:

On page 3, Section 1, line 58, of printed bill, after the word "Code", insert the following: "If any portion of the land applied for is not open to entry, the Surveyor General shall file the application for such portion as may be open to entry, eliminating from the application such land as may not be open to entry."

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 1144—An Act to amend Section 3498 of the Political Code of the State of California, relating to approvals of applications for State lands

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 1, Section 1, line 8, insert after the word "land" the following "or as to the applicant being an actual settler thereon".

Amendment adopted

AMENDMENT No 2

On page 2, Section 1, at the end of line 20, insert the following: "No application shall be approved which contains land located in more than one county".

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 1146—An Act to add a new section to the Political Code of the State of California, to be known as Section 3495*a*, and relating to applications to purchase State lands, requiring a deposit of money to accompany the application, and providing for the filing of additional applications.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 936—An Act adding a new section to the Penal Code, to be known as Section 1231, relating to application to the State Board of Health by a person condemned to death for a physical examination, and for their recommendation to the Governor that such person is physically fit for medical treatment, tests, or experiments in the interest of science, and providing for their recommendation in such matter, and the reprieving of such person.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 1, Section 1, line 4, of the printed bill, after the word "person" insert the following: "who has not been previously convicted of a felony".

Amendment adopted

AMENDMENT No. 2

On page 1, Section 1, line 13, of the printed bill, strike out the words "medical treatment".

Amendment adopted.

AMENDMENT No. 3.

On page 1, Section 1, line 14, of the printed bill, after the word "science" insert the following: "to determine the origin, the proper treatment, and the means of prevention of human tuberculosis"

Amendment adopted.

AMENDMENT No. 4.

On page 2, Section 1, line 17, of the printed bill, after the word "experiment" insert the following: "for the objects hereinbefore mentioned".

Amendment adopted.

AMENDMENT No. 5

On page 2, Section 1, line 20, of the printed bill, strike out the word "shall", and insert in lieu thereof the word "may".

Amendment adopted.

AMENDMENT No. 6

On page 2, Section 1, line 22, of the printed bill, strike out the words "medical treatment".

Amendment adopted.

AMENDMENT No. 7.

On page 2, Section 1, line 24, of the printed bill, strike out the word "shall", and insert in lieu thereof the word "may".

Amendment adopted.

AMENDMENT No. 8.

On page 2, Section 1, line 27, of the printed bill, strike out the words "be advised adequate punishment", and insert in lieu thereof the words "deem expedient".

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 830—An Act to amend Sections 415 and 420 of the Political Code, all relating to the office of the Secretary of State.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill

Motion carried

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Assembly Bill No. 830 considered.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No 1.

In line 31, of Section 2, of the printed bill, strike out the words "fifteen hundred", and insert in lieu thereof "thirteen hundred and twenty".

Amendment adopted.

AMENDMENT No. 2.

In line 31*a*, of Section 2, of the printed bill, strike out the words "twelve hundred", and insert in lieu thereof "thirteen hundred and twenty".

Amendment adopted.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill as amended.

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1909.

GENTLEMEN The Committee of the Whole have had under consideration Assembly Bill No 830, and do now report the same back, and recommend that it do pass as amended.

STANTON, Chairman

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 1018—An Act to amend section four hundred and fifty-six of the Political Code, relating to the office of the Treasurer of State, his deputy and assistants, and the salaries of the deputy and assistants

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Assembly Bill No. 1018 considered.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In line 4, Section 1, of the printed bill, strike out the following: "one cashier," and also in the same line strike out the following "one assistant bookkeeper,".

Amendment adopted.

AMENDMENT No. 2.

In lines 7 and 8, Section 1, of the printed bill, strike out the following "of the cashier two thousand four hundred dollars;"

Amendment adopted.

AMENDMENT No 3

In lines 9 and 10, Section 1, of the printed bill, strike out the following "of the assistant bookkeeper two thousand dollars."

Amendment adopted.

AMENDMENT No 4

In line 10, Section 1, of the printed bill, strike out the word "eight", and insert in lieu thereof the word "six".

Amendment adopted.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill as amended.

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 1018, and do now report the same back, and recommend that it do pass as amended.

STANTON, Chairman.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 1138—An Act to amend Section 1552 of the Political Code of the State of California, relating to traveling expenses of county and city and county superintendents.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 630—An Act entitled "An Act to amend Section 1564 of Article IV of the Political Code by increasing the allowance of money for conducting separate teachers' institutes."

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Insert on line 1, page 1, of printed bill, before the word "Section" the words "Section 1."

Amendment adopted.

AMENDMENT No. 2.

Insert on line 1, page 1, of printed bill, after the words "Article IV" the words "of the Political Code".

Amendment adopted.

AMENDMENT No. 3.

Strike out of line 2*a*, page 1, of printed bill, the word "Section".

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 1042—An Act to add to the Penal Code of the State of California a new section, to be numbered 587*d*, to prevent trespassing upon railroad locomotives, tenders, cars, and trains.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1

Amend by striking out the following words: "five hundred", in line 11, page 1, of the printed bill, and inserting in lieu thereof the word "fifty".

Amendment adopted

AMENDMENT No 2

Amend by striking out the following words "six months", in line 12, page 1, of the printed bill, and inserting in lieu thereof the words "thirty days".

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 1234—An Act for the establishment in the city of Santa Barbara of a state normal school of manual arts and home economics, and making an appropriation therefor.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Assembly Bill No. 1234 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 1234, and do now report the same back, and recommend that it do pass

STANTON, Chairman.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 1165—An Act to amend Section 626 of the Penal Code of the State of California, relating to the protection and preservation of game.

During second reading of bill, the following amendment was submitted by the committee:

On page 2, Section 1, line 16, of the printed bill, strike out all after the word 'quail"; also strike out all of lines 17, 18, 19, and insert in lieu thereof the following: ", grouse, or sage hen, is guilty of a misdemeanor"

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No 929—An Act to regulate the vocation of fishing, and to provide therefrom revenue for the propagation, restoration, and preservation of fish in the waters of the State of California.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 1087—An Act to prevent fishing or the taking of fish by means of weirs, dams, nets, traps or seines, in False Bay or in the entrance thereto.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 773—An Act to change, establish, and permanently locate the boundary lines of the county of Kings, and a portion of the south and east boundary lines of the county of Fresno.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1

In line 3, Section 4, page 3, of the printed bill, strike out the word "not", and insert in lieu thereof the word "now".

Amendment adopted.

AMENDMENT No. 2.

Strike out all of lines 20, 21, and 22, of Section 2, page 3, of the printed bill, and insert in lieu thereof the following: "to the corner common to Tulare, Fresno and Kings counties, on the north line of section 3, township 17 south, range 22 east, Mount Diablo base and meridian"

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 1092—An Act to amend Article XXX, Section 4259, of an Act entitled "An Act to repeal Title II of Part IV of the Political Code, and to add a new Title II of Part IV of said Code in place thereof, relating to the establishment of a uniform system of county and township government.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1

Amend by inserting in printed bill, after the enacting clause, the following words

"Section 1 Section 4259 of the Political Code is hereby amended to read as follows:"

Amendment adopted.

AMENDMENT No 2

Strike out of line 1, page 1, of printed bill, the word "Section".

Amendment adopted.

AMENDMENT No. 3

Amend by striking out all of Subdivision 1, viz., lines 5 to 12 inclusive, page 1 of printed bill, and insert in lieu thereof the following:

"1. The county clerk, thirty-three hundred dollars per annum: *provided*, that in counties of this class the county clerk is hereby allowed in addition to his salary each year when a new registration is required, the sum of ten cents for each elector registered, which amount shall be allowed by the board of supervisors at the close of registration preceding a general election, and be paid from the general fund of the county."

Amendment adopted

AMENDMENT No. 4.

Strike out of line 25, page 2, of printed bill, the word "seventy-five", and insert in lieu thereof the word "sixty-five."

Amendment adopted.

AMENDMENT No 5

Strike out of line 34, page 2, of printed bill, the words "six hundred", and insert in lieu thereof the words "seven hundred and eighty"

Amendment adopted.

AMENDMENT No. 6.

Strike out of line 55, page 2, of printed bill, the word "seventy", and insert in lieu thereof the word "sixty"

Amendment adopted

AMENDMENT No 7

Strike out of line 60, page 3, of printed bill, the words "receive eighteen", and insert in lieu thereof the following "devote his entire time to the duties of his office and shall receive for said services the sum of twenty-one".

Amendment adopted

AMENDMENT No 8

On page 6, of the printed bill, lines 178 and 179, after the word "charges" strike out "amendment approved March 20, 1905 · Statutes 1905, page 310 In effect in sixty days"

Amendment adopted

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No 1158—An Act to amend Section 4266 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the thirty-seventh class.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No 1

Line 10, of the printed bill, after the word "paid" strike out the period and insert a comma

Amendment adopted.

AMENDMENT No 2.

Line 10, of the printed bill, after the word "paid" insert the words "which office of deputy clerk is hereby created"

Amendment adopted.

AMENDMENT No 3

Line 15 of the printed bill, after the word "paid" insert the words 'which office of copyist is hereby created"

Amendment adopted.

AMENDMENT No. 4.

Line 20, of the printed bill, after the word "paid" insert the words 'which office of draughtsman is hereby created"

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment

Assembly Bill No 1223—An Act to amend Section 4302 of the Political Code

During second reading of bill, the following amendment was submitted by the committee·

In line 1, printed bill, before the word 'Section' insert the words "Section 1"

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment

Assembly Bill No. 1281—An Act to amend Section 4239 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the tenth class.

Bill read second time and ordered to engrossment.

Assembly Bill No. 1254—An Act to authorize the deposit of certain newspaper files kept in recorders' offices in free public libraries

Bill read second time, and ordered to engrossment.

Assembly Bill No 1086—An Act to amend section four thousand two hundred thirty-eight of the Political Code of the State of California, relating to the compensation of officers of counties of the ninth class.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1

On page 1, Section 1, line 7, strike out the word "two", and insert in lieu thereof the word "six"

Amendment adopted.

AMENDMENT No. 2

On page 2, line 19, after the word "annum", strike out all the remainder of the paragraph, and insert in lieu thereof the following "The sheriff, three thousand six hundred dollars per annum, *provided*, that in counties of this class there shall be and there hereby is allowed for the sheriff one under-sheriff, whose salary is hereby fixed at the sum of one thousand eight hundred dollars per annum, and the following deputies and employees One deputy, who shall be head jailer, and who shall receive the salary of one thousand five hundred dollars per annum; three deputies, one of whom shall be assistant jailer, and who shall receive salaries of one thousand two hundred dollars per annum each, one deputy, who shall be assistant jailer, and who shall receive the salary of nine hundred dollars per annum; one stenographer, who shall receive the salary of nine hundred dollars per annum

"In counties of this class there shall be a matron of the county jail, to be appointed by the sheriff, and who, under the direction of the sheriff, shall have charge of all female prisoners in the county jail, and who shall receive the salary of nine hundred dollars per annum, to be paid by the county in monthly installments at the same time, in the same manner, and out of the same fund as is the salary of the sheriff

"In counties of this class the sheriff shall be allowed by the board of supervisors his actual necessary expenses for pursuing criminals or for transacting all criminal business, and his actual necessary expenses for service of all process and notices, and each and all such expenses shall be a charge against the county and allowed by the board of supervisors, and paid as other county charges are paid"

Amendment adopted

AMENDMENT No 3

Also On page 2, line 50, strike out the word "recorder", and insert in lieu thereof the word "auditor"

Amendment adopted

AMENDMENT No. 4

Also On page 3, line 58, strike out the word "two" and insert in lieu thereof the word "five".

Amendment adopted

AMENDMENT No. 5

Also on page 3, line 60, after the word "annum" insert "and such fees as are allowed by law"

Amendment adopted

AMENDMENT No. 6.

Also On page 3, line 72, after the word "annum", strike out the words "also two deputies at salaries of one thousand five hundred dollars each per annum", and insert in lieu thereof the following "one chief deputy who shall receive the salary of one thousand eight hundred dollars per annum; one deputy, who shall receive the salary of one thousand two hundred dollars per annum two deputies during six months of each year, who shall receive one hundred dollars each per month, one deputy during five months of each year, who shall receive one hundred dollars per month; four deputies during four months of each year, who shall receive one hundred dollars each per month, and the assessor in counties of this class may, during the year 1911 and every fourth year thereafter, appoint six clerks, who shall serve for a period of not to exceed four months in any of said years, and said clerks shall receive as compensation the sum of eighty dollars each per month The assessor may also appoint such number of field deputies as he shall deem necessary, whose salaries shall be paid by the assessor out of the fees and commissions allowed him by law."

Amendment adopted

AMENDMENT No. 7

Also. On page 3, line 79, after the word "annum", strike out the words "two deputy district attorneys, who shall receive the salaries of one thousand two hundred dollars each per annum", and insert in lieu thereof the following "One deputy district attorney, who shall receive the salary of one thousand five hundred dollars per annum, and a second deputy district attorney, who shall receive the salary of one thousand two hundred dollars per annum"

Amendment adopted

AMENDMENT No. 8.

Also On page 3, line 85, strike out the period at the end of the line, and insert in lieu thereof the following "and one bookkeeper at the salary of seventy-five dollars per month."

Amendment adopted

AMENDMENT No 9

Also On page 4, line 121, strike out the word "seventy-five", and insert in lieu thereof the words "one hundred"

Amendment adopted

AMENDMENT No 10

Also On page 5, after line 144, add a new subdivision, to be numbered 18", as follows.

"18. The deputies mentioned in this section are hereby allowed to the respective county officers named, who shall appoint the same, and said deputies shall be paid by the counties of this class in monthly installments, at the same time, in the same manner, and out of the same fund as the salaries of county officers are paid"

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment

Assembly Bill No 104—An Act to repeal three sections of the Code of Civil Procedure, numbered 953*a*, 953*b*, and 953*c*, respectively, relating to a new and alternative method for the preparation of records to be used on appeals from judgments, orders, or decrees of the Superior Court to the Supreme Court or District Courts of Appeal

During second reading of bill, the following amendment was submitted by the committee:

After the word "immediately", in line 1, of Section 2, of the printed bill, insert the words "*provided* that this Act shall not affect any appeal already taken or in process of being perfected"

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment

Assembly Bill No. 806—An Act to amend Section 2687 of the Political Code.

During second reading of bill, the following amendment was submitted by the committee:

Strike out the word "plot", in line 7, Section 1, of the printed bill, and insert in lieu thereof the word "plat".

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 1070—An Act to add a new section to the Political Code of the State of California, to be known as Section 3251 thereof, providing pay for holidays for employees of the State of California or of any political subdivision thereof.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No 1

After the word "Section", in line 2, Section 1 of the printed bill, insert the figures "3251"

Amendment adopted.

AMENDMENT NO. 2.

In line 4, at the beginning of the section, insert the figures "3251".

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 603—An Act to amend the Penal Code of California by adding thereto a new section, to be numbered 181*a*, relating to the falsification of books and accounts.

Bill read second time, and ordered to engrossment.

Assembly Bill No 654—An Act to amend Section 870 of the Penal Code, relating to the keeping and furnishing of depositions on examinations in criminal charges

Bill read second time, and ordered to engrossment

Assembly Bill No. 705—An Act to amend Section 597 of the Penal Code, relating to cruelty to animals.

Bill read second time, and ordered to engrossment

Assembly Bill No. 826—An Act to amend Section 198, Code of Civil Procedure, relating to jurors

Bill read second time, and ordered to engrossment

Assembly Bill No 1095—An Act to amend section three thousand five hundred and eighteen of the Political Code, relating to duplicates for lost certificates of purchase of State lands.

Bill read second time, and ordered to engrossment

Assembly Bill No. 1096—An Act to amend Section 269 of the Code of Civil Procedure, relating to phonographic reporters for Superior Courts, and providing for their appointment and duties, and also providing for copies of proceedings by them in certain cases

Bill read second time, and ordered to engrossment.

Assembly Bill No 1159—An Act to decrease the number of judges of the Superior Court of the county of Shasta, State of California, from two to one

Bill read second time, and ordered to engrossment

Assembly Bill No 1321—An Act to amend the Civil Code of the State of California, by adding a new section thereto, to be numbered 2472, relating to appointment of agent and service of summons

Bill read second time, and ordered to engrossment

Assembly Bill No. 1020—An Act to amend "An Act to prohibit adulteration and deception in the sale of dairy products, defining the adulteration in dairy products, to establish standards of quality in dairy products, and to provide for enforcing its provisions," approved March 15, 1907

Bill read second time, and ordered to engrossment

Assembly Bill No. 1155—An Act to amend Section 4 of an Act entitled "An Act for preventing the manufacture, sale, or transportation of adulterated, mislabeled, or misbranded foods and liquors, and regulating the traffic therein, providing penalties, establishing a State laboratory for foods, liquors, and drugs, and making an appropriation therefor," approved March 11, 1907, relating to the adulteration of food

Bill read second time, and ordered to engrossment

Assembly Bill No. 945—An Act to amend an Act entitled an Act to form agricultural districts, to provide for formation of agricultural associations therein, and for management and control of the same by

the State, and to repeal all Acts and parts of Acts in conflict with this Act, approved March 31, 1897; amendment approved March 15, 1901, by adding thereto and providing therein for a new district, to be known as Agricultural District No. 46, composed of the county of Imperial.

Bill read second time, and ordered on file for third reading

Assembly Bill No. 1282—An Act to add a new section to the Penal Code of the State of California, to be known and numbered Section 402*e*.

Bill read second time, and ordered to engrossment.

Assembly Bill No 1363—An Act authorizing the purchase of portraits of Speakers of the Assembly, and appropriating money therefor

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill

Motion carried

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Assembly Bill No 1363 considered

Mr Transue moved that the committee do now rise and report in favor of the passage of the bill

Motion carried

IN ASSEMBLY.

Speaker Stanton in the chair

REPORT OF COMMITTEE OF THE WHOLE

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1909

GENTLEMEN The Committee of the Whole have had under consideration Assembly Bill No. 1363, and do now report the same back, and recommend that it do pass

STANTON, Chairman

Bill read second time, and ordered to engrossment.

Assembly Bill No. 1253—An Act to authorize the State of California to release and convey to the United States such portions of the sixteenth and thirty-sixth section of land contained in the Cleveland National Forest, formerly San Jacinto Forest Reserve (and referred to in that certain Act entitled "An Act to authorize the settlement of an existing controversy between the United States of America and the State of California, and making an appropriation to carry out the provisions of said Act," approved March 21, 1907), as may remain after the settlement referred to in said Act has been consummated, for the purpose of reimbursing the United States for lands surrendered to it by the State, and which said lands so surrendered were thereafter sold and patented by said State.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 1004—An Act to authorize the Governor to accept on behalf of the State the grant of certain lands in Butte County.

Bill read second time, and ordered to engrossment.

Assembly Bill No 1284—An Act validating the title to lands selected by the State in lieu of surveyed school sections situated within the exterior boundaries of national reservations created by proclamation of the President of the United States, and vesting the title of the State to such surveyed school sections of the United States.

Bill read second time, and ordered to engrossment

Assembly Bill No. 1261—An Act to amend section twelve of an Act entitled "An Act to establish police courts in the cities of the first and one-half class, to fix their jurisdiction, and to provide for officers of said courts and fix the compensation of certain officers thereof," approved March 5, 1901, relating to the imprisonment of persons convicted in police courts of cities of the first and one-half class.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 1262—An Act authorizing municipal corporations to permit other municipal corporations to construct and maintain sewers, water mains, and other conduits therein, also to construct and maintain sewers, water mains, and other conduits for their joint benefit and at their joint expense, and to make and enter into contracts for said purposes.

Bill read second time, and ordered to engrossment

Assembly Bill No. 1353—An Act to amend an Act which became effective February 26, 1901, entitled "An Act to provide for local improvements upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities, such Act to be known as "The Local Improvement Act of 1901," by adding thereto a new section, to be numbered 20*a*.

Bill read second time, and ordered to engrossment

Assembly Bill No. 1273—An Act to provide for the discorporation and discontinuance of five districts where the same become wholly or partly within the corporate limits of a town or city incorporated subsequently to the organization thereof, and providing for a disposal of the property of such districts.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No 1

On page 1, Section 1, line 12, of the printed bill, strike out the word "role", and insert in lieu thereof the word "roll"

Amendment adopted.

AMENDMENT No 2

On page 2, Section 2, line 2, of the printed bill, after the word "district" insert the words "of an unincorporated town or village".

Amendment adopted.

AMENDMENT No 3

On page 2, Section 3, line 3, of the printed bill, strike out the word "on", and insert in lieu thereof the word "or"

Amendment adopted

AMENDMENT No 4.

On page 3, Section 3, line 9, of the printed bill strike out the word "said" where it appears the first time

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment

Assembly Bill No 1366—An Act authorizing municipal corporations to acquire and hold lands by lease or otherwise, for a term of years, for the purpose of developing and encouraging agricultural, horticultural, and botanical products and exhibiting the same, and repealing all Acts and parts of Acts in conflict with this Act.

During second reading of bill, the following amendment was submitted by the committee:

On page 1, of the printed bill, strike out all after the words "An Act", and insert in lieu thereof the following

Authorizing municipal corporations, counties, and cities and counties, to acquire and hold lands by purchase or otherwise, or by lease for a term of years, for the purpose of developing and encouraging agricultural, horticultural, or botanical products and exhibiting the same, or for the purpose of erecting, rebuilding, or furnishing historical museums or art galleries thereon, and repealing all Acts and parts of Acts in conflict with this Act

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

SECTION 1. Any municipal corporation, county, or city and county in this State is hereby authorized and empowered to acquire and hold by purchase or otherwise, or by lease, lands situated within the limits thereof, for a term not exceeding fifty years, for the purpose of developing and encouraging agricultural, horticultural, or botanical products and for exhibiting the same, or for the purpose of erecting, rebuilding, or furnishing historical museums or art galleries thereon under such terms and conditions as may be approved by the city council, board of trustees, or other legislative body of such municipal corporation, or by the board of supervisors of such county or city and county.

SEC. 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 3. This Act shall take effect immediately.

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 408—An Act to amend Section 171 of the Code of Civil Procedure of this State, relating to the practice of law by judges or county clerks.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 1335—An Act forbidding the manufacture or sale of falsely or spuriously stamped articles of merchandise made of gold or silver or their alloys, and prescribing a penalty therefor.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 1358—An Act to amend Section 1444 of the Code of Civil Procedure, relating to appraisement of estates and pay of appraisers.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 1419—An Act authorizing suits against the State concerning certain real property, and regulating the procedure therein.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 6—An Act to amend Section 170 of the Civil Code of Procedure.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1

Strike out from and including line 24, page 2, to and including the word "proceeding", line 38, page 2 and insert in lieu thereof the following

"4. When any party makes and files an affidavit that he believes that he can not have a fair and impartial trial or hearing of such action or proceeding, or of any motion or application therein, before any judge of a Superior Court about to preside at the trial or hearing of such action or proceeding, or of such motion or application by reason of the prejudice or bias of such judge, the said judge (if there be but one judge of the Superior Court in the county in which such action or proceeding is pending) must forthwith report the fact that such affidavit has been filed to the Governor, who shall thereupon designate and request a judge of the Superior Court of some other county to sit in the Superior Court of the county in which such action or proceeding is pending in the place of the judge so disqualified and to preside therein at the trial or hearing of such action or proceeding, or of such motion or application, and of all matters subsequently arising in such action or proceeding. If there be more than one judge of the Superior Court in the county in which such action or proceeding is pending, then upon the filing of such affidavit such action or proceeding shall be reassigned to some judge of the Superior Court of said county other than the judge so disquali-

fied, in the manner provided by the constitution or law of the State or by rules of court authorized or permitted thereunder for the distribution among and assignment to the several judges of the Superior Court of said county of actions or proceedings when commenced in said court. Where the disqualification of a judge does not appear by the pleadings he may proceed with the trial or hearing of any matter hereinbefore in this section mentioned unless at least one day before the time fixed for such trial or hearing."

Amendment adopted.

AMENDMENT NO. 2

After the word "affidavits", on line 51, page 2, insert the following
"Any judge designated by the Governor as hereinbefore provided shall be allowed and paid the expenses mentioned in section one hundred and sixty of this Code, in the same manner as is therein provided for the cases covered thereby"

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment

Assembly Bill No. 652—An Act to amend sections six and seven of an Act entitled "An Act to provide for the levy and collection of taxes by and for the use of municipal corporations and cities incorporated under the laws of the State of California, except municipal corporations of the first class, and to provide for the consolidation and abolition of certain municipal offices, and to provide that their duties may be performed by certain officers of the county, and fixing the compensation to be allowed for such county officers for the service so rendered to such municipal corporations."

During second reading of bill, the following amendment was submitted by the committee:

After the word "auditor", in line 18, Section 1, page 2, of the printed bill insert the words "one half to each".

Amendment adopted

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No 1359—An Act to amend section seven hundred and seventy-four and section seven hundred and seventy-five of the Political Code, relating to the preparation, and printing of the reports of decisions of the Supreme Court.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT NO. 1

After the word "correct", in line 4, Section 1, page 1, of the printed bill, insert the word "clerical".

Amendment adopted.

AMENDMENT NO 2.

Before the word "errors" in line 10, Section 2, page 2, of the printed bill insert the word "clerical"

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 1360—An Act to prevent the sale of thread of cotton, linen, and silk, where such is not labeled as to its correct yardage and weight

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT NO. 1

Strike out the words in italics "Thread cotton, linen or silk, to be correctly labeled and stamped", in lines 1 and 2 of Section 1, page 1, of the printed bill

Amendment adopted.

AMENDMENT NO 2

Strike out the words in italics, "Penalty for selling such thread incorrectly stamped", in line 1, of Section 2, page 2, of the printed bill.

Amendment adopted

Bill read second time, and ordered to reprint and engrossment

Assembly Bill No. 1402—An Act declaring February 12th, the birthday of Abraham Lincoln, a legal holiday, and providing for a half-day session in the public schools on such holiday, and for certain exercises in the public schools.

Bill read second time, and ordered to engrossment

Assembly Bill No. 1102—An Act to amend Section 1696 of the Political Code of the State of California, relating to the duties of teachers.

During second reading of bill, the following amendment was submitted by the committee:

Amend by inserting on line 53, page 2, of printed bill, after the word "districts", the words "within the county".

Amendment adopted

Bill read second time, and ordered to reprint and engrossment

Assembly Bill No 1357—An Act to amend Section 4252 of the Political Code of the State of California, relating to salaries, fees, and compensation of officers of counties of the twenty-third class

Bill read second time, and ordered to engrossment

Assembly Bill No 1322—An Act to amend Section 4248 of the Political Code as amended in 1907, Statutes of 1907, pages 476 and 479, relating to the compensation of officers in counties of the nineteenth class.

Bill read second time, and ordered to engrossment

Assembly Bill No 1414—An Act to amend an Act entitled "An Act to amend an Act to allow incorporated towns and villages to equip and maintain a fire department, and to assess and collect taxes from time to time for such purpose, and to create a board of fire commissioners," approved March 4, 1881, amended March 6, 1899.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 1233—An Act to amend Section 4265 of the Political Code of the State of California, relating to the compensation of officers of counties of the thirty-sixth class, and their deputies and assistants

Bill read second time, and ordered to engrossment.

Assembly Bill No 1356—An Act to amend Section 4270 of the Political Code of the State of California, relating to the compensation of officers of counties of the forty-first class.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT NO 1

Strike out all of line 7, page 1, of printed bill, and insert in lieu thereof the following:

"The county clerk, three thousand dollars per annum, and the said county clerk may appoint one deputy county clerk, which said officer of deputy county clerk is hereby created. The salary of such deputy county clerk is hereby fixed at twelve hundred dollars per annum, such salary to be paid at the same time and in the same manner as the salary of county officers is paid."

Amendment adopted.

AMENDMENT No. 2.

Strike out all of lines 34 and 35, on page 2, of printed bill, and insert in lieu thereof the following:

"12 The surveyor twelve hundred dollars per annum, and in addition thereto, he shall receive his actual traveling and other necessary expenses incurred by him while engaged in work for the county."

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment

Assembly Bill No 1355—An Act to amend Section 4275 of the Political Code of the State of California, relating to the compensation of officers of counties of the forty-sixth class.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Strike out all of line 26, page 2, of printed bill, and insert in lieu thereof the following:

"12 The surveyor, nine hundred dollars per annum, and in addition thereto he shall receive his actual traveling and other necessary expenses incurred by him while engaged in work for the county."

Amendment adopted.

AMENDMENT No. 2

Strike out the word "for", at the end of line 54-56, at the bottom of page 2, of printed bill, and insert in lieu thereof the following "by law."

Amendment adopted.

AMENDMENT No 3.

Strike out all of lines 57 and 58, page 3, of printed bill

Amendment adopted

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 566—An Act to amend Section 308 of the Penal Code of the State of California, relating to the sale of cigarettes and tobacco

Bill read second time, and ordered to engrossment.

Assembly Bill No 1391—An Act to add a new section to the Penal Code, to be known as Section 337*b* thereof, and relating to the publishing tips or advance information on horse racing, and providing the punishment for the violation thereof.

During second reading of bill, the following amendment was submitted by Mr Callan.

Insert in Section 1 line 4, of printed bill, immediately before the word "If" the following "337*b*"

Amendment adopted

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No 1331—An Act to amend an Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted in the State of California, and for the appointment of a board of medical examiners in the matter of said regulations, by amending Section 16

Bill read second time, and ordered to engrossment

Assembly Bill No. 914—An Act to repeal section four hundred and sixteen of the Civil Code of the State of California, relating to policies, how issued and by whom signed.

Bill read second time, and ordered to engrossment

Assembly Bill No 915—An Act to amend section twenty-seven hun-

dred and fifty-six of the Civil Code of the State of California relating to measure of indemnity.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 916—An Act to amend section twenty-five hundred and forty-one of the Civil Code of the State of California relating to assignment to mortgagee of things insured.

Bill read second time, and ordered to engrossment.

Assembly Bill No 1181—An Act to repeal Section 600*a* of the Political Code, and to reenact same as Section 603*a* of the Political Code

Bill read second time, and ordered to engrossment.

Assembly Bill No 1186—An Act to amend Section 618 of the Political Code, as to deposits required of insurance companies organized under the laws of this State

Bill read second time, and ordered to engrossment

Assembly Bill No 1187—An Act to amend Section 604 of the Political Code, as to proceedings concerning insolvent insurance corporations

Bill read second time, and ordered to engrossment

WITHDRAWAL OF BILL.

Mr. Leeds asked for and was granted unanimous consent to withdraw Assembly Bill No 651 from Committee on Engrossment for the purpose of correction.

SPECIAL ORDER RESET.

On motion of Mr. Leeds, the consideration of Assembly Bill No. 651 was made a special order for Monday, March 1, 1909, at three o'clock and thirty-five minutes P. M.

SPECIAL FILE—THIRD READING.

Committee Substitute for Assembly Bill No. 753—An Act authorizing the State Board of Prison Directors to fix the price, terms, and conditions of sale at which jute bags should be sold for the State, providing for the prosecution and punishment for offenses under the same, and repealing certain Acts

Bill read third time

The question being on the passage of the bill

The roll was called, and Committee Substitute for Assembly Bill No 753 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beban, Bohnett, Butler, Callan, Cattell, Collier, Cronin, Drew, Feeley, Flavelle, Fleisher, Flint, Geides, Gibbons, Gillis, Greer, Hanlon, Hawk, Hayes, Holmquist, Hopkins, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Maher, McClellan, Mendenhall, Moore, Nelson, Odom, Otis, O'Neill, Polsley, Preston, Pugh, Sackett, Silver, Stuckenbruck, Telfer Transue, Wagner Wheelan, Whitney, Wilson, and Young—50

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate

HON. JOHN R. CRONIN IN THE CHAIR

At three o'clock and forty minutes P. M., Hon. John R. Cronin in the chair.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON INTRODUCTION OF BILLS.

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1909.

MR SPEAKER: Your Committee on Introduction of Bills, to whom was referred the following bills, herewith return the same, with the recommendation that the authors be permitted to introduce them. The titles of said bills are as follows:

By Mr. O'Neill: An Act appropriating money to pay the claim of the Palm Iron Works against the State of California

By Mr. O'Neill: An Act appropriating money to pay the claim of A. Merle and Company against the State of California

By Mr. O'Neill: An Act appropriating money to pay the claim of the Columbia Marble Company against the State of California

By Mr O'Neill: An Act appropriating money to pay the claim of the Russell-Vail Engineering Company against the State of California

By Mr. O'Neill: An Act appropriating money to pay the claim of James Campbell against the State of California.

By Mr O'Neill: An Act appropriating money to pay the claim of the Roebling Construction Company against the State of California

By Mr O'Neill: An Act appropriating money to pay the claim of the Bryan Elevator Company against the State of California.

By Mr Greer: An Act making an appropriation for the maintenance and improvement of the buildings of the Mission of St Francis de Solano, situated at Sonoma, California.

By Mr Hewitt: An Act to provide for the accomplishment of the work of the direct improvement of the navigation of the Sacramento, San Joaquin, and Feather rivers, of the State of California, as recommended in the special report of the State of California Débris Commission, dated June 30, 1907, etc

By Mr. Hewitt: An Act to repeal an Act entitled "An Act to provide for the accomplishment of the work of the direct improvement of the navigation of the Sacramento, San Joaquin, and Feather rivers, of the State of California, etc.

By Mr. Pulcifer: An Act to amend an Act to provide for the organization, incorporation and government of municipal corporations so as to provide for municipal corporations of the seventh class

LEEDS, Chairman

Mr. Leeds moved the adoption of the report

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

AYES—Messrs Barndollar, Baxter, Beban, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Cronin, Cullen, Dean, Drew, Feeley, Flaveile, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Maher, McClellan, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, O'Neill, Polsley, Preston, Pugh, Sackett, Silver, Stuckenbruck, Transue, Wagner, Webber, Wheelan Whitney, Wilson, Wyllie, and Young—60.

NOES—None

INTRODUCTION OF BILLS

The following bills were introduced and referred as indicated

By Mr. Pulcifer: Assembly Bill No 1432—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, by adding thereto thirty-four new sections, numbered 887 to 921, inclusive, so as to provide for municipal corporations of the seventh class.

Bill read first time, and referred to Committee on Municipal Corporations.

By Mr. O'Neill: Assembly Bill No 1433—An Act appropriating money to pay the claim of the Bryan Elevator Company against the State of California.

Bill read first time, and referred to Committee on Claims.

Also: Assembly Bill No. 1434—An Act appropriating money to pay the claim of the Roebling Construction Company against the State of California.

Bill read first time, and referred to Committee on Claims

Also: Assembly Bill No. 1435—An Act appropriating money to pay the claim of James Campbell against the State of California

Bill read first time, and referred to Committee on Claims

Also: Assembly Bill No. 1436—An Act appropriating money to pay the claim of the Russell-Vail Engineering Company against the State of California

Bill read first time, and referred to Committee on Claims

Also: Assembly Bill No. 1437—An Act appropriating money to pay the claim of the Columbia Marble Company against the State of California

Bill read first time, and referred to Committee on Claims

Also: Assembly Bill No. 1438—An Act appropriating money to pay the claim of the Palm Iron Works against the State of California

Bill read first time, and referred to Committee on Claims.

Also: Assembly Bill No. 1439—An Act appropriating money to pay the claim of the Palm Iron Works against the State of California

Bill read first time, and referred to Committee on Claims

By Mr. Greer: Assembly Bill No. 1440—An Act making an appropriation for the maintenance and improvement of the buildings of the Mission of St. Francis de Solano, situated at Sonoma, California.

Bill read first time, and referred to Committee on Ways and Means

By Mr. Hewitt: Assembly Bill No. 1441—An Act to repeal an Act entitled "An Act to provide for the accomplishment of the work of the direct improvement of the navigation of the Sacramento, San Joaquin, and Feather rivers, of the State of California, as recommended in the special report of the California Débris Commission dated June 30, 1907, and made jointly by Brigadier General A. Mackenzie, Chief of Engineers, C. H. McKinstry, Major, Corps of Engineers, and Thomas H. Jackson, Captain, Corps of Engineers, of the United States Army, and printed with the annual report of the Chief of Engineers of the United States Army, for the fiscal year ending June 30, 1907, and mak ing an appropriation for such work," approved February 12, 1909

Bill read first time, and ordered on file without reference

Also: Assembly Bill No. 1442—An Act to provide for the accomplishment of the work of the direct improvement of the navigation of the Sacramento, San Joaquin, and Feather rivers, of the State of California, as recommended in the special report of the California Débris Commission, dated June 30, 1907, and made jointly by John Beedle, Lieutenant Colonel, Corps of Engineers, C H McKinstry, Major, Corps of Engineers, and Thomas H Jackson, Captain, Corps of Engineers, of the United States Army, and printed with the annual report of the Chief of Engineers of the United States Army for the fiscal year ending June 30, 1907, and making an appropriation for such work

Read first time, and ordered on file without reference

ON ENGROSSMENT AND ENROLLMENT

ASSEMBLY CHAMBER, SACRAMENTO February 26, 1909

MR SPEAKER Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed

Assembly Bill No 673—An Act to amend Article XVI of the Political Code in regard to county boards of education

Assembly Bill No 264—An Act to amend section six of an Act entitled "An Act to establish police courts in cities of the first and one-half class, to fix their jurisdiction and to provide for officers of said courts and to fix the compensation of certain officers thereof," approved March, 5, 1901, relating to clerks in police courts in cities of the first and one-half class

Assembly Bill No. 93—An Act authorizing and directing the Board of Managers of the Napa State Hospital to complete the receiving and treatment building on the grounds of the Napa State Hospital

Assembly Bill No 783—An Act to appropriate $3,000.00 for the purchase of additional furniture and equipment for the use of the State Normal School at Los Angeles, and to make necessary repairs and improvements in the buildings of said normal school.

Assembly Bill No. 1166—An Act to regulate contracts on behalf of the State in relation to the erection, construction, alteration, repair or improvement of any State structure, building, road, or other State improvement of any kind, and to repeal an Act entitled "An Act to regulate contracts on behalf of the State in relation to erections and buildings," approved March 28, 1876.

Assembly Bill No. 430—An Act to amend section eight hundred and sixty-two of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and all amendments thereto

Assembly Bill No. 1111—An Act to authorize and empower the State Board of Prison Directors to insure jute and jute goods against either fire or marine loss, and to pay the cost of such insurance from the revolving fund for the purchase of jute

Assembly Bill No. 91—An Act making an appropriation to complete certain necessary improvements at the Veterans' Home of California, located at Yountville, Napa County

Assembly Bill No 912—An Act appropriating seventy-five thousand ($75,000) dollars to complete, equip, and furnish the buildings of the San Jose State Normal School.

Assembly Bill No. 958—An Act appropriating the sum of one thousand dollars for the purpose of installing a plant for distilling water in connection with the ice-making plant at the Veterans' Home of California, located at Yountville, Napa County

Assembly Bill No 959—An Act appropriating the sum of two thousand five hundred dollars for the purchase of sterilizers, and ambulance and hospital appliances and instruments at the Veterans' Home of California, located at Yountville, Napa County

Assembly Bill No 1260—An Act to amend sections twelve hundred and thirty, twelve hundred and thirty-five, and twelve hundred and thirty-eight of the Political Code, relating to the challenging of persons offering to vote at elections.

Assembly Bill No. 1259—An Act to amend section ten hundred and eighty-four of the Political Code, relating to the qualifications and disabilities of an elector.

Assembly Bill No. 1368—An Act to amend section one of an Act entitled "An Act authorizing and directing the completion of the main buildings at the California Home for the Care and Training of Feeble-Minded Children, near Eldridge, California, and making an appropriation therefor," approved March 11, 1907.

YOUNG, Chairman

The above reported bills ordered on file for third reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1909

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly reengrossed.

Assembly Bill No. 203—An Act to amend Section 1491 of the Code of Civil Procedure of the State of California, relating to notice to creditors of deceased persons

Assembly Bill No 632—An Act to amend Sections 1713 and 1714 of Article XIII of the Political Code, in regard to the apportionment of school library funds.

Assembly Bill No. 709—An Act to amend Section 4234 of the Political Code of the State of California, relating to the compensation of officers of counties of the fifth class and their assistants and deputies.

Assembly Bill No. 735—An Act to amend Section 1576a of the Political Code of the State of California, relating to clerks of school districts

Assembly Bill No. 1033—An Act to amend section forty-two hundred and sixty-four of the Political Code, relating to salaries and fees of officers of counties of the thirty-fifth class

Assembly Bill No. 638—An Act to amend Section 261 of the Penal Code of the State of California, defining the crime of rape.

Assembly Bill No. 579—An Act amending Section 1856 of the Civil Code, relative to lien of depositary for hire on property.

Assembly Bill No. 1093—An Act to add a new section to Chapter II, Title XV, Part I, of the Penal Code, to be numbered 655, relating to trespass upon, or the unlawful relocation, or "jumping" of mines, mining and mineral claims.

YOUNG, Chairman

ON LABOR AND CAPITAL

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1909.

MR SPEAKER: Your Committee on Labor and Capital, to whom was referred Senate Bill No. 232—An Act to repeal section six hundred and forty-four of the Penal Code, relating to enticing seamen to desert their vessels—have had the same under consideration and respectfully report the same back, and recommend that it do pass.

NELSON, Chairman

The above reported bill ordered on file for second reading

THIRD-READING FILE—(RESUMED).

Assembly Bill No 709—An Act to amend Section 4234 of the Political Code of the State of California, relating to the compensation of officers of counties of the fifth class, and their assistants and deputies.

During third reading of bill, Mr. Johnson of Sacramento moved that the Speaker appoint a select committee of one to amend the bill, as follows:

Strike out from the word "and", in line 16, of Section 1, page 1, of the printed bill, to the word "them", in line 27 of Section 1, page 2, of the printed bill, both inclusive

Also

Strike out the word "deputy", in line 134, of Section 1, page 3, of the printed bill, and insert in lieu thereof the word "assistant"

Motion carried.

The Speaker appointed Mr. Johnson of Sacramento as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER SACRAMENTO, February 26, 1909

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 709, with instructions, do now report that the instructions of the Assembly have been carried out.

JOHNSON OF SACRAMENTO, Select Committee.

Report of select committee, and amendments, adopted.

Mr. Greer moved that the Speaker appoint a select committee of one to amend the bill, as follows:

Amend the printed bill, page 7, line 228, by striking out the words: "seventy-five", and inserting the words "one hundred", also, amend the printed bill, page 8, line 240, by striking out the word "seventy-five", and inserting the words "one hundred"

Motion carried.

The Speaker appointed Mr. Greer as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1909

MR. SPEAKER: Your select committee of one to whom was referred Assembly Bill No. 709, with instructions, do now report that the instructions of the Assembly have been carried out

GREER, Select Committee

Report of select committee, and amendment, adopted.

Bill ordered to reprint, reengrossment, and on file for passage

Assembly Constitutional Amendment No. 23—A resolution to propose

to the people of the State of California an amendment to Article VI, Section 8, of the Constitution, relating to judges of the Superior Court.

Mr. Coghlan offered the following amendment:

On page 1, line 12, after the word "by", of the printed constitutional amendment, insert the following: "and the record thereof certified by"

Amendment adopted.

Assembly constitutional amendment ordered to reprint and engrossment

Assembly Constitutional Amendment No. 27—To propose to the people of the State of California an amendment to the Constitution of this State, by amending section three of article four thereof, relating to the election of Assemblymen.

Mr. Greer offered the following amendment:

Amend by striking out of Section 3, lines 11 and 12, the words "odd numbered", and inserting the words "even numbered".

Amendment lost

The question being on the adoption of the Assembly constitutional amendment.

The roll was called, and Assembly Constitutional Amendment No. 27 adopted by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beban, Black, Bohnett, Callan, Cattell, Coghlan, Collier, Cronin, Cullen, Dean, Feeley, Flavelle, Fleisher, Gerdes, Gillis, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer Johnston of Contra Costa, Leeds, Maher, McClellan, McManus, Melrose, Mendenhall, Mott, Nelson, Otis, O'Neill, Polsley, Preston, Pugh, Rutherford, Schmitt, Silver, Stuckenbruck, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—55

NOES—Messrs Butler, Cogswell, Drew, Flint, Greer, Juilhard, Kehoe, Odom, and Telfer—9.

Assembly Constitutional Amendment No. 27 ordered transmitted to the Senate

SPEAKER IN THE CHAIR.

At four o'clock and twenty-five minutes P. M., Speaker Stanton in the chair.

Assembly Bill No. 651—An Act to make uniform the law of warehouse receipts.

Bill considered engrossed.

During third reading of bill, Mr. Leeds moved that the Speaker appoint a select committee of one to amend the bill, as follows

On line 2, Section 36, page 11, of printed bill, strike out the word "been" where it first appears

Motion carried.

The Speaker appointed Mr. Leeds as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1909

MR SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 651, with instructions, do now report that the instructions of the Assembly have been carried out.

LEEDS, Select Committee.

Report of select committee, and amendment, adopted.

Bill ordered to reprint, with rush order, reëngrossment, and on file for passage.

SPECIAL FILE—SECOND READING.

Assembly Bill No. 96—An Act authorizing and directing the Board of Managers of the Napa State Hospital to remodel and furnish and refurnish the general kitchen at the Napa State Hospital, and making an appropriation therefor.

Assembly Bill No 54—An Act providing for an appropriation of thirty thousand dollars for the purpose of purchasing additional land for the Whittier State School.

Assembly Bill No 116 --An Act appropriating money for finishing and furnishing assembly hall and equipping gymnasium at the Preston School of Industry.

Assembly Bill No. 118—An Act appropriating money for the equipment of the trades building at the Preston School of Industry.

Assembly Bill No. 120—An Act appropriating money for the purchase of bedding and furniture and for repairs for the use of the Preston School of Industry.

Mr. Mott moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bills.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Assembly Bills Nos. 54, 96, 116, 118, and 120 considered.

Mr. Mott moved that the committee do now rise and report in favor of the passage of the bills

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bills Nos 54, 96, 116, 118, and 120, and do now report the same back, and recommend that they do pass

STANTON, Chairman.

Bills read second time, and ordered to engrossment.

Assembly Bill No 58—An Act appropriating twenty thousand dollars for the purpose of building two cottages on the grounds of the Whittier State School.

Mr. Mott moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Assembly Bill No 58 considered.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In line 2, of the title, strike out the word "twenty", and insert in lieu thereof the word "ten".

Amendment adopted.

AMENDMENT No. 2.

In line 3, of the title, strike out the words "two cottages", and insert in lieu thereof the words "one cottage".

Amendment adopted.

AMENDMENT No. 3

In line 1, Section 1, of the printed bill, strike out the word "twenty", and insert in lieu thereof the word "ten"

Amendment adopted.

AMENDMENT No 4

In line 3, section 1, of the printed bill, strike out the words "two cottages", and insert in lieu thereof the words "one cottage"

Amendment adopted.

AMENDMENT No 5

After line 4, of Section 2, of the printed bill, add the following:
"Sec. 3 This Act shall be exempt from the provisions of the Act of the Legislature approved March 23, 1876, relating to State erections and buildings, and all Acts amendatory thereto".

Amendment adopted.

Mr. Mott moved that the committee do now rise and report in favor of the passage of the bill as amended.

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No 58, and do now report the same back, and recommend that it do pass as amended.

STANTON, Chairman.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 1112—An Act to amend an Act entitled "An Act to add a new title to Part III of the Penal Code, to be known as Title I thereof, relating to the government and management of State prisons," approved March 18, 1907, by amending Sections 1572, 1574, 1577, 1578, and 1582 of the Penal Code, relating to the government and management of State prisons.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 823—An Act to amend Section 1097 of the Political Code, relating to qualifications of persons in event of registration.

Bill read second time, and ordered to engrossment.

THIRD-READING FILE.

Assembly Bill No. 622—An Act to amend section three thousand eight hundred and ninety-seven of the Political Code, relating to the sale and disposition of lands to the State for delinquent taxes.

Bill read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 622 passed by the following vote:

AYES—Messrs. Barndollar, Beban, Bohnett, Butler, Callan, Cogswell, Collier, Cronin, Cullen, Drew, Flavelle, Fleisher, Gerdes, Gibbons, Gillis, Hawk, Hayes, Hewitt, Hinkle,

Holmquist, Hopkins, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis O'Neill, Preston, Rutherford, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wyllie, Young, and Mr Speaker--50

NOES--None.

Title read and approved.

Bill ordered transmitted to the Senate.

WITHDRAWAL OF BILL.

Mr. Nelson asked for and was granted unanimous consent to withdraw Assembly Bill No. 737.

Assembly Bill No. 737 withdrawn and ordered stricken from the file.

HON. D. J. BEBAN IN THE CHAIR.

At four o'clock and forty minutes P. M., Hon. D. J. Beban in the chair.

Assembly Bill No 594--An Act to provide for the establishment and maintenance of public museums of natural and historical objects within municipalities.

During third reading of bill, Mr. Fleisher moved that the Speaker appoint a select committee of one to amend the bill, as follows:

Strike out of the title the words "not having a freeholders' charter".

Also: Strike out of Section 1, lines 3 and 4, the words "not having a freeholders' charter".

Also: In line 2, Section 11, after the word "act" strike out the word "may" and insert in lieu thereof the word "must".

Motion carried.

The Speaker appointed Mr. Fleisher as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1909.

MR SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 594, with instructions, do now report that the instructions of the Assembly have been carried out.

FLEISHER, Select Committee

Report of select committee and amendments adopted.

Bill ordered to reprint reëngrosement, and on file for passage.

Assembly Bill No 955--An Act to amend Section 4241 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the twelfth class.

Bill read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 955 passed by the following vote:

AYES--Messrs. Barndollar, Beban, Black Bohnett, Butler, Callan, Coghlan, Cogswell, Collier, Cronin Cullen, Dean, Drew Feeley, Flavelle, Gerdes, Gibbons Gillis, Greer, Hammon, Hawk, Haves Hinkle Holmquist, Hopkins, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard Kehoe, Leeds, Maher, Melrose Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Polsley, Preston, Pugh, Rutherford, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, and Young--55.

NOES--None.

Title read and approved.

Bill ordered transmitted to the Senate.

MOTION.

Mr. Rutherford moved that when the Assembly adjourn on this day it adjourn until ten o'clock of Monday, March 1, 1909.

Mr. Johnston moved to amend by making the time ten o'clock of the next legislative day.

Amendment adopted.

Motion, as amended, carried.

RECONSIDERATION.

In compliance with his notice given on a previous day, Mr. Juilliard moved that the vote whereby Assembly Bill No. 254 was passed be reconsidered.

The roll was called, and the same was refused reconsideration by the following vote:

AYES—Messrs Baxter, Beban, Bohnett, Cogswell, Cronin, Flavelle, Fleisher, Gerdes, Gibbons, Gillis, Hayes, Johnson of Sacramento, Johnson of San Diego, Juilliard, Maher, Mendenhall, Otis, Pugh, Schmitt, Telfer, Webber, Whitney, Wilson, and Wyllie—24.

NOES—Messrs. Barndollar, Butler, Callan, Collier, Collum, Cullen, Dean, Drew, Greer, Hammon, Hawk, Hewitt, Hinkle, Holmquist, Hopkins, Johnston of Contra Costa, Kehoe, Leeds, Melrose, Moore, Mott, Nelson, Odom, O'Neill, Polsley, Preston, Silver, Stuckenbruck, Transue, Wagner, Wheelen, and Young—32.

Bill ordered transmitted to the Senate.

ADJOURNMENT.

At five o'clock P. M., on motion of Mr. Mott, the Assembly was declared adjourned until ten o'clock A. M. of Saturday, February 27, 1909.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL., Saturday, February 27, 1909.

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. P. A. Stanton, Speaker of the Assembly, in the chair.

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

Messrs. Barndollar, Baxter, Beardslee, Beban, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Cronin, Cullen, Dean, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Hammon, Hanlon, Hawk, Hayes, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Kehoe, Leeds, Maher, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Polsley, Preston, Pugh, Rutherford, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—60.

Quorum present.

LEAVES OF ABSENCE.

On motion, leave of absence for the day was granted to Messrs. Wyatt, Irwin, Costar, Rech, Beatty, Black, Griffiths, Pulcifer, Perine, Hans, McManus, Hewitt, Johnson of Placer, Drew, and Feeley.

PRAYER

Prayer was offered by the Chaplain, Rev. Seren N. Marsh.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr Callan, its further reading was dispensed with.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON JUDICIARY

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1909

MR SPEAKER Your Committee on Judiciary, to whom was referred Assembly Bill No. 1381—An Act to amend Section 2021 of the Code of Civil Procedure, relating to the taking by deposition of the testimony of witnesses in the State.

Also Assembly Bill No. 1383—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as number one thousand four hundred sixty-five and one half, relating to notices to be given of petitions to set aside exempt property for the use of the family.

Also. Assembly Bill No 1384—An Act to amend Section 1465 of the Code of Civil Procedure, relating to the setting apart of property exempt from execution for the use of the family.

Also. Senate Bill No 96—An Act to prevent the desecration, mutilation, or improper use of the flag of the United States of America.

Also: Senate Bill No. 650—An Act to amend Section 922 of the Code of Civil Procedure of the State of California, relating to Justices' Courts

Also Senate Bill No 703—An Act to add a new section to the Penal Code of the State of California, to be numbered 498*a*, relating to the possession of any contrivance for preventing the correct registration of any gas or electric meter

Also Senate Bill No. 704—An Act to amend Section 498 of the Penal Code of the State of California, relating to the stealing or unauthorized use of gas, and the injury, obstruction, or alteration of gas meters

Have had the same under consideration and respectfully report the same back, and recommend that they do pass

JOHNSON OF SACRAMENTO, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1909

MR SPEAKER Your Committee on Judiciary, to whom was referred Assembly Bill No 289—An Act to amend Section 789 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to termination of estates—report the same back with one amendment, and recommend that it do pass as amended

Also Assembly Bill No. 290—An Act to amend Section 1265 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to homesteads and exemptions—report the same back, with two amendments, and recommend that it do pass as amended

Also Assembly Bill No 918—An Act to amend "An Act to provide for the appointment of guardians of children maintained in any orphans' home or orphan asylum in this State," approved March 23, 1893—report the same back, with four amendments and recommend that it do pass as amended

JOHNSON OF SACRAMENTO, Chairman

Also.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1909

MR SPEAKER Your Committee on Judiciary, to whom was referred Assembly Bill No 715—An Act to provide for the amount and manner of payment of the salaries of justices of the peace and constables in counties of the tenth class for services rendered by them in criminal cases, and providing a method of ascertaining the population of the townships for the purpose of this Act—have had the same under consideration, and respectfully report the same back, and recommend that it be re-referred to the Committee on County and Township Governments

JOHNSON OF SACRAMENTO, Chairman

ON PUBLIC WORKS, STATE CAPITOL, AND PARKS.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1909

MR. SPEAKER Your Committee on Public Works, State Capitol, and Parks, to whom was referred Senate Bill No 510—An Act to purchase from the heirs of

William Cogswell, deceased, two paintings—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and be re-referred to the Committee on Ways and Means.

HAYES, Chairman.

ON MUNICIPAL CORPORATIONS

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1909.

MR SPEAKER Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 1011—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and regulating the procedure to be followed for the annexation of additional territory to municipal corporations

Also: Assembly Bill No 1012—An Act to amend an Act entitled "An Act to provide for the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipalities, and for the districting, government, and municipal control of annexed territory," approved March 19, 1889, and regulating the procedure to be followed for the annexation of additional territory to incorporated towns and cities.

Have had the same under consideration and respectfully report the same back, with four amendments each, and recommend that they be referred to Committee on Judiciary

FEELEY Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1909

MR SPEAKER Your Committee on Municipal Corporations, to whom was referred Assembly Bill No 1334—An Act to provide for the acquisition by municipalities of land for public park or public playground purposes by condemnation, and for the establishment of assessment districts and the assessment of property therein to pay the expense of acquiring such land

Also, Assembly Bill No 1354—An Act to provide for separate sewer districts within municipalities.

Also: Assembly Bill No 1380—An Act to provide for the improvement of public streets, lanes, alleys, courts, and places in municipalities, in cases where any damage to private property would result from such improvement, and for the assessment of the costs, damages, and expenses thereof upon the property benefited thereby.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass

FEELEY, Chairman

ON SWAMP AND OVERFLOWED LANDS AND LEVEES AND RIVER IMPROVEMENT AND DRAINAGE.

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1909.

MR SPEAKER We, the undersigned members of the Committee on Swamp and Overflowed Lands and Levees and River Improvements and Drainage, do hereby recommend the following as a substitute for Assembly Bill No. 1351—An Act to create a drainage district to be called Yolo Basin Drainage District to promote drainage therein, and to provide for the management and control of said drainage district

HEWITT, Chairman.

ON PUBLIC LANDS AND FORESTRY

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1909

MR SPEAKER Your Committee on Public Lands and Forestry, to whom was referred Assembly Bill No. 133—An Act to amend Sections 1 and 2 of an Act entitled "An Act to provide for the regulation of fires on, and the protection and management of, public and private forest lands within the State of California, creating a State Board of Forestry, and certain officers subordinate to said board, prescribing the duties of such officers, creating a forestry fund, and appropriating the moneys in said fund, and defining and providing for the punishment of certain offenses for violations of the provisions of this Act, and making an appropriation therefor," approved March 18, 1905, providing for the appointment of a State Board of Forestry, and the appointment of a State Forester, and relating to their duties and term of office—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended, and be re-referred to Committee on Ways and Means

FLINT, Chairman

The above reported bills ordered on file for second reading

Committee Substitute for Assembly Bill No. 1351 adopted, and ordered on file for second reading.

Assembly Bills Nos. 510 and 133 referred to Committee on Ways and Means

Assembly Bill No. 715 referred to Committee on County and Township Governments.

Assembly Bills Nos. 1011 and 1012 referred to Committee on Judiciary

SENATE MESSAGES.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, February 26, 1909

MR. SPEAKER: I am directed to inform your honorable body that the Senate amended and on this day passed as amended, Assembly Bill No 573—An Act to amend Section 161*a* of the Penal Code of California, relating to falsely advertising as an attorney—and respectfully request your honorable body to concur in said amendment

LEWIS A. HILBORN, Secretary of Senate.
By J W. KAVANAGH, Assistant Secretary

Also

SENATE CHAMBER, SACRAMENTO, February 26, 1909

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 798—An Act to amend Section 1 of an Act entitled "An Act to provide for the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipalities, and for the districting, government, and municipal control of annexed territory," approved March 19, 1899

Also: Committee Substitute for Senate Bill No. 558—An Act to amend an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof," approved February 25, 1901

Also: Senate Bill No. 706—An Act to establish a standard form of fire insurance policy and to prevent variations therefrom, excepting under certain stated conditions and restrictions

Also: Senate Bill No. 956—An Act to add a new section to the Penal Code of California, to be known and numbered as Section 308*b*, relating to the use of textbooks in the public schools

Also: Senate Bill No. 662—An Act to amend Section 1259 of the Penal Code of the State of California, relating to what may be reviewed upon appeal taken by the defendant

Also: Senate Bill No 194—An Act to amend Sections 2, 3, and 4 of an Act entitled "An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905

Also Senate Bill No 664—An Act to amend Sections 1185 and 1186 of the Penal Code of the State of California, relating to motion in arrest of judgment

Also Senate Bill No. 660—An Act to add new sections to the Penal Code of the State of California, to be known as numbers 747, 747*a*, 747*b*, 747*c*, 747*d*, and 747*e*, relating to a method for the preparation of records to be used on appeal from judgments, orders or proceedings of the Superior Court to the Supreme Court or the District Courts of Appeal, in criminal cases

Also: Senate Bill No. 661—An Act to amend Sections 1239, 1240, 1241, and 1246 of the Penal Code of the State of California, relating to appeals, when and how taken, and the duty of the clerk upon appeal

Also, Senate Bill No. 663—An Act to amend Sections 1191 and 1202 of the Penal Code of the State of California, relating to the time for pronouncing and rendering judgment.

Also: Senate Bill No 964—An Act to add a new section to the Political Code of California, to be numbered 1622*a*, relating to apportionment of school funds

Also: Senate Bill No. 853—An Act to amend the Penal Code of California by adding a new section thereto, to be numbered 532*a*, relating to spurious secret societies

Also: Senate Bill No. 965—An Act to amend the Political Code of the State of California by adding thereto a new section, to be known as Section 3785*a*, relating to deeds to the State under sales made to the State prior to March 28, 1895, for delinquent State and county taxes, and authorizing certain persons to represent the State in the giving of notices, and relating to the redemption of such property and also to the resale thereof

LEWIS A HILBORN, Secretary of Senate.
By J W KAVANAGH, Assistant Secretary.

Assembly Bill No. 573 ordered on file as unfinished business.

Senate Bill No 798 read first time, and referred to Committee on Counties and County Boundaries.

Senate Bill No. 558 (Committee Substitute for Senate Bill No. 558) read first time, and referred to Committee on Municipal Corporations.

Senate Bill No. 706 read first time, and referred to Committee on Insurance and Insurance Laws.

Senate Bill No 956 read first time, and referred to Committee on Education.

Senate Bill No. 662 read first time, and referred to Committee on Judiciary.

Senate Bill No 194 read first time, and referred to Committee on Labor and Capital.

Senate Bill No. 664 read first time, and referred to Committee on Judiciary.

Senate Bill No 660 read first time, and referred to Committee on Judiciary.

Senate Bill No. 661 read first time, and referred to Committee on Judiciary.

Senate Bill No 663 read first time, and referred to Committee on Judiciary.

Senate Bill No 964 read first time, and referred to Committee on Education.

Senate Bill No 853 read first time, and referred to Committee on Judiciary.

Senate Bill No 965 read first time, and referred to Committee on Revenue and Taxation

UNFINISHED BUSINESS

Assembly Bill No. 579—An Act amending Section 1856 of the Civil Code, relative to lien of depositary for hire on property

Bill read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No 579 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Callan, Cattell, Collier, Cronin, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Hammon, Hanlon, Holmquist, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Kehoe, Leeds, Maher, McClellan, Melrose, Mendenhall, Mott, Odom, Otis, Polsley, Preston, Rutherford, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr Speaker—44

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate

SPECIAL FILE—THIRD READING.

Assembly Bill No. 280—An Act to provide for the erection of a water tower, tanks, pumps, boring of wells, and all necessary equipments of the same at Stockton State Hospital, for domestic use and fire purposes, and to make appropriations therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 280 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Bohnett, Cattell, Cogswell, Collier, Cullen, Dean, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Hammon, Hanlon, Hawk, Hayes, Holmquist, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Kehoe, Leeds, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Polsley Preston Pugh, Rutherford, Schmitt, Stuckenbruck, Telfer, Transue, Wagner Webber, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 783—An Act to appropriate $3,000 for the purchase of additional furniture and equipment for the use of the State Normal School at Los Angeles and to make necessary repairs and improvements in the buildings of said normal school

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No 783 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Cronin, Cullen, Dean, Flavelle, Fleisher, Flint, Gerdes Gibbons, Gillis, Greer, Hanlon, Hawk, Hayes, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Kehoe, Leeds, Maher, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Polsley, Pugh, Rutherford, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr Speaker—51

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate

HON. JOHN W MOTT IN THE CHAIR

At ten o'clock and thirty minutes A M., Hon John W Mott in the chair.

Assembly Bill No 1166—An Act to regulate contracts on behalf of the State in relation to the erection, construction, alteration, repair, or improvement of any State structure, building, road, or other State improvement of any kind, and to repeal an Act entitled "An Act to regulate contracts on behalf of the State in relation to erections and buildings," approved March 28, 1906

During third reading of bill Mr. Cattell moved that the Speaker appoint a select committee of one to amend the bill, as follows:

On page 1, printed bill, Section 1, line 4, after the word "kind" insert the following: "excepting improvements on the property of the State on the water front of the city and county of San Francisco under the jurisdiction of the Board of State Harbor Commissioners"

Motion carried.

The Speaker appointed Mr Cattell as such select committee

REPORT OF SELECT COMMITTEE

The following report of select committee was received and read

ASSEMBLY CHAMBER, SACRAMENTO February 27, 1909

MR. SPEAKER Your select committee of one, to whom was referred Assembly Bill No. 1166, with instructions, do now report that the instructions of the Assembly have been carried out

CATTELL, Select Committee

Report of select committee, and amendment, adopted

Bill ordered to reprint, reengrossment, and on file for passage.

Assembly Bill No. 1111—An Act to authorize and empower the State Board of Prison Directors to insure jute and jute goods against either fire or marine loss and to pay the cost of such insurance from the revolving fund for the purchase of jute

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No 1111 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Bohnett, Butler, Callan, Cattell, Cogswell, Cronin, Cullen, Dean, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Greer, Hanlon, Hawk, Hayes, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Kehoe, Leeds, Maher, Melrose, Mendenhall, Moore, Mott, Odom, Otis, O'Neill, Preston, Pugh, Rutherford, Schmitt, Silver, Stuckenbruck, Transue, Wagner, Webber Whitney, Wyllie, Young, and Mr. Speaker—48

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 91—An Act making an appropriation to complete certain necessary improvements at the Veterans' Home of California, located at Yountville, Napa County, California

Bill read third time

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 91 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Cronin, Cullen, Dean, Flavelle, Fleisher, Flint, Greer, Hanlon, Hawk, Hayes, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Kehoe, Leeds, Maher, McClellan, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Polsley, Preston, Pugh, Rutherford, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Wyllie, Young and Mr Speaker—48

NOES—None

Title read and approved

Bill ordered transmitted to the Senate

MOTION.

Mr. Leeds offered the following motion

That the Assembly do not consider bills in the absence of their authors.

Motion carried

SENATE AMENDMENTS CONSIDERED.

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No 573?"

Amend the title of the bill by striking out after the words "Penal Code" the words "the State of"

Also On page 1 line 3, strike out the word "Section"

Also On page 1, line 1, after the figures and letter "161a" insert the words "of the Penal Code of California"

Also: On page 1, line 4, strike out the words "or holds"

Also "On page 1, line 4, strike out the word "out".

The roll was called, and Senate amendments to Assembly Bill No 573 were concurred in by the following vote.

AYES—Messrs Barndollar, Baxter, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Cronin, Cullen, Dean, Flavelle, Fleisher, Flint, Greer, Hanlon, Hawk, Hayes, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Kehoe, Leeds, Maher, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Polsley, Preston, Rutherford, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Wyllie, Young, and Mr Speaker—46.

NOES—None.

Assembly Bill No 573 ordered to enrollment.

SPECIAL FILE—THIRD READING—(RESUMED)

Assembly Bill No. 958—An Act appropriating the sum of one thousand dollars for the purpose of installing a plant for distilling water, in connection with the ice-making plant at the Veterans' Home of California, located at Yountville, Napa County.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 958 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Cronin, Cullen, Flavelle, Fleisher, Flint, Greer, Hanlon, Hawk, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Kehoe, Leeds, McClellan, Mendenhall, Moore, Mott, Odom, Otis, O'Neill, Polsley, Preston, Rutherford, Schmitt, Silver, Stuckenbruck, Telfer Transue, Wagner, Whitney, Wyllie, and Mr Speaker—42

NOES—None.

Title read and approved

Bill ordered transmitted to the Senate.

Assembly Bill No 1259—An Act to amend Section 1084 of the Political Code relating to the qualifications and disabilities of an elector.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No 1259 passed by the following vote:

AYES—Messrs Barndollar Butler, Callan, Cattell, Cogswell, Collier, Cronin, Flavelle, Fleisher, Greer, Hammon, Hanlon, Hawk, Hayes, Hinkle, Holmquist, Johnson of Sacramento Johnson of San Diego, Johnston of Contra Costa, Kehoe, Leeds, Maher McClellan, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Polsley, Preston Pugh, Rutherford, Schmitt Silver Telfer, Transue, Wagner, Webber Whitney, Wyllie, and Mr Speaker—43

NOES—None

Title read and approved

Bill ordered transmitted to the Senate.

SPEAKER IN THE CHAIR.

At ten o'clock and fifty-five minutes A. M., Speaker Stanton in the chair.

Assembly Bill No 1260—An Act to amend sections twelve hundred and thirty, twelve hundred and thirty-five, and twelve hundred and thirty-eight of the Political Code relating to the challenging of persons offering to vote at elections.

Bill read third time

The question being on the passage of the bill

The roll was called and Assembly Bill No 1260 passed by the following vote:

AYES—Messrs Barndollar, Bohnett, Callan, Cattell, Cogswell, Collier, Cronin, Cullen, Dean, Flavelle, Fleisher, Flint, Greer, Hammon, Hanlon, Hawk, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Kehoe, Leeds, Maher, Mendenhall, Moore, Nelson, Odom, Otis, O'Neill, Polsley, Preston, Pugh, Rutherford, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Wyllie, and Mr Speaker—44.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate

SPECIAL FILE—SECOND READING

Assembly Bill No. 1135—An Act to provide for the equipping and furnishing of the building now in process of erection at Stockton State Hospital under the provisions of Chapter 172 of the Statutes of 1907, and making an appropriation therefor

Mr Beardslee moved that the Assembly resolve itself into the Committee of the Whole, for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Assembly Bill No 1135 considered.

Mr Beardslee moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY

Speaker Stanton in the chair

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1909

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No 1135, and do now report the same back, and recommend that it do pass.

STANTON, Chairman

Bill read second time, and ordered to engrossment.

THIRD-READING FILE—(RESUMED).

Assembly Bill No. 438—An Act to amend an Act entitled "An Act for the certification of land titles and the simplification of the transfer of real estate," approved March 17, 1897, by amending Section 114 thereof and by adding three new sections thereto, to be numbered 112*a*, 114*b*, 114*c*, all relating to the fees of registrars and to the use of a part thereof in the creation of an assurance fund, and providing for the custody and management of said fund and the determination and disposition of claims against the same

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No 438 passed by the following vote:

AYES—Messrs Barndollar, Baxter Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Cronin, Cullen, Dean, Fleisher, Flint, Greer, Hammon, Hanlon, Hawk, Hayes, Hinkle, Holmquist, Hopkins, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Kehoe, Leeds, Maher, McClellan, Mendenhall, Moore, Nelson, Odom, Otis, O'Neill, Polsley, Preston, Rutherford, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wyllie, and Mr. Speaker—46

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

HON. W. W. GREER IN THE CHAIR.

At eleven o'clock and five minutes A. M., Hon. W. W. Greer in the chair.

Assembly Bill No. 430—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and all amendments thereto.

During third reading of bill, Mr. Leeds moved that the Speaker appoint a select committee of one to amend the bill, as follows:

On pages 3 and 4 of the printed bill, strike out all of "17", and insert in lieu thereof the following

"17. To issue subpœnas for the attendance of witnesses, or the production of books or other documents, for the purpose of producing evidence or testimony in any action or proceeding pending before the board of trustees, which subpœnas must be signed by the president of the board of trustees, and attested by the city clerk, and may be served in the same manner as subpœnas are served in civil actions.

"Whenever any person duly subpœnaed to appear and give evidence, or to produce any books or any documents as herein provided, shall neglect or refuse to appear, or to produce such books or documents, as required by such subpœna, or shall refuse to testify before such board, or to answer any questions which a majority thereof shall decide to be proper and pertinent, it shall be the duty of the president of the board to report the fact to the judge of the Superior Court of the county, who shall thereupon issue an attachment in the form usual in the court of which he shall be judge, directed to the sheriff of the county where such witness was required to appear and testify, commanding the said sheriff to attach such person, and forthwith bring him before the judge by whose order such attachment was issued. On the return of the attachment and the production of the body of the defendant, the said judge shall have jurisdiction of the matter, and the person charged may purge himself of the contempt in the same way, and the same proceedings shall be had, and the same penalties may be imposed, and the same punishment inflicted as in the case of a witness subpœnaed to appear and give evidence on the trial of a civil cause before a Superior Court."

Motion carried.

The Speaker appointed Mr. Leeds as such select committee.

REPORT OF SELECT COMMITTEE

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1909

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 430, with instructions, do now report that the instructions of the Assembly have been carried out.

LEEDS, Select Committee.

Report of select committee, and amendment, adopted.

Bill ordered to reprint, reengrossment, and on file for passage.

Assembly Bill No. 203—An Act to amend Section 1491 of the Code of Civil Procedure of the State of California, relating to notice to creditors of deceased persons.

Bill read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 203 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beban, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Cronin, Dean, Fleisher, Flint, Greer, Hammon, Hanlon, Hawk, Hinkle, Holmquist, Hopkins, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Kehoe, Leeds, Maher, Mendenhall, Moore, Nelson, Otis, O'Neill, Polsley, Preston, Rutherford, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Wilson, and Wyllie—45.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 776—An Act to amend Section 3700 of the Political Code, relating to salaries of the members of the State Board of Equalization.

Bill read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 776 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beban, Black, Bohnett, Callan, Cattell, Cogswell, Collier, Cronin, Cullen, Flavelle, Fleisher, Flint, Gibbons, Greer, Hammon, Hanlon, Hawk, Hinkle, Holmquist, Hopkins, Johnson of San Diego, Johnston of Contra Costa, Leeds, McClellan, Mendenhall, Moore, Nelson, Odom, Otis, O'Neill, Preston, Pugh, Rutherford, Schmitt, Silver, Transue, Wagner, Webber, Whitney, Wilson, and Mr. Speaker—44.

NOES—Messrs. Kehoe, Polsley, and Stuckenbruck—3

Title read and approved

Bill ordered transmitted to the Senate

Assembly Bill No. 638—An Act to amend Section 261 of the Penal Code of the State of California, defining the crime of rape.

During third reading of bill, Mr. Whitney moved that the Speaker appoint a select committee of one to amend the bill, as follows:

By striking out of Section 6, line 21, of printed bill, the word "punished", and inserting in lieu thereof the following: "punishable".

Motion carried.

The Speaker appointed Mr Whitney as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, *February 27, 1909*

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 638, with instructions, do now report that the instructions of the Assembly have been carried out.

WHITNEY, Select Committee.

Report of select committee, and amendment, adopted.

Bill ordered to reprint, reengrossment, and on file for passage.

Assembly Bill No. 253—An Act for the relief of aged teachers.

Bill read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 253 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beban, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Cronin, Cullen, Dean, Fleisher, Flint, Gibbons, Greer, Hammon, Hanlon, Hawk, Hayes, Hinkle, Holmquist, Hopkins, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Kehoe, Leeds, Lightner, McClellan, Moore, Nelson, Otis, O'Neill, Pugh, Rutherford, Schmitt, Silver, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, and Mr. Speaker—46.

NOES—Messrs. Bohnett, Maher, Mendenhall, Polsley, Stuckenbruck, Telfer, and Wyllie—7

Title read and approved

Bill ordered transmitted to the Senate.

Assembly Bill No. 639—An Act governing and regulating plumbing, providing a State plumbing board, local boards of examiners and State inspector of plumbing, and defining their duties, and providing for the licensing of plumbers.

During third reading of bill, Mr Pugh moved that the Speaker appoint a select committee of one to amend the bill, as follows:

AMENDMENT No. 1.

On page 1, line 5, of the title, after the word "duties", insert in lieu thereof the following: "fixing their compensation and providing a special fund."

AMENDMENT NO. 1A.

On page 6, Section 23, lines, 4, 5, and 6, strike out the words "audited by the State Controller and paid by the State Treasurer in the same manner as the salary per diem expenses and mileage of other State officers", and insert in lieu thereof the following "paid out of the fund hereinafter provided."

AMENDMENT NO. 2.

On pages 6 and 7, Section 24, lines 15, 16, 17, 18, and 19, strike out the words "be paid from the treasury of said municipal corporation in the same manner as other municipal officers such sums as may be fixed by the board of supervisors or common council of said municipal corporation", and insert in lieu thereof the following "serve without compensation".

AMENDMENT NO 3

On page 8, Section 30, line 8, strike out the words "of the local municipalities or corporations", and insert in lieu thereof the following: "of the city, city and county, town or township in which said boards have jurisdiction of the deducting the expenses of said boards".

AMENDMENT NO 3B

On page 9, Section 33, line 9, strike out after the word "health", and insert the following "and not in conflict with local ordinances or general laws"

AMENDMENT NO 3C.

On page 9, Section 33, lines 15 and 16, strike out the words "now in conflict with local ordinances or general laws".

AMENDMENT NO. 4

On page 10, Section 37, line 4, strike out the word "boards", and insert in lieu thereof the word "board".

AMENDMENT NO. 5

On page 10, Section 39, line 1, strike out the words
SEC. 39. This Act shall take effect immediately

Motion carried.

The Speaker appointed Mr. Pugh as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1909.

MR. SPEAKER. Your select committee of one, to whom was referred Assembly Bill No. 639, with instructions, do now report that the instructions of the Assembly have been carried out.

PUGH, Select Committee.

Report of select committee, and amendments, adopted.

Bill ordered to reprint, reengrossment, and on file for passage.

Assembly Bill No 1033—An Act to amend Section 4264 of the Political Code, relating to salaries and fees of officers of counties of the thirty-fifth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1033 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Cronin, Cullen, Dean, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Greer, Hammon, Hanlon, Hawk, Hayes, Hinkle, Holmquist, Hopkins, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Kehoe, Leeds, Lightner, Maher, McClellan, Mendenhall, Moore, Odom, Otis, O'Neill, Polsley, Pugh, Rutherford, Silver, Stuckenbruck, Telfer, Wagner, Webber, Wheelan, Whitney, Wilson, and Wyllie—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON WAYS AND MEANS

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1909

MR SPEAKER Your Committee on Ways and Means, to whom was referred Assembly Bill No. 30—An Act to pay the claim of James Touhey—report back the following committee substitute—An Act to authorize James Touhey to bring suit against the State of California—and recommend that the committee substitute bill do pass.

BEARDSLEE, Chairman.

Substitute adopted, and ordered on file for second reading

Also:

ASSEMBLY CHAMBER, SACRAMENTO February 27, 1909

MR. SPEAKER. Your Committee on Ways and Means, to whom was referred Assembly Bill No 98—An Act authorizing and directing the Board of Managers of the Napa State Hospital to erect and construct an auditorium for the assemblage of patients at the Napa State Hospital, and to furnish and equip said buildings, and making an appropriation therefor

Also: Assembly Bill No 100—An Act authorizing and directing the Board of Managers of the Napa State Hospital to construct and restore the principal tower of the buildings at the Napa State Hospital damaged by the earthquake of April 18, 1906, and install a clock therein, and making an appropriation therefor

Have had the same under consideration, and respectfully report the same back, and recommend that they be withdrawn

BEARDSLEE, Chairman

Bills withdrawn by unanimous consent

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1909

MR. SPEAKER Your Committee on Ways and Means, to whom was referred Assembly Bill No. 114—An Act appropriating money for the building and equipping of a central heating and power station, and to make the necessary changes in the plumbing at the Preston School of Industry.

Also Senate Bill No 321—An Act to amend Section 8 of an Act entitled "An Act to create a State Bureau of Criminal Identification, providing for the appointment of a director of said bureau, defining his duties, qualifications, and powers, providing for the appointment of a clerk of said bureau, and fixing his qualifications, fixing the compensation of said director and clerk, and providing for the manner of paying the same, and providing for the expense of conducting the office, approved March 20, 1905."

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

BEARDSLEE, Chairman

Bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1909.

MR. SPEAKER. Your Committee on Ways and Means, to whom was referred Assembly Bill No. 51—An Act authorizing the Regents of the University of California to hold farmers' institutes, and making appropriation therefor.

Also: Assembly Bill No. 424—An Act to promote education in literature, music, and the fine arts, and making an appropriation therefor.

Also: Assembly Bill No 1369—An Act authorizing property owners or their grantees or assignees to sue the State of California for damages done to real property situated at Wood Island, county of Sacramento, by reason of the construction and maintenance of jetties in the Sacramento River, known as Newtown jetties, making an appropriation therefor, and repealing an Act entitled "An Act to authorize the Lauritzen Company of San Francisco, a corporation, to sue the State of California," approved March 23, 1907.

Also: Assembly Bill No. 1407—An Act appropriating money to pay the claim of B. A Palmer against the State of California, on account of injuries sustained while in the service of the State of California in the National Guard thereof.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass, as amended.

BEARDSLEE, Chairman

Bills ordered on file for second reading.

THIRD-READING FILE—(RESUMED).

Assembly Bill No. 1093—An Act to add a new section to Chapter II, Title XV, of the Penal Code, to be numbered 655, relating to trespass upon, or the unlawful relocation, or "jumping" of, mines, mining and mineral claims.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1093 passed by the following vote:

AYES—Messrs Barndollar, Beardslee, Black, Bohnett, Callan, Cattell, Cogswell, Collier, Cronin, Fleisher, Flint, Gibbons, Greer: Haulon, Hawk, Hayes, Hinkle, Holmquist, Hopkins, Johnson of Sacramento, Johnson of San Diego, Kehoe, Leeds, Maher, McClellan, Melrose, Mendenhall, Moore, Odom, Otis, O'Neill, Polsley, Preston, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Wilson, and Wyllie—43.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1045—An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation thereof, and to repeal an Act now in force relating to the same, approved March 23, 1901, except section two thereof, and amended March 20, 1903, March 20, 1905, March 6, 1907.

Bill read third time

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1045 passed by the following vote:

AYES—Messrs Barndollar, Beardslee, Beban, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Dean, Flavelle, Fleisher, Flint, Gibbons, Greer, Hawk, Hinkle, Holmquist, Hopkins, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Kehoe, Leeds, Lightner, Maher, McClellan, Melrose, Mendenhall, Moore, Odom, Otis, O'Neill, Polsley, Rutherford, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—49

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 784—An Act amending Section 2349 of the Political Code, relating to certain streams and waters declared public ways.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 784 passed by the following vote:

AYES—Messrs Barndollar, Beardslee, Black, Bohnett, Butler, Callan, Cattell, Coghlan Cogswell, Collier, Cronin, Dean, Flavelle, Fleisher, Flint, Gibbons, Greer, Hawk, Hayes, Hinkle, Holmquist, Hopkins, Johnson of Sacramento, Johnston of Contra Costa, Kehoe, Leeds, Lightner, Maher, Melrose, Mendenhall, Moore, Odom, Otis, O'Neill, Polsley, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, and Young—46

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate:

Assembly Bill No 305—An Act to add four new sections to the Code

of Civil Procedure, to be numbered 549*a*, 549*b*, 549*c*, and 549*d*, all relating to the trial of the right to personal property when levied upon under attachment or execution.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No 305 passed by the following vote:

AYES—Messrs Barndollar, Beardslee, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Cronin, Dean, Flavelle, Fleisher, Flint, Gibbons, Greer, Hawk, Hayes, Hinkle, Holmquist, Hopkins, Johnson of Sacramento, Johnston of Contra Costa, Kehoe, Leeds, Lightner, Maher, Melrose, Mendenhall, Moore, Odom, Otis, O'Neill, Polsley, Preston, Schmitt, Silver, Stuckenbruck, Telfer, Wagner, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—46

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 312—An Act against slot machines and other gambling devices.

During third reading of bill, Mr. O'Neill moved that the Speaker appoint a select committee of one to amend the bill, as follows:

By inserting after the word "coin", in line 5, of Section 2, page 1, of printed bill, the following "Nor to the act of any owner or user of said slot machines or other apparatus selling merchandise only, by the aid of or with such machine or apparatus".

Motion lost.

Bill read third time and passed on file.

Assembly Bill No 144—An Act to provide for a state highway from Saratoga Gap into the California Redwood Park, and to make an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 144 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Cronin, Dean, Fleisher, Flint, Gibbons, Greer, Hammon, Hanlon, Hawk, Hayes, Hinkle, Holmquist, Hopkins, Johnson of Sacramento, Johnston of Contra Costa, Kehoe, Leeds, Lightner, Maher, McClellan, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, O'Neill, Polsley, Preston, Pugh, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Wilson, Young, and Mr Speaker—51

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No 387—An Act to provide for the continuation of the construction of the highway known as King's River Highway, to declare it a state highway, and to make an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 387 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beban, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Collier, Cronin, Dean, Flavelle, Flint, Gibbons, Greer, Hammon, Hanlon, Hawk, Hayes, Hinkle, Holmquist, Hopkins, Johnson of Sacramento, Johnston of Contra Costa, Kehoe, Leeds, Lightner, Maher, McClellan, Melrose, Mendenhall, Moore, Nelson, Otis, O'Neill, Polsley, Preston, Pugh, Schmitt,

Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, and Young—51
NOES—Mr. Cogswell—1.

Title read and approved

Bill ordered transmitted to the Senate.

Assembly Bill No 640—An Act to provide for state highway from Mereno to Beaumont, in Riverside County.

Bill read third time

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 640 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beban, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Cronin, Dean, Flavelle, Fleisher, Flint, Gibbons, Greer, Hammon, Hanlon, Hawk, Hayes, Hinkle, Holmquist, Hopkins, Johnson of Sacramento Johnson of San Diego, Johnston of Contra Costa, Kehoe, Leeds, Lightner, Maher, McClellan, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, O'Neill, Polsley, Preston, Pugh, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie and Young—53
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No 986—An Act making an appropriation to pay the expenses of inspection and analysis of drugs.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Asembly Bill No 986 passed by the following vote:

AYES—Messrs Barndollar, Baxter Beban, Black, Bohnett, Butler, Callan, Cogswell, Collier, Cronin, Dean, Flavelle, Fleisher, Flint, Gibbons, Greer, Hanlon, Hawk, Hayes Hinkle, Holmquist, Hopkins, Johnson of Sacramento, Johnson ot San Diego, Johnston ot Contra Costa, Kehoe, Leeds, Lightner, Maher, McClellan, Melrose, Moore, Nelson, Odom, Otis, O'Neill, Polsley, Preston, Pugh, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Wilson, and Young—48
NOES—None

Title read and approved

Bill ordered transmitted to the Senate.

Assembly Bill No. 724—An Act to amend Section 1874 of the Political Code, adding certain new sections, and changing the number of Section 1874*a*, all relating to text-books.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 724 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beban, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Cullen, Dean, Flavelle, Fleisher, Flint, Gibbons, Greer, Hammon, Hanlon, Hawk, Hinkle, Holmquist, Hopkins, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Kehoe, Leeds, Maher, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, Polsley, Preston, Pugh, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, and Young—46
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1071—An Act to amend Section 4258 of the Political Code, as amended in 1907, Statutes of 1907, pages 499 and 500 thereof, relating to the compensation of officers in counties of the twenty-ninth class.

Bill read third time

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1071 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beban, Black, Bohnett, Butler, Callan, Cattell Cogswell, Collier, Cronin, Cullen, Dean, Flavelle, Fleisher, Flint, Gibbons, Greer, Hammon, Hanlon, Hinkle, Holmquist, Hopkins, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Kehoe, Leeds, Maher, McClellan, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, Polsley, Preston, Pugh, Silver, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Wilson, Wyllie, and Young—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1152—An Act to amend an Act entitled "An Act to insure the better education of practitioners of veterinary medicine, and to regulate the practice of veterinary medicine in the State of California, to provide for the creation of a board of five members who shall act under and in accordance with the provisions of this Act; to provide for their appointment, and define their powers, duties, and compensation; to define offenses committed by acts done contrary to the provisions of this Act, and providing penalties for the violation thereof; providing for the revocation or suspension, in certain cases, of licenses issued hereunder, and to repeal an Act entitled "An Act to regulate the practice of veterinary medicine and surgery in the State of California," approved March 23, 1893, amended and approved March 20, 1903, and all other laws in conflict herewith, by amending Section 7 of this Act

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1152 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Cronin, Cullen, Dean Flavelle, Fleisher, Flint, Gibbons, Greer, Hammon Hanlon, Hinkle, Holmquist, Hopkins, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Kehoe, Leeds, Lightner, Maher, McClellan, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, O'Neill Polsley, Preston, Pugh, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, and Young—50.

NOES—None.

Title read and approved

Bill ordered transmitted to the Senate.

Assembly Bill No. 662—An Act to amend Section 666 of the Penal Code of the State of California, relating to punishment for second offenses.

Bill read third time

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 662 passed by the following vote:

AYES—Messrs. Barndollar Baxter, Black, Bohnett Butler, Callan, Cattell Cogswell, Cullen Flavelle Fleisher, Flint, Greer, Hammon, Hanlon, Hawk, Holmquist, Hopkins, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Kehoe, Leeds, Lightner, Maher, Melrose, Mendenhall, Moore, Nelson Otis, O'Neill, Polsley, Preston, Pugh, Schmitt, Silver, Stuckenbruck, Transue, Webber, Whitney, Wilson, Wyllie, Young, and Mr Speaker—44.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SPEAKER IN THE CHAIR.

At twelve o'clock and twenty minutes P. M., Speaker Stanton in the chair.

Assembly Bill No. 664—An Act to add a new section to the Penal Code of the State of California, to be numbered 667, relating to punishment for second offenses.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 664 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Cronin, Cullen, Dean, Flavelle, Fleisher, Flint, Greer, Hammon, Hanlon, Hawk, Hinkle, Holmquist, Hopkins, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Kehoe, Leeds, Lightner, Maher, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, Polsley, Preston, Pugh, Schmitt, Silver, Stuckenbruck, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1099—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as Section 1191*a*, relating to liens upon real estate, where reputed owner, after notice from health officer or governing board of any city, town or sanitary district, refuses, neglects or fails to connect dwelling house and plumbing with sewer, and work and materials furnished to be held to have been done at the instance of such owner, or person claiming any interest therein.

Bill read third time.

The question being on the passage of the bill.

The roll was called and Assembly Bill No. 1099 passed by the following vote.

AYES—Messrs. Barndollar, Beardslee, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Cullen, Dean, Flavelle, Fleisher, Flint, Gibbons, Hammon, Hanlon, Hawk, Hayes, Hinkle, Holmquist, Hopkins, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Kehoe, Leeds, Lightner, Maher, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, Polsley, Preston, Pugh, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1104—An Act to add a new section to the Code of Civil Procedure of California, to be known as Section 1789*a*, relating to conveyances by guardians.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1104 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beban, Black, Bohnett, Callan, Cattell, Coghlan, Cogswell, Cullen, Dean, Flavelle, Flint, Gibbons, Greer, Hanlon, Hawk, Hayes, Hinkle, Holmquist, Hopkins, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Kehoe, Leeds, Lightner, Maher, McClellan, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, Polsley, Pugh, Schmitt, Silver, Stucken-

bruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—50

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

MOTION.

Mr. Coghlan moved that the Assembly adjourn until eleven o'clock A. M. of Monday, March 1, 1909.

Motion lost.

RECESS.

At twelve o'clock and thirty minutes P M., the Assembly was declared at recess until two o'clock P. M. of this day.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.

Speaker P A. Stanton in the chair.

LEAVES OF ABSENCE.

On motion, leave of absence for the day was granted to Messrs. Collum and Barndollar.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON REVENUE AND TAXATION

ASSEMBLY CHAMBER, SACRAMENTO, February 27 1909

MR. SPEAKER Your Committee on Revenue and Taxation, to whom was referred Senate Bill No. 647—An Act to amend sections three thousand six hundred ninety-two, three thousand eight hundred thirty-nine, three thousand eight hundred forty-three, three thousand eight hundred forty-five, and three thousand eight hundred fifty-four, of the Political Code, relating to the assessment, equalization, and collection of taxes of the State and counties—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended

MELROSE, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1909

MR SPEAKER Your Committee on Revenue and Taxation, to whom was referred Assembly Bill No 1279—An Act to amend section two of an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 20, 1905, and amended by Act approved March 19 1907—have had the same under consideration and respectfully report the same back, and recommend that it do pass.

MELROSE, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1909

MR SPEAKER Your Committee on Revenue and Taxation, to whom was referred Senate Constitutional Amendment No. 11—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, providing that a mortgage, deed of trust, contract, or other obligation by which a debt is secured when land is pledged as security for the payment thereof, together with the money represented by such debt, shall be exempt from taxation, and to that end amending section one, and repealing section four of article thirteen of the Constitution of the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

MELROSE, Chairman

ON COUNTIES AND COUNTY BOUNDARIES.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1909

MR SPEAKER: Your Committee on Counties and County Boundaries, to whom was referred Senate Bill No. 771—An Act to definitely establish, and permanently locate, the boundary line between the county of Lake and the county of Glenn, State of California—have had the same under consideration, and respectfully report the same back, with two amendments, and recommend that it do pass as amended.

JOHNSON OF SAN DIEGO, Chairman

ON STATE PRISONS AND REFORMATORY INSTITUTIONS

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1909.

MR SPEAKER: Your Committee on State Prisons and Reformatory Institutions, to whom was referred Assembly Bill No. 1208—An Act authorizing and directing the State Board of Prison Directors to make an investigation and report to the Governor of, and relating to, the cost, management and government of a reformatory institution in this State, and making an appropriation therefor.

Also Senate Bill No. 364—An Act to amend an Act entitled "An Act to establish a School of Industry, to provide for the maintenance and management of the same, and to make an appropriation therefor," approved March 11, 1889.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass and be re-referred to the Committee on Ways and Means.

HAMMON, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1909.

MR SPEAKER: Your Committee on State Prisons and Reformatory Institutions, to whom was referred Assembly Bill No. 663—An Act to add a new section to the Penal Code of the State of California, to be numbered 1192*a*, relating to the ascertainment of facts relating to the records of persons convicted of offenses punishable by imprisonment in the State prison—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

HAMMON, Chairman.

The above reported bills ordered on file for second reading.

Assembly Bill No. 1208 referred to Committee on Ways and Means.

Senate Bill No. 364 referred to Committee on Ways and Means.

SENATE BILLS—SECOND-READING FILE

Senate Bill No. 771—An Act to definitely establish, and permanently locate, the boundary line between the county of Lake and the county of Glenn, State of California.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1

On page 1, line 3, of the title of the printed bill, after the word "Glenn" strike out the comma, and insert in lieu thereof the following: "and a portion of the boundary line between the counties of Lake and Mendocino and the counties of Lake and Colusa,".

Amendment adopted.

AMENDMENT No. 2

Strike out all of Section 1, of the printed bill, and insert in lieu thereof the following:

SECTION 1. The northerly and easterly boundary of Lake County, between Mount Hull and the common section corner of Sections 16, 17, 20, and 21 in township twenty (20) north, range nine (9) west, M. D. B. and M., is hereby established and permanently located as follows: Beginning at the monument on top of Mount Hull, established by T. P. Smythe and R. P. Hammond and party on October 20, 1885, and approved by H. J. Willey, Surveyor General of the State of California, on December 23, 1885; thence due north to the half section line running east and west through section two (2), township nineteen (19) north, range ten (10) west, M. D. B. and M.; thence east along said half section line through sections two (2) and one (1) of said township, range, base and meridian, and then through section five (5) to the southeast corner of the northeast quarter of said section five (5), township nineteen (19) north, range nine (9) west, M. D. B. and M.; thence north along the line between and dividing sections four (4) and

five (5) of said township, range, base and meridian, and continuing north along the line between and dividing sections thirty-two (32) and thirty-three (33), and twenty-eight (28), to the common section corner of sections sixteen (16), seventeen (17), twenty (20), and twenty-one (21), township twenty (20) north, range nine (9) west.

SEC 2. The boundary line between the county of Lake and the county of Glenn is hereby established and permanently located as follows Beginning at a point established by section two of "An Act to definitely establish and permanently locate the eastern boundary line of Mendocino County, between Mount Hull and the southwest corner of Tehama County, and establish the western boundary of the county of Glenn, between Mendocino and Glenn counties" approved March 8, 1907. Said point being the corner of sections sixteen (16), and seventeen (17), twenty (20), and twenty-one (21), township twenty (20) north, range nine (9) west M D M, according to the United States survey, thence east between sections sixteen (16), twenty-one (21), fifteen (15), twenty-two (22), fourteen (14), twenty-three (23), thirteen (13), twenty-four (24), of township twenty (20) north, range nine (9) west, M D M, and sections eighteen (18), nineteen (19), seventeen (17), twenty (20), sixteen (16), twenty-one (21), fifteen (15), twenty-two (22), township twenty (20) north range eight (8) west, M. D. M., to corner of sections fourteen (14), fifteen (15), twenty-two (22), twenty-three (23), township twenty (20) north, range eight (8) west, M D. M; thence south between sections twenty-two (22), twenty-three (23), twenty-six (26), twenty-seven (27), thirty-four (34), thirty-five (35), township twenty (20) north, range eight (8) west, M. D M, and sections two (2), three (3), ten (10), eleven (11), fourteen (14), fifteen (15), twenty-two (22), twenty-three (23), twenty-six (26), twenty-seven (27), thirty-four (34), and twenty-seven (27), township eighteen (18) north, range eight (8) west, M D M said point being on boundary line between the county of Glenn and the and sections two (2), three (3), ten (10), eleven (11), fourteen (14), fifteen (15), twenty-two (22), twenty-three (23), twenty-six (26), twenty-seven (27), to one-quarter (¼), section corner on section line dividing sections twenty-six (26), and twenty-seven (27), township eighteen (18) north, range eight (8) west M D M said point being on boundary line between the county of Glenn and the county of Colusa as established by "An Act to change and permanently locate the boundary line between the counties of Glenn and Colusa," approved March 11, 1893

SEC 3. The boundary line between Lake County and Colusa County between the northwest corner of Colusa County and the southeast corner of the northeast one quarter (¼) of section twenty-seven (27), township eighteen (18) north, range eight (8) west, M. D B and M, is hereby established and permanently located as follows beginning at the southeast corner of the northeast one quarter (¼) of section twenty-seven (27), township eighteen (18) north, range eight (8) west, M D. B. and M, running thence westerly along the half section line and one and one-half (1½) miles north of the line dividing townships seventeen (17), and eighteen (18) of Mount Diablo Base and Meridian, said one half (½) section line being the northern boundary of Colusa County as fixed by "An Act to change and permanently locate the boundary line between the counties of Glenn and Colusa, approved March 11, 1893," to the northwest corner of the southwest one quarter (¼) of section thirty (30), township eighteen (18) north, range eight (8) west, M D B and M

SEC. 4 This Act shall take effect immediately upon its passage

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading

THIRD-READING FILE—(RESUMED).

Assembly Bill No 785—An Act amending an Act to provide for the transfer to the State of California by owners of patented lands therein of the right to preserve and protect wild game on such patented lands; to define the duties of the State Board of Fish Commissioners in relation to the control of such rights, and to declare the hunting of wild game within the exterior boundaries of the land to which such right attaches a misdemeanor, approved March 21, 1907.

During third reading of bill, Mr. Melrose moved that the Speaker appoint a select committee of one to amend the bill, as follows:

AMENDMENT No. 1.

After the word "which", on line 8 of the title, in the printed bill, insert the word "such".

AMENDMENT No. 2.

Strike out from the title the words in parentheses, to wit: "be and the same is hereby amended to read as follows"

AMENDMENT No 3.

Immediately after the enacting clause, on page 1, insert the following:

SECTION 1. An Act to provide for the transfer to the State of California by owners of patented lands therein of the right to preserve and protect wild game on such patented lands, to define the duties of the State Board of Fish Commissioners in relation to the control of such rights, and to declare the hunting of wild game within the exterior boundaries of the land to which such right attaches a misdemeanor, approved March 21, 1907, is hereby amended to read as follows

AMENDMENT No. 4.

On line 9, of Section 1, page 2, of the printed bill, strike out the words "may in its discretion", and insert in lieu thereof the word "shall".

AMENDMENT No 5

On line 10, of Section 1, page 2, of the printed bill, strike out the word "shall", and insert in lieu thereof the words "may in its discretion".

Motion carried.

The Speaker appointed Mr. Melrose as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1909.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No 785, with instructions, do now report that the instructions of the Assembly have been carried out.

MELROSE, Select Committee.

Report of select committee, and amendments, adopted.

Bill ordered to reprint, reengrossment, and on file for passage.

Assembly Bill No. 1105—An Act to add a new section to the Code of Civil Procedure of California, to be known as Section 1810*a*, relating to conveyances by guardians

Bill read third time.

The questions being on the passage of the bill.

The roll was called, and Assembly Bill No. 1105 passed by the following vote:

AYES—Messrs Baxter, Beban Bohnett, Callan, Cattell, Cogswell, Collier, Cronin, Cullen, Dean, Fleisher, Flint, Hammon, Hanlon, Hawk, Hayes, Hinkle, Holmquist, Hopkins, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Juilliard, Kehoe, Maher, Melrose, Mendenhall, Moore Nelson, Odom, Otis, Polsley, Preston, Pugh, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Wilson, Young, and Mr. Speaker—42.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate

Assembly Bill No. 1120—An Act to amend Section 198 of the Civil Code, relating to the care, custody, education and control of minors.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1120 passed by the following vote:

AYES—Messrs Baxter, Beban, Bohnett, Callan, Cattell, Cogswell, Collier, Cronin, Cullen, Fleisher, Flint, Hammon, Hanlon, Hawk, Hayes, Hinkle, Holmquist, Hopkins, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Juilliard, Kehoe, Maher, McClellan, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, Polsley, Preston, Pugh, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Wilson, Young, and Mr Speaker—42.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

HON. LOUIS W. JUILLIARD IN THE CHAIR.

At two o'clock and twenty minutes P. M., Hon. Louis W. Juilliard in the chair.

Assembly Bill No. 27—An Act to provide for the employment of a clerk by certain justices of the peace, and to pay the salary of such clerk.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 27 passed by the following vote:

AYES—Messrs. Baxter, Beban, Bohnett, Callan, Cattell, Coghlan, Cogswell, Collier, Cronin, Cullen, Dean, Fleisher, Flint, Gibbons, Hammon, Hanlon, Hawk, Hayes, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Juilliard, Kehoe, Maher, McClellan, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, Polsley, Preston, Pugh, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Wilson, and Young—43.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 974—An Act providing for the dissemination of knowledge among the people of California as to the best means of preventing the spread of tuberculosis, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No 974 passed by the following vote:

AYES—Messrs Baxter, Beban, Bohnett, Callan, Cattell, Coghlan, Cogswell, Collier, Cronin, Cullen, Dean, Fleisher, Flint, Gibbons, Hammon, Hanlon, Hawk, Hayes, Hinkle, Holmquist, Hopkins, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Juilliard, Kehoe, McClellan, Melrose, Mendenhall, Moore, Odom, Otis, Polsley, Preston, Pugh, Stuckenbruck, Telfer, Transue, Webber, Whitney, Wilson, Young, and Mr. Speaker—43.

NOES—None.

Title read and approved

Bill ordered transmitted to the Senate.

SENATE BILLS—SECOND READING FILE—(RESUMED).

Senate Bill No. 296—An Act to amend section one thousand one hundred and ninety-five of the Political Code, relating to constitutional amendments and providing for the publication and distribution of a pamphlet showing a comparative statement of the operation of the present section or article of the Constitution and of the result to be effected by the proposed amendment.

Bill read second time, and ordered on file for third reading.

THIRD-READING FILE—(RESUMED).

Assembly Bill No. 411—An Act to add a new section to the Political Code, to be known and numbered as Section 4248*a*, relating to the restoration of certificates of birth, marriage licenses, marriage certificates, or certificates of death, or the records thereof, which may have been lost, injured, mutilated, or destroyed by conflagation, or other public calamity, or for the establishment or proof of births, marriages, or deaths, occurring at periods when there existed no statutes in this State for the registration of the same.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 411 passed by the following vote:

AYES—Messrs. Baxter, Beban, Bohnett, Callan, Cattell, Coghlan, Cogswell, Collier, Cronin, Cullen, Dean, Fleisher, Flint, Gibbons, Hammon, Hanlon, Hayes, Hinkle, Holmquist, Hopkins, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Juilliard, Kehoe, Maher, McClellan, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, Polsley, Preston, Pugh, Stuckenbruck, Telfer, Transue Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—46

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1003—An Act to amend Section 607*c* of the Civil Code of the State of California, relative to fines, penalties, and forfeitures imposed and collected under the provisions of any law of this State, relating to or affecting children or animals, and also relative to the compensation of societies incorporated and organized for the prevention of cruelty to animals.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1003 passed by the following vote:

AYES—Messrs Baxter, Beban, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Cronin, Cullen, Dean, Fleisher, Flint, Gibbons, Hammon, Hanlon, Hawk, Hayes, Hinkle, Holmquist, Hopkins, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Juilliard, Kehoe, Maher, McClellan, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, Polsley, Preston, Pugh, Stuckenbruck, Telfer, Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—47

NOES—None.

Title read and approved

Bill ordered transmitted to the Senate.

Assembly Bill No. 29—An Act to amend Sections 3, 6, 9, 10, 11, 12, 14, 15, 16, and 20 of an Act entitled "An Act for the prevention of the manufacture, sale, or transportation of adulterated, mislabeled, or misbranded drugs, regulating the traffic in drugs, and providing penalties for violation thereof," approved March 11, 1907.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 29 passed by the following vote:

AYES—Messrs. Baxter, Beban, Bohnett, Callan, Cattell, Cogswell, Collier, Cronin, Cullen, Dean, Fleisher, Flint, Gibbons, Hammon, Hanlon, Hawk, Hayes, Hinkle, Holmquist, Hopkins, Johnson of Sacramento, Johnson of San Diego, Juilliard, Kehoe, Maher, McClellan, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, Polsley, Preston, Pugh, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—45.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1123—An Act to amend Section 417 of the Political Code of the State of California, relating to the salary of the Secretary of State.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No 1123 passed by the following vote:

AYES—Messrs. Baxter, Beban, Bohnett, Callan, Cattell, Coghlan, Cogswell, Collier, Cronin, Cullen, Dean, Fleisher, Flint, Gibbons, Greer, Hammon, Hanlon, Hawk, Hayes,

Hinkle, Holmquist, Hopkins, Johnson of Sacramento, Johnson of San Diego, Juilliard, Kehoe, Maher, McClellan, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, Polsley, Preston, Pugh, Struckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 947—An Act to provide for the increase of the amount of capital stock and shares in corporations organized for the purpose of supplying or delivering water to their own stockholders.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 947 passed by the following vote:

AYES—Messrs. Baxter, Beban, Bohnett, Callan, Cattell, Cogswell, Collier, Cronin, Cullen, Dean, Fleisher, Flint, Gibbons, Greer, Hammon, Hanlon, Hayes, Hinkle, Holmquist, Hopkins, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Juilliard, Kehoe, Maher, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, Polsley, Preston, Pugh, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr Speaker—45.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No 977—An Act to add a new section to Title Sixteen of Part Four of Division First of the Civil Code, to be numbered six hundred and forty-eight *a*, relating to the formation of building and loan associations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 977 passed by the following vote:

AYES—Messrs. Baxter, Beban, Bohnett, Callan, Cattell, Coghlan, Collier, Cronin, Cullen, Dean, Fleisher, Flint, Gibbons, Greer, Hammon, Hanlon, Hawk, Hayes, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Juilliard, Kehoe, Maher, McClellan, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, Polsley, Pugh, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, and Young—44.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 978—An Act to amend section six hundred and forty-eight of the Civil Code, relating to building and loan associations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 978 passed by the following vote:

AYES—Messrs Baxter, Beban, Bohnett, Callan, Cattell, Coghlan, Collier, Cronin, Dean, Fleisher, Flint, Gibbons, Greer, Hammon, Hanlon, Hawk, Hayes, Hinkle, Holmquist, Hopkins, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Juilliard, Kehoe, Maher, McClellan, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, Polsley, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, and Young—43.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

NOTICE OF MOTION TO RECONSIDER.

Mr. Hammon gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 1003 was this day passed.

RESOLUTION.

The following resolution was offered:

By Mr. Callan:

WHEREAS, It has just come to our knowledge that the brother of our most esteemed and faithful colleague, Harry Baindollar, has been removed from the walks of life by the hand of Providence;

Resolved, That we do hereby express our sincere and heartfelt sympathy to our fellow member in this, his dark hour of bereavement, and be it further

Resolved, That a copy of this resolution be sent to our bereaved brother, and that the same be printed in the Journal.

Resolution read, and unanimously adopted by a rising vote.

THIRD-READING FILE—(RESUMED).

Assembly Bill No. 1211—An Act to provide for changing or modifying the grade of public streets, lanes, alleys, courts, or other places, within municipalities.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1211 passed by the following vote:

AYES—Messrs. Baxter, Beban, Bohnett, Callan, Cattell, Cogswell, Collier, Cronin, Dean, Fleisher, Flint, Greer, Hammon, Hanlon, Hawk, Hayes, Hinkle, Holmquist, Hopkins, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Juilliard, Kehoe, Lightner, Maher, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, Polsley, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Wyllie, Young, and Mr. Speaker—42.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1164—An Act to amend an Act approved March 6, 1889, entitled "An Act to provide for laying out, opening, widening, extending, straightening, or closing up in whole or in part of any street, square, lane, alley, court, or place within the bounds of such city, and to condemn and acquire any and all land and property necessary or convenient for that purpose."

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1164 passed by the following vote:

AYES—Messrs. Baxter, Beban, Bohnett, Callan, Cattell, Coghlan, Cogswell, Collier, Cronin, Dean, Fleisher, Flint, Greer, Hammon, Hanlon, Hawk, Hayes, Hinkle, Holmquist, Hopkins, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Juilliard, Kehoe, Lightner, Maher, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, Polsley, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Young, and Mr. Speaker—42.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1210—An Act to amend Section 2 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places,

and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, relating to street improvements.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1210 passed by the following vote:

AYES—Messrs. Baxter, Beban, Bohnett, Callan, Cattell, Coghlan, Cogswell, Collier, Cronin, Dean, Fleisher, Flint, Hammon, Hanlon, Hawk, Hayes, Hinkle, Holmquist, Hopkins, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Juilliard, Kehoe, Lightner, Maher, McClellan, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, Polsley, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Young, and Mr. Speaker—42.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1083—An Act to add a new section to the Political Code of the State of California, to be known as section four thousand two hundred and sixty-five *a*, relating to the compensation of the county officers of the thirty-sixth and one-half class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1083 passed by the following vote:

AYES—Messrs. Baxter, Beban, Bohnett, Callan, Cattell, Coghlan, Cogswell, Collier, Cronin, Dean, Fleisher, Flint, Greer, Hanlon, Hawk, Hayes, Hinkle, Holmquist, Hopkins, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Juilliard, Kehoe, Lightner, Maher, McClellan, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, Polsley, Pugh, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Young, and Mr. Speaker—43

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1025—An Act to amend Section 4261 of the Political Code, relating to salaries and fees of officers in counties of the thirty-second class.

During third reading of bill, Mr. Holmquist moved that the Speaker appoint a select committee of one to amend the bill, as follows:

AMENDMENT No 1.

On page 1, Section 1, of the printed bill, strike out all of lines 12, 13, 14, 15, 16, and 17, and insert in lieu thereof the following: "this class the county clerk may appoint one deputy, which office is hereby created, who shall receive a salary of fifteen hundred dollars per annum The deputy herein provided for shall be paid at the same time and in the same manner and out of the same fund as the county clerk is paid."

AMENDMENT No. 2.

On page 2, Section 1, of printed bill, strike out all of lines 18, 19, and 20.

AMENDMENT No 3.

On page 2, Section 1, of printed bill, strike out all of lines 22, 23, 24, 25 and 26, and insert in lieu thereof the following: "necessarily traveled in going only".

AMENDMENT No 4.

On page 2, Section 1, of printed bill, strike out all of lines 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36, and insert in lieu thereof the following:

"3 The recorder, three thousand and five hundred dollars per annum, and said recorder may appoint two deputy recorders, which offices are hereby created, who shall receive a salary of one thousand dollars each per annum The deputies herein provided for shall be paid at the same time and in the same manner and out of the same fund as the recorder is paid."

AMENDMENT No. 5.

On page 2, Section 1, line 36c, of printed bill, strike out the word "nine", and insert in lieu thereof the word "six"

AMENDMENT No 6.

On page 2, Section 1, of printed bill, strike out all of lines 37*a*, 37*b*, 37*c*, 37*d*, and 37*e*, and insert in lieu thereof the word "annum".

AMENDMENT No 7.

On page 2, Section 1, of printed bill, strike out all of lines 37*f*, 38, 38*a*, 38*b*, 38*c*, and 38*d*, and insert in lieu thereof the following:
"6. The tax collector, two thousand dollars per annum"

AMENDMENT No. 8

On page 3, Section 1, of printed bill, strike out all of lines 38*e*, 39, 40, 41, 42, and 43, and insert in lieu thereof the following:
"7 The assessor, four thousand dollars per annum"

Motion carried.

The Speaker appointed Mr. Holmquist as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1909

MR SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 1025, with instructions, do now report that the instructions of the Assembly have been carried out.

HOLMQUIST, Select Committee.

Report of select committee, and amendments, adopted.

Bill ordered to reprint, reengrossment, and on file for passage.

Assembly Bill No. 1142—An Act to amend Section 4246 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the seventeenth class.

During third reading of bill, Mr. Fleisher moved that the Speaker appoint a select committee of one to amend the bill, as follows:

Strike out of Section 7, on page 2, line 49, beginning with the word "for", down to and including the word "year", on line 50, and insert in lieu thereof the following. "one for a period of six months during each fiscal year, and one for a period of four months during each fiscal year."

Motion carried.

The Speaker appointed Mr. Fleisher as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1909

MR SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 1142, with instructions, do now report that the instructions of the Assembly have been carried out.

FLEISHER, Select Committee.

Report of select committee, and amendment, adopted.

Bill ordered to reprint, reengrossment, and on file for passage.

Assembly Bill No. 1084—An Act to amend section four thousand and five of the Political Code of the State of California, relating to the population of counties.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1084 passed by the following vote:

AYES—Messrs. Baxter, Beban, Bohnett, Callan, Cattell, Coghlan, Cogswell, Collier, Cronin, Cullen, Dean, Fleisher, Flint, Greer, Hammon, Hanlon, Hawk, Hayes, Hinkle, Holmquist, Hopkins, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Juilliard, Kehoe, Maher, McClellan, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, Polsley, Pugh, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Young, and Mr. Speaker—44.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1085—An Act to amend section four thousand and six of the Political Code of the State of California, relating to the classification of counties, and creating a new class to be known as the thirty-sixth and one-half class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1085 passed by the following vote:

AYES—Messrs. Baxter, Beban, Bohnett, Callan, Cattell, Coghlan, Cogswell, Collier, Cronin, Dean, Fleisher, Flint, Greer, Hammon, Hanlon, Hawk, Hayes, Hinkle, Holmquist, Hopkins, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Juilliard, Kehoe, Lightner, Maher, McClellan, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, Polsley, Pugh, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Young, and Mr. Speaker—44.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1082—An Act to amend section four thousand and seven of the Political Code of the State of California, relating to the classification of counties.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1082 passed by the following vote:

AYES—Messrs. Baxter, Beban, Bohnett, Callan, Cattell, Coghlan, Cogswell, Collier, Cronin, Dean, Fleisher, Flint, Greer, Hammon, Hanlon, Hawk, Hayes, Hinkle, Holmquist, Hopkins, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Juilliard, Kehoe, Lightner, Maher, McClellan, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, Polsley, Pugh, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Young, and Mr. Speaker—44.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1043—An Act to add to the Penal Code of the State of California a new section, to be numbered 587*a*, prohibiting unauthorized persons from manipulating, tampering, or interfering with railroad appliances, and prescribing punishment for violation of such prohibition.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1043 passed by the following vote:

AYES—Messrs. Baxter, Beban, Bohnett, Callan, Cattell, Coghlan, Cogswell, Collier, Cronin, Cullen, Dean, Fleisher, Flint, Greer, Hammon, Hanlon, Hawk, Hayes, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa

Juilliard, Kehoe, Lightner, Maher, McClellan, Melrose, Mendenhall, Moore, Otis, Polsley, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Young, and Mr. Speaker—41.

NOES—Messrs. Hopkins, Nelson, Odom, and O'Neill—4.

Bill read and approved.

Bill ordered transmitted to the Senate.

POINT OF ORDER.

Mr. Baxter rose to the following point of order:

That the Assembly had voted not to consider any bills in the absence of their authors.

POINT OF ORDER NOT WELL TAKEN.

The Speaker ruled the point of order not well taken, inasmuch as there was no objection raised to the consideration of Assembly Bill No. 1043 prior to roll call.

Assembly Bill No. 179—An Act to provide for the appointment of a bake shop inspector and four deputies; to provide for their compensation and to define their powers and duties relating to the inspection of bake shops and bakeries.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 179 passed by the following vote:

AYES—Messrs Beban, Bohnett, Callan, Cattell, Coghlan, Cogswell, Collier, Cronin, Cullen, Dean, Fleisher, Flint, Gibbons, Hammon, Hanlon, Hawk, Hayes, Hinkle, Holmquist, Hopkins, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Juilliard, Kehoe, Maher, McClellan, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, Polsley, Pugh, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Young, and Mr. Speaker—43

NOES—None.

TITLE AMENDED.

Mr. Transue offered the following amendment to the title:

On line 3, of title, strike out the word "four."

Amendment adopted.

Title, as amended, read and approved.

Bill ordered to reprint, and transmitted to the Senate.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1909.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Assembly Bill No. 661—An Act to amend section seven hundred and seventeen of the Civil Code of the State of California, relating to the time that agricultural lands may be leased for agricultural or horticultural purposes

Assembly Bill No 101—An Act making an appropriation of three thousand four hundred and eighty dollars ($3,480.00), to be applied to the cost of grading, paving, guttering, curbing and sidewalking Grand avenue in the city of Los Angeles, along the easterly boundary of the grounds of the State Normal School at Los Angeles, and defining the duties of the Controller and Treasurer in reference thereto.

YOUNG, Chairman.

The above reported bills ordered on file for third reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1909.

MR SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled:

Assembly Bill No. 831—An Act making an appropriation to pay for the rental and janitor service of quarters for the Second District Court of Appeal

Assembly Bill No. 657—An Act to provide for the transfer from the general fund of the State treasury to the San Francisco harbor improvement fund of the sum of twenty-two thousand nine hundred and thirty-seven dollars and forty-five cents, to reimburse said San Francisco harbor improvement fund for the costs of publishing the "Second San Francisco Seawall Act", and the "India Basin Act", and directing the State Controller and State Treasurer to make such transfer.

Assembly Bill No. 626—An Act to provide for the improvement of the cereal crops of California, and appropriate money therefor

Assembly Bill No. 296—An Act to amend Section 4250 of the Political Code of the State of California, relating to the compensation and expenses of officers in counties of the twenty-first class.

Assembly Bill No 184—An Act to amend an Act entitled "An Act to provide for the establishment and quieting of title to real property in case of the loss or destruction of public records," approved June 16, 1906

Assembly Bill No. 123—An Act to amend the Penal Code of California, by adding a new section thereto, to be numbered two hundred and seventy c, relating to the support of indigent parents.

Assembly Bill No. 56—An Act appropriating one thousand dollars for the purchase of books and periodicals for the Whittier State School.

Assembly Bill No. 11—An Act providing for the registration of the purchasers of pistols, and providing for the punishment of dealers neglecting to register such purchasers.

And were presented to the Governor, at twelve o'clock M.

YOUNG, Chairman.

ON LIVE STOCK, DAIRIES, AND DAIRY PRODUCTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1909.

MR. SPEAKER. Your Committee on Live Stock, Dairies, and Dairy Products, to whom was referred Assembly Bill No. 703—An Act to amend Sections 3 and 8 of an Act entitled "An Act to insure the better education of practitioners of veterinary medicine in the State of California; to provide for the creation of a board of five members, who shall act under and in accordance with the provisions of this Act; to provide for their appointment, and define their powers, duties, and compensation, to define offenses committed by acts done contrary to the provisions of this Act, and providing penalties for the violation thereof; providing for the revocation or suspension, in certain cases, of licenses issued hereunder, and to repeal an Act entitled 'An Act to regulate the practice of veterinary medicine and surgery in the State of California,' approved March 30, 1903, and all other laws in conflict herewith," approved March 23, 1907—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

McCLELLAN, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1909

MR. SPEAKER: Your Committee on Live Stock, Dairies, and Dairy Products, to whom was referred Assembly Bill No 1316—An Act to amend Sections 2 and 3 of an Act entitled "An Act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs and expenses incurred by reason of taking them up, and repealing all other Acts, or parts of Acts now in force, relating to estrays," approved March 23, 1901—do hereby return the same, and request it be re-referred to Committee on Revision and Reform of Laws.

McCLELLAN, Chairman.

Assembly Bills Nos. 703 and 1316 ordered on file for second reading.

SPEAKER IN THE CHAIR.

At three o'clock and forty minutes P. M., Speaker Stanton in the chair.

SECOND-READING FILE.

Assembly Bill No. 811—An Act to amend sections four hundred and thirty-nine and four hundred and forty of the Political Code, relating to the employees in the Controller's office and the salaries paid to such employees.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Assembly Bill No. 811 considered.

During the second reading of the bill the following amendments were submitted by the committee:

AMENDMENT No. 1

In Section 1, line 4, of the printed bill, strike out the following. "one inheritance tax deputy."

Amendment adopted.

AMENDMENT No. 2.

In Section 2, line 5, of the printed bill, strike out the following: "Of the inheritance tax deputy twenty-four hundred dollars;".

Amendment adopted.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill as amended.

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 811, and do now report the same back, and recommend that it do pass as amended.

STANTON, Chairman.

Bill read second time, and ordered to reprint, and engrossment.

Assembly Bill No. 1216—An Act to amend section one thousand six hundred and ninety-nine of the Code of Civil Procedure, relating to settlement of accounts of trustees after distribution of estates and compensation of trustees.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 804—An Act to restrict the herding of sheep.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Section 1, line 2, strike out the word "sheep", and insert in lieu thereof the words "live stock".

Amendment adopted.

AMENDMENT No 2

Section 1, line 2, after the word "herd", insert "or pasture".

Amendment adopted.

AMENDMENT No 3.

Section 1, line 3, after the word "herded" insert "or pastured."

Amendment adopted.

AMENDMENT No. 4.

Section 1, line 5, strike out the word "sheep", and insert in lieu thereof the words "live stock".

Amendment adopted.

AMENDMENT No. 5

Section 2, line 2, strike out the word "sheep", and insert in lieu thereof the words "live stock"

Amendment adopted.

AMENDMENT No. 6.

Section 2, line 5, strike out the word "sheep", and insert in lieu thereof the words "live stock."

Amendment adopted.

AMENDMENT No 7.

Section 2, line 7, strike out the word "double."

Amendment adopted.

AMENDMENT No. 8.

Section 3, line 2, strike out the word "sheep", and insert in lieu thereof the words "live stock."

Amendment adopted.

AMENDMENT No. 9.

Section 3, line 4, strike out the word "sheep", and insert in lieu thereof the words "live stock."

Amendment adopted.

AMENDMENT No. 10.

Section 4, line 2, after the word "herding" insert "or pasturing."

Amendment adopted.

AMENDMENT No. 11.

Section 4, line 2, strike out the word "sheep", and insert in lieu thereof the words "live stock."

Amendment adopted.

TITLE AMENDED.

Mr. Dean offered the following amendment to the title:

Strike out the word "sheep," at the end of line 1, and insert in lieu thereof the words "live stock".

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 1424—An Act to aid in the carrying out of the provisions of an Act entitled "An Act to provide for the gathering, compiling, printing, and distribution of statistics and information regarding the Japanese of the State, and making an appropriation therefor," making it the duty of certain officers to keep certain records and furnish such statistics and information.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 565—An Act to provide for the construction of a section of a seawall on the bay of San Diego, reclaiming tide lands, and making an appropriation therefor.

Bill read second time, and referred to Committee on Ways and Means.

Assembly Bill No. 1237—An Act to amend Section 4244 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the fifteenth class, and their deputies.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

After the word "deputy", on line 10, of the printed bill, insert the words "which office is hereby created".

Amendment adopted.

AMENDMENT No 2.

After the word "county", on line 19, of the printed bill, strike out the period and insert a semicolon, and add the following: "*provided*, that in counties of this class there shall be and hereby is allowed to the sheriff one deputy, which office is hereby created, who shall be jailer, at a salary of one thousand dollars per year, and who shall be appointed by the sheriff The salary of said deputy herein provided for shall be paid by said county in equal monthly installments at the same time and in the same manner and out of the same fund as the salary of the sheriff is paid."

Amendment adopted.

AMENDMENT No. 3.

Strike out the word "whim", on line 31 of the printed bill, and insert in lieu thereof the word "whom"

Amendment adopted.

AMENDMENT No 4

After the word "deputy", on line 38 of the printed bill, insert the words "which office is hereby created".

Amendment adopted.

AMENDMENT No 5.

Strike out all of lines 60 to 73, inclusive, of the printed bill, and insert in lieu thereof the following:

"7. The assessor, thirty-five hundred dollars per annum; *provided*, that in counties of this class there shall be eight field deputy assessors, who shall be appointed by the assessor of said county. One of said deputy assessors shall hold office for twelve months of each year, at a salary of one hundred dollars per month, whose duty shall be to keep an account of all transfers of property in said county during the year, and to assist in the assessment of property, and seven of said field deputy assessors shall hold office from twelve o'clock meridian from the first Monday of March of each year up to twelve o'clock meridian of the first Monday of July of each year. The salaries of each of said seven field deputy assessors herein provided for is fixed at the sum of one hundred and thirty dollars per month, to include horse hire and traveling expenses for each month during which they hold office, as herein provided All of which said field deputy assessors' salaries shall be paid by said county at the same time, and in the same manner, and out of the same fund, as the salary of the assessor; *provided*, that all commissions shall be paid into the county treasury"

Amendment adopted.

AMENDMENT No 6.

After the word "deputy", on line 76, of the printed bill, insert the words 'which office is hereby created".

Amendment adopted.

AMENDMENT No 7

After the word "deputy", on line 90, of the printed bill, insert the words "which office is hereby created".

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 1069—An Act to amend Section 4231 of the Political Code of the State of California, relating to salaries of officers of counties of the second class, their deputies and assistants.

During second reading of bill, the following substitute was submitted by the committee:

An Act to amend Section 4231 of the Political Code of the State of California, relating to compensation of officers of counties of the second class, their clerks, deputies, and assistants.

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

SECTION 1. Section 4231 of the Political Code is hereby amended to read as follows:

Section 4231 In counties of the second class the county and township officers shall receive as compensation for the services required of them by law or by virtue of their office the following salaries, to wit

1. The county clerk, three thousand six hundred dollars per annum, *provided*, that in counties of this class there shall be and there hereby is allowed to the

county clerk the following clerks, deputies and employees who shall be appointed by the county clerk, and shall be paid salaries as follows: One chief deputy at a salary of one hundred and seventy-five dollars per month; one deputy who shall be cashier and bookkeeper, at a salary of one hundred and fifty dollars per month; one deputy who shall be in charge of the probate department at a salary of one hundred and fifty dollars per month; one deputy who shall be in charge of the registration department at a salary of one hundred and fifty dollars per month; one deputy who shall be an assistant to the registration clerk at a salary of one hundred and thirty-five dollars per month; one deputy who shall be an assistant to the registration clerk at a salary of one hundred and twenty-five dollars per month; one deputy who shall be an assistant to the registration clerk at a salary of one hundred and ten dollars per month; one deputy, who shall be clerk of the board of supervisors, at a salary of one hundred and fifty dollars per month; twelve deputies who shall be court room clerks, at salaries of one hundred and twenty-five dollars each per month; one deputy who shall be judgment clerk at a salary of one hundred and twenty-five dollars per month; one deputy who shall be an assistant judgment clerk at a salary of one hundred and ten dollars per month; one deputy who shall be a file clerk at a salary of one hundred and ten dollars per month; one deputy who shall be an index clerk at a salary of one hundred and ten dollars per month; one deputy who shall be in charge of the criminal records, at a salary of one hundred and ten dollars per month; two deputies who shall be recording clerks for probate orders at a salary of one hundred and fifteen dollars each per month: one deputy who shall be an assistant clerk of the board of supervisors at a salary of one hundred and ten dollars per month; one deputy who shall be a stenographer at a salary of one hundred and ten dollars per month; one deputy who shall be a stenographer for the board of supervisors at a salary of one hundred dollars per month: one deputy who shall be a miscellaneous department clerk at a salary of one hundred and twenty-five dollars per month; six deputies at a salary of one hundred dollars each per month; one messenger and telephone boy at a salary of sixty dollars per month; one deputy at a salary of twenty-five dollars per month; twelve deputies for a period not to exceed one month in any one year at a salary of eighty dollars per month each; *provided further*, that in such years as the compilation of the great register of voters is required by law to be made, the county clerk in counties of this class shall be and he is hereby allowed one hundred and fifty deputies for a period not to exceed one month each in any such year, at a salary of ninety dollars per month each, and also for any such year one additional deputy in each voting precinct in the county for the purpose of registering electors in such precincts, who shall be paid five cents per name for each elector legally registered by them The salaries of the deputies, clerks and employees herein provided for shall be paid by said county in monthly installments, at the same time, and in the same manner and out of the same fund as the salary of the county clerk is paid

2 The sheriff, four thousand dollars per annum; *provided*, that in counties of this class there shall be, and there hereby is allowed to the sheriff an under sheriff and the following deputies, stenographers, and employees, who shall be appointed by the sheriff of said county, and shall be paid salaries as follows, to wit: One under sheriff, at a salary of two hundred dollars per month; one deputy, who shall be bookkeeper, at a salary of one hundred and fifty dollars per month; two deputies, who shall be assistant bookkeepers, at a salary of one hundred and ten dollars each per month; one deputy, who shall be the return clerk, at a salary of one hundred dollars per month; one deputy, who shall be foreclosure clerk, at a salary of one hundred dollars per month; three deputies at a salary of one hundred and thirty-five dollars each per month, one cook at the county jail, at a salary of seventy dollars per month; twenty-five deputies at a salary of one hundred dollars each per month; six deputies, who shall be turnkeys at the county jail, at a salary of ninety dollars each per month; one deputy, who shall be bookkeeper at the county jail, at a salary of one hundred dollars per month, one deputy, who shall be head jailer at the county jail, at a salary of one hundred and fifteen dollars per month; one matron of the county jail at a salary of seventy-five dollars per month, two stenographers at a salary of seventy-five dollars each per month, one deputy, who shall be a chauffeur and machinist at a salary of one hundred dollars per month The salaries of the under sheriff, matron, cook, and all deputies, stenographers, and chauffeur herein provided for shall be paid by said county in monthly installments at the same time, in the same manner, and out of the same fund that the salary of the sheriff is paid. The sheriff shall also receive the amount of money necessarily expended by him in serving all processes and notices, and the same shall be charged against the county and allowed as such by the board of supervisors, and paid as other county charges are paid. In case of sale of property on foreclosure of mortgage or on execution, the sheriff shall be entitled to receive all necessary expenses of keeping the property and of advertising the sale.

3 The recorder, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be, and there is hereby allowed the recorder the following deputies and copyists, who shall be appointed by the recorder of said county, and who shall be paid salaries as follows. One chief deputy, at a salary of one hundred and seventy-five dollars per month; one deputy at a salary of one hundred and

fifty dollars per month; two deputies at a salary of one hundred and thirty dollars each per month; seven deputies at a salary of one hundred and fifteen dollars each per month; one deputy at a salary of one hundred and ten dollars per month; one deputy at a salary of one hundred and five dollars per month; fifteen deputies at a salary of one hundred dollars each per month; three deputies at a salary of seventy-five dollars each per month; and as many copyists as may be required, who shall receive as compensation for their services the sum of seven cents per folio, for recording any instrument or notice, except maps or plats; for copies of any paper or record, seven cents per folio. The salaries and compensation of all deputies and copyists herein provided for shall be paid by the county in monthly installments, at the same time, in the same manner and out of the same fund as the salary of the county recorder is paid.

4. The auditor, three thousand six hundred dollars per annum; *provided*, that in counties of this class, there shall be and there hereby is allowed to the auditor the following deputies, clerks, and assistants, who shall be appointed by the auditor, and who shall be paid salaries as follows One chief deputy at a salary of one hundred and seventy-five dollars per month; one deputy who shall be in charge of the redemption department at a salary of one hundred and thirty-five dollars per month; one deputy in the redemption department at a salary of one hundred and thirty dollars per month; one deputy in the redemption department at a salary of one hundred and twenty-five dollars per month; one deputy in the redemption department at a salary of one hundred and twenty dollars per month; one deputy who shall be chief bookkeeper, at a salary of one hundred and fifty dollars per month; one deputy who shall be assistant bookkeeper at a salary of one hundred and thirty-five dollars per month; one deputy who shall be assistant bookkeeper at a salary of one hundred and twenty-five dollars per month; one deputy at a salary of one hundred and fifteen dollars per month; two deputies at a salary of one hundred dollars each per month; one hundred clerks at a salary of four dollars per day each for each day employed for a period not to exceed thirty days in any one year; and such additional clerks and assistants as the auditor may require, and whose compensation in the aggregate shall not exceed seventeen hundred and fifty dollars in any one year. The salaries of the deputies, clerks and assistants herein provided for shall be paid by said county in monthly installments, at the same time, in the same manner, and out of the same fund as the salary of the auditor is paid

5. The treasurer, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the treasurer the following deputies who shall be appointed by the treasurer, and who shall be paid salaries as follows. One chief deputy at a salary of one hundred and seventy-five dollars per month; one deputy who shall be cashier and bookkeeper at a salary of one hundred and fifty dollars per month; one deputy at a salary of one hundred and thirty-five dollars per month; one deputy at a salary of one hundred dollars per month The salaries of the deputies herein provided for shall be paid by said county in monthly installments, at the same time, in the same manner, and out of the same fund as the salary of the treasurer is paid

6. The tax collector, three thousand six hundred dollars per annum, which shall be in full compensation for all services rendered by him, *provided*, that in counties of this class there shall be and there hereby is allowed to the tax collector the following deputies, stenographers and clerks, who shall be appointed by the tax collector, and who shall be paid salaries as follows. One chief deputy at a salary of one hundred and seventy-five dollars per month; one deputy who shall be chief clerk, at a salary of one hundred and twenty-five dollars per month; two deputies, who shall be assistants to the chief clerk, at a salary of one hundred and ten dollars each per month, one deputy who shall be cashier, at a salary of one hundred and twenty-five dollars per month; one deputy who shall be assistant cashier, at a salary of one hundred and ten dollars per month, two deputies who shall be assistants to the cashier, at a salary of one hundred and ten dollars each per month, for a period not to exceed six months in any one year, one deputy who shall be correspondence clerk, at a salary of one hundred and twenty-five dollars per month, one deputy who shall be correspondence clerk, at a salary of one hundred and fifteen dollars per month, one deputy who shall be license clerk, at a salary of one hundred and ten dollars per month, two deputies who shall be checking clerks, at a salary of one hundred and fifteen dollars each per month; and one deputy who shall be register clerk, at a salary of one hundred and ten dollars per month; one deputy who shall be record clerk, at a salary of one hundred and ten dollars per month; two deputies who shall be license inspectors, at a salary of one hundred dollars each per month; one deputy who shall be chief report clerk, at a salary of one hundred and twenty-five dollars per month; six deputies who shall be report clerks, at a salary of one hundred and ten dollars each per month; one deputy who shall be bookkeeper, at a salary of one hundred and ten dollars per month; twelve deputies, at a salary of one hundred dollars each per month; two deputies who shall be sale and redemption clerks, at a salary of one hundred dollars each per month; one deputy who shall be map clerk, at a salary of one hundred and fifteen dollars per month; one deputy who shall be a stenographer at a salary of seventy-five dollars per month; sixty-five clerks for a period not to exceed six months during the year 1909, at a salary of four dollars per day each for each day employed; and for any year subsequent to

the year 1909, eighty-five clerks for a period not to exceed six months in any one year at a salary of four dollars each per day for each day employed; and also such additional assistants as the tax collector may require in preparing a property index; the compensation of such assistants, however, shall not exceed in the aggregate the sum of two thousand dollars during the year 1909, and like assistants in any year subsequent thereto for the revision and maintenance of such property index, whose compensation for any year after the year 1909 shall not exceed in the aggregate two thousand dollars for any such year. The tax collector shall also be allowed and there is hereby allowed a sum not to exceed four hundred dollars for the necessary traveling expenses of said license tax collector each year. The salaries of the deputies, clerks, assistants, and stenographers herein provided for shall be paid by said county in monthly installments, at the same time, in the same manner, and out of the same fund as the salary of the tax collector is paid

7. The district attorney, six thousand dollars per annum; *provided*, that in counties of this class, there shall be, and there is hereby allowed to the district attorney, the following deputies, employees, and assistants who shall be appointed by the district attorney of said county, and who shall be paid salaries as follows: One assistant district attorney at a salary of two hundred and seventy-five dollars per month one chief deputy at a salary of two hundred and fifty dollars per month, five deputies at a salary of two hundred and twenty-five dollars per month each; six deputies at a salary of two hundred dollars each per month; one clerk at a salary of one hundred and fifty dollars per month; two detectives at a salary of one hundred and thirty-five dollars each per month; two process servers at a salary of one hundred dollars each per month; one stenographer at a salary of one hundred and fifty dollars per month; three stenographers at a salary of one hundred dollars each per month; one messenger at a salary of sixty dollars per month: the auditor shall audit and allow, and the treasurer shall pay to the district attorney the sum of fifty dollars per month on the first of each month, which shall be for a secret service fund, to be used in detection and prevention of crime by the district attorney; *provided, however*, that nothing contained in this subdivision shall be construed as limiting the provisions of section four thousand three hundred and seven; *provided further*, that nothing herein contained shall be construed to prevent the board of supervisors of said counties of this class from employing special counsel, when, in the judgment of said board, the interests of said county require it. The salaries of the assistants, deputies, clerks, stenographers, special counsel, detectives and employees herein provided for, shall be paid by the county in monthly installments, at the same time, in the same manner, and out of the same fund as the salary of the district attorney is paid

8. The assessor, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and hereby is allowed to the assessor the following deputies, clerks, stenographers, and copyists, who shall be appointed by the assessor, and who shall be paid salaries as follows. One chief deputy at a salary of one hundred and seventy-five dollars per month; one head deputy, county department, at a salary of one hundred and twenty-five dollars per month; one head deputy, city department, at a salary of one hundred and twenty-five dollars per month, two improvement valuation deputies at a salary of one hundred and twenty dollars each per month; three real estate valuation deputies at a salary of one hundred and twenty dollars each per month; one deputy who shall be a cashier at a salary of one hundred and twenty dollars per month; one machinery valuation deputy at a salary of one hundred and twenty dollars per month; one tax sale and redemption deputy at a salary of one hundred and ten dollars per month; ten deputies at a salary of one hundred dollars each per month; four transfer deputies at a salary of one hundred dollars each per month; fifty field deputies for a period not exceeding four months in any one year at a salary of one hundred dollars each per month; forty field deputies for a period not exceeding three months in any one year at a salary of one hundred dollars each per month; twenty-five clerks for a period not exceeding four months in any one year at a salary of one hundred dollars each per month; nine field deputies for a period not exceeding four months in any one year, at a salary of one hundred dollars each per month, fifteen copyists at a salary of seventy-five dollars each per month; ten copyists for a period not exceeding four months in any one year at a salary of seventy-five dollars each per month; forty copyists for a period not exceeding four months in any one year at a salary of seventy-five dollars each per month; eight comparers, for a period not exceeding four months in any one year, at a salary of eighty dollars each per month, twelve comparers for a period not exceeding three months in any one year, at a salary of eighty dollars each per month, two deputies, who shall be photographers, at a salary of one hundred and twenty dollars each per month; two stenographers at a salary of seventy-five dollars each per month; there is also allowed not to exceed five hundred dollars for travelling expenses of the said assessor or his deputies for each year The salaries of the deputies, stenographers, clerks, and copyists herein provided for shall be paid by said county in monthly installments, at the same time, in the same manner, and out of the same fund as the salary of the county assessor is paid. *It is further provided*, that in counties of this class the assessor shall receive no commission for his collection of taxes on personal property, nor shall such assessor receive any compensation or commission for the collection of poll taxes or road poll taxes, nor shall the said assessor receive any compensation for making out the military roll of persons returned to him as subject to

military duty as provided by section one thousand nine hundred and one of the Political Code; *provided, however*, that fifteen per cent of all moneys collected by him for poll taxes, and road poll taxes shall be allowed to such counties on their settlement with the state, and be and remain the property of such counties

9. The coroner, three thousand dollars per annum and his actual necessary expenses in traveling outside of the county seat He shall hold inquests as prescribed by chapter two, title twelve, part two, of the Penal Code, except that he may in his discretion dispense with a jury The coroner or other officer holding an inquest upon the body of a deceased person may subpœna a physician or surgeon to inspect a body, or a chemist to make an analysis of the contents of the stomach or tissues of the body, or hold a post-mortem examination of the deceased, and give his professional opinion as to the cause of death The coroner in counties of this class shall be and he is hereby allowed the following assistants: One deputy at a salary of two hundred dollars per month; said deputy shall have the power and it shall be his duty when directed by the coroner, to hold inquests, and all power conferred by law upon the coroner may be exercised by said deputy; one stenographer at a salary of one hundred and fifty dollars per month. Said stenographer shall take down in shorthand the testimony of witnesses at inquests and shall transcribe the same into longhand and file a certified copy thereof with the county clerk; one clerk at a salary of one hundred and twenty-five dollars per month The salaries of the deputies, clerk and stenographer herein provided for shall be paid by the county, in the same manner, at the same time, and out of the same funds as the salary of the coroner is paid.

10. The public administrator, three thousand dollars per annum *provided*, that in counties of this class there shall be and there is hereby allowed to the public administrator one deputy at a salary of one hundred and fifty dollars per month The salary of said deputy shall be paid by the county in the same manner, at the same time, and out of the same fund as the salary of the public administrator is paid.

11. The superintendent of schools, three thousand six hundred dollars per annum, which shall be in full for all services, including attendance upon the board of education, also actual necessary traveling expenses not to exceed five dollars for every school district in the county; *provided*, that in counties of this class there shall be and there hereby is allowed the superintendent of schools the following assistants and deputies who shall be appointed by the superintendent of schools of said county, and who shall be paid salaries as follows: Two assistants at a salary of one hundred and seventy-five dollars each per month; two deputies at a salary of one hundred and twenty-five dollars each per month; two deputies at a salary of one hundred dollars each per month. The salaries of the assistants and deputies herein provided for shall be paid by the county at the same time, in the same manner, and out of the same fund as the salary of the superintendent of schools is paid.

12. The health officer, fifteen hundred dollars per annum, and special health officers when appointed as in this title provided, ten dollars each per day; *provided*, that not more than five hundred dollars per annum shall be paid or expended in any one year in payment of special health officers The salaries of the health officer and special health officers shall be paid by the county in the same manner and at the same time and out of the same fund as the salaries of county officers are paid.

12½. Each member of the county board of education, except the secretary thereof, five dollars for each session of the board attended, not exceeding a total of four hundred dollars to any member in any one year. In addition, each member shall be entitled to mileage at the rate of ten cents per mile, for one way only, while attending the regular sessions. Said compensation of the said members of the board of education shall be payable monthly and out of the same funds, and in the same manner as the salary of the county superintendent of schools is paid. Said compensation shall be in full payment for all services rendered.

13. The surveyor, three thousand six hundred dollars per annum, and in addition thereto all necessary expenses and transportation for work performed in the field, and all necessary expenses for searching records and compiling assessor's maps, *provided*, that in counties of this class there shall be and there hereby is allowed to the surveyor, one chief deputy who shall be a licensed engineer and fifteen deputies who shall be draughtsmen, and who shall be appointed by the surveyor of said county and shall be paid salaries as follows: One chief deputy at a salary of two hundred and fifty dollars per month, one deputy at a salary of one hundred and fifty dollars per month, seven deputies at a salary of one hundred and twenty-five dollars each per month, five deputies at a salary of one hundred dollars each per month; two deputies at a salary of ninety dollars each per month The salaries of said surveyor and said deputies and draughtsmen herein provided for shall be paid by said county in monthly installments at the same time, in the same manner and out of the same fund as the salary of the county surveyor is paid

14. Supervisors, two thousand four hundred dollars per annum together with mileage at the rate of ten cents per mile for each mile actually traveled by them in the discharge of their duties, either as road commissioners or supervisors, not exceeding in the aggregate seven hundred and fifty dollars each per annum. They shall also receive their necessary expenses when attending meetings of the State board of equalization *and provided further* that there shall and hereby is allowed

to the said board of supervisors the following clerks: One clerk who shall be auditor and accountant at a salary of one hundred and fifty dollars per month; one clerk who shall be in charge of miscellaneous records, equalization and election matters, at a salary of one hundred and twenty-five dollars per month, one clerk who shall be demand clerk at a salary of one hundred and fifteen dollars per month; one clerk who shall be stenographer and index clerk at a salary of one hundred dollars per month; one clerk, as emergency clerk, at a salary of one hundred dollars per month; one clerk who shall be superintendent of charities at a salary of one hundred and twenty-five dollars per month, one clerk at a salary of one hundred and ten dollars per month, and one clerk at a salary of one hundred dollars per month, each of whom shall be an assistant to the superintendent of charities; one clerk who shall be stenographer for the department of charities at a salary of eighty-five dollars per month thirty clerks for a period not exceeding thirty days in any one year at a salary of four dollars each for each day actually employed to assist said board while sitting as a board of equalization, and in addition to the clerks hereinbefore provided for, in years when a general election is held in the State, there shall be and hereby is allowed the said board of supervisors forty clerks for a period not to exceed twenty days in such years, at a compensation of four dollars each per day for each day actually employed, such clerks shall be appointed by the board of supervisors and shall be paid by said county in the same manner, at the same time, and out of the same fund as other clerks of the county offices are paid; *and still further provided*, that from and after the first Monday after the first day of January in the year one thousand nine hundred and thirteen, supervisors in counties now of this class shall receive as compensation for the services required of them by law a salary of three thousand dollars each per annum, together with mileage at the rate of ten cents per mile for each mile actually traveled by them in the discharge of their duties either as road commissioners or supervisors, not exceeding in the aggregate seven hundred and fifty dollars each per annum, and they shall also receive their necessary expenses when attending meetings of the state board of equalization The salaries of the deputies, clerks and employees herein provided for shall be paid by said county in monthly installments at the same time, in the same manner and out of the same fund as the county officers are paid

15. Justices of the peace, such fees as are now or may be hereafter allowed by law, *provided*, that no justice of the peace shall receive more than one thousand five hundred dollars per annum, which may be paid in monthly installments of not exceeding one hundred and twenty-five dollars per month, for all services rendered by him in criminal cases, or in actions or proceedings to which the people of the State of California are or may be parties, and no claim of any such justice of the peace in excess of said sum of one thousand five hundred dollars per annum, or the installments thereof as aforesaid, shall be allowed or paid, but all fines and fees collected by every such justice on the account aforesaid shall belong to and be the property of the county in which such justice exercises his jurisdiction. And each of such justices shall report, under oath, on the first Monday of each month, to the board of supervisors of such county, the amount of all fines and fees collected by him, on the account aforesaid, during the preceding month, and shall, on said date, deposit with the county treasurer, to the credit of the county, all such fines and fees as may be shown by said report to have been collected by him. He shall also transmit the treasurer's receipt for said payment, to said board, with the said report, *provided further* that the boards of supervisors of such counties in townships having a population of more than one hundred thousand, shall provide each such justice with an office and the necessary furniture and supplies for the justice's court and may in their discretion provide each such justice with the necessary law books, *and provided further*, that the boards of supervisors in such counties shall, in townships having a population of more than one hundred thousand, appoint a clerk for each justice therein which clerks shall each hold office for the term of two years from and after appointment, and shall receive a salary of one hundred each per month, payable in like manner, at like times and out of the same fund as county officers are paid by the county, said clerks shall each take and file an oath of office in like manner as county officers, and after being appointed and qualifying as herein before prescribed, shall have power to administer and certify oaths to affidavits, and all papers, documents, or instruments used in or in connection with the actions and proceedings of such justice's court. Such clerks shall perform such other clerical services as may be required of them by the justice or justices. *And provided further*, that in townships having a population of more than one hundred thousand and less than three hundred thousand each justice of the peace shall receive a salary of three thousand dollars per year, payable in like manner and out of the same fund and at like times as county officers are paid, and such salary shall be in lieu of all fees due or to become due such justice for performance of any official act And all fees together with all fines and penalties paid to such justice or into such court shall be and become the property of the county in which such justice exercises his jurisdiction.

16. Constables, such fees as are now or may hereafter be allowed by law, *provided*, that no constable shall receive more than one thousand two hundred dollars per annum, which may be paid in monthly installments of not exceeding one hundred dollars per month for all services rendered by him in all criminal cases or in actions or

proceedings to which the people of the State of California are, or may be, made parties; and all fees collected by such constable on account of services rendered in criminal cases or proceedings, to which the people of the State of California are parties, shall belong to, and be the property of the county in which said constable has been elected or appointed; *provided further*, that constables shall be allowed all necessary expenses actually incurred in pursuing, taking, or arresting persons charged with crime or transporting such persons to or from the court or county jail; *and provided further*, that in counties of this class, and in townships having more than one hundred thousand inhabitants, and less than three hundred thousand, there shall be, and there is hereby allowed to each of the four constables of each township one deputy who shall be appointed by the constable, and shall receive a salary of one hundred dollars per month, payable in like manner and at like times, and out of the same fund as the county officers are paid, said deputies shall each take and file an oath of office in like manner as county officers. Each constable shall report under oath on the first Monday of each month to the board of supervisors of such county the amount of all fees collected by him for all services rendered in all criminal cases, or in actions or proceedings to which the people of the State of California are, or may be, made parties, during the preceding month, and shall, on said date, deposit with the county treasurer to the credit of the county all such fees as may be shown by said report to have been collected by him on account of the aforesaid. He shall also transmit the treasurer's receipt for said payment to said board with said report.

17. The fish and game warden, one hundred and twenty-five dollars per month. In addition thereto said fish and game warden shall be allowed a sum not to exceed fifty dollars per month for expenses incurred by him in the performance of his duties. Said salary and expenses incurred must be paid monthly from the county treasury.

SEC. 2. This Act shall take effect immediately.

Substitute adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 954—An Act to provide for the inspection of institutions receiving moneys from the State.

Bill read second time, and ordered to engrossment.

ADJOURNMENT.

At three o'clock and fifty-five minutes P. M., on motion of Mr. Johnson of Sacramento, the Assembly was declared adjourned until eleven o'clock A. M. of Monday, March 1, 1909.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL., Monday, March 1, 1909.

At eleven o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. P. A. Stanton, Speaker of the Assembly, in the chair.

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

Messrs. Baxter, Beardslee, Beatty, Beban, Bohnett, Callan, Cattell, Cogswell, Collier, Costar, Cronin, Cullen, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Poisley, Pugh, Pulcifer, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—66.

Quorum present.

LEAVES OF ABSENCE.

On motion, leave of absence for the day was granted to Messrs. Wyatt, Barndollar, Wagner, Collum, Feeley, Macauley, Black, and Rutherford.

PRAYER.

Upon invitation, prayer was offered by the Rev. Charles Coke Woods, Ph.D., of Fresno.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Hopkins, its further reading was dispensed with.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

BI-WEEKLY REPORT OF COMMITTEE ON WAYS AND MEANS

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1909.

MR. SPEAKER: Your Committee on Ways and Means begs leave to submit its report for the two weeks ending March 1, 1909, as follows:

Feb. 15.	Assembly Bill No. 757—An Act to amend section seven hundred and sixty-six of the Political Code, relating to salaries of deputies of the Clerk of the Supreme Court	.....
15.	Assembly Bill No. 759—An Act to amend Section 751 of the Political Code, relating to deputies of the Clerk of the Supreme Court	.....
15.	Assembly Bill No. 824—An Act to amend an Act to create and establish a commission for revising, systematizing, and reforming the laws of this State	.....
15.	Assembly Bill No. 1108—An Act to amend Section 2302 of the Political Code, relating to the salary of the State Librarian	.....
15.	Assembly Bill No 55—An Act appropriating thirty-five hundred dollars, to be expended for the purchase of a Mergenthaler linotype machine and equipment for the Whittier State School	$3,500 00
15.	Assembly Bill No 57—An Act appropriating the sum of twelve thousand dollars for building and equipping a hospital and receiving cottage for the Whittier State School.	12,000 00
15.	Assembly Bill No. 58—An Act appropriating twenty thousand dollars for the purpose of building two cottages on the grounds of the Whittier State School	20,000 00
15.	Assembly Bill No 59—An Act appropriating five thousand dollars, to be expended in the erection of a manual training building on the grounds of the Whittier State School	5,000 00
15.	Assembly Bill No. 60—An Act appropriating eighteen hundred dollars for the purchase of one cylinder printing press for the Whittier State School	1,800 00
15.	Assembly Bill No. 112—An Act appropriating money for the building and furnishing of a refectory building at the Preston School of Industry	20,000 00
15.	Assembly Bill No 113—An Act appropriating money for the building and equipping of a hospital at the Preston School of Industry	12,500 00
15.	Assembly Bill No. 114—An Act appropriating money for the building and equipping of a central heating and power station, and to make the necessary changes in the plumbing at the Preston School of Industry	25,000 00
15	Assembly Bill No 115—An Act appropriating money for the purchase of a site and right of way, and the building of a reservoir and pipe-line for a clear water system at the Preston School of Industry	6,000 00
15.	Assembly Bill No. 116—An Act appropriating money for finishing and furnishing assembly hall, and equipping gymnasium at the Preston School of Industry	6,250 00
15.	Assembly Bill No. 1228—An Act to amend Sections 385 and 386 of the Political Code, relating to the salaries of the Private Secretary and the Executive Secretary of the Governor	.....
15.	Assembly Bill No 117—An Act appropriating money for the building and furnishing of four cottages at the Preston School of Industry	40,000 00
15.	Assembly Bill No 118—An Act appropriating money for the equipment of the trades building at the Preston School of Industry	5,000 00

Feb. 15.—Assembly Bill No. 119—An Act appropriating money for a press-brick machine for the Preston School of Industry... $1,000 00

15.—Assembly Bill No 120—An Act appropriating money for the purchase of bedding and furniture and for repairs for the use of the Preston School of Industry..... 7,500 00

15.—Assembly Bill No. 248—An Act providing for an appropriation of $2,500, to be used in the purchase of a boiler for the Whittier State School..... 2,500 00

15.—Assembly Bill No 53—An Act appropriating $3,500 for repairs on the main building at the Whittier State School. 3,500 00

15.—Assembly Bill No. 54—An Act providing for an appropriation of thirty thousand dollars for the purpose of purchasing additional land for the Whittier State School..... 30,000 00

15.—Assembly Bill No 1140—An Act to appropriate money to protect the banks of Mad River from erosion by means of riprap or jetty work..... 15,000 00

15.—Assembly Bill No. 1160—An Act authorizing the State Surveyor General to furnish his office and vault therein..... 2,000 00

15.—Assembly Bill No 1162—An Act fixing a bounty on coyote scalps..... 15,000 00

16.—Senate Bill No. 520—An Act authorizing and directing the directors of the State Agricultural Society to have wells bored on the ground of the State Agricultural Society.... 10,000 00

16.—Senate Bill No. 521—An Act authorizing and directing the directors of the State Agricultural Society to make arrangements by day's work or by contract for leveling and planting the grounds, and painting, and repairing the buildings, at the State Agricultural Park, near the city of Sacramento..... 10,000 00

16.—Senate Bill No 522—An Act authorizing and directing the directors of the State Agricultural Society to erect a new building at Agricultural Park..... 30,000 00

16.—Senate Bill No. 523—An Act making an appropriation for the completion of two buildings on the grounds of the State Agricultural Society..... 20,000 00

17.—Assembly Bill No. 405—An Act to provide for the inspection of petroleum oils, kerosene, gasoline, benzote, naphtha, and all fluids which are the product of petroleum or into which any product of petroleum enters..... .....

17.—Assembly Bill No 628—An Act to appropriate money for promoting the study of agriculture in elementary and secondary schools..... 4,000 00

17.—Assembly Bill No. 986—An Act making an appropriation to pay the expenses of inspection and analysis of drugs..... 10,000 00

17.—Assembly Bill No 1027—An Act to appropriate the sum of ten thousand dollars, for the purpose of partly changing the line of road, and making permanent culverts on the Sonora and Mono road, a state highway..... 10,000 00

17.—Assembly Bill No. 1054—An Act to provide for the medical treatment of indigent residents afflicted with incipient pulmonary tuberculosis..... 15,000 00

17.—Assembly Bill No 1248—An Act appropriating money to pay the claim of the United States Fidelity and Guaranty Company against the State of California..... 1,028 00

17.—Assembly Bill No. 1255—An Act to amend the Political Code of the State of California, by adding a new section thereto, to be known and numbered as Section 415½, relating to the office of Secretary of State..... 5,600 00

17.—Assembly Bill No. 255—An Act providing for a standard system of weights and measures..... .....

17.—Assembly Bill No. 424—An Act to promote education in literature, music and the fine arts..... 13,000 00

17—Assembly Bill No. 812—An Act to amend section three of an Act entitled "An Act to provide for the establishment, maintenance, and support of a bureau, to be known as the State Mining Bureau..... .....

17.—Assembly Bill No. 1038—An Act authorizing and empowering the directors of the State Agricultural Society to hold State industrial and agricultural fairs at the city of Oakland.. 10,000 00

17.—Assembly Bill No. 1053—An Act to provide for the expenses of operating and conducting the University Farm and School of Agriculture thereon to June 30, 1909..... 7,000 00

17.—Assembly Bill No. 1163—An Act fixing a bounty on coyote scalps..... .....

17.—Assembly Bill No. 1265—An Act to amend Section 457 of the Political Code..... .....

Feb. 17.—Assembly Bill No. 1267—An Act making an appropriation for the Department of Engineering for the purpose of making necessary preliminary surveys, borings, plans, and estimates for a suspension or other bridge across the Straits of Carquinez	$10,000 00
17.—Assembly Bill No. 1268—An Act appropriating money to pay the claim of the county of San Luis Obispo	10,583 69
17.—Assembly Bill No 1280—An Act to provide for the refurnishing of the offices of the Board of Railroad Commissioners of the State of California	2,000 00
18.—Assembly Bill No. 1313—An Act providing for topographic surveys and investigations of the water resources of the State	60,000 00
19.—Assembly Bill No. 30—An Act to pay the claim of James Touhey against the State of California	3,500 00
19.—Assembly Bill No. 90—An Act making an appropriation for the construction of an addition to the hospital at the Veterans' Home of California	11,000 00
19.—Assembly Bill No. 91—An Act making an appropriation to complete certain necessary improvements at the Veterans' Home of California	5,000 00
19.—Assembly Bill No. 92—An Act to provide for the construction of an additional building at the Veterans' Home of California	10,000 00
19.—Assembly Bill No. 94—An Act authorizing and directing the Board of Managers of the Napa State Hospital to erect and furnish cottages for the accommodation of female patients	40,000 00
19.—Assembly Bill No. 95—An Act authorizing and directing the Board of Managers of the Napa State Hospital to erect and furnish cottages for the accommodation of male patients	12,000 00
19.—Assembly Bill No. 98—An Act authorizing and directing the Board of Managers of the Napa State Hospital to erect and construct an auditorium for the assemblage of patients	60,000 00
19.—Assembly Bill No 100—An Act authorizing and directing the Board of Managers of the Napa State Hospital to construct and restore the principal tower of the buildings	7,500 00
19.—Assembly Bill No. 101—An Act making an appropriation of three thousand four hundred and eighty dollars to be applied to the cost of grading, paving, guttering, curbing, and sidewalking Grand avenue in the city of Los Angeles, along the easterly boundary of the grounds of the State Normal School at Los Angeles	3,480 00
19.—Assembly Bill No. 127—An Act authorizing and directing the Board of Managers of the California Home for the Care and Training of Feeble-Minded Children, to erect, construct, and equip a pavilion to be used as a gymnasium for boys	10,000 00
19.—Assembly Bill No 129—An Act making an appropriation for fencing at the California Home for the Care and Training of Feeble-Minded Children	5,000 00
19.—Assembly Bill No. 130—An Act authorizing and directing the Board of Managers of the California Home for the Care and Training of Feeble-Minded Children to purchase and install laundry machinery at the California Home for the Care and Training of Feeble-Minded Children	5,000 00
19.—Assembly Bill No. 207—An Act authorizing and directing the Board of Managers of the Mendocino State Hospital to erect and construct an addition to the main kitchen at the said hospital	10,000 00
19.—Assembly Bill No 208—An Act making an appropriation for the purchase of additional lands for the use and benefit of the Mendocino State Hospital	9,000 00
19.—Assembly Bill No. 209—An Act making an appropriation for the erection and equipment of a building on the grounds of the Mendocino State Hospital to be used as a receiving ward for male and female patients	40,000 00
19.—Assembly Bill No. 210—An Act authorizing and directing the Board of Managers of the Mendocino State Hospital to purchase laundry machinery for the said hospital	2,500 00
19.—Assembly Bill No. 211—An Act making an appropriation for the erection and construction of a dairy barn on the grounds of the Mendocino State Hospital	5,000 00
19.—Assembly Bill No. 256—An Act to provide an additional appropriation for the erection of a training school building for the use of the State Normal School at San Diego	30,000 00

Feb. 19.—Assembly Bill No. 257—An Act to provide for making repairs and for additional equipment at the State Normal School at San Diego	$10,000 00
19.—Assembly Bill No. 258—An Act to provide for the improvement of the campus of the State Normal School at San Diego	10,000 00
19.—Assembly Bill No. 266—An Act making an appropriation for the construction of barns at the California Polytechnic School and for the purchase of farm equipment for the use of said school	20,000 00
19.—Assembly Bill No. 595—An Act making an appropriation for the purpose of enlarging the power house at the California Home for the Care and Training of Feeble-Minded Children and for the purchase and installation therein of two steam boilers and necessary tools and machinery	15,000 00
19.—Assembly Bill No. 596—An Act making an appropriation for the erection and construction of a building at the California Home for the Care and Training of Feeble-Minded Children, as an addition to the present kitchen	25,000 00
19.—Assembly Bill No. 635—An Act authorizing and directing the Board of Managers of the Agnew State Hospital to continue the work of replacing and reconstructing and equipping for the accommodation and treating of patients' buildings destroyed April 18, 1906	375,000 00
19.—Assembly Bill No. 749—An Act to provide for the construction and furnishing of a cottage for female patients at the Southern California Hospital at Patton	40,000 00
19.—Assembly Bill No. 669—An Act to provide for the reappropriation of the unexpended balance of money appropriated by an Act making an appropriation to pay certain claims against the California Home for the Care and Training of Feeble-Minded Children	367 67
19.—Assembly Bill No. 781—An Act to authorize the local boards of managers of the several State hospitals for the insane, and homes for the feeble-minded of the State of California to employ regularly ordained ministers and priests to visit and perform spiritual duties and ministrations to the inmates of said State hospitals and homes for the feeble-minded	.....
19—Assembly Bill No. 912—An Act appropriating seventy-five thousand dollars to complete, equip, and furnish the buildings of the San Jose State Normal School	75,000 00
19—Assembly Bill No. 957—An Act to provide for certain necessary improvement to the grounds and appurtenances of the Veterans' Home of California	28,000 00
19—Assembly Bill No. 958—An Act appropriating the sum of one thousand dollars for the purpose of installing a plant for distilling water, in connection with the ice-making plant at the Veterans' Home of California	1,000 00
19—Assembly Bill No. 959—An Act appropriating the sum of two thousand five hundred dollars for the purchase of sterilizers and ambulance, and hospital appliances and instruments at the Veterans' Home of California	2,500 00
19—Assembly Bill No. 960—An Act providing for certain necessary repairs to the building and equipment of the Veterans' Home of California, located at Yountville	52,500 00
19—Assembly Bill No. 962—An Act making an appropriation for the purchase of equipment for shops and laboratories at the California Polytechnic School	6,000 00
19—Assembly Bill No. 963—An Act making an appropriation for the erection of a combined power and lighting plant, with a mechanical and electrical laboratory, at the California Polytechnic School	11,000 00
19—Assembly Bill No. 964—An Act making an appropriation for the construction and equipment of barns at the California Polytechnic School	20,000 00
19—Assembly Bill No. 965—An Act making an appropriation for the construction and furnishing of a dining hall at the California Polytechnic School	10,000 00
19—Assembly Bill No. 967—An Act making an appropriation for the construction and furnishing of a boys' dormitory at the California Polytechnic School	30,000 00
19—Assembly Bill No. 968—An Act making an appropriation for the construction of cottages for employees at the California Polytechnic School	4,600 00

Feb 19.—Assembly Bill No. 969—An Act making an appropriation for the development of water supply and an irrigation system at the California Polytechnic School	$2,000 00
19—Assembly Bill No. 970—An Act making an appropriation for the construction of a sewer system at the California Polytechnic School	8,000 00
19—Assembly Bill No. 971—An Act making an appropriation for the construction and equipment of poultry houses at the California Polytechnic School	2,500 00
19.—Assembly Bill No. 966—An Act making an appropriation for the construction and furnishing of a girls' dormitory at the California Polytechnic School	30,000 00
19—Assembly Bill No. 972—An Act making an appropriation for the purchase and installation of a refrigerating plant and other creamery equipment for the California Polytechnic School	4,000 00
19—Assembly Bill No. 973—An Act making an appropriation for repairing and furnishing the dormitory buildings at the California Polytechnic School	2,500 00
19—Assembly Bill No. 1014—An Act providing for the construction of additional houses for the use of the officers, guards, and employees at the State prison at Folsom	5,000 00
19—Assembly Bill No. 1015—An Act providing for the construction and furnishing of a residence at the State prison at Folsom	12,000 00
19—Assembly Bill No. 1062—An Act making an appropriation for furnishing the administration building at the California Home for the Care and Training of Feeble-Minded Children at Eldridge	7,500 00
19—Assembly Bill No. 1063—An Act making an appropriation for furnishing the manor house at the California Home for the Care and Training of Feeble-Minded Children at Eldridge	2,500 00
19—Assembly Bill No. 1072—An Act making an appropriation of one thousand seven hundred and twenty-five dollars to be applied to the cost of building concrete curb and gutter along the boundary of the grounds of the State Normal School at San Jose	1,725 00
19—Assembly Bill No. 1129—An Act to appropriate the sum of twenty thousand dollars for the general improvement of Lake Tahoe wagon road, and for constructing, erecting, and operating a sprinkling plant and appurtenances thereon	20,000 00
19—Assembly Bill No. 1207—An Act to pay the claim of S. B. Sumner	89 00
19—Assembly Bill No. 1130—An Act to provide for the completion of the hospital for insane at Folsom State Prison	39,000 00
19—Senate Bill No. 235—An Act to appropriate money for repainting of the State Normal School at San Francisco, and for laying a concrete sidewalk along the property of said school	2,400 00
19—Senate Bill No. 239—An Act to provide for the improvement of the campus of the State Normal School at San Diego	5,000 00
19—Senate Bill No. 241—An Act to provide for making repairs and for additional equipment at the State Normal School at San Diego	5,000 00
20—Senate Bill No. 164—An Act appropriating money for the building and furnishing of four cottages at the Preston School of Industry	20,000 00
20—Assembly Bill No. 9—An Act to pay the claim of the county of Sacramento against the State of California	14,597 39
20—Assembly Bill No. 924—An Act making an appropriation to pay the claim of August Vollmer against the State of California	250 70
20—Assembly Bill No. 1341—An Act to appropriate three hundred thousand dollars for the purpose of locating, surveying, and constructing such levees, ditches, and other works as may be necessary to protect the city of Stockton from the flood waters of the Calaveras River and Mormon Slough	300,000 00
20—Assembly Bill No. 1342—An Act making an appropriation to provide for painting the exterior of the capitol	5,000 00
22—Assembly Bill No. 767—An Act to amend Section 425 of the Political Code of the State of California	.....

Feb. 22.—Assembly Bill No. 762—An Act to provide for the reforestation, the cutting of fire lanes and fire trails on the San Bernardino Forest Reserve..... $5,000 00

22.—Senate Bill No 113—An Act appropriating money for a pressed brick machine for the Preston School of Industry.. 1,000 00

22.—Senate Bill No. 143—An Act providing for an appropriation of $1,800.00 for the purchase of a cylinder printing press for Whittier State School..... 1,800 00

22.—Senate Bill No 144—An Act providing for an appropriation of $3,500.00 for the purchase of a Mergenthaler linotype and equipment for the Whittier School..... 3,500 00

22.—Senate Bill No. 145—An Act providing for an appropriation of $1,000.00 for the purchase of books and periodicals for the Whittier State School..... 1,000 00

22.—Senate Bill No. 146—An Act providing for an appropriation of $3,500.00 for repairs on the main building of the Whittier State School 3,500 00

22.—Senate Bill No. 147—An Act providing for an appropriation of $5,000 for the erection of a manual training building on the grounds of the Whittier State School..... 5,000 00

22.—Senate Bill No. 149—An Act providing for an appropriation of $2,500.00 for the purchase of a boiler for the Whittier State School 2,500 00

22.—Senate Bill No 169—An Act appropriating money for the building and furnishing of a refectory building at the Preston School of Industry..... 20,000 00

22.—Senate Bill No. 321—An Act to amend Section 8 of an Act to create a State Bureau of Criminal Identification..... .....

22.—Assembly Bill No. 568—An Act appropriating money for a state highway from Alturas to New Pine Creek..... 10,000 00

22.—Assembly Bill No. 1040—An Act establishing a State Polytechnic School at Escondido, county of San Diego..... 50,000 00

22.—Assembly Bill No. 1234—An Act for the establishment in the city of Santa Barbara of a State Normal School of Manual Arts and Home Economics..... 100,000 00

22.—Senate Bill No 271—An Act authorizing the Controller of State to appoint an inheritance tax deputy..... 3,500 00

23.—Assembly Bill No. 1363—An Act authorizing the purchase of portraits of Speakers of the Assembly, and appropriating money therefor 1,000 00

23.—Assembly Bill No. 1369—An Act authorizing property owners or their grantees or assignees to sue the State of California for damages done to real property situated at Wood Island, county of Sacramento..... .....

23.—Assembly Bill No. 1372—An Act to amend Section 739 of the Political Code of the State of California..... .....

23.—Assembly Bill No. 1377—An Act appropriating money to pay the claim of Russell-Vail Engineering Company, Roebling Construction Company, James Campbell, Palm Iron Works, Bryan Elevator Company, A Merle Company, Columbus Marble Company against the State of California..... 29,568 16

23.—Assembly Bill No 1396—An Act appropriating money to be expended by and under the direction of the Department of Engineering, for the purpose of doing all preliminary work in the surveying, platting, and profiling of Russian River, in Sonoma County..... 3,000 00

23.—Assembly Bill No. 1403—An Act to add four new sections to the Political Code of the State of California, relating to preparing a State budget..... .....

23.—Assembly Bill No. 1407—An Act appropriating money to pay the claim of B A. Palmer against the State of California.. 10,000 00

23.—Assembly Bill No. 1408—An Act to amend section five hundred and thirteen of the Political Code of the State of California, relating to the salary of the Superintendent of Public Instruction ....

23.—Assembly Bill No. 1111—An Act to authorize and empower the State Board of Prison Directors to insure jute and jute goods against either fire or marine loss..... .....

24.—Assembly Bill No. 564—An Act to provide for the issuance and sale of State bonds to create a fund for the construction by the Board of State Harbor Commissioners for the bay of San Diego of a seawall, wharves, piers, state railroad, spurs, betterments, and appurtenances in the county of San Diego..... 1,000 00

Feb. 24.—Assembly Bill No. 683—An Act to provide for the permanent support and improvement of the University of California by the levy of a rate of taxation and the creation of a fund therefor .....

24.—Senate Bill No. 59—An Act defining the powers and duties of physicians, local health officers, and boards of health in the matter of the protection of the people of the State of California from the disease known as tuberculosis. .. $2,500 00

25.—Assembly Bill No 206—An Act appropriating the sum of twelve thousand one hundred and fifty-five dollars to provide certain improvements to the plant and grounds of the Industrial Home of Mechanical Trades for the Adult Blind, at Oakland, California 12,155 00

25.—Assembly Bill No 300—An Act providing for the construction of a water and sewer system in the California Redwood Park 5,000 00

25.—Assembly Bill No. 1005—An Act to fix the salaries of the State Forester, Deputy Forester, and Assistant Forester... .....

25.—Assembly Bill No 1238—An Act to prohibit the wanton, wasteful, and unnecessary cutting and destruction of small trees and chaparral growing upon private uncultivated land in this State situated upon the mountains and catchment basins from which cities, towns, and communities receive their water supply..... 10,000 00

25.—Assembly Bill No. 1135—An Act to provide for the equipping and furnishing of the building now in process of erection at Stockton State Hospital... 6,000 00

25.—Assembly Bill No. 1330—An Act to amend an Act entitled an Act to prevent deception in the manufacture and sale of butter and cheese..... 50,000 00

25.—Assembly Bill No 1421—An Act appropriating three hundred and sixty dollars to be expended in purchase of a piano for the Whittier State School..... 360 00

25.—Assembly Bill No 1424—An Act to aid in the carrying out of the provisions of an Act entitled an Act to provide for the gathering, compiling, printing, and distribution of statistics and information regarding the Japanese of the State ....

25.—Assembly Bill No 1425—An Act to appropriate the sum of $50,000 for the benefit of the Los Angeles Industrial Trade School 50,000 00

25.—Senate Bill No. 22—An Act providing for the purchase by the State Board of Forestry of that certain tract of land in Sonoma County, California, commonly known as Armstrong Woods 100,000 00

25.—Senate Bill No 718—An Act appropriating seventy-five thousand dollars to complete, equip, and furnish the buildings of the San Jose State Normal School... .. ... 75,000 00

25.—Assembly Bill No 1116—An Act to promote education regarding the laws of nature..... 500 00

26.—Assembly Bill No 1055—An Act making an appropriation to pay the claim of Herbert Von Meyerinck... ..... 150 00

26.—Assembly Bill No. 1081—An Act to appropriate money for the payment of the claim of Geo W. Bush 453 96

26.—Assembly Bill No 1143—An Act to appropriate forty-four dollars to pay the claim of W. S Kingsbury..... 44 00

26.—Assembly Bill No. 1227—An Act to appropriate the sum of one thousand dollars to pay the claim of Sergeant-Major Eugene De Sparr 1,000 00

26.—Assembly Bill No. 1416—An Act to amend the Political Code of the State of California by adding a new section thereto, to be known and numbered Section 4197. ....

26.—Assembly Bill No. 1168—An Act to appropriate the sum of $60.51 to pay the claim of the Security Mutual Life Insurance Company 60 51

26.—Assembly Bill No 1169—An Act to appropriate the sum of eleven and thirty one-hundredths dollars to pay the claim of the Life Association of America..... 11 30

26.—Assembly Bill No 1170—An Act to appropriate the sum of $903 72 to pay the claim of the Massachusetts Mutual Life Insurance Company of Springfield..... 903 72

26.—Assembly Bill No 1171—An Act to appropriate the sum of $349 60 to pay the claim of the Minnesota Mutual Life Insurance Company..... 349 60

Feb. 26.—Assembly Bill No 1172—An Act to appropriate the sum of three thousand four hundred sixty-two and eleven one-hundredths dollars to pay the claim of the New England Mutual Life Insurance Company $3,462 11

26.—Assembly Bill No 1173—An Act to appropriate the sum of two hundred twenty-two and eighty-five one-hundredths dollars to pay the claim of the Northwestern National Life Insurance Company 222 85

26.—Assembly Bill No 1174—An Act to appropriate the sum of one thousand five hundred thirty-one and ninety-one one-hundredths dollars to pay the claim of the Prudential Insurance Company of America 1,531 91

26.—Assembly Bill No. 1175—An Act to appropriate the sum of eight hundred and eighty-nine and ninety-five one-hundredths dollars to pay the claim of the Bankers' Life Association of Des Moines, Iowa 889 95

26.—Assembly Bill No. 1176—An Act to appropriate the sum of one thousand seven hundred sixty-two and seventy-nine one-hundredths dollars to pay the claim of the Germania Life Insurance Company of New York 1,762 79

26.—Assembly Bill No. 1177—An Act to appropriate the sum of two thousand five hundred thirty-six and seventy-six one-hundredths dollars to pay the claim of the Aetna Life Insurance Company of Hartford, Connecticut 2,536 76

$2,532,034 07

BILLS REPORTED FAVORABLY

Feb. 16.—Assembly Bill No 163 . . . . . $6,000 00
16.—Assembly Bill No 242 . . . . . 7,000 00
16.—Assembly Bill No 387 . . . . . 25,000 00
16.—Assembly Bill No 974 . . . . . 2,000 00
16.—Assembly Bill No. 1066 . . . . . 10,000 00
16.—Assembly Bill No. 278 . . . . . 1,400 00
16.—Assembly Bill No 810 . . . . . 32,000 00
16.—Senate Bill No. 272 . . . . . 1,000 00
16.—Assembly Bill No 1160 . . . . . 2,000 00
17.—Senate Bill No. 752 . . . . . 3,000 00
17.—Senate Bill No 520 . . . . . 10,000 00
17.—Senate Bill No. 521 . . . . . 10,000 00
17.—Senate Bill No 522 . . . . . 30,000 00
17.—Senate Bill No. 523 . . . . . 20,000 00
17.—Assembly Bill No 986 . . . . . 10,000 00
17.—Assembly Bill No 144 . . . . . 25,000 00
17.—Assembly Bill No 640 . . . . . 25,000 00
17.—Assembly Bill No. 447 . . . .
19.—Assembly Bill No 809 . . . . . 3,000 00
19.—Assembly Bill No. 1032 . . . .
19.—Assembly Bill No 1108 . . . .
19.—Assembly Bill No 94 . . . . . 40,000 00
19.—Assembly Bill No 95 . . . . . 12,000 00
19.—Assembly Bill No 164 . . . . . 1,800 00
19.—Assembly Bill No. 93 . . . . . 35,000 00
19.—Assembly Bill No 97 . . . . . 30,000 00
19.—Assembly Bill No 698 . . . .
19.—Assembly Bill No 700 . . . .
19.—Assembly Bill No. 701 . . . .
19.—Assembly Bill No 702 . . . .
19.—Assembly Bill No 690 . . . . . 11,200 00
19.—Assembly Bill No 811 . . . .
19.—Assembly Bill No 830 . . . .
19.—Assembly Bill No. 1018 . . . .
19.—Assembly Bill No. 1034 . . . . . 100,000 00
19.—Assembly Bill No. 276 . . . . . 12,000 00
19.—Senate Bill No. 228 . . . . . 1,000 00
20.—Senate Bill No 712 . . . . . 5,000 00
20.—Assembly Bill No 101 . . . . . 3,480 00
20.—Assembly Bill No 280 . . . . . 25,000 00
20.—Assembly Bill No 783 . . . . . 3,000 00
20.—Assembly Bill No. 279 . . . . . 35,000 00
20.—Assembly Bill No. 256 . . . . . 10,000 00
20.—Assembly Bill No 912 . . . . . 75,000 00
20.—Senate Bill No. 235 . . . . . 2,400 00
20.—Senate Bill No. 239 . . . . . 5,000 00
20.—Senate Bill No 241 . . . . . 5,000 00

Feb. 23.—Assembly Bill No. 1038	$10,000 00
23.—Assembly Bill No 91	5,000 00
23.—Assembly Bill No 958	1,000 00
23.—Assembly Bill No. 959	2,500 00
23.—Assembly Bill No. 1363	1,000 00
23.—Assembly Bill No 1403	.....
25.—Assembly Bill No 1064	85 00
25.—Assembly Bill No. 58	10,000 00
26.—Assembly Bill No. 116	6,250 00
25.—Assembly Bill No. 118	5,000 00
25.—Assembly Bill No. 120	7,500 00
25 —Assembly Bill No 54	30,000 00
25.—Assembly Bill No. 1313	60,000 00
25.—Assembly Bill No. 96	8,000 00
25.—Assembly Bill No. 299	6,000 00
25.—Assembly Bill No. 9	14,597 39
25.—Assembly Bill No. 924	250 70
25.—Assembly Bill No. 1234	100,000 00
25 —Assembly Bill No. 1135	6,000 00
25.—Assembly Bill No 1330	50,000 00
25.—Assembly Bill No 164	20,000 00
25.—Assembly Bill No. 1424	.....
25.—Senate Bill No. 113	1,000 00
25 —Senate Bill No 143	1,800 00
25.—Senate Bill No. 144	3,500 00
25.—Senate Bill No 146	3,500 00
25.—Senate Bill No. 147	5,000 00
25.—Senate Bill No 149	2,500 00
25.—Senate Bill No. 169	20,000 00
25.—Senate Bill No. 321	.....
25.—Senate Bill No. 59	2,500 00
25.—Senate Bill No. 718	75,000 00
27.—Assembly Bill No. 114	25,000 00
27.—Assembly Bill No. 30 (Committee Substitute)	3,500 00
27.—Assembly Bill No. 51	20,000 00
27.—Assembly Bill No. 1369	.....
27.—Assembly Bill No. 1407	5,000 00
	$1,145.763 09

RECAPITULATION.

Amount of appropriations formerly reported		$5,087,154 02
Amount of appropriations for past two weeks		2,532,034 07
		$7,619,188 09
Bills reported favorably last report	$1,508,807 54	
Bills reported favorably this report	1,145,763 09	
Total reduction in appropriations	200,101 00	
Withdrawn from committee	370,415 55	
		3,225,087 18
Amount of appropriations in hands of committee		$4,394,100 91

Respectfully submitted.

BEARDSLEE, Chairman.

ON LIVE STOCK, DAIRIES, AND DAIRY PRODUCTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1909.

MR. SPEAKER: Your Committee on Live Stock, Dairies, and Dairy Products, to whom was referred Senate Bill No. 768—An Act to regulate the production and sale of certified milk—have had the same under consideration, and respectfully report the same back, with one amendment, and recommend that it do pass as amended

McCLELLAN, Chairman

The above reported bill ordered on file for second reading.

ON AGRICULTURE.

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1909

MR. SPEAKER: Your Committee on Agriculture, to whom was referred Assembly Bill No. 1367—An Act authorizing district agricultural associations organized under the laws of the State of California, to lease lands owned, managed or controlled, in trust or otherwise, to municipal corporations in which such lands are situated.

and repealing all Acts and parts of Acts in conflict herewith—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

COGSWELL, Chairman.

The above reported bill ordered on file for second reading.

REQUEST FOR PERMISSION TO INTRODUCE BILL.

The following petition asking permission to introduce a bill was presented:

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1909.

MR. SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows, viz: "An Act to provide for the transfer from the general fund of the State treasury to the San Francisco harbor improvement fund of the sum of twenty-two thousand nine hundred and thirty-seven dollars and forty-five cents, to reimburse said San Francisco harbor improvement fund for the costs of publishing the "Second San Francisco Seawall Act" and the "India Basin Act," and directing the State Controller and State Treasurer to make such transfer.

BEATTY,
Member Thirty-sixth District.

The above petition referred to Committee on Introduction of Bills.

RE-REFERENCE OF BILL.

On motion of Mr. Beardslee, Assembly Bill No. 1018 was referred to Committee on Ways and Means.

CASE OF URGENCY.

The following resolution was offered:

By Mr. Hewitt:

Resolved, That Assembly Bill No. 1442 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Mr Hewitt moved the adoption of the resolution.

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

AYES—Messrs. Baxter, Beardslee, Beatty Beban, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Costar, Cronin, Cullen, Dean, Drew, Flavelle, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle Holmquist Hopkins, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Kehoe, Leeds, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Pulcifer, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—62

NOES—None.

Assembly Bill No. 1442—An Act to provide for the accomplishment of the work of the direct improvement of the navigation of the Sacramento, San Joaquin, and Feather rivers of the State of California as recommended in the special report of the California Débris Commission, dated June 30, 1907, and made jointly by John Biddle, Lieutenant Colonel, Corps of Engineers; C. H. McKinstry, Major, Corps of Engineers, and Thomas H Jackson, Captain, Corps of Engineers of the United States Army, and printed with the annual report of the Chief of Engineers of the United States Army for the fiscal year ending June 30, 1907, and making an appropriation for such work.

Mr. Hewitt moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Assembly Bill No. 1442 considered.

Mr. Hewitt moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1909

GENTLEMEN. The Committee of the Whole have had under consideration Assembly Bill No. 1442, and do now report the same back, and recommend that it do pass.

STANTON, Chairman

Bill read second time, considered engrossed, and ordered on file for third reading.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1442 passed by the following vote:

AYES—Messrs Baxter, Beatty, Beban, Bohnett, Butler Callan, Cartell, Coghlan, Cogswell, Collier, Costar, Cronin, Dean, Drew, Flavelle, Flint, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Haus, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Pulcifer, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr Speaker—59

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate

SENATE MESSAGES.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, March 1, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed, as a case of urgency, Assembly Bill No. 618—An Act to amend Sections 3921 and 3923 of the Political Code, relating to and defining the boundaries of Sierra and Nevada counties.

LEWIS A HILBORN, Secretary of Senate

Bill ordered to enrollment

Also:

SENATE CHAMBER, SACRAMENTO, March 1, 1909.

MR SPEAKER: I am directed to inform your honorable body that the Senate amended, and on this day passed as amended, Assembly Bill No. 440—An Act to amend Section 4237 of the Political Code, relating to county and township officers of counties of the eighth class.

Also Assembly Bill No. 751—An Act to amend Section 2572 of the Political Code of the State of California, relating to the Board of Harbor Commissioners of the port of Eureka, and to add a new section to the Political Code, to be known as Section 2568½, also relating to the Board of Harbor Commissioners of the port of Eureka.

Also: Assembly Bill No 935—An Act to amend Section 4268 of the Political Code of California, relating to salaries and compensation of officers, jurors, and witnesses in counties of the thirty-ninth class.

And respectfully request that your honorable body concur in said amendments.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No 440?"

On page 1, Section 1, of the engrossed bill, strike out the word "section" in line 3 thereof

Also: Strike out all of lines 2 and 3 of title, and insert in lieu thereof the following: "To amend Section 4237 of the Political Code of the State of California, relating to the compensation of county and township officers of counties of the eighth class, and the number, apportionment, and salaries of their assistants and deputies."

The roll was called, and Senate amendments to Assembly Bill No. 440 were concurred in by the following vote:

AYES—Messrs. Beardslee, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Costar, Cronin, Cullen, Dean, Drew, Flavelle, Flint, Gerdes, Gibbons, Gillis, Greer, Hammon, Hanlon, Hans, Hawk, Hayes, Hinkle, Holmquist, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Webber, Wheelan, Whitney, Wilson, Wylie, Young, and Mr Speaker—57.
NOES—None

Bill ordered to enrollment

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No 751?"

Amend title by striking out the period after the word "Eureka", on line 7 thereof, and inserting comma, and the following words "and authorizing said board, with the consent of the Attorney General to employ, from time to time, an attorney."

The roll was called, and Senate amendment to Assembly Bill No. 751 was concurred in by the following vote:

AYES—Messrs Beardslee, Beatty, Beban, Bohnett, Butler Callan, Cattell, Coghlan, Cogswell, Collier, Costar, Cullen, Dean, Drew, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hans, Hawk, Hayes, Hinkle, Holmquist, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Sackett, Schmitt, Stuckenbruck, Telfer, Transue Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr Speaker—55
NOES—None

Bill ordered to enrollment.

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 604?"

On page 1, of the printed bill, after the enacting clause insert the following: "Section 1 Section fourteen hundred and ninety-two of the Political Code of the State of California is hereby amended to read as follows:"

Also, On page 1, line 1, of the printed bill, strike out the word "Section" before the number "1492"

The roll was called and Senate amendments to Assembly Bill No 604 were concurred in by the following vote:

AYES—Messrs Beardslee, Beatty, Beban, Bohnett, Butler Callan, Cattell, Coghlan, Cogswell, Collier, Costar, Cullen, Dean, Drew, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hanlon, Hans, Hawk Hayes, Hinkle, Holmquist, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Odom, Otis, O'Neill Perine, Polsley, Sackett, Schmitt, Stuckenbruck, Telfer, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr Speaker—53
NOES—None

Assembly Bill No 604 ordered to enrollment.

Assembly Bill No 935 ordered on file as unfinished business

SPECIAL FILE—THIRD READING.

Assembly Bill No. 93—An Act authorizing and directing the board of managers of the Napa State Hospital to complete the receiving and treatment buildings of the grounds of the Napa State Hospital, and to furnish and equip said buildings, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 93 passed by the following vote:

AYES—Messrs Baxter, Bohnett, Butler, Cattell, Coghlan, Cogswell, Collier, Costar, Cronin, Cullen, Dean, Drew, Flavelle, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Odom, O'Neill, Perine, Polsley, Pulcifer, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Webber, Whitney, Wilson Young, and Mr Speaker—55

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 101—An Act making an appropriation of three thousand four hundred and eighty dollars ($3,480.00) to be applied to the cost of grading, paving, guttering, curbing, and sidewalking Grand avenue, in the city of Los Angeles, along the easterly boundary of the grounds of the State Normal School at Los Angeles, and defining the duties of the Controller and Treasurer in reference thereto.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 101 passed by the following vote:

AYES—Messrs. Baxter, Beban, Bohnett, Butler, Cattell, Coghlan, Cogswell, Collier, Costar, Cronin, Cullen, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Odom, Otis, O'Neill, Perine, Polsley, Pulcifer, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Webber, Whitney, Wilson, Young, and Mr. Speaker—57.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 959—An Act appropriating the sum of two thousand five hundred dollars for the purchase of sterilizers and ambulance, and hospital appliances and instruments at the Veterans' Home of California, located at Yountville, Napa County.

Bill read third time

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 959 passed by the following vote:

AYES—Messrs Bohnett, Butler, Cattell, Cogswell, Collier, Costar, Cronin, Cullen, Dean, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, O'Neill, Perine, Pulcifer, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Webber, Wheelan, Whitney, Wilson, Young, and Mr. Speaker—51.

NOES—None.

Title read and approved

Bill ordered transmitted to the Senate.

Assembly Bill No. 1368—An Act to amend Section 1 of an Act entitled "An Act authorizing and directing the completion of the main buildings at the California Home for the Care and Training of Feeble-Minded Children, near Eldridge, Cal., and making an appropriation therefor," approved March 11, 1907.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1368 passed by the following vote:

AYES—Messrs Baxter, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Costar, Cronin, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hans, Hawk, Hayes, Hinkle, Holmquist, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Pulcifer, Sackett, Schmitt, Silver, Telfer, Transue, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—56.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SPECIAL FILE—SECOND READING.

Assembly Bill No. 114—An Act appropriating money for the building and equipping of a central heating and power station, and to make the necessary changes in the plumbing at the Preston School of Industry.

Mr. Moore moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Assembly Bill No. 114 considered.

Mr. Moore moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1909.

GENTLEMEN The Committee of the Whole have had under consideration Assembly Bill No. 114, and do now report the same back, and recommend that it do pass.

STANTON, Chairman.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 1279—An Act to amend section two of an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for carrying out the objects of this Act," approved March 20, 1905, and amended by Act approved March 19, 1907.

Bill read second time, and ordered to engrossment.

RE-REFERENCE OF BILL.

On motion of Mr. Transue, Assembly Bill No. 423 was referred to the Los Angeles Delegation.

THIRD-READING FILE.

Assembly Bill No. 847—An Act to amend Section 4269 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the fortieth class.

Bill read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No 847 passed by the following vote:

AYES—Messrs. Baxter, Beban, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Costar, Cronin, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hans, Hawk, Hayes, Hinkle, Holmquist, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Pulcifer, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wheelan, Whitney, Wilson, Wyllie, and Mr. Speaker—55.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 632—An Act entitled "An Act to amend Sections 1713 and 1714 of Article XIII of the Political Code in regard to the apportionment of school library funds"

Mr. Sackett moved that the Speaker appoint a select committee of one to amend the bill, as follows:

Insert on line 1, page 1, of amended bill, before the word "Section" the word and figure: "Section 1".

Also: On line 1, page 1, of amended printed bill, insert after the Roman numerals XIII the words, "of the Political Code"

Also: On line 3, page 1 of amended bill, strike out the word "Section"

Motion carried.

The Speaker appointed Mr. Sackett as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR SPEAKER Your select committee of one, to whom was referred Assembly Bill No. 632, with instructions, do now report that the instructions of the Assembly have been carried out

SACKETT, Select Committee

Report of select committee, and amendments, adopted.

Bill ordered to reprint, reengrossment, and on file for passage.

Assembly Bill No. 1050—An Act to amend Section 4256 of the Political Code of the State of California, relating to salaries and fees of county and township officers in counties of the twenty-seventh class.

Bill read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1050 passed by the following vote:

AYES—Messrs. Baxter, Beatty, Beban Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Costar, Cronin, Drew, Flavelle Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon Hans, Hawk, Hayes, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds,

Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr Speaker—55.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 434—An Act to amend Section 628*a* of the Penal Code of the State of California, relating to the protection and preservation of striped bass.

Bill read third time

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 434 passed by the following vote:

AYES—Messrs Baxter, Beatty, Bohnett, Butler, Callan, Cattell, Cogswell, Colher, Costar, Cronin, Cullen, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Pulcifer, Sackett, Silver, Stuckenbruck, Telfer, Transue, Webber, Wheelan, Whitney, Wilson, Wyllie, and Mr. Speaker—58.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

RE-REFERENCE OF BILL.

On motion of Mr. Leeds, Assembly Bill No. 1147 was referred to the Los Angeles Delegation.

SPECIAL ORDER SET.

On motion of Mr. Johnson of Sacramento, the consideration of Assembly Bill No. 23 was made a special order for Tuesday, March 2, 1909, at eleven o'clock A. M.

Assembly Bill No. 261—An Act to amend Section 1855*a* of the Code of Civil Procedure, relating to secondary evidence of public records or documents lost or destroyed by fire or other calamity; also providing that in such case decrees of distribution and partition, and deeds made, pursuant to or under a judgment, or order of court, shall prima facie be deemed made under proceedings duly had.

Bill read third time and passed on file.

Assembly Bill No. 1048—An Act to amend Section 1619 of the Code of Civil Procedure, relating to fees of attorneys of executors and administrators.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1048 passed by the following vote:

AYES—Messrs Baxter, Beatty Bohnett, Butler, Callan, Cattell Coghlan, Cogswell, Costar, Cronin, Cullen, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Leeds, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Odom, Otis, O'Neill, Perine, Polsley, Pulcifer, Sackett, Schmitt, Silver, Telfer, Transue, Webber, Wheelan, Wilson, Young, and Mr. Speaker—57.
NOES—Mr. Kehoe—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 584—An Act to amend Section 1425 of the Penal Code of the State of California, relating to the jurisdiction of justices' courts.

TIME OF RECESS EXTENDED.

At twelve o'clock and thirty minutes P. M., the hour of recess was extended until twelve o'clock and forty minutes P. M.

Bill read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Leeds moved a call of the House.

Motion carried.

Time, twelve o'clock and forty-five minutes P. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll.

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

Messrs. Baxter, Beardslee, Beatty, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Costar, Cronin, Cullen, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Holmquist, Hopkins, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Pulcifer, Schmitt, Silver, Stuckenbruck, Transue, Webber, Wheelan, Whitney, Wilson, Young, and Mr. Speaker—61.

The Chief Clerk announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the House.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At twelve o'clock and fifty minutes P. M., further proceedings under the call of the House was dispensed with, on motion of Mr. Leeds.

The roll of absentees was called.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Mott moved a call of the House.

Motion carried.

Time, twelve o'clock and fifty-one minutes P. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll.

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

Messrs. Baxter, Beardslee, Beatty, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Costar, Cronin, Cullen, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hewitt, Hinkle, Holmquist, Hopkins, Johnson of Placer, Juilliard, Kehoe, Leeds, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Pulcifer, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Webber, Whelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—61.

The Chief Clerk announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the House.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At one o'clock P. M., further proceedings under the call of the House were dispensed with, on motion of Mr. Leeds.

The roll of absentees was called, and the bill refused passage by the following vote:

AYES—Messrs. Baxter, Beardslee, Beatty, Beban, Butler, Callan, Coghlan, Cronin, Cullen, Dean, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Greer, Griffiths, Hammon, Hans, Hawk, Hopkins, Juilliard, Maher, McClellan, McManus, Moore, Mott, Nelson, Odom, O'Neill, Perine, Polsley, Pulcifer, Schmitt, Stuckenbruck, Transue, Webber, Wheelan, and Mr. Speaker—39

NOES—Messrs. Bohnett, Cattell, Cogswell, Collier, Costar, Drew, Gillis, Hanlon, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Kehoe, Leeds, Melrose, Mendenhall, Otis, Sackett, Silver, Telfer, Whitney, Wilson, Wyllie, and Young—27.

NOTICE OF MOTION TO RECONSIDER.

Mr. Leeds gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 584 was this day refused passage.

RECESS.

At one o'clock and two minutes P. M, the Assembly was declared at recess until two o'clock P. M. of this day.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.

Speaker P. A. Stanton in the chair.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

MAJORITY REPORT OF COMMITTEE ON UNIVERSITIES.

MR. SPEAKER: We, the majority of the members of your Committee on Universities, which was granted leave of absence to visit the University of California, beg leave to report as follows:

All the members of the committee visited the University of California at Berkeley on Monday and Tuesday, February 1, and 2. They also personally visited the lands proposed to be purchased, should this Legislature grant the necessary appropriation therefor, and they examined the same in detail, with particular reference to their location and facilities. They also visited the various buildings in the University grounds and many of the classes then in session; also many of the laboratories.

We desire to make some observations relative to Assembly Bills Nos. 679, 681 and 683.

Relative to bill 679, calling for an appropriation of $300,000 for the purchase of lands in and about what is commonly known as "Strawberry Canyon," it is our opinion that the acquisition of this watershed will be of great value and benefit to the University in more ways than one The following reasons for this opinion merit special attention:

1. The acquisition of this land will provide the University with an adequate water supply, which is lacking at the present time. All the water now used in and about the University, for sanitary, drinking, and irrigation purposes, is purchased from the water company, and costs about $5 000 per annum. The water so purchased is not sufficient to provide the buildings of the University with any protection against fire. Many of the departments are housed in buildings which are not fireproof, but which contain valuable machinery, specimens and collections, on which no insurance is carried. It is proposed, if this water supply should be obtained, to install a complete fire fighting system, which will remove the danger of a general conflagration there.

2. At present, the scarcity and high price of water prevent irrigating the grounds and keeping them fresh and green during the summer months. The proposed system will provide an ample supply of water for such purposes.

3 The proposed new system will furnish absolutely pure water for drinking purposes, which is not now the case

4. The canyon in question, containing about 650 acres, will enable the colleges of forestry, engineering, agriculture and dairying, to enlarge the practical work of their respective departments in close proximity to the University itself.

5 The acquisition of these lands was contemplated by the Legislature of this State by legislative enactment in 1875. (See Stats. of 1875 and 1876, page 816). We are informed that the University has not heretofore acquired title to these lands because of the inability of the Regents to procure the consent of the owners thereto to sell. Such consent has now for the most part been obtained.

6. It is proposed to construct in the canyon a reservoir with a capacity of seventy to seventy-five million gallons, and it is estimated that the annual water supply available from such reservoir will be one hundred million gallons. The University now consumes about eighteen million gallons a year, which is largely inadequate to meet its actual needs We believe, however, that the sum of $300,000 is too much, and therefore recommend an amendment to bill No 679, reducing the amount to $200,000

With relation to bill No 681, asking for an appropriation of $200,000 for the construction of a new agricultural building, we have found that the building in which the agricultural college is now housed is crowded with implements, apparatus, and necessary laboratory and lecture room furniture, and only a few people can work therein at one time. The building was originally constructed for the use of a small number of students Since its construction the number of students in that college has increased tenfold Other branches of the work, intimately connected with the agricultural college, and which should therefore be accommodated under the same roof, are necessarily housed in separate and outside buildings, which are absolutely inadequate. We realize that this is an extremely important branch of the educational system of this State, and believe that the students, and ultimately the State itself, will be materially benefited by providing a proper building for the agricultural college.

With reference to bill No 683, asking for an annual tax of three cents on each one hundred dollars of value of the taxable property of the State for the permanent support and improvement of the University we find as follows:

The State provides two cents on each one hundred dollars of taxable valuation, and for the past few years the institution has fallen behind in its running expenses about $50,000 per annum We further find that for the most part the professors, instructors and teachers (other than heads of departments) are receiving small and inadequate salaries. In order to construct any new building, or to enlarge any present building, in the grounds, it is necessary for the Regents to ask biennial appropriations from the Legislature.

If the general tax for the University be increased by one cent it will mean an additional permanent amount for the University of about $200,000 annually Of this amount $50,000 per annum will be used to cover the deficit in running expenses that now exist, $50,000 per annum will be used in the increase of the salaries of the professors, instructors and teachers above referred to and operating expenses; and $100,000 per annum will be placed in a permanent building fund, out of which fund the institution can construct new buildings, and alter, repair and add to the present buildings within the grounds. We believe that if this measure is passed the permanent income of the University will be adequate to maintain it for many years to come, without the necessity of asking, at each session of the Legislature, for special appropriations for erecting new buildings or repairing the present ones

We therefore recommend that this bill be passed as a measure of great necessity to the institution.

The committee have already reported their recommendations on the other bills before them.

As a result of our inspection and investigation, we find that the University is being conducted in a competent and efficient manner and that the members of the faculty are properly attending to their duties

The University is governed by a board of regents composed of business and professional men of broad ideas and wide experience, and we believe that they are thoroughly able to satisfactorily determine, and do satisfactorily determine, how the internal affairs of the institution should be regulated and conducted.

Regarding a rumor that certain members of the faculty were actively participating in partisan politics in connection with their University work, we find that such rumor has no real foundation in fact, and that, in obedience to the Constitution of the State, the University is entirely independent of all political or sectarian influence

OTIS,
BOHNETT,
YOUNG,
HANLON,

Dated March 1, 1909. Majority of Committee on Universities

I subscribe to the foregoing report, with the exception of that part referring to the appropriation for a new agricultural building at Berkeley. Concerning said agricultural building, my district desires that said agricultural building should be constructed upon the University Farm at Davis

LAWRENCE WILSON.

MINORITY REPORT OF COMMITTEE ON UNIVERSITIES.

MR SPEAKER: The minority of your Committee on Universities, which was granted leave of absence for the purpose of visiting the University of California, begs leave to report as follows:

We visited the University of California, at Berkeley, on Monday and Tuesday, February 1 and 2. The entire committee personally visited the lands which are proposed to

be purchased, provided this Legislature grants the necessary appropriation therefor, and examined the same in detail, with particular reference to its location and facilities. We visited the various buildings in the University grounds, and many of the classes then in session; also many of the laboratories.

As a result of our inspection we desire to state that, generally speaking, the institution is being conducted in a competent and efficient manner. There are, however, some suggestions which we wish to make relative to matters observed during our visit, which will hereafter be referred to specifically.

Relative to bill No 679, calling for an appropriation of $300,000 for the purchase of lands in and about what is commonly known as "Strawberry Canyon," it is our opinion that the acquisition of this watershed will be of great value to the University in more ways than one. The following reasons for this opinion merit special attention:

1. The acquisition of this land will provide the University with an adequate water supply, which is lacking at the present time. All the water now used in and about the University for sanitary, domestic, and irrigation purposes, is purchased from the water company, and costs about $5,000 per annum. The water so purchased is not sufficient to provide the buildings of the University with any protection against fire. Many of the departments are housed in buildings not fireproof, and which contain valuable specimens, apparatus, and machinery upon which no insurance is carried. It is proposed, if this water supply be obtained, to install a complete fire-fighting system, which will remove the danger of any general conflagration there.

2. At the present there is no way of irrigating the grounds and keeping them fresh and green during the summer months, on account of the scarcity and high price of water. The proposed new system will provide an ample supply of water for constant irrigation of the grounds.

3. The proposed new system will furnish absolutely pure water for domestic purposes, which is not now the case.

4. The canyon in question, containing about 650 acres, will enable the colleges of forestry, engineering, agriculture, and dairying to indulge in the practical work of their respective departments, close to the University itself.

5. The acquisition of these lands was contemplated by the Legislature of this State by a legislative enactment in 1875. (See Stats. 1875 and 1876, page 816.) We are informed that the University has not heretofore acquired possession of these lands because of the inability of the Regents to procure the consent of the owners thereof. Such consent has now been obtained in some cases, and the principal owners have substantially agreed to sell to the State. The remainder of the land can be acquired by condemnation proceedings.

6. It is proposed to construct in the canyon a reservoir with a capacity of seventy to seventy-five million gallons, and it is estimated that the annual water supply available from such reservoir will be one hundred millions of gallons. The University now consumes about eighteen million gallons of water a year, which is totally inadequate for its actual needs. We believe, however, that the sum of $300,000 is excessive, and this committee has therefore recommended an amendment to bill No 679, reducing the amount to $200,000.

With relation to bill No 681, asking an appropriation of $200,000 for the construction of a new agricultural building, we have found that the building in which the agricultural college is now housed is crowded with implements, apparatus, and necessary laboratory and lecture room furniture, and only a few students can work therein at one time. The building was originally constructed for the use of a small number of students. Since its construction the number of students in that college has increased tenfold. Other branches of the work, intimately connected with the agricultural college, and which should, therefore, be accommodated under the same roof, are necessarily housed in separate and outside buildings, which are absolutely inadequate. We realize that this is an extremely important branch of the educational facilities of this State, and believe that the students, and ultimately the State itself, will be materially benefited by providing a proper building for the agricultural college.

With reference to bill No 683, asking for an annual tax of three cents on each one hundred dollars of value of the taxable property of the State for the permanent support and improvement of the University, we find as follows:

The State provides two cents on each one hundred dollars valuation, and for the past few years the institution has fallen behind in its running expenses about $50,000 per year. We further find that for the most part, the professors, instructors, and teachers (other than heads of departments) are receiving small and inadequate salaries. In order to construct any new building, or to enlarge any present building in the grounds, it is necessary for the Regents to ask biennial appropriations from the Legislature. If the general tax for the University be increased by one cent, it will mean an additional permanent amount for the University of about $200,000 annually. Of this amount $50,000 per annum will be used to cover the deficit in running expenses that now exists, $50,000 per annum may be used in the increase of the salaries of professors, instructors, and teachers, above referred to, and operating expenses, and $100,000 per annum will, according to an amendment to this bill, proposed by the committee, be placed in a permanent building fund, out of which fund the institution can construct new buildings, and alter, repair, and add to the present buildings within the grounds. We believe that if this measure is passed, the permanent income of the University will be adequate to maintain it for many years to come, without the necessity of asking for special

appropriations at each session of the Legislature, for the purpose of erecting new buildings or repairing the present ones.

We therefore recommend that this bill be passed, as amended as a measure of great necessity for the advancement and welfare of this institution.

It has been brought to the attention of certain members of this committee, that some of the faculty have been occupying their time in matters not connected with the University, and to the detriment of the institution. We asked the President of the University and the Regents for information as to any contracts which might be in existence between members of the faculty and the regents, and learned that there never has been any contract, verbal or written, between any professor, or any member of the faculty, and the Regents, or the President of the University. We were further informed that when professors are employed there is no understanding as to what hours they shall devote to the University work, and no special agreement as to what their duties shall consist of. I believe that this is not good practice, for it leaves the question of what work they are supposed to do, entirely open and not subject to investigation or inspection by either the regents or by the State of California, through their representatives, the Legislature.

I furthermore think, and therefore suggest, that some agreement verbal or written, should be had between the President of the University and the various instructors and professors, at the time they are employed.

Regarding the rumors that some members of the faculty had been using their positions and titles at the University in furtherance of the interest of political parties and factions thereof, we were told that this matter had been looked into by the President of the University and the Regents, and they assured us that they have taken and will take the necessary steps to prevent any recurrence of such practice.

The Constitution of the State of California provides (article nine, section nine) that "the University shall be entirely independent of all political or sectarian influence," and I desire to call the attention of the faculty and the Regents to this enactment of the law and, deeming it for the best interests of the institution, I strongly urge that in the future this provision will be strictly complied with, and that in the performance of their duties in and about the University each and every member of the faculty shall refrain from indicating that they are in favor of or opposed to any political party or faction thereof.

Respectfully submitted

SCHMITT,
Minority of Committee on Universities.

ON FEDERAL RELATIONS

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1909.

MR. SPEAKER: Your Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 15—Relating to the changing of old names of the United States forest reserves.

Also: Senate Joint Resolution No. 2—Relative to purchase by Federal Government of Henry ranch, at Atascadero, California, for military camps, maneuvers and rifle ranges for regular troops and National Guard.

Also: Assembly Joint Resolution No. 9—Relating to Federal improvement of Newport Bay, in Orange County.

Also: Senate Joint Resolution No. 14—Relating to purchase by Federal Government of Calaveras Big Trees.

Have had the same under consideration, and respectfully report the same back, and recommend that they be adopted.

MOTT, Chairman.

Senate Joint Resolutions Nos. 15 and 2 ordered on file for adoption.

Mr. Melrose moved that Senate Joint Resolution No. 9 be taken up for consideration.

Motion carried.

Senate Joint Resolution No. 9 read, and on motion adopted, and ordered transmitted to the Senate.

SENATE JOINT RESOLUTION No. 9.

Relative to requesting the Secretary of War to advise the United States Board of Engineers for Rivers and Harbors to reconsider its action on the report of Captain Amos A. Fries, dated December 17, 1907, relative to the dredging of the channel in San Pedro harbor, California.

WHEREAS, Congress of the United States has heretofore appropriated money for the dredging of a channel in and from San Pedro harbor, and for other purposes in connection therewith; and

WHEREAS, Work has been progressing at said place under the direction of Captain Amos A. Fries; and

WHEREAS, Said Captain Amos A. Fries has recommended to the said Board of Engineers for Rivers and Harbors an appropriation of money for dredging northerly

from the turning basin at San Pedro to the limits of the harbor lines as established by the Secretary of War, July 29, 1908, under the authority of a joint resolution of Congress, approved March 26, 1908; and

WHEREAS, The Consolidated Lumber Company, a corporation, which controls about fifty acres along the northeasterly bank of the Wilmington lagoon, commenced on the 18th day of November, 1908, to dredge a channel, at its own cost, 200 feet wide and about 3,500 feet long, with a depth of 18 feet at mean low water, with a turning basis at the head of said channel, and has dedicated the ground for said channel to the United States Government; therefore, be it

Resolved by the Senate and Assembly, jointly, That the Secretary of War be and he is hereby requested to advise the United States Board of Engineers for Rivers and Harbors to reconsider its action on the report of Captain Amos A. Fries, dated December 17, 1907, and that said board recommend dredging northerly from the turning basin at San Pedro to the limits of the harbor lines as established by the Secretary of War, July 29, 1908, under authority of a joint resolution of Congress, approved March 26, 1908, in order that the main harbor at San Pedro will be connected with the channel and turning basin now being dredged by the said Consolidated Lumber Company, in order that the present class of vessels coming into San Pedro harbor may proceed to said turning basin and thus approach two miles nearer to the city of Los Angeles, California.

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1909

MR SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Assembly Bill No. 1187—An Act to amend Section 604 of the Political Code, as to proceedings concerning insolvent insurance corporations.

Assembly Bill No. 1186—An Act to amend Section 618 of the Political Code as to deposits required of insurance companies organized under the laws of this State

Assembly Bill No. 1181—An Act to repeal Section 600*a* of the Political Code, and to reënact same as Section 603*a* of the Political Code.

Assembly Bill No. 916—An Act to amend section twenty-five hundred and forty-one of the Civil Code of the State of California, relating to assignment to mortgagee of thing insured.

Assembly Bill No. 915—An Act to amend section twenty-seven hundred and fifty-six of the Civil Code of the State of California, relating to measure of indemnity.

Assembly Bill No 1331—An Act to amend an Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulations, by amending Section 16.

Assembly Bill No. 566—An Act to amend section three hundred eight of the Penal Code of the State of California, relating to the sale of cigarettes and tobacco.

Assembly Bill No. 1233—An Act to amend Section 4265 of the Political Code of the State of California, relating to the compensation of officers of counties of the thirty-sixth class and their deputies and assistants.

Assembly Bill No. 1357—An Act to amend Section 4252 of the Political Code of the State of California, relating to salaries, fees, and compensation of officers of counties of the twenty-third class.

Assembly Bill No 1402—An Act declaring February 12, the birthday of Abraham Lincoln, a legal holiday, and providing for a half-day session in the public schools on such holiday, and for certain exercises in the public schools

Assembly Bill No. 1419—An Act authorizing suits against the State concerning certain real property and regulating the procedure therein.

Assembly Bill No. 1358—An Act to amend Section 1444 of the Code of Civil Procedure, relating to appraisement of estates and pay of appraisers.

Assembly Bill No. 408—An Act to amend Section 171 of the Code of Civil Procedure of this State, relating to the practice of law by judges or county clerks.

Assembly Bill No. 1262—An Act authorizing municipal corporations to permit other municipal corporations to construct and maintain sewers, water mains, and other conduits therein, also to construct and maintain sewers, water mains, and other conduits for their joint benefit, and at their joint expense, and to make and enter into contracts for said purposes

Assembly Bill No. 1261—An Act to amend Section 12 of an Act entitled "An Act to establish police courts in cities of the first and one-half class, to fix their jurisdiction and to provide for officers of said courts and fix the compensation of certain officers thereof," approved March 5, 1901, relating to the imprisonment of persons convicted in police courts in cities of the first and one-half class

Assembly Bill No. 1284—An Act validating the title to lands selected by the State in lieu of surveyed school sections situated within the exterior boundaries of national reservations created by proclamation of the President of the United States, and vesting the title of the State to such surveyed school sections in the United States.

Assembly Bill No. 1004—An Act to authorize the Governor to accept on behalf of the State the grant of certain lands in Butte County.

Assembly Bill No. 1253—An Act to authorize the State of California to release and convey to the United States such portions of the sixteenth and thirty-sixth sections of land contained in the Cleveland National Forest Reserve, formerly San Jacinto Forest Reserve,

(and referred to in that certain Act entitled "An Act to authorize the settlement of an existing controversy between the United States of America and the State of California, and making an appropriation to carry out the provisions of said Act," approved March 21, 1907,) as may remain after the settlement referred to in said Act has been consummated, for the purpose of reimbursing the United States for lands surrendered to it by the State, and which said lands so surrendered were thereafter sold and patented by said State

Assembly Bill No. 1363—An Act authorizing the purchase of portraits of Speakers of the Assembly and appropriating money therefor.

Assembly Bill No. 1282—An Act to add a new section to the Penal Code of the State of California, to be known and numbered Section 402*e*.

Assembly Bill No 945—An Act to amend an Act entitled an Act to form agricultural districts, to provide for formation of agricultural associations therein, and for management and control of the same by the State, and to repeal all Acts and parts of Acts in conflict with this Act Approved March 31, 1897, amendment approved March 15, 1901, by adding thereto and providing therein for a new district, to be known as Agricultural District No. 46, composed of the county of Imperial.

Assembly Bill No 1155—An Act to amend Section 4 of an Act entitled "An Act for preventing the manufacture, sale or transportation of adulterated, mislabled or misbranded foods and liquors, and regulating the traffic therein, providing penalties, establishing a State laboratory for foods, liquors and drugs, and making an appropriation therefor," approved March 11, 1907, relating to the adulteration of food.

Assembly Bill No. 1020—An Act to amend Section 2 of "An Act to prohibit adulteration and deception in the sale of dairy products, defining adulteration in dairy products, to establish standards of quality in dairy products, and to provide for enforcing its provisions," approved March 15, 1907

Assembly Bill No. 1321—An Act to amend the Civil Code of the State of California by adding a new section thereto, to be numbered 2472, relating to appointment of agent and service of summons.

Assembly Bill No. 1159—An Act to decrease the number of judges of the Superior Court of the county of Shasta, State of California, from two to one.

Assembly Bill No. 1095—An Act to amend section three thousand five hundred and eighteen of the Political Code, relating to duplicates for lost certificates of purchase of State lands.

Assembly Bill No. 826—An Act to amend Section 198, Code of Civil Procedure, relating to jurors.

Assembly Bill No. 705—An Act to amend section five hundred and ninety-seven of the Penal Code, relating to cruelty to animals.

Assembly Bill No. 654—An Act to amend section eight hundred and seventy of the Penal Code, relating to the keeping and furnishing of depositions on examinations in criminal charges.

Assembly Bill No. 603—An Act to amend the Penal Code of California by adding thereto a new section, to be numbered 181*a*, relating to the falsification of books of accounts.

Assembly Bill No. 1254—An Act to authorize the deposit of certain newspaper files kept in recorders' offices in free public libraries.

Assembly Bill No. 1231—An Act to amend Section 4239 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the tenth class

Assembly Bill No 1087—An Act to prevent fishing or the taking of fish by means of weirs, dams, nets, traps, or seins, in False Bay or in the entrance thereto.

Assembly Bill No 929—An Act to regulate the vocation of fishing, and to provide therefrom revenue for the propagation, restoration, and preservation of fish in the waters of the State of California

Assembly Bill No 1234—An Act for the establishment in the city of Santa Barbara of a State Normal School of Manual Arts and Home Economics, and making an appropriation therefor.

Assembly Bill No 1138—An Act to amend Section 1552 of the Political Code of the State of California, relating to the traveling expenses of county, and city and county superintendents.

Assembly Bill No. 1146—An Act to add a new section to the Political Code of the State of California, to be known as Section 3495*a*, and relating to applications to purchase State lands, requiring a deposit of money to accompany the application, and providing for the filing of additional applications

Assembly Bill No 1256—An Act to amend section three of an Act entitled "An Act for the registration of deaths, the issuance and registration of burial and disinterment permits, and the establishment of registration districts in counties, cities and counties, cities and incorporated towns, under the superintendence of the State Bureau of Vital Statistics, and prescribing the powers and duties of registrars, coroners, physicians, undertakers, sextons, and other persons in relation to such registration, and fixing penalties for the violation of this Act," approved March 18, 1905

Assembly Bill No 1127—An Act to legalize, confirm, and validate assessments of real estate made between the years 1880 and 1908, inclusive, which real estate, under such assessments, has been struck off and sold to the State of California

Committee Substitute for Assembly Bills Nos. 64, 65, and 66—An Act to amend sections three hundred and fifty-three, fourteen hundred and twenty-five, and fourteen hundred and twenty-seven of the Political Code, all relating to Regents of the University of California.

Assembly Bill No 924—An Act making an appropriation to pay the claim of August Vollmer against the State of California.

Assembly Bill No. 702—An Act to amend Section 2319 of the Political Code of the State of California, relating to the office of the State Commissioner of Horticulture, the powers and duties of said commissioner, and the salaries, duties, and qualifications of his appointees.

Assembly Bill No. 1228—An Act to amend Sections 385 and 386 of the Political Code, relating to the salaries of the Private Secretary and the Executive Secretary of the Governor.

Assembly Bill No 1403—An Act to add four new sections to the Political Code of the State of California, relating to preparing a State budget.

Assembly Bill No. 1408—An Act to amend section five hundred and thirteen of the Political Code of the State of California, relating to the salary of the Superintendent of Public Instruction

Assembly Bill No 9—An Act to pay the claim of the county of Sacramento against the State of California.

Assembly Bill No 1064—An Act appropriating eighty-five dollars for the payment of the claim of the Regal Shoe Company.

Assembly Bill No. 1038—An Act authorizing and empowering the directors of the State Agricultural Society to hold State industrial and agricultural fairs at the city of Oakland county of Alameda, State of California, and making an appropriation therefor.

Assembly Bill No. 299—An Act to provide for the investigation of agricultural problems and conditions in Imperial County, and making an appropriation therefor

Assembly Bill No. 279—An Act to provide for the erection and furnishing of a convalescent cottage at the Stockton State Hospital farm, and to make an appropriation therefor.

Assembly Bill No. 71—An Act to repeal an Act entitled "An Act to create the office of Commissioner of Transportation, and to define its powers and duties; to fix the maximum charges for transporting passengers and freights on certain railroads, and to prevent extortion and unjust discrimination thereon," approved April 1, 1878, and also to repeal an Act entitled "An Act to organize and define the powers of the Board of Railroad Commissioners," approved April 15, 1880, and to provide for the organization of the Board of Railroad Commissioners, define its powers and duties, and the powers and duties of railroad and transportation companies, their officers, agents, and employees, and to define offenses by shippers and railroad and transportation companies, their officers, agents, and employees, and other persons, and providing penalties for such offenses.

YOUNG, Chairman

The above reported bills ordered on file for third reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1909.

MR SPEAKER Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly reëngrossed:

Assembly Bill No 727—An Act to amend Section 1636 of the Political Code of the State of California, relating to taking the school census by providing for signature of parent or guardian to census and by providing a fine for those refusing to give in the school census.

Assembly Bill No. 137—An Act to amend sections two, three, four, and six of an Act entitled "An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

YOUNG, Chairman.

SENATE BILLS—THIRD-READING FILE.

Senate Bill No. 241—An Act to provide for making repairs and for additional equipment at the State Normal School at San Diego, California, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 241 finally passed by the following vote:

Ayes—Messrs Beardslee, Beatty, Bohnett, Callan, Cattell, Coghlan, Cogswell, Collier, Cronin, Cullen, Fleisher, Flint, Gibbons, Greer, Hammon, Hanlon, Hayes, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Kehoe, Leeds McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, O'Neill, Perine, Polsley

Pulcifer, Sackett, Stuckenbruck, Transue, Webber, Whitney, Wilson, Wyllie, and Mr. Speaker—43.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 59—An Act defining the powers and duties of physicians, local health officers, and boards of health in the matter of the protection of the people of the State of California from the disease known as tuberculosis, providing for requisitions and reports, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 59 finally passed by the following vote:

AYES—Messrs. Beardslee, Beatty, Bohnett, Callan, Cattell, Coghlan, Cogswell, Collier, Cronin, Cullen, Fleisher, Flint, Gerdes, Gibbons, Greer, Hammon, Hanlon, Hayes, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Kehoe, Leeds, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, O'Neill, Perine, Polsley, Pulcifer, Sackett, Stuckenbruck, Transue, Webber, Whitney, Wilson, Wyllie, and Mr. Speaker—45.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 113—An Act appropriating money for a pressed brick machine for the Preston School of industry.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 113 finally passed by the following vote:

AYES—Messrs. Baxter, Beardslee, Beatty, Beban, Bohnett, Callan, Cattell, Coghlan, Cogswell, Cronin, Fleisher, Flint, Gerdes, Gibbons, Greer, Hammon, Hanlon, Hayes, Hinkle, Holmquist, Johnson of Sacramento, Johnson of Placer, Kehoe, Leeds, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, O'Neill, Perine, Polsley, Pulcifer, Sackett, Silver, Stuckenbruck, Transue, Webber, Whitney, Wilson, Wyllie, and Mr. Speaker—45.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 143—An Act providing for an appropriation of $1,800.00 for the purchase of a cylinder printing press for Whittier State School.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 143 finally passed by the following vote:

AYES—Messrs. Baxter, Beardslee, Beatty, Beban, Bohnett, Callan, Cattell, Collier, Cronin, Cullen, Fleisher, Flint, Gerdes, Gibbons, Greer, Hammon, Hanlon, Hayes, Hinkle, Holmquist, Johnson of Sacramento, Johnson of Placer, Kehoe, Leeds, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, O'Neill, Perine, Polsley, Pulcifer, Sackett, Silver, Stuckenbruck, Transue, Webber, Whitney, Wyllie, Young, and Mr. Speaker—46.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

HON. PERCY V. HAMMON IN THE CHAIR.

At two o'clock and twenty-five minutes P. M., Hon. Percy V. Hammon in the chair.

Senate Bill No. 144—An Act providing for an appropriation of $3,500.00 for the purchase of a Mergenthaler linotype and equipment for the Whittier State School.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 144 finally passed by the following vote:

AYES—Messrs. Baxter, Beardslee, Beatty, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Costar, Cronin, Cullen, Dean, Drew, Flint, Gerdes, Gibbons, Greer, Hammon, Hanlon, Hans, Hayes, Hinkle, Holmquist, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Maher, McClellan, McManus, Moore, Mott, Nelson, Odom, Perine, Polsley, Pulcifer, Sackett, Silver, Stuckenbruck, Transue, Webber, Whitney, Wyllie, Young, and Mr. Speaker—48.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 146—An Act providing for an appropriation of $3,500.00 for repairs on the main building of the Whittier State School.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 146 finally passed by the following vote:

AYES—Messrs. Baxter, Beardslee, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Costar, Cronin, Cullen, Dean, Flint, Gerdes, Gillis, Greer, Hammon, Hanlon, Hans, Hawk, Hayes, Hinkle, Holmquist, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Maher, McManus, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Pulcifer, Sackett, Silver, Stuckenbruck, Transue, Webber, Whitney, Wyllie, and Mr. Speaker—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 149—An Act providing for an appropriation of $2,500.00 for the purchase of a boiler for the Whittier State School.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 149 finally passed by the following vote:

AYES—Messrs. Baxter, Beardslee, Beatty, Beban, Butler, Callan, Cattell, Cogswell, Collier, Costar, Cronin, Cullen, Dean, Drew, Fleisher, Flint, Gillis, Greer, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Juilliard, Kehoe, Leeds, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Pulcifer, Sackett, Silver, Stuckenbruck, Transue, Webber, Whitney, Wilson, Wyllie, and Young—52.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 169—An Act appropriating money for the building and furnishing of a refectory building at the Preston School of Industry.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 169 finally passed by the following vote:

AYES—Messrs. Baxter, Beardslee, Beatty, Beban, Bohnett, Butler, Callen, Cattell, Cogswell, Costar, Cronin, Cullen, Dean, Drew, Fleisher, Flint, Gillis, Greer, Hammon, Hanlon, Hans, Hawk, Hayes, Hinkle, Holmquist, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Maher McManus Melrose, Mendenhall, Moore, Mott,

Nelson, Odom, Otis, O'Neill, Perine, Polsley, Pulcifer, Sackett, Stuckenbruck, Telfer, Transue, Webber, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—53
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No 164—An Act appropriating money for the building and furnishing of four cottages at the Preston School of Industry.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 164 finally passed by the following vote:

AYES—Messrs. Baxter, Beardslee, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Cronin, Drew, Fleisher, Flint, Gerdes, Gillis, Hammon, Hanlon, Hans, Hawk, Hayes, Hinkle, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Pulcifer, Sackett, Stuckenbruck, Telfer, Transue, Webber, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—51.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 98—An Act to repeal an Act entitled "An Act to provide for restoration to capacity of persons adjudged to be insane, who have no guardians and who are not confined at State hospitals for the insane," approved March 23, 1901.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 98 finally passed by the following vote:

AYES—Messrs. Beardslee, Beban, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Cronin, Cullen, Dean, Drew, Fleisher, Flint, Gerdes, Gibbons, Gillis, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Pulcifer, Sackett, Stuckenbruck, Telfer, Transue, Webber, Whitney, Wilson, Wyllie, and Mr Speaker—51
NOES—Mr Baxter—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 179—An Act to amend Sections 270, 270*a*, and 270*b* of the Penal Code of California

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 179 finally passed by the following vote:

AYES—Messrs. Baxter, Beardslee, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Costar, Cronin, Cullen, Drew, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Pulcifer, Sackett, Stuckenbruck, Telfer, Transue, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr Speaker—55
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 549—An Act to amend Section 558 of the Code of Civil Procedure of the State of California, relating to the discharge of attachments.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No 549 finally passed by the following vote:

AYES—Messrs. Baxter, Beardslee, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Costar, Cronin, Cullen, Dean, Drew, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hinkle, Holmquist, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Odom, Otis, O'Neill, Perine, Pulcifer, Sackett, Silver, Stuckenbruck, Telfer, Transue, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—55.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 635—An Act to amend Section 1618 of the Code of Civil Procedure of the State of California, relative to the compensation of executors and administrators.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 635 finally passed by the following vote:

AYES—Messrs Baxter, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Costar, Cronin, Cullen, Drew, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Pulcifer, Sackett, Silver, Stuckenbruck, Telfer, Transue, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—55.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 636—An Act to amend Section 2274 of the Civil Code of the State of California, relative to the compensation of trustees.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 636 finally passed by the following vote:

AYES—Messrs. Baxter, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Cronin, Cullen, Dean, Drew, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Hanlon, Hans, Hawk, Hays, Hewitt, Holmquist, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Pulcifer, Stuckenbruck, Telfer, Transue, Webber, Wheeler, Whitney, Wilson, Wyllie, Young, and Mr Speaker—54.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 366—An Act providing for the labeling or stamping by the manufacturer, vendor, or person offering for sale any article of hotel, boarding or lodging house, of domestic or office furniture, the cushions whereof are stuffed, in whole or in part, with materials made of secondhand or cast off clothing, rags, or cast off or secondhand material of any character, so that the label or stamp shall show the character of the materials with which such articles are so partly made or stuffed, and making the violation of any of the provisions of this Act a misdemeanor

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 366 finally passed by the following vote:

AYES—Messrs. Baxter, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Costar, Cronin, Cullen, Drew, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Hanlon, Hans, Hawk, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Maher, McClellan, Melrose, Mendenhall, Moore, Otis, O'Neill, Perine, Polsley, Pulcifer, Sackett, Silver, Stuckenbruck, Telfer, Transue, Webber, Whitney, Wilson, Young, and Mr. Speaker—52.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 801—An Act to amend the Code of Civil Procedure of the State of California, by adding a new section thereto, to be known as Section 1559, relating to payment of commissions upon sales of real property, under order of court.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No 801 finally passed by the following vote:

AYES—Messrs Baxter, Beatty, Beban, Bohnett, Callan, Cattell, Cogswell, Collier, Costar, Cronin, Cullen, Drew, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Hammon, Hanlon, Hans, Hawk, Hayes, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Juilliard, Kehoe, Leeds, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, O'Neill, Polsley, Sackett, Silver, Stuckenbruck, Telfer, Transue, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Constitutional Amendment No. 11—Relative to proposed amendment of Article XIII of the Constitution, providing that a mortgage, deed of trust, contract, or other obligation by which a debt is secured when land is pledged as security for the payment thereof, together with the money represented by such debt, shall be exempt from taxation, and to that end amending Section 1, and repealing Section 4 of Article XIII of the Constitution of the State of California.

The question being on the adoption of the senate constitutional amendment.

The roll was called, and Senate Constitutional Amendment No. 11 finally adopted by the following vote:

AYES—Messrs Baxter, Beardslee, Beban, Bohnett, Callan, Cattell, Cogswell, Collier, Costar, Cronin, Cullen, Dean, Drew, Fleisher, Flint, Gerdes, Gillis, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Holmquist, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Polsley, Pulcifer, Sackett, Silver, Stuckenbruck, Telfer, Transue, Webber, Wheelan, Whitney, Wilson, Wyllie, and Mr Speaker—55

NOES—None.

SENATE CONSTITUTIONAL AMENDMENT NO. 11.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, providing that a mortgage, deed of trust, contract, or other obligation by which a debt is secured when land is pledged as security for the payment thereof, together with the money represented by such debt, shall be exempt from taxation, and to that end amending section one and repealing section four of article thirteen of the Constitution of the State of California.

The Legislature of the State of California, at its regular session, commencing the fourth day of January, nineteen hundred and nine, two thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes to

the qualified electors of the State of California the following amendment to the Constitution of the State of California:

First. Section one of article thirteen is hereby amended to read as follows:

Section 1. All property in the State except as otherwise in this Constitution provided, not exempt under the laws of the United States, shall be taxed in proportion to its value, to be ascertained as provided by law, or as hereinafter provided. The word "property," as used in this article and section, is hereby declared to include moneys, credits, bonds, stocks, dues, franchises, and all other matters and things, real, personal, and mixed, capable of private ownership, *provided*, that a mortgage, deed of trust, contract, or other obligation by which a debt is secured when land is pledged as security for the payment thereof, together with the money represented by such debt, shall not be considered property subject to taxation; *and further provided*, that property used for free public libraries and free museums, growing crops, property used exclusively for public schools, and such as may belong to the United States, this State, or to any county or municipal corporation within this State shall be exempt from taxation The Legislature may provide, except in the case of credits secured by mortgage or trust deed, for a deduction from credits of debts due to bona fide residents of this State

Second Section four of article thirteen is hereby repealed.

TITLE AMENDED.

Mr. Johnson of Sacramento offered the following amendment to the title:

Strike out the words "be exempt from taxation", and insert in lieu thereof the words "not be considered property subject to taxation;"

Amendment adopted.

Title, as amended, read and approved.

Senate constitutional amendment ordered to reprint, and transmitted to the Senate.

SPEAKER IN THE CHAIR.

At three o'clock and twenty-five minutes P. M., Speaker Stanton in the chair.

Senate Bill No. 296—An Act to amend section one thousand one hundred and ninety-five of the Political Code, relating to constitutional amendments and providing for the publication and distribution of a pamphlet showing a comparative statement of the operation of the present section or article of the Constitution and of the result to be effected by the proposed amendment.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 296 finally passed by the following vote

AYES—Messrs. Baxter, Beardslee, Beban, Bohnett, Callan, Cattell, Cogswell, Collier, Costar, Cronin, Cullen, Dean, Drew, Fleisher, Flint, Gerdes, Gillis, Greer, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Polsley, Pulcifer, Sackett, Silver, Stuckenbruck, Telfer, Transue, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr Speaker—56.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SENATE BILLS—SECOND-READING FILE.

Senate Bill No. 321—An Act to amend Section 8 of an Act entitled "An Act to create a State Bureau of Criminal Identification, providing for the appointment of a director of said bureau, defining his duties, qualifications, and powers, providing for the appointment of a clerk of said bureau, and fixing his qualifications, fixing the compensation of said director and clerk, and providing for the manner of paying the same, and providing for the expense of conducting the office, approved March 20, 1905."

Senate Bill No. 718—An Act appropriating seventy-five thousand ($75,000) dollars to complete, equip, and furnish the buildings of the San Jose State Normal School.

Mr. Beardslee moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bills.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Senate Bills Nos. 321 and 718 considered.

Mr. Beardslee moved that the committee do now rise and report in favor of the passage of the bills.

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bills Nos. 321 and 718, and do now report the same back, and recommend that they do pass.

STANTON, Chairman.

Bills read second time, and ordered on file for third reading.

Senate Bill No. 264—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Sections 339 and 343 thereof, relating to pawnbrokers.

During second reading of bill, the following amendment was submitted by the committee:

By adding a new section, to read as follows.

"SEC. 3. Providing that nothing in this Act shall apply to persons or corporations doing a banking business in this State."

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

SPECIAL ORDER RESET.

On motion of Mr. Coghlan the consideration of Assembly Joint Resolution No. 7 was made a special order for Tuesday, March 2, 1909, at three o'clock and thirty minutes P. M.

Senate Bill No. 513—An Act to amend Section 290*a* of the Civil Code, relating to corporations authorized to act as executor, administrator, guardian, assignee, receiver, depositary, or trustee

Bill read second time, and ordered on file for third reading.

Senate Bill No. 270—An Act declaring property infested with certain rodents to be a public nuisance; requiring owners, occupants, and persons having possession of, or dominion over such property, to endeavor to exterminate and destroy such rodents; providing for the inspection of property by boards of health and health officers, authorizing boards of supervisors and other governing bodies to purchase materials and employ inspectors to prosecute such work of extermination; authorizing State and local health authorities to prosecute such work in certain

cases; providing for the payment of the expense thereof; making the amount of such expense a lien on the property; providing for the collection of such amount by foreclosure of such lien; and declaring any violation of the provisions thereof to be a misdemeanor.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 198—An Act to amend Section 4249 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the twentieth class.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In line 32, page 2, of the printed bill, strike out the comma after the word "treasury," and insert in lieu thereof a period.

Amendment adopted.

AMENDMENT No. 2

Strike out in lines 32 and 33, of the printed bill, the words "and which payment shall be in full for all services, including the recording of mining claims."

Amendment adopted.

Bill read second time, and ordered to reprint and on file for third reading.

Senate Bill No. 667—An Act to amend Section 3671 of the Political Code, relating to taxes.

During second reading of bill, the following amendment was submitted by the committee:

On page 1, Section 1, line 11, strike out the word "for", and insert in lieu thereof the following: "upon".

Amendment adopted.

Bill read second time, and ordered to reprint and on file for third reading.

Senate Bill No. 178—An Act to amend Section 15 of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of lands embraced within such districts, and to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 232—An Act to repeal Section 644 of the Penal Code, relating to enticing seamen to desert their vessels.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 96—An Act to prevent the desecration, mutilation or improper use of the flag of the United States of America.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 650—An Act to amend Section 922 of the Code of Civil Procedure of the State of California, relating to Justices' Courts.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 703—An Act to add a new section to the Penal Code of the State of California, to be numbered 498*a*, relating to the possession of any contrivance for preventing the correct registration of any gas or electric meter.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 704—An Act to amend Section 498 of the Penal Code of the State of California, relating to the stealing or unauthorized use of gas and the injury, obstruction or alteration of gas meters.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 647—An Act to amend Sections 3627, 3680, 3692, 3839, 3843, 3845, and 3854 of the Political Code, relating to the assessment, equalization, and collection of taxes of the State and counties.

During second reading of bill, the following amendment was submitted by the committee:

On page 2, Section 1, line 16, strike out all of said line after the word "meetings", and insert in lieu thereof the following "The board may transact any and all business and perform all duties imposed upon it by law"

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

SENATE MESSAGE.

The following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, March 1, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed, as a case of urgency, Senate Bill No. 1239—An Act to provide for the accomplishment of the work of the direct improvement of the navigation of the Sacramento, San Joaquin and Feather rivers of the State of California as recommended in the special report the California Débris Commission, dated June 30, 1907, and made jointly by John Biddle, Lieutenant Colonel, Corps of Engineers, C. H. McKinstry, Major, Corps of Engineers, and Thomas H. Jackson, Captain, Corps of Engineers, of the United States Army, and printed with the annual report of the Chief of Engineers of the United States Army, for the fiscal year ending June 30, 1907, and making an appropriation for such work.

LEWIS A. HILBORN, Secretary of Senate.
By J. W KAVANAGH, Assistant Secretary.

Bill read first time, and ordered on file without reference

CASE OF URGENCY.

The following resolution was offered:

By Mr. Hewitt:

Resolved, That Senate Bill No. 1239 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage

Mr. Hewitt moved the adoption of the resolution.

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

AYES—Messrs Beardslee, Beatty, Beban, Bohnett Callan, Cattell, Coghlan, Cogswell, Collier, Costar, Cronin, Cullen, Dean, Drew, Flint, Gerdes, Gillis, Greer, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Leeds, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Polsley, Pulcifer, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—55.

NOES—Mr. Kehoe—1.

Senate Bill No. 1239—An Act to provide for the accomplishment of the work of the direct improvement of the navigation of the Sacramento, San Joaquin and Feather rivers of the State of California as recommended in the special report of the California Débris Commission, dated June 30, 1907, and made jointly by John Biddle, Lieutenant Colonel, Corps of Engineers; C H McKinstry, Major, Corps of Engineers, and Thomas H. Jackson, Captain, Corps of Engineers, of the United States Army, and printed with the annual report of the Chief of Engineers of the United States Army, for the fiscal year ending June 30, 1907, and making an appropriation for such work.

Mr. Hewitt moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Senate Bill No. 1239 considered.

Mr. Hewitt moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 1239, and do now report the same back, and recommend that it do pass.

STANTON, Chairman.

Bill read second time, and ordered to third reading.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1239 finally passed by the following vote:

AYES—Messrs. Beardslee, Beatty, Beban, Bohnett, Callan, Cattell, Coghlan, Cogswell, Collier, Cronin, Cullen, Dean, Drew, Flint, Gillis, Greer, Griffiths, Hanlon, Hans, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of Placer, Juilliard, Leeds, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Polsley, Pulcifer, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

COMMUNICATION.

The Speaker filed the following communication:

ASSEMBLY, CALIFORNIA LEGISLATURE, SACRAMENTO, March 1, 1909.

Hon. P. A. STANTON, *Speaker of Assembly.*

SIR: I have been subpœnaed as a witness in an action in the Superior Court of Santa Barbara County, and therefore ask leave of absence for one week, in order that I may attend said court.

Respectfully, CLIO LLOYD, Chief Clerk.

MOTION.

Mr. Beardslee moved that the leave of absence asked for be granted.

Motion lost.

Mr. Transue moved that the Speaker be instructed to notify the Superior Court of Santa Barbara County of the Assembly's action.

Motion carried.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON INTRODUCTION OF BILLS.

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1909

MR. SPEAKER: Your Committee on Introduction of Bills, to whom was referred the following bill, herewith return the same with the recommendation that the author be permitted to introduce it, and that the bill go on file without reference to committee.

By Mr Beatty: An Act to provide for the transfer from the general fund of the State treasury to the San Francisco harbor improvement fund of the sum of twenty-two thou

sand nine hundred and thirty-seven dollars and forty-five cents, to reimburse said San Francisco harbor improvement fund for the costs of publishing the "Second San Francisco Seawall Act", and the "India Basin Act" and directing the State Controller and State Treasurer to make such transfer.

LEEDS, Chairman

Mr. Leeds moved the adoption of the report.

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

AYES—Messrs Baxter, Beardslee, Beatty, Bohnett, Callan, Cattell, Coghlan, Cogswell, Collier, Costar, Cronin, Cullen, Dean, Drew, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Polsley, Pulcifer, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—60.

NOES—None

INTRODUCTION OF BILL.

The following bill was introduced:

By Mr. Beatty: Assembly Bill No. 1443—An Act to provide for the transfer from the general fund of the State treasury to the San Francisco harbor improvement fund of the sum of $22,937.45, to reimburse said San Francisco harbor improvement fund for the costs of publishing the "Second San Francisco Seawall Act," and the "India Basin Act," and directing the State Controller and State Treasurer to make such transfer.

Bill read first time, and ordered on file without reference.

THIRD-READING FILE—(RESUMED).

Assembly Bill No. 435—An Act to amend Section 632½ of the Penal Code of the State of California, relating to the protection and preservation of steelhead trout.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 435 passed by the following vote:

AYES—Messrs Baxter, Beardslee Beatty, Bohnett, Callan, Cattell, Coghlan, Cogswell, Collier, Costar, Cronin, Cullen, Dean, Drew, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Odom, Otis, O'Neill, Polsley, Pulcifer, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wheelan, Wilson, Wyllie, and Mr. Speaker—55.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 84—An Act to amend an Act entitled "An Act to provide for the organization and management of county fire insurance companies," approved April 1, 1897, and Acts amendatory thereof, by amending Sections 10 and 11 thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 84 passed by the following vote:

AYES—Messrs Baxter, Beardslee, Beatty, Bohnett, Callan, Cattell, Cogswell, Costar, Cronin, Cullen, Dean, Drew, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Polsley, Pulcifer, Sackett, Silver, Telfer, Transue, Wheelan, Whitney, Wilson, Wyllie Young, and Mr. Speaker—54

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 777—An Act to regulate the operation and supervision of stationary steam apparatus.

Bill read third time.

POINT OF ORDER.

Mr. Beardslee made the following point of order:

That Assembly Bill No. 777 carried an appropriation, and should therefore be referred to the Committee on Ways and Means.

POINT OF ORDER WELL TAKEN.

The Speaker ruled the point of order well taken.

RE-REFERENCE OF BILL.

Assembly Bill No. 777 referred to Committee on Ways and Means.

Assembly Bill No. 673—An Act to amend Article XVI of the Political Code, in regard to county boards of education.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 673 passed by the following vote:

AYES—Messrs. Baxter, Beatty, Bohnett, Callan, Cattell, Cogswell, Collier, Costar, Cronin, Cullen, Dean, Drew, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Hanlon, Hans, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Leeds, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Pulcifer, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wheelan, Wilson, Wyllie, Young, and Mr. Speaker—53.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1909.

MR SPEAKER. Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bill correctly engrossed:

Assembly Bill No. 651—An Act to make uniform the law of warehouse receipts.

YOUNG, Chairman.

Bill ordered on file for third reading.

NOTICE OF MOTION TO RECONSIDER.

Mr. McClellan gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 673 was this day passed.

Assembly Bill No. 71—An Act to repeal an Act entitled "An Act to create the office of commissioner of transportation, and to define its powers and duties; to fix the maximum charges for transporting passengers and freights on certain railroads, and to prevent extortion and unjust discrimination thereon," approved April 1, 1878, and also to repeal an Act entitled "An Act to organize and define the powers of the Board of Railroad Commissioners," approved April 15, 1880, and to

provide for the organization of the Board of Railroad Commissioners, define its powers and duties, and the powers and duties of employees, and to define offenses by shippers and railroad and transportation companies, their officers, agents, and employees, and other persons, and providing penalties for such offenses.

During third reading of bill, Mr. Hewitt moved that the Speaker appoint a select committee of one to amend the bill, as follows:

Strike out all of Section 18, page 6, of printed bill, and insert in lieu thereof the following:

SEC. 18. The commission shall have power to ascertain as nearly as practicable the actual value in cash of all the property, real and personal, of every kind and character of every railroad or transportation company in California, and also the amounts paid for salaries of officers and the wages paid employees. The commission shall have power to employ experts when in its judgment the services of experts are necessary.

Also: On page 16, Section 44, line 60, of the printed bill, insert the word "company" after the word "transportation."

Motion carried.

The Speaker appointed Mr. Hewitt as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 71, with instructions, do now report that the instructions of the Assembly have been carried out.

HEWITT, Select Committee.

Report of select committee, and amendments, adopted.

Bill ordered to reprint, reengrossment, and on file for passage.

SPECIAL ORDER.

The hour of three o'clock and thirty-five minutes P. M. having arrived, the special order heretofore set for this hour was taken up for consideration.

Assembly Bill No. 651—An Act to make uniform the law of warehouse receipts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 651 passed by the following vote:

AYES—Messrs. Baxter, Beardslee, Beatty, Beban, Bohnett, Callan, Cattell, Cogswell, Collier, Costar, Cronin, Cullen Dean, Drew, Flint, Gerdes, Gibbons, Gillis, Greer, Hanlon, Hans, Hawk, Hays, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, O'Neill, Perine, Polsley, Pulcifer, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—55.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Constitutional Amendment No. 16—A resolution to propose to the people of the State of California, an amendment to the Constitution of the State of California, amending Article XI of said Constitution, by adding new sections to be numbered 14, 15, and 16, respectively, relating to the schools, their government and their taxation.

During the consideration of the Assembly constitutioual amendment, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 1, Section 14, line 11, insert after the word "districts", and before the word "and", the following: "city and county school districts".

Amendment adopted.

AMENDMENT No. 2.

On page 1, Section 15, line 13, strike out all the words after the word "board," and strike out all of lines 14, 15, 16, and 17 of said section of the printed bill, and insert in lieu thereof the following: "the number of whose members, their qualifications, terms and salaries shall be determined by general law; except in city, and city and county school districts where the number, qualifications, terms and salaries may be determined by charter provisions; but in all cases such city or city and county board of education shall be elected at large."

Amendment adopted.

Assembly constitutional amendment ordered to reprint and engrossment.

Assembly Constitutional Amendment No. 17—A resolution to propose to the people of the State of California, an amendment to the Constitution of the State of California, amending Section 3 of Article IX of said Constitution, relating to the election of superintendent of schools.

During consideration of Assembly constitutional amendment, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 1, Section 3, strike out all the words contained in lines 14, 15, 16, 17, 18, 19, 20, and 21.

Amendment adopted.

AMENDMENT No. 2.

On page 1, Section 3, line 7, insert after the word "county" the following: "and city and county".

Amendment adopted.

Assembly Constitutional Amendment ordered to reprint and engrossment.

Assembly Bill No. 9—An Act to pay the claim of the county of Sacramento against the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 9 passed by the following vote:

AYES—Messrs Baxter, Beardslee, Beatty, Bohnett, Butler, Callan, Cattell, Coghlan Cogswell, Cronin, Cullen, Drew, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Leeds, McClellan, Mendenhall, Moore, Mott, Nelson, Otis, Perine, Polsley, Pulcifer, Sackett, Silver, Telfer, Transue, Webber, Whitney, Wilson, and Young—50.

NOES—Messrs. Collier, Irwin, Kehoe, Maher, Stuckenbruck, and Wyllie—6.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 924—An Act making an appropriation to pay the claim of August Vollmer against the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 924 passed by the following vote:

AYES—Messrs. Baxter, Beardslee, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Cronin, Cullen, Dean, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of

Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Maher, McClellan, McManus, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Pulcifer, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Webber, Whitney, Wilson, Young, and Mr. Speaker—59.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

RECONSIDERATION.

In compliance with his notice given on a previous day, Mr. Hewitt moved that the vote whereby Assembly Bill No. 952 was passed be reconsidered.

The roll was called, and the same was reconsidered by the following vote:

AYES—Messrs Baxter, Beardslee, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Cogswell, Cronin, Cullen, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hayes, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Maher, McClellan, McManus, Mendenhall, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Pulcifer, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Webber, Wheelan, Wilson, and Wyllie—52.

NOES—Mr. Drew—1.

RE-REFERENCE OF BILL.

On motion of Mr. Drew, Assembly Bill No. 952 was re-referred to the Committee on Judiciary.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON SWAMP AND OVERFLOWED LANDS AND LEVEES AND RIVER IMPROVEMENTS AND DRAINAGE.

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1909.

MR. SPEAKER: Your Committee on Swamp and Overflowed Lands and Levees and River Improvements and Drainage, to whom was referred Senate Bill No 653—An Act authorizing and empowering Reclamation District No. 791 to contract for the disposition of drainage and flood waters, and for the sale thereof, to any person, firm, or corporation, for the purpose of irrigation, or for any other lawful use—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

HEWITT, Chairman.

Senate Bill No. 653 ordered on file for second reading.

ADJOURNMENT.

At five o'clock and thirty minutes P. M., on motion of Mr. Mott, the Assembly was declared adjourned until ten o'clock A. M. of Tuesday, March 2, 1909.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL.,
Tuesday, March 2, 1909.

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. P. A. Stanton, Speaker of the Assembly, in the chair.

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

Messrs. Beatty, Beban, Bohnett, Callan, Cattell, Coghlan, Cogswell, Collum, Costar Cronin, Cullen, Drew, Feeley, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Pugh, Pulcifer, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—61.

Quorum present.

LEAVES OF ABSENCE.

On motion, leave of absence for the day was granted to Messrs. Wyatt, Barndollar, Wagner, Collier, Hawk, and Flavelle.

PRAYER.

Upon invitation, prayer was offered by the Chaplin of the Senate, Rev. Father Henry H. Wyman.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Odom, its further reading was dispensed with.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ROADS AND HIGHWAYS.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1909.

MR SPEAKER: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 990—An Act authorizing the construction, acquisition, maintenance and control of a system of state highways in the state of California: specifying the work; fixing the payments to be made by counties for moneys expended therein; providing for the issuance and sale of State bonds to create a fund for the construction and acquisition of such system; creating a sinking fund for the payment of said bonds, and providing for the submission of this Act to a vote of the people—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass, as amended.

GREER, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1909.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 283—An Act to provide for the survey, location and construction of a state highway from the town of Mariposa, through Bear Creek, Missouri Gulch, and Stockton Creek, to the Yosemite Valley Railroad at Bear Creek Station, in Mariposa County, California, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and be re-referred to Committee on Ways and Means.

GREER, Chairman.

ON MUNICIPAL CORPORATIONS

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1909.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 1110—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by adding thereto a new section, to be numbered 19¼, providing for the completion of sidewalks in any block where a portion of the same has been constructed—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

FEELEY, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1909.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 1380—An Act to amend an act entitled, "An Act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places, within municipalities, for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expenses of such improvement," approved March 24, 1903, by amending Sections 6, 8, 9, 10, 11, 12, 14, and 16 of said Act, and relating to the bringing of actions for the condemnation of property necessary or convenient for the laying out, opening, extending, widening or straightening of public streets, squares, lanes, alleys, courts and places within municipalities; to the appointment, powers, duties and compensation of referees; to the assessing of compensation and damages for the taking of property for said purposes; to the hearing of reports of referees; to the trial and dismissal of such actions, and to the making and completion of assessments for said improvements—have had the same under consideration, and respectfully report the same back with seven amendments, and recommend that same do pass, as amended.

FEELEY, Chairman.

ON MEDICAL AND DENTAL LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1909.

MR. SPEAKER: Your Committee on Medical and Dental Laws, to whom was referred Assembly Bill No. 939—An Act for the regulation of the practice of medicine, surgery and obstetrics, osteopathy and other systems or modes of treating sick or afflicted human beings in the State of California, fixing the standard of preliminary education of students before entering upon the study of medicine, surgery or obstetrics, osteopathy or other modes of treating sick and afflicted human beings, the mode of the examination of matriculants and by whom, the number of hours required in the attendance at colleges, schools or universities before receiving a diploma, standard of colleges, schools and universities teaching the same, and for the appointment of a board of medical examiners in the matter of said regulation—have had the same under consideration, and respectfully report the same back, without recommendation.

SILVER, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1909.

MR. SPEAKER: Your Committee on Medical and Dental Laws, to whom was referred Assembly Bill No. 320—An Act to amend Sections 3, 8, 20, and 21 of an Act approved March 23, 1901, and entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation thereof, and to repeal an Act now in force, relating to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California,' approved March 12, 1885," to repeal Sections 13 and 24 of said Act; also to amend Sections 12, 14 and 19 of said Act as amended by an Act approved March 20, 1903; also to amend Section 21¼ of said Act as added thereto by said Act, approved March 20, 1903; and also to amend Section 15 of said Act of March 23, 1901, as amended by an Act approved March 6, 1907, all relating to the board of dental examiners of California and the regulation of the practice of dentistry in the State of California—have had the same under consideration, and respectfully report the same back, with a committee substitute, and recommendation that committee substitute do pass.

SILVER, Chairman

ON SWAMP AND OVERFLOWED LANDS AND LEVEES AND RIVER IMPROVEMENT AND DRAINAGE.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1909

MR. SPEAKER: Your Committee on Swamp and Overflowed Lands and Levees and River Improvement and Drainage, to whom was referred Senate Bill No. 652—An Act authorizing and empowering Reclamation District No 791 to construct and maintain jointly or in connection with any person, firm, corporation, reclamation district, levee district, and drainage district, public agency or municipal corporation for the construc-

tion and maintenance of joint levees or other joint work of reclamation—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

HEWITT, Chairman.

ON STATE LIBRARY

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1909.

MR. SPEAKER: Your Committee on State Library, to whom was referred Senate Bill No. 762—An Act to amend Section 2293 of the Political Code, relative to the powers and duties of the board of trustees of the State Library—have had the same under consideration, and respectfully report the same back, with one amendment, and recommend that it do pass as amended.

MOORE, Chairman

ON STATE HOSPITALS AND ASYLUMS.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1909.

MR. SPEAKER: Your Committee on State Hospitals and Asylums, to whom was referred Assembly Bill No. 1314—An Act to authorize and empower the board of managers of the Agnews State Hospital to sell and convey a portion of real property situate in Santa Clara County, in the State of California, and belonging to said State, to the Western Distilling Company—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended

FLAVELLE, Chairman.

ON FISH AND GAME.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1909.

MR. SPEAKER: Your Committee on Fish and Game, to whom was referred Senate Bill No. 137—An Act to add a new section to the Penal Code, to be numbered Section 628*e*, to prevent the catching of surf-fish, yellow-fin or spot-fin croaker, and providing penalties therefor.

Also: Senate Bill No. 477—An Act to amend Part III, Chapter III, Article I of the Political Code of California by adding a new section to said Article I, to be numbered three hundred forty-four, relating to fish and game commissions

Also: Senate Bill No. 677—An Act to regulate the vocation of fishing, and to provide therefrom revenue for the propagation, restoration and preservation of fish in the waters of the State of California

Also: Senate Bill No. 804—An Act to create a preserve for crabs within Eel River and the entrance thereto and Humboldt and Trinidad bays and the waters of the Pacific Ocean adjacent thereto, and to regulate the taking of crabs from such preserve for commercial purposes.

Also: Senate Bill No. 829—An Act to add to the Penal Code of California a new section, to be numbered Section 633, relating to the protection and preservation of golden trout.

Also: Assembly Bill No. 1428—An Act to prevent the destruction of wild game within the boundaries of the Pinnacles Forest Reserve and Pinnacles National Monument in the counties of San Benito and Monterey, in the State of California.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Committee Substitute for Senate Bill No. 44—An Act to amend the Penal Code of California by adding a new section thereto, to be numbered 637*c*, and relating to the preservation of seals and sea lions in the waters of Santa Barbara Channel—have had the same under consideration, and respectfully report the same back, and recommend that substitute do pass.

COSTAR, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1909.

MR SPEAKER: Your Committee on Fish and Game, to whom was referred Senate Bill No. 64—An Act to amend Section 626*f* of the Penal Code, relating to the protection of deer.

Also: Senate Bill No. 476—An Act to create a fish and game preservation fund and to unite the fish commission fund, and the game preservation fund into a common fund to be known as fish and game preservation fund.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended.

COSTAR, Chairman

SAN FRANCISCO DELEGATION.

ASSEMBLY CHAMBER SACRAMENTO, March 2, 1909

MR SPEAKER: Your San Francisco Delegation, to whom was referred Senate Bill No. 226—An Act to authorize and direct the Board of State Harbor Commissions to institute condemnation proceedings against certain property north of India Basin, and extending to Islais Creek, in the city and county of San Francisco, and extending the jurisdiction of said board over the same, and providing for the payment of judgments from the proceeds of bonds issued and sold under the provisions of an Act entitled "An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the

Board of State Harbor Commissioners of a necessary area for a tidal basin, for wharves, docks, piers, harbors, and appurtenances, in the city and county of San Francisco; to create a sinking fund for the payment of said bonds, and defining the duties of State officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds, and providing for the submission of this Act to a vote of the people."

Also: Senate Bill No. 227—An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners of a necessary area for a tidal basin, for wharves, docks, piers, harbors, and appurtenances, in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of state officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for the submission of this Act to a vote of the people.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass, and be referred to Committee on Commerce and Navigation.

BEBAN, Chairman

ON STATE PRISONS AND REFORMATORY INSTITUTIONS.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1909.

MR. SPEAKER: Your Committee on State Prisons and Reformatory Institutions, to whom was referred Assembly Bill No. 1343—An Act to amend Section 10 of an Act entitled "An Act to establish a school for the discipline, education, reformation, and protection of juvenile delinquents in the State of California, to be known as the Whittier State School," approved March 11, 1889, and amended March 23, 1893, and March 7, 1905, and February 7, 1907, all relating to the said Whittier State School—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

HAMMON, Chairman.

ON REVENUE AND TAXATION.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1909.

MR. SPEAKER: Your Committee on Revenue and Taxation, to whom was referred Assembly Bill No 1315—An Act restricting the powers of boards of supervisors in the matter of imposing licenses upon the business of raising, grazing, hearding, and pasturing sheep.

Also: Senate Bill No. 965—An Act to amend the Political Code of the State of California by adding thereto a new section, to be known as Section 3785*a*, relating to deeds to the State under sales made to the State prior to March 28, 1895, for delinquent State and county taxes, and authorizing certain persons to represent the State in the giving of notices, and relating to the redemption of such property and also to the resale thereof.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

MELROSE, Chairman.

The above reported bills, with the exception of Assembly Bill No. 320, ordered on file for second reading.

Assembly Bill No. 320 withdrawn by unanimous consent.

Committee Substitute for Assembly Bill No. 320 adopted and ordered on file for second reading.

SENATE MESSAGES.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, March 1, 1909.

MR SPEAKER. I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No 951—An Act to amend Section 4027 of the Political Code of California, relating to the organization of boards of supervisors.

Also: Adopted Assembly Joint Resolution No 8—Relating to the assent of the State of California to grants, purposes and conditions of the Act of Congress entitled "An Act to provide for an increased appropriation for agricultural experiment stations, and regulating the expenditures thereof," approved March 16, 1906.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Assembly Bill No. 951, and Assembly Joint Resolution No. 8 ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 1, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 954—An Act to amend Section 848 of the Code of Civil Procedure of California, relating to service of summons in justices' courts.

Also: Senate Bill No. 820—An Act to authorize the Governor to accept on behalf of the State the grant of certain lands in Butte County.

Also: Senate Bill No. 957—An Act to amend section four thousand and five c of the Political Code of the State of California, relating to population of counties.

Also: Senate Bill No. 958—An Act to amend section four thousand and six of the Political Code of the State of California, relating to the classification of counties and creating a new class, to be known as the thirty-sixth and one-half class.

Also: Senate Bill No. 959—An Act to amend section four thousand and seven of the Political Code of the State of California, relating to the classification of counties.

Also: Senate Bill No. 969—An Act to repeal an Act entitled "An Act to prevent fishing, or the taking of fish, by the means of weirs, dams, nets, traps, or seines in the bay of San Diego, or in the entrance thereto."

Also: Senate Bill No. 970—An Act to amend sections nineteen hundred and eighty-six and nineteen hundred and ninety-one of the Code of Civil Procedure, both relating to subpœna.

Also: Senate Bill No. 967—An Act to amend Section 3518 of the Political Code, relating to duplicates for lost certificates of purchase of State lands.

Also: Senate Bill No 809—An Act adding a new section to the Political Code of the State of California, to be numbered Section 1584, relating to school districts.

Also: Senate Bill No. 983—An Act validating the issuance of bonds by joint union high school districts.

Also: Senate Bill No. 1002—An Act to validate all bonds heretofore issued, or ordered to be issued by or on behalf of any school district, high school district, union high school district, or joint union high school district, where authority for such issuance has already been given by a vote of more than two thirds of the electors of such district.

LEWIS A. HILBORN, Secretary of Senate.
By J. W KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO. March 1, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 3—An Act to provide for the direct nomination of candidates for public office, by electors, political parties, and organizations of electors without conventions, at elections to be known and designated as primary elections, determining the tests and conditions upon which electors, political parties, and organizations of electors may participate in such primary election, and establishing the rates of compensation for primary election officers serving at such primary elections, providing for the organization of political parties and promulgating of their platforms, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator.

Also: Adopted Senate Concurrent Resolution No 9—Relative to approving ten certain amendments to the charter of the city of Los Angeles, in the county of Los Angeles, State of California, voted for and ratified by the qualified electors of said city of Los Angeles, at a special municipal election held therein on the second day of February, 1909.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Senate Bill No. 954 read first time, and referred to Committee on Judiciary.

Senate Bill No. 820 read first time, and referred to Committee on Public Lands and Forestry.

Senate Bill No. 957 read first time, and referred to Committee on Judiciary.

Senate Bill No. 958 read first time, and referred to Committee on Judiciary.

Senate Bill No. 959 read first time, and referred to Committee on Judiciary.

Senate Bill No. 969 read first time, and referred to Committee on Fish and Game.

Senate Bill No. 970 read first time, and referred to Committee on Judiciary.

Senate Bill No. 967 read first time, and referred to Committee on Public Lands and Forestry.

Senate Bill No. 809 read first time, and referred to Committee on Education.

Senate Bill No. 938 read first time, and referred to Committee on Education.

Senate Bill No. 1002 read first time, and referred to Committee on Education.

Senate Bill No. 3 read first time, and referred to Committee on Election Laws.

Senate Concurrent Resolution No. 9 read and ordered on file without reference.

SENATE CHAMBER, SACRAMENTO. March 1. 1909

MR. SPEAKER: I am directed to inform your honorable body that the Senate amended, and on this day passed as amended, Assembly Bill No 728—An Act to amend Section 4245 of the Political Code of the State of California, relating to county and township government, and the compensation of county and township officers of counties of the sixteenth class.

Also: Assembly Bill No. 631—An Act entitled an "An Act to amend Section 1533 of Article II of the Political Code by providing a superintendents' annual convention"

Also: Assembly Bill No. 160—An Act to amend Section 1761, Code of Civil Procedure.

Also: Assembly Bill No. 606—An Act to secure the safety of the public at bathing places upon the seacoasts and lakes.

And respectfully request that your honorable body concur in said amendments

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 728?"

On page 1, line 4, of the engrossed bill, strike out the word "service", and insert in lieu thereof the word "services".

Also: On page 3, line 67, strike out the word "sixty-five", and insert in lieu thereof the word "eighty-five".

Also: By striking out of Section 1, line 9, the word "fifteen", and inserting in lieu thereof the word "twelve".

Also: Strike out of Section 1, line 9, the last two words of said line, "and one"

Also: Strike out of Section 1 all of line 10 and all of line 11 down to the word "payable".

Also: Strike out of Section 1 all of line 16 after the words "per annum".

Also: Strike out of Section 1 all of lines 17, 18, and all of line 19, down to the word "payable".

Also: Strike out of Section 1, line 25, the word "fifteen", and insert in lieu thereof the word "thirty-six".

Also: Strike out of Section 1, line 25, the last word on said line, to wit: the word "and", and also all of lines 26 and 27.

Also: Strike out of Section 1, line 30, the word "twenty-two", and insert in lieu thereof the word "twenty-four": also, in same line strike out the words "and fifty"

Also: Strike out lines 33, 34, 35, and 36, and semicolon after word "supervisors", at end of line 32, and insert period at end of said line 32.

Also: In Section 1, line 37, insert the words "two hundred" after the word "thousand".

Also: In Section 1, line 38, strike out the words "three thousand", and insert in lieu thereof the following: "twenty-four hundred".

Also: In Section 1, line 41, strike out the word "fifteen", and insert in lieu thereof the word "twelve".

Also: By striking out of Section 1, line 41, all the line after the word 'annum", and all of line 42, and all of line 43 down to the word "payable".

Also: In Section 1, line 57, after the word "actual" insert the word "necessary", and after the word "traveling" strike out the words "and other necessary

Also: In Section 1, line 66, strike out the word "five", and insert in lieu thereof the word "six".

Also: In Section 1, line 67, strike out the word "sixty-five", and insert in lieu thereof the word "seventy-five".

Also: In Section 1, line 82, strike out the word "five", and insert in lieu thereof the word "six".

Also: By striking out of Section 1, line 84, the word "five", and inserting in lieu thereof the word "six".

Also: In Section 1, line 68, strike out the word "five", after the word "than", and insert in lieu thereof the word "six".

Also: In Section 1, line 31, strike out the word "ten", and insert in lieu thereof the word "five".

Also: Strike out all of Section 2.

The roll was called, and Senate amendments to Assembly Bill No. 728 were concurred in by the following vote:

AYES—Messrs. Butler, Callan, Cattell, Cogswell, Collum, Costar, Cronin, Cullen, Dean, Drew, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hayes, Hinkle,

Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Pugh, Pulcifer, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—53

NOES—None.

Bill ordered to enrollment.

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No 631?"

On page 1, line 1, of the printed bill, at the beginning of the line insert the words: "SECTION 1."

Also: On page 1, line 3, of the printed bill, strike out the word "Section" before the number "1533".

The roll was called, and Senate amendments to Assembly Bill No. 631 were concurred in by the following vote:

AYES—Messrs. Beatty, Beban, Bohnett, Butler, Callan, Cattell, Cogswell, Collum, Costar, Cronin, Cullen, Dean, Drew, Feeley, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hayes, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Maher, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Pugh, Pulcifer, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—57.

NOES—None.

Bill ordered to enrollment.

The question being put: "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 160?"

Strike out the parenthetical marks where they appear in lines 7, 8, 13, 15, 16, 18, and 20 of printed bill.

The roll was called, and Senate amendment to Assembly Bill No. 160 was concurred in by the following vote:

AYES—Messrs. Beatty, Beban, Bohnett, Butler, Callan, Cattell, Cogswell, Collum, Costar, Cronin, Cullen, Dean, Drew, Feeley, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Maher, Melrose, Mendenhall, Moore, Mott, Odom, Otis, O'Neill, Perine, Polsley, Pugh, Pulcifer, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Wheelan, Whitney, Wyllie, Young, and Mr. Speaker—56.

NOES—None.

Bill ordered to enrollment.

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 606?"

On page 1, Section 1, lines 2 and 3, strike out the words "hotel, boarding house,"

Also: On page 1, Section 1, line 3, after the word "place", insert the words "for the purpose of accommodating bathers,".

The roll was called, and Senate amendments to Assembly Bill No. 606 were concurred in by the following vote:

AYES—Messrs. Beatty, Beban, Butler, Callan, Cattell, Cogswell, Collum, Costar, Cronin, Cullen, Dean, Feeley, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Pugh, Pulcifer, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Whitney, Wilson, Wyllie, and Mr. Speaker—55.

NOES—None.

Bill ordered to enrollment.

SECOND READING OF BILL.

Assembly Bill No. 990—An Act authorizing the construction, acquisition, maintenance, and control of a system of state highways in the

State of California; specifying the work; fixing the payments to be made by counties for moneys expended therein; providing for the issuance and sale of State bonds to create a fund for the construction and acquisition of such system; creating a sinking fund for the payment of said bonds, and providing for the submission of this Act to a vote of the people.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT NO 1.

On page 1, line 6, Section 1, of printed bill, after the word "construction" insert the words "and acquisition".

Amendment adopted.

AMENDMENT NO 2.

Also: On page 2, line 15, also line 23, also line 25, also line 26, also line 28, also line 29, also line 41, strike out the figure and letters "2nd", and insert in each instance in lieu thereof the word "third".

Amendment adopted.

AMENDMENT NO. 3.

On page 3, line 6, Section 2, strike out the figure and letters "2nd", and insert in lieu thereof the word "third"

Amendment adopted.

AMENDMENT NO. 4.

On page 4, line 50, Section 4, after the word "the", before the word "constructed" insert the words "acquisition and".

Amendment adopted.

AMENDMENT NO. 5.

On page 4, line 54, Section 4, after the word "constructed" insert the words "or acquired"

Amendment adopted.

AMENDMENT NO. 6.

On page 6, line 1, Section 8, after the word "constructed" insert the words "or acquired"

Amendment adopted.

AMENDMENT NO 7.

On page 6, line 17, Section 8, after the word "highway" strike out the word "all", and insert the following: "With the exception of those public highways which have been permanently improved under county or permanent road division bond issues within three years prior to the adoption of this act; all".

Amendment adopted.

AMENDMENT NO. 8.

On page 7, line 24, Section 8, after the word "completion" insert the words "or acquisition".

Amendment adopted.

AMENDMENT NO 9.

On page 7, line 34, Section 8, after the word "constructed" insert the words "or acquired".

Amendment adopted.

AMENDMENT NO. 10.

On page 8, of the printed bill, strike out all of sections twelve and thirteen, and insert in lieu thereof the following:

SEC 12 It shall be the duty of the Secretary of State to have this Act published in at least one newspaper in each county, or city and county, if one be published therein, throughout this State, for three months next preceding the general election to be

holden in the month of November, A. D. nineteen hundred and ten; the cost of publication shall be paid out of the general fund, on Controller's warrants duly drawn for the purpose.

SEC. 13. This Act may be known and cited as the "State Highway Act."

SEC. 14. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

SPECIAL ORDER SET.

On motion of Mr. Greer, the consideration of Assembly Bill No. 990 was made a special order for Wednesday, March 3, 1909, at eleven o'clock A. M.

Assembly Bill No. 1380—An Act to amend an Act entitled "An Act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places, within municipalities, for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expenses of such improvement," approved March 24, 1903, by amending Sections 6, 8, 9, 10, 11, 12, 14, and 16 of this Act, and relating to the bringing of actions for the condemnation of property necessary or convenient for the laying out, opening, extending, widening, or straightening of public streets, squares, lanes, alleys, courts, and places within municipalities; to the appointment, powers, duties, and compensation of referees; to the assessing of compensation and damages for the taking of property for said purposes; to the hearing of reports of referees; to trial and dismissal of such actions, and to the making and completion of assessments for said improvements.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No 1

Amend the title of the printed bill by inserting in line 2 thereof, after the word "amend", the following: "Sections 4, 6, 8, 9, 10, 11, 12, 14, 16, and 33 of".

Amendment adopted.

AMENDMENT No 2

In line 10 of the title strike out the "(,)" after the figures "1903", and all the remainder of the title, and insert in lieu thereof a "(,)" and the following: "and to provide for the continuance of proceedings and actions for improvements under said Act commenced prior to and pending at the time of the taking effect of this Act."

Amendment adopted.

AMENDMENT No 3

On page 1, Section 1, line 1, of the printed bill, strike out the following "That Section 6" and insert in lieu thereof the following: "Section four"

Amendment adopted.

AMENDMENT No 4.

On page 2, line 8, section 1, of the printed bill, strike out the words "be and the same".

Amendment adopted.

AMENDMENT No 5

On page 2, Section 1, of the printed bill, strike out lines 10, 11, 12, 13, 14, 15, 16, 17, and 18, and insert in lieu thereof the following: "Section 4. Any person interested, objecting to said improvement, or to the extent of the assessment district, described in said ordinance of intention, may file a written protest with the clerk of the city council, within thirty days after the first publication of the notice required

by section three of this Act. Every such protest must contain a description of the property in which each signer thereof is interested, sufficient to identify the same, and must set forth the nature of his interest therein, and must be accompanied by the affidavit of one of the signers thereof that each signature thereto is the genuine signature of the person whose name is thereto subscribed; and in case any signature is made by an agent, there must be attached to the protest the affidavit of the agent that he is duly authorized to sign such protest. Any protest not complying with the foregoing requirements, shall not be considered by said legislative body. In the case of property held by tenancy in common, if any co-tenant sign such protest, only the proportionate share of the frontage thereof represented by his interest therein shall be counted in determining the amount of frontage represented by such protest. The clerk shall endorse on every such protest the date of its reception by him, and, at the next regular meeting of the city council, after the expiration of the time for filing protests, he shall present to said city council all protests so filed with him. If such protests are against said improvement, and said city council find that the same are signed by the owners of a majority of the frontage of the property fronting on streets or parts of streets within said assessment district, all further proceedings under said ordinance of intention shall be barred, and no new ordinance of intention for the same improvement shall be passed within six months after the presentation of such protests to the city council, unless the owners of a majority of the frontage of the property fronting on streets or parts of streets within said assessment district shall in the mean time petition therefor. If such protests are against the improvement, and the council find that they are not signed by the owners of a majority of the frontage of the property fronting on streets or parts of streets within said assessment district, or if such protests are only against the extent of said assessment district, or if the proposed improvement is for the opening or extending of a street for a distance of not more than two blocks intervening between the terminations of two different streets, or two portions of the same street, existing at the time of the passage of the ordinance of intention for the proposed improvement, each of said different streets or said portions of the same street being at least five blocks in length, and the opening or extending of the street described in the ordinance of intention through such intervening block or blocks will, together with such different streets or portions of the same street so existing, make one connecting or continuous street, as nearly as may be practicable, or if the proposed improvement is for the opening or extending of a public street, lane, alley, court or place through the remainder of a block when such public street, lane, alley, court or place exists, at the time of the passage of the ordinance of intention for the proposed improvement, for at least one half of the distance through such block, the city council shall hear said protests at said meeting, or at any time to which the hearing thereof may be adjourned, and pass upon the same, and its decision thereon shall be final and conclusive If any such protests are sustained, no further proceedings shall be had under said ordinance of intention, but a new ordinance of intention for the same improvement may be passed at any time If the protests are denied, the proceedings shall continue as if such protests had not been made. At the expiration of the time within which protests may be filed, if none are filed, or if protests are filed, and after hearing are denied, as above provided, then upon such denial, the city council shall acquire jurisdiction to order the improvement described in the ordinance of intention."

Amendment adopted.

AMENDMENT No. 6.

Strike out all of Sections 2 to 9, inclusive, of the printed bill, and insert in lieu thereof the following:

SEC. 2 Section 6 of said Act is hereby amended to read as follows:

Section 6. Said action must be brought within sixty days after the passage of the ordinance ordering the improvement, but the council may, by ordinance, extend the time for bringing such action for an additional period not exceeding ninety days Said action shall in all respects be subject to and governed by such provisions of the Code of Civil Procedure now existing or that may be hereafter adopted, as may be applicable thereto, except in the particulars otherwise provided for in this Act.

SEC. 3. Section eight of said Act is hereby amended to read as follows:

Section 8. When all parties defendant to the action have answered, or have been served with summons, and their default entered, the plaintiff or any party defendant to the action whose default has not been so entered, may, upon five days' notice to the parties, except defendants in default, move the court to set the action for trial. If, upon the hearing of such motion, a trial by jury or by the court without a jury is not demanded by the defendants, or any of them, or by the plaintiff, such trial shall be deemed to be waived, and the court must appoint three disinterested persons referees, to ascertain the compensation to be paid such defendants so waiving a trial by a jury, or by the court without a jury. Such referees must be residents of the municipality where such improvement is to be made, and over the age of twenty-one years, and must take and file with the court an oath to discharge their duties faithfully and impartially. If any

of such referees fails to qualify, or resigns, or is removed by order of court, or is or becomes unable to act, the vacancy so created shall be filled by the court.

SEC 4. Section nine of said Act is hereby amended to read as follows.

Section 9. The referees shall at once proceed to view the lands sought to be condemned, and ascertain the compensation proper to be paid to such of the parties interested in each parcel thereof as have waived a trial by a jury, or by the court. They shall have power to examine witnesses under oath, to be administered by any of them, and may have subpœnas issued by the clerk of the court, requiring the attendance of witnesses, or the production of evidence before them. They shall make and file with the court a written report of their findings, and of their necessary expenses, within thirty days after the date of their appointment; *provided, however*, that the time so allowed may be extended, upon good cause shown, by the court or judge thereof, but such extension shall not exceed sixty days

SEC. 5. Section ten of said Act is hereby amended to read as follows:

Section 10 For the purpose of assessing the compensation and damages, the right thereto shall be deemed to have accrued at the date of the order appointing referees or of the order setting the cause for trial, as the case may be, and its actual value at that date shall be the measure of compensation for all property to be actually taken, and the basis of damages to property not actually taken, but injuriously affected, in all cases where such damages are allowed by the provisions of this act. No improvements placed upon the property proposed to be taken, subsequent to the date of the publishing of the notice of the passage of the ordinance of intention, shall be included in the assessment of compensation or damages

The referees, or court, or jury, as the case may be, shall find separately

First The value of each parcel of property sought to be condemned, and all improvements thereon pertaining to the realty, and of each separate estate or interest therein;

Second: If any parcel of property sought to be condemned is only a part of a larger parcel, the damages which will accrue to the portion not sought to be condemned, and to each separate estate or interest therein, by reason of its severance from the portion sought to be condemned, and the construction of the improvement in the manner proposed by the plaintiff Such damages must be fixed irrespective of any benefit from such improvement.

SEC. 6 Section eleven of said Act is hereby amended to read as follows:

Section 11. Upon the filing of such report the court must, upon motion of any party, appoint a day for hearing the same, not less than twenty days thereafter. Notice of the time and place of said hearing must, at least ten days before the time so appointed, be served on all the other parties, except defendants whose default has been entered The plaintiff, or any defendant who has answered, may file exceptions in writing to said report, specifying the grounds upon which such exceptions are based, at any time within not less than one day prior to the hearing; and any such party so filing exceptions to said report, may appear at the hearing of said report and contest the same. In addition to the notice hereinbefore provided, the clerk of the court must give notice of the filing of said report, and of the time and place appointed for the hearing of the same, to all persons owning or having an interest in any property included within the assessment district for said improvement described in the ordinance of intention, by causing said notice last mentioned to be published for five days in a daily newspaper, published and circulated in the city; or, if there be no such daily newspaper, than by two insertions in a weekly newspaper so published and circulated Any publication of such notice shall commence at least ten days before the time appointed for the hearing of the report Said notice shall require all persons owning or having an interest in any property included within said assessment district for said improvement to intervene in said action, and file, in the office of the clerk of said court, his exceptions in writing to said report, if any he has, specifying the grounds upon which such exceptions are based Said notice shall also contain a description of the said assessment district as set forth in the ordinance of intention At any time within not less than one day prior to the hearing, any person not a party to the action, owning or having an interest in any property included within said assessment district, may intervene in the action, and file his exceptions in writing to said report, specifying the grounds upon which such exceptions are based; and any such person so intervening may appear and contest the said report, and introduce evidence in support of such exceptions

If there be a trial of the action by a jury, or by the court without a jury, the clerk of the court must give notice of the time and place of such trial to all persons owning or having an interest in any property within said assessment district for said improvement Said notice shall be published in the same manner and for the same time as the notice hereinbefore in this section required to be given by said clerk, and shall require all persons owning or having an interest in any property included within said assessment district for said improvement, to intervene in the action, and to appear at the trial thereof and introduce evidence relative to the compensation and damages to be awarded to the defendant therein At any time within not less than one day prior to the trial, any person not a party to the action, having an interest in any property included within said assessment district, may intervene in the action, and, upon the trial thereof, may appear and introduce evidence relative to the compensation and damages to be awarded to the defendant therein The cost of the publication of the

notices required by this section shall be paid by the plaintiff, and allowed as costs in the action.

When a time has been appointed for hearing the report of the referees, or for the trial of the action, and notice thereof has been given by the clerk by publication as in this section provided, if the hearing or trial be postponed or continued by the court to any subsequent date, no such notice need be given by the clerk of the hearing or trial upon any such postponement or continuance.

SEC 7 Section twelve of said Act is hereby amended to read as follows:

Section 12. Upon the confirmation of the report of the referees, or receipt of the verdict of the jury, or the filing of the findings of the court, the court shall make and enter an interlocutory judgment in accordance with such report, verdict or findings, adjudging that upon payment to the respective parties, or into court for their benefit, of the several amounts found due them as compensation, and of the costs allowed to them, the property involved in the action shall be condemned to the use of the plaintiff, and dedicated to the use specified in the complaint. The court shall allow to the referees, as costs to be paid by the plaintiff, a reasonable compensation for their services, the amount of which compensation shall be fixed by the court, upon the hearing of the report, and their necessary expenses.

SEC. 8. Section fourteen of said Act is hereby amended to read as follows:

Section 14. The city council may, at any time prior to the entry of the interlocutory judgment, abandon the proceedings by ordinance, and cause the said action to be dismissed without prejudice.

SEC 9. Section sixteen of said Act is hereby amended to read as follows:

Section 16. *The city engineer shall deliver said diagram to the street superintendent*, and shall endorse thereon the date of such delivery. The street superintendent upon receiving the said diagram shall proceed to assess the total expenses of the proposed improvement upon and against the lands, including the property of any railroad or street railroad, within said assessment district, except the land to be taken for such improvement, in proportion to the benefits to be derived from said improvement. The street superintendent shall complete said assessment within sixty days after the receipt by him of said diagram; *provided, however*, that the city council may by order extend the time for completing said assessment for a period not exceeding sixty days additional The total expense of the improvement so to be assessed shall include the amounts awarded to the defendants by the interlocutory judgment in the action for condemnation together with their costs, the compensation and expenses of the referees as allowed by the court, and all other costs of the plaintiff in such action, the expenses of making the assessment, and all expenses necessarily incurred by said city, in connection with the proposed improvement, for the publication of ordinances, posting and publication of notices for maps, diagrams, plans, surveys, searches and certificates of title to the property to be taken, and all other matters incident thereto.

Amendment adopted.

AMENDMENT No. 7.

On page 6, after line 1, Section 9, of the printed bill, insert the following

SEC. 10. Section thirty-three of said Act is hereby amended to read as follows:

Sec. 33 The following words and phrases shall, where used in this Act, have the following meanings:

(1) The term "improvement" includes all of the improvements mentioned in section one of this Act.

(2) The terms "municipality" and "city" include all incorporated cities, cities and counties, and other corporations organized for municipal purposes.

(3) The terms "city council" and "council" include anybody or board in which by law is vested the legislative power of any municipality.

(4) The terms "clerk" and "city clerk" include any person or officer who acts as clerk of said city council

(5) The terms "treasurer" and "city treasurer" include any person or officer who has charge of and makes payment of the city funds

(6) The term "street superintendent" includes any officer or board whose duty it is by law to have the care or charge of streets or the improvement thereof, in any city In any city where there is no street superintendent, or no such board, the legislative body thereof is hereby authorized to appoint a suitable person to perform the duties imposed by this Act on the street superintendent, and all the provisions hereof applicable to the street superintendent shall apply to the person so appointed.

(7) The terms "owner" and "any person interested" include the person owning the fee or the person in whom, on the day any protest or petition is filed, the legal title to real property appears, by deeds duly recorded in the county recorder's office of the county in which said city is situated, or any person in possession of real property, as the executor, administrator, trustee under an express trust, guardian, or other legal representative of the owner, or any person in possession of real property under written contract of purchase thereof duly recorded, or any person in possession of real property, as lessee thereof under a lease duly recorded, which shall require such lessee to pay or discharge all assessments for street or other public improvements, that may be levied or assessed against such real property.

SEC. 11. Any proceeding or action for any improvement, such as is provided in this Act, or in said Act to which this Act is amendatory, already commenced and pending

at the time this Act takes effect, under or by virtue of any ordinance of intention heretofore passed, shall, from the stage of any such proceeding or action already commenced and in progress at the time this Act takes effect, be continued under the provisions of this Act. Any such proceeding or action shall then be continued and conducted under the provisions of this Act, with full force and effect in all respects, from the stage of such proceeding or action at and from the taking effect of this Act; and from taking effect of this Act all proceedings theretofore had for any such improvement, and all proceedings theretofore had or taken in any such action, are hereby ratified, confirmed, and made valid, and it shall not be necessary to renew or conduct over again any such proceedings or actions, commenced prior to the taking effect of this Act."

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

MOTION.

Mr. Hammon moved that the Committee on Rules and Regulations be instructed to confer with the Committee on Rules of the Senate to arrange the question of considering bills passed by the respective branches of the Legislature.

Motion carried.

REQUEST FOR PERMISSION TO INTRODUCE BILL.

The following petition, asking permission to introduce a bill, was presented:

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1909.

MR. SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows, viz: "An Act to add a new section to the Political Code, relating to the sale of tide lands of the State."

LEEDS,
Member Seventieth District.

Petition referred to Committee on Introduction of Bills.

RE-REFERENCE OF BILL.

On motion of Mr. Hammon Senate Bill No. 908 was recalled from the Committee on Corporations, and referred to Committee on Judiciary.

SPECIAL ORDER RESET.

On motion of Mr. Johnson of Sacramento, the consideration of Assembly Bill No. 23 was made a special order for Wednesday, March 3, 1909, at eleven o'clock A. M.

SPECIAL FILE—THIRD READING.

Assembly Constitutional Amendment No. 23—A resolution to propose to the people of the State of California an amendment to Article VI, Section 8, of the Constitution, relating to judges of the Superior Court.

The question being on the passage of the Assembly constitutional amendment.

The roll was called, and Assembly Constitutional Amendment No. 23 passed by the following vote:

AYES—Messrs. Beatty, Beban, Bohnett, Butler, Callan, Coghlan, Cogswell, Collum, Costar, Cronin, Cullen, Dean, Drew, Feeley, Fleisher, Flint, Gerdes, Gibbons, Griffiths, Hammon, Hanlon, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Pugh, Pulcifer, Rutherford, Schmitt, Silver, Stuckenbruck, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr Speaker—57.

NOES—None.

Assembly constitutional amendment ordered transmitted to the Senate.

ASSEMBLY CONSTITUTIONAL AMENDMENT No. 23.

A resolution to propose to the people of the State of California an amendment to article six, section eight of the Constitution relating to judges of the superior court.

The Legislature of the State of California, at its thirty-eighth regular session, commencing on the 4th day of January, nineteen hundred and nine, two thirds of the members elected to both Senate and Assembly, respectively, voting therefor, hereby propose to the people of the State of California that section eight of article six of the Constitution of this State be amended to read as follows:

Section 8. A judge of any superior court may hold a superior court in any county, at the request of a judge of the superior court thereof, and upon the request of the Governor it shall be his duty so to do. But a cause in the superior court may be tried by and the record thereof certified by a judge pro tempore, who must be a member of the bar, agreed upon in writing by the parties litigant, or their attorneys of record, and sworn to try the cause. There may be as many sessions of a superior court at the same time as there are judges thereof, including any judge or judges acting upon request, or any judge or judges pro tempore. The judgments, orders, acts and proceedings of any session of any superior court held by one or more judges acting upon request, or judge or judges pro tempore, shall be equally effective as if the judge or all of the judges of such court presided at such session.

THIRD-READING FILE.

Assembly Bill No. 137—An Act to amend sections two, three, and four of an Act entitled "An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement thereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation thereof," approved February 20, 1905.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 137 passed by the following vote:

AYES—Messrs. Baxter, Beatty, Butler, Callan, Coghlan, Cogswell, Collum, Costar, Cronin, Cullen, Dean, Drew, Fleisher, Flint, Gerdes, Gibbons, Griffiths, Hammon, Hanlon, Hans, Hayes, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Pugh, Rutherford, Schmitt, Stuckenbruck, Wheelan, Whitney, Wilson, Wyllie, and Mr. Speaker—51

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 727—An Act to amend Section 1636 of the Political Code of the State of California, relating to taking the school census, by providing for signature of parent or guardian to census, and by providing a fine for those refusing to give in the school census.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 727 passed by the following vote:

AYES—Messrs Baxter, Beatty, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collum, Costar, Cronin, Cullen, Drew, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Hanlon, Hans, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Maher, McManus, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Pugh, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Wheelan, Whitney, Wilson, Young, and Mr. Speaker—55.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

HON J. N. O. RECH IN THE CHAIR.

At eleven o'clock and twenty minutes A. M., Hon. J. N. O. Rech in the chair.

The following Assembly Concurrent Resolution was offered:

By Mr. Cattell:

SENATE CONCURRENT RESOLUTION NO. 13.

Approving eighteen certain amendments to the charter of the city of Pasadena, county of Los Angeles, State of California, voted for and ratified by the qualified electors of the said city of Pasadena at the special municipal election held therein for that purpose on the twenty-sixth day of February, 1909.

WHEREAS, The city of Pasadena, in the county of Los Angeles, State of California, contains a population of more than thirty-five hundred inhabitants, and has been ever since the year nineteen hundred and one, and is now, organized and acting under a freeholders' charter, adopted under and by virtue of section eight, of article eleven, of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the twentieth day of November, A. D., nineteen hundred, and approved by the Legislature of the State of California, on the twenty-ninth day of January, nineteen hundred and one (Statutes of 1900-1, page 884); and

WHEREAS, The city council of the said city of Pasadena did by ordinance number nine hundred and eight, adopted by said city council, and approved by the mayor of said city on the twenty-first day of December, nineteen hundred and eight, and pursuant to section eight of article eleven of the Constitution of the State of California, duly propose to the qualified electors of the said city of Pasadena, certain amendments to the charter of said city of Pasadena, to be submitted to the said qualified electors at a special municipal election to be held in said city on the twenty-sixth day of February, nineteen hundred and nine; said amendments being twenty-two in number, and

WHEREAS, Said proposed amendments were, and each of them was, published for twenty days in a daily newspaper printed and published in said city of Pasadena, and having a general circulation therein, to wit: The Pasadena Daily News; said publication beginning the twenty-first day of December, nineteen hundred and eight, and ending on the thirteenth day of January, nineteen hundred and nine; and

WHEREAS, The city council of said city did, by ordinance number nine hundred and nineteen, adopted by said city council, and approved by the mayor of said city on the twentieth day of January, nineteen hundred and nine, order the holding of a special municipal election in said city of Pasadena, on the twenty-sixth day of February, nineteen hundred and nine, said day being at least forty days after the publication of said proposed amendments for twenty days in a daily newspaper of general circulation in said city of Pasadena, to wit: The Pasadena Daily News, and did provide in said ordinance for the submission of the proposed charter amendments numbers 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, and 22 to the qualified electors of said city for their ratification at said election; said ordinance was published for ten days in the Pasadena Daily News, a daily newspaper printed and published in said city of Pasadena; said publication beginning on the twentieth day of January, nineteen hundred and nine, and ending on the thirtieth day of January, nineteen hundred and nine; and

WHEREAS, At said election a majority of the qualified electors voting thereon, voted in favor of the ratification of, and did ratify eighteen of the proposed amendments to said charter; and

WHEREAS, The city council of said city of Pasadena in accordance with section ten of article nineteen and section three of article twenty-one of the charter of said city, did meet on the first Monday after the day of election, to wit, the first day of March, nineteen hundred and nine, at their usual time and place of meeting and duly canvassed the returns of the said election, and duly found, determined, and declared that a majority of the qualified electors of said city voting thereon, had voted for and ratified eighteen of the said proposed amendments to the charter of said city of Pasadena; and

WHEREAS, The said eighteen amendments to said charter so ratified by a majority of the qualified electors in said city voting at said election are in words and figures as follows, to wit.

Amendment Number One.

That Subdivision Fifteenth of Section 3 of Article 1 be amended to read as follows:

Fifteenth To levy and collect taxes, or to provide for the levy and collection of taxes by officers of the county or otherwise, upon municipal property for all municipal purposes, *provided*, that the taxes levied for any one year for all municipal purposes other than for the payment of principal or interest on any bonds of the

said city, or for school purposes, shall not, except as hereinafter provided, exceed one dollar on each hundred dollars worth of taxable property in the said city, as shown by the assessment roll. And to levy and collect, or cause to be levied and collected, assessments upon property to pay for the acquiring, grading, regrading, laying out, opening, widening, extending and improving of rights of way, streets, alleys, sidewalks, crossings, and other highways and public squares and places, for the construction of sewer, water, storm water, gas and other pipes, mains and conduits therein, for the planting, maintenance and care of trees and shrubbery therein, for the removal of grass, weeds or obstructions therefrom, and for the removal from lands or lots of weeds, rubbish or other material

Amendment Number Two.

That Section 5 of Article 9 be amended to read as follows:

Section 5. Except as otherwise herein or by ordinance of the city provided, the general law or laws of the State of California now in force, or which may hereafter be adopted by the Legislature of this State, providing for the laying out, opening, extending, widening, straightening or closing up, in whole or in part, of any street, square, lane, alley, court or place within municipalities, for condemning and acquiring any and all land and property necessary or convenient for such purposes, for the paving, curbing, guttering, sidewalking and other improvement of streets, squares, lanes, alleys, courts or places, for the construction of sewer, water, storm water or other mains, ditches, pipes or conduits, for the planting, maintenance or care of shade trees or shrubbery upon or along streets, lanes, alleys, courts, rights of way and places within municipalities, and for the eradication of weeds and removal of rubbish within municipalities, and for the levying and collection of assessments upon property for the doing of said work or carrying out of said purposes, and for the issue of improvement bonds to represent such assessment, are hereby made a part of this charter, *provided, however*, that the council shall have power at any time by ordinance to abandon or re-adopt the modes or systems so provided for, or relative to, or adopt or provide or change different modes or systems for, or relative to, said work and purposes, or any of them, and for the levying and collection of assessments upon property for the doing of said work or carrying out of said purposes, and for the issue of improvement bonds to represent assessments for the cost of doing said work or carrying out said purposes.

Amendment Number Three.

That Article 9 be amended by adding thereto a new section to be known as Section 6, and to read as follows

Section 6. Upon a petition of the owners of a majority of the frontage abutting upon any street or part thereof, the council shall have power by ordinance to require, or provide, or adopt general law or laws, for the planting, maintenance or care of grass plots between the sidewalk and roadway in such street or part thereof, and to make the cost thereof a lien and charge upon the abutting property, and to make provision of enforcement of such lien by the sale of property or otherwise.

Amendment Number Four.

That Article 9 of the charter be amended by adding thereto a new section to be known as Section 7, and to read as follows:

Section 7. The council shall have power by ordinance to require or provide for the removal of grass, weeds or other obstructions from the sidewalks, parkings or streets and to make the cost thereof a lien or charge upon the abutting property and to make provision for the enforcement of such lien by the sale of property or otherwise.

Amendment Number Five.

That Article 9 be amended by adding thereto a new section to be known as Section 8, and to read as follows.

Section 8. The council shall have power by ordinance to require or provide for the removal from property, lands or lots all weeds, rubbish or any other material which may endanger or injure neighboring property, or the health or welfare of the residents of the vicinity, and to make the cost thereof a lien and charge upon such lots or lands, and to make provision for the enforcement of such lien by the sale of such lots or lands, or otherwise.

Amendment Number Six.

That Article 9 be amended by adding thereto a new section to be known as Section 9, and to read as follows:

Section 9. The council shall have power by ordinance to require the owners of real property fronting upon any street, lane, alley or other public place in which there are, or in which it is proposed to be constructed, sewer, water or gas, or other mains or conduits, to connect their several premises therewith, or to cause such connections to be made and to make the cost thereof a lien and charge upon the property so connected and to make provision for the enforcement of such lien by the sale of property or otherwise.

Amendment Number Seven.

That Article 9 be amended by adding thereto a new section to be known as Section 10, and to read as follows.

Section 10. The performance of any act or work by this article authorized to be done by the council may be delegated to, or done through or by the aid of the board of park, police and fire commissioners or other officers or officer of the city.

Amendment Number Eight.

That Sections 10 and 12 of Article 5 be amended to read as follows:

Section 10. The city treasurer shall be ex officio license collector, and as such tax and license collector he shall receive and collect all city taxes, general and special, license taxes and other branches of the city revenue, not otherwise herein provided for, he shall prepare and sign, and upon countersigning by the auditor shall issue all city license certificates and he shall keep proper books showing all moneys collected by him as tax and license collector, and also a book which shall contain a record of every deed given by or on behalf of the city for real estate sold for delinquent taxes or assessments, which book shall be properly indexed, and shall be at all suitable times open to public inspection, he shall do and perform such other duties as may be required of him by this charter or by the ordinances of the city. He shall pay all moneys collected by him as tax and license collector into the city treasury daily and report to the auditor all licenses issued and license charges collected.

Section 12. The city clerk shall have the custody of, and be responsible for the corporate seal, all books, papers, records and archives belonging to the city, not in actual use by other officers, or elsewhere by special provision committed to their custody. He shall be present at each meeting of the council and of the board of equalization, and keep a record of its proceedings. He shall keep separate books in which respectively he shall record all ordinances and contracts and official bonds. He shall keep all the books properly indexed and open to public inspection when not in actual use. He shall perform such other duties as are or shall be imposed by this charter or by ordinance. He shall have power to take affidavits and administer oaths in all matters relating to the business of the city, and shall make no charge therefor. He shall devote his entire time to the duties of his office. He shall be the custodian of the city hall, and of all personal property, the custody of which has not been otherwise provided for.

Amendment Number Nine.

That Section 9 of Article 5 be amended to read as follows.

Section 9. The treasurer shall not under any circumstances deposit with any person, corporation or bank any of the moneys of the city or allow the same, except as herein provided, to pass out of his custody; *provided, however*, that the treasurer may deposit city moneys with such banks and upon terms and conditions and subject to and upon the requirements, limitations and penalties as provided by an act of the legislature approved March 23, 1907, and acts amendatory thereof, providing for and regulating the deposit of moneys of counties and municipalities of this state with banks and banking corporations.

Amendment Number Ten.

That Sections 1, 2, 3, 4 and 5 of Article 10 be amended to read as follows:

Section 1. The city of Pasadena shall not be, and is not bound by any contract, except as otherwise provided herein, unless the same is made in writing by order of the council and signed by the mayor or by some other person in behalf of the city, authorized so to do by the council; *provided* that the approval of the form of the contract by the city attorney shall be endorsed thereon before the council shall have power to order the same to be entered into in behalf of the city; but the council may authorize any officer, board, commission or agent of the city to bind the city, without a contract in writing, and without advertising, for the payment for supplies, labor or other valuable consideration furnished to the city, in an amount not exceeding one hundred dollars, and by motion duly passed by five councilmen, and approved by the mayor, may authorize any officer to so bind the city for said purposes in a larger amount, not exceeding five hundred dollars; *provided, however*, that the respective manager or superintendent of the electric lighting or water departments of the city may contract for the sale of electricity and water respectively by the city upon general forms of contract approved, and at rates fixed, by the city council.

Provided, further, that the restrictions and provisions of this section shall not apply to labor or services rendered by persons in the employ of the city at salaries or wages fixed by ordinance or by this charter.

Section 2. Except as otherwise provided in this charter, all contracts for goods, merchandise, stores, supplies, materials, subsistence or printing for the city or for any of the departments or public institutions thereof, must be made by the city council with the lowest bidder offering adequate security for the faithful performance of the contract after the publication for at least three days in a newspaper published in said city of a notice calling for bids and fixing a period during which such bids will be received, which shall be for not less than ten days after the first publication of said notice.

Section 3. All bids must be accompanied by a certificate of deposit or certified check or draft or a cashier's check or draft of or on some responsible bank in the

United States for an amount equal to ten per cent of the bid; the said certificate of deposit or certified check or draft or cashier's check or draft must be in favor of and payable at sight to the city clerk If the bidder to whom the contract is awarded shall for five days after such award, fail or neglect to enter into the contract and file the required bond, the clerk shall draw the money due on such certificate of deposit or check or draft and pay the same into the treasury, and under no circumstances shall the certificate of deposit or check or the proceeds thereof be returned to the defaulting bidder.

Section 4. The council shall require bonds with sufficient sureties for the faithful performance of every contract. All such bonds, after having been approved by the city attorney, as to form, shall be approved by the mayor, and such approval with the date thereof shall be endorsed upon said bonds and evidenced by the signature of the mayor.

Section 5. All bids must be placed in a sealed envelope and delivered to the city clerk and opened by the council at the hour and place to be stated in the notice calling for bids. All bids that do not conform to the requirements of this charter or are not in accord with the terms of the notice calling for bids must be rejected The clerk shall return to the unsuccessful bidders their certificates of deposit, drafts or checks. He shall retain the certificate of deposit, check or draft of the successful bidder until after the approval by the mayor of the bond furnished by such bidder, for the faithful performance of his contract, and then shall return such certificate of deposit, check, or draft to such successful bidder.

That Section 3 of Article 6½ be amended to read as follows

Section 3 All machinery, supplies and materials for the use of this department shall be purchased only on the recommendation or approval of said board, and contracts therefor shall be made only as provided by Article 10 of this charter

That to Article 6, and immediately after Section 2 thereof, be added a new section to be known as Section 2½, and to read as follows:

Section 2½. All articles, supplies and materials for the use of the park, police and fire departments shall be purchased only on recommendation or approval of said board, and contracts therefor shall be made only as provided by Article 10 of this charter

Amendment Number Eleven

That Section 3 of Article 6 be amended to read as follows

Section 3 The board shall have the exclusive management of all lands and real property which may be acquired, set apart or dedicated as public parks or pleasure grounds.

The board shall have authority to cause, direct and regulate the planting, removal trimming, pruning and care of shade and ornamental trees and shrubbery and grass in any and all of the streets, alleys, public places and grounds of the city *Provided however*, that the provisions of this section shall not be deemed to abridge or supersede any of the powers elsewhere in this charter conferred upon the council or upon other officers or officer of the city.

The board shall have authority to establish rules and regulations for the use and government of the parks and pleasure grounds of the city and to provide for the amusement and recreation of the people in such parks and pleasure grounds, and to prohibit the use of drives and ways in any of said parks or pleasure grounds for teaming or other purposes determined by said board to be injurious thereto

For the purposes declared by this section the board shall upon terms and for compensations fixed by the city council have power to appoint, remove, discharge, and suspend all necessary superintendents, laborers and other employees.

Amendment Number Thirteen

That Section 1 of Article 20 of the charter be amended to read as follows.

Section 1. In all cases where lands in the city shall hereafter be subdivided and laid out into blocks or lots, streets and alleys or when new streets, alleys or public places are laid out, opened, donated or granted to the public, the map or plat thereof shall be submitted to the council and the city engineer for their approval, and if such council and engineer approve the same, such approval shall be endorsed upon said map or plat, the approval of the council being evidenced by the certificate of the clerk thereof, and a duplicate copy of such map or plat as approved shall be placed on file in the office of the city engineer, and no street, alley or public place hereafter opened and by such map or plat dedicated as such, shall become or be accepted by the council as a public street, alley or place, or be subject to any public improvement, without such approval and endorsement

Amendment Number Fourteen.

That Section 3 of Article 13, be amended to read as follows:

Section 3 In granting franchises the city council shall, subject only to the provisions of the Constitution of the State of California impose such conditions restrictions and limitations as in their judgment may best subserve the public interest and welfare, but no franchise shall be granted for a longer period than twenty years, *provided, however*, that franchises to construct and maintain street railways upon streets in or over which at the time the franchise is applied for

or granted or within two years theretofore are or were constructed, no street railway or railways under franchise from the city, may be granted for a period not exceeding thirty years.

Amendment Number Sixteen.

That Section 5 of Article 19 be amended to read as follows

Section 5. At all city elections each of the election officers shall receive for his services the same amount as provided by the general law for like service at general elections.

Amendment Number Eighteen

That Article 3 be amended by adding thereto a new section to be known as Section 1*b*, and to read as follows

Section 1*b*. From and after the first Monday in May, 1909, each member of the council shall receive the sum of five dollars for each meeting of the council which he shall attend, *provided*, that compensation shall not be paid for more than five meetings during each month

Amendment Number Nineteen.

That Article 3 be amended by adding thereto a new section to be known as Section 1*c*, and to read as follows,

Section 1*c* From and after the first Monday in May, 1909, the salary of the city treasurer and ex officio tax and license collector shall be twelve hundred dollars per annum

Amendment Number Twenty

That Article 3 be amended by adding thereto a new section to be known as Section 1*d*, and to read as follows

Section 1*d* From and after the first Monday in May, 1909, the salary of the city clerk shall be fifteen hundred dollars per annum.

Amendment Number Twenty-two.

That Section 2 of Article 1 be amended to read as follows:

Section 2. The city shall be divided into six wards described as follows, to-wit:

First Ward—All that portion of the city which lies east of the center line of Raymond avenue, west of the easterly line of the old city limits, as described in the charter of the city of Pasadena adopted and ratified November 20, 1900, south of the northerly line of said old city limits and north of the center line of Colorado street

Second Ward—All that portion of the city which lies west of the center line of Raymond avenue and between the center line of Colorado street and a prolongation westerly thereof on the south, and the line of the old north city limits as described in the charter of said city adopted and ratified November 20, 1900, and a prolongation thereof, on the north.

Third Ward—All that portion of the city which lies south of the center line of Colorado street east of the center line of Raymond avenue and a prolongation southerly thereof, and west and southwest of a line described as follows, to wit:

Beginning at the intersection of the center line of Colorado street and the old east city limits, as described in the charter of the city of Pasadena adopted and ratified November 20, 1900; thence south, west and southeasterly along the line of the said old east city limits to the northeasterly corner of lot five (5) Arden road tract, as per map recorded in book 12, page 30 of maps in the office of the county recorder of Los Angeles County; thence southerly along the easterly line of said lot five (5) and a prolongation thereof, to the center line of Arden road; thence southeasterly to the northeasterly corner of lot twenty-three (23) of said Arden road tract; thence southerly along the easterly line of said lot twenty-three (23) and the prolongation thereof

Fourth Ward—All that portion of the city which lies south of the center line of Colorado street and a prolongation westerly thereof, and west of the center line of Raymond avenue and a prolongation southerly thereof.

Fifth Ward—All that portion of the city which lies north of the old north city limits as described in the charter of said city adopted and ratified November 20, 1900, and prolongation westerly thereof, and west of the east city limits as described in an amendment to the charter of the city of Pasadena adopted and ratified February 20, 1905

Sixth Ward—All that portion of the city of Pasadena lying east of the easterly boundary lines of the first, third and fifth wards, as above described.

The city council shall have power to change the boundaries of the said wards by ordinance, but the said boundaries shall not be changed oftener than once in three (3) years; *provided, however*, that when additional territory is annexed to said city the council may by ordinance determine the ward or wards to which said annexed territory shall belong

That Section 2 of Article 8 be amended to read as follows:

Section 2 One of the members of the council shall be nominated from each of the wards of the city and one from the city at large. All of the members shall be

elected at large by the qualified electors of the city. Each of the members of the council shall have been a citizen of the State and a resident and qualified elector of the city for a period of at least three (3) years immediately preceding the day of his election. The members nominated from the wards shall be residents of the wards from which they are nominated.

AND WHEREAS, The said proposed amendments to the charter of the city of Pasadena, so ratified, are now submitted to the Legislature of the State of California, for approval or rejection without power of alteration or amendment in accordance with section eight of article eleven of the Constitution of the State of California

STATE OF CALIFORNIA, County of Los Angeles, City of Pasadena } ss

This is to certify that we, Thomas Earley, mayor of the city of Pasadena, and Heman Dyer, clerk of the city of Pasadena, have compared the foregoing proposed and ratified amendments to the charter of the city of Pasadena, with the original ordinance proposing such amendments and submitting the same to the qualified electors of said city at a special municipal election, called for that purpose on Friday, the twenty-sixth day of February, nineteen hundred and nine, and find that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said charter are and each of them is true.

In witness whereof, we have hereunto set our hands and caused the corporate seal of the city of Pasadena to be attached this 1st day of March, nineteen hundred and nine

THOMAS EARLEY.
Mayor of the City of Pasadena
HEMAN DYER.
City Clerk of the City of Pasadena

[SEAL]

Now therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring (a majority of all members elected to each house voting for the adoption of this resolution and concurring therein), That the said amendments to the city charter of said city of Pasadena hereinbefore set forth as presented and submitted to and adopted and ratified by the qualified electors of said city be, and the same are hereby approved as a whole for, and as amendments to, the charter of said city of Pasadena.

Assembly concurrent resolution read.

Mr. Cattell moved the adoption of the Assembly concurrent resolution.

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

AYES—Messrs. Baxter, Beatty, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collum, Cronin, Dean, Drew, Feeley, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Hans, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Polsley, Pugh, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—54

NOES—None.

Assembly concurrent resolution ordered transmitted to the Senate.

SPEAKER IN THE CHAIR.

At eleven o'clock and twenty-five minutes A. M., Speaker Stanton in the chair.

NOTICE OF MOTION TO RECONSIDER.

Mr. Coghlan gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 137 was this day passed.

SPECIAL FILE—THIRD READING.

Assembly Bill No. 1387—An Act to amend Section 1164 of the Political Code of the State of California, relating to proclamation at closing the polls.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1387 passed by the following vote:

AYES—Messrs Baxter, Beatty, Bohnett, Butler, Callan, Coghlan, Cogswell, Collum, Costar, Cronin, Cullen, Drew, Feeley, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Hans, Hinkle, Holmquist, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Polsley, Pugh, Rech, Rutherford, Sackett, Silver, Stuckenbruck, Wheelan, Whitney, Wyllie, Young, and Mr. Speaker—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1388—An Act to amend Section 1160 of the Political Code of the State of California, relating to the time of opening and closing the polls.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1388 passed by the following vote:

AYES—Messrs. Baxter, Beatty, Bohnett, Callan, Cattell, Coghlan, Cogswell, Collum, Costar, Cronin, Cullen, Drew, Feeley, Flint, Gerdes, Gibbons, Griffiths, Hammon, Hanlon, Hans, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Polsley, Pugh, Rech, Rutherford, Sackett, Silver, Stuckenbruck, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 96—An Act authorizing and directing the board of managers of the Napa State Hospital to remodel and furnish and refurnish the general kitchen at the Napa State Hospital, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 96 passed by the following vote:

AYES—Messrs. Baxter, Beatty, Bohnett, Callan, Cattell, Coghlan, Cogswell, Collum, Costar, Cronin, Drew, Feeley, Flint, Gerdes, Gillis, Griffiths, Hammon, Hanlon, Hans, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Pugh, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—55.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 256—An Act to provide an additional appropriation for the erection of a training school building for the use of the State Normal School at San Diego, California, and to equip the same.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 256 passed by the following vote:

AYES—Messrs. Beatty, Bohnett, Callan, Cogswell, Costar, Cronin, Drew, Feeley, Fleisher, Flint, Gerdes, Gillis, Griffiths, Hammon, Hanlon, Hans, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard,

Kehoe, Leeds, Lightner, Maher, McManus, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, O'Neill, Polsley, Pugh, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—48.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No 54—An Act providing for an appropriation of thirty thousand dollars for the purpose of purchasing additional land for the Whittier State School.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 54 passed by the following vote:

AYES—Messrs Beatty, Bohnett, Callan, Cogswell, Costar, Cronin, Drew, Feeley, Fleisher, Flint, Gerdes, Gillis, Griffiths, Hammon, Hanlon, Hans, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Maher, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Pulcifer, Rech, Rutherford, Sackett, Silver, Stuckenbruck, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—48.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 116—An Act appropriating money for finishing and furnishing assembly hall and equipping gymnasium at the Preston School of Industry.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 116 passed by the following vote:

AYES—Messrs. Beban, Bohnett, Callan, Cattell, Cogswell, Costar, Cronin, Drew, Feeley, Fleisher, Gerdes, Gillis, Griffiths, Hammon, Hanlon, Hans, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Pugh, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Whitney, Wilson, Wyllie, Young, and Mr Speaker—50.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 118—An Act appropriating money for the equipment of the trades building at the Preston School of Industry.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 118 passed by the following vote:

AYES—Messrs. Callan, Cattell, Cogswell, Collum, Costar, Cronin, Drew, Feeley, Fleisher, Gerdes, Gillis, Griffiths, Hammon, Hanlon, Hans, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Pugh, Pulcifer, Rech, Rutherford, Sackett, Silver, Stuckenbruck, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—47.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1112—An Act to amend an Act entitled "An Act to add a new title to Part III of the Penal Code, to be known as Title I thereof, relating to the government and management of State prisons."

approved March 18, 1907, by amending Sections 1572. 1574, 1577, 1578, and 1582 of the Penal Code, relating to the government and management of State prisons.

During third reading of bill, Mr. Hammon moved that the Speaker appoint a select committee of one to amend the bill, as follows:

By striking out of Section 3, line 7, of printed bill, the word "to", and inserting in lieu thereof the following: "shall".
Also: By striking out of Section 4, line 17, of printed bill, the word "persons", and inserting in lieu thereof the following: "prisons".
Also: By striking out of Section 4, line 25, of printed bill, the words "was he", and inserting in lieu thereof the following: "he was"
Also: By striking out of Section 4, line 28, of printed bill, the word "each", and inserting in lieu thereof the following: "such".

Motion carried.

The Speaker appointed Mr. Hammon as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 1112, with instructions, do now report that the instructions of the Assembly have been carried out.

HAMMON, Select Committee.

Report of select committee, and amendments, adopted.

Bill ordered to reprint, reengrossment, and on file for passage.

Assembly Bill. No. 97—An Act authorizing and directing the board of managers of the Napa State Hospital to complete and improve the water distributing system at the Napa State Hospital, including the construction of a cement reservoir for distributing purposes, and making an appropriation therefor.

Bill read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 97 passed by the following vote:

AYES—Messrs. Beatty, Bohnett, Callan, Cattell, Cogswell, Collum, Costar, Cronin, Drew, Feeley, Fleisher, Flint, Gerdes, Gillis, Griffiths, Hammon, Hanlon, Hans, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Polsley, Pugh, Pulcifer, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—52.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 735—An Act to amend Section 1575*a* of the Political Code of the State of California, relating to clerks of school districts.

Mr. Hans moved that the Speaker appoint a select committee of one to amend the bill, as follows:

Amend by striking out of Section 1, line 12, of printed bill, the words "and in any school district which employs not less than five nor more than nineteen teachers, the clerk of the board may in the discretion of the board of trustees receive a salary of not to exceed ten dollars per month," and insert in lieu thereof the following: "A comma (,).

Motion carried.

The Speaker appointed Mr. Hans as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 735, with instructions, do now report that the instructions of the Assembly have been carried out.

HANS, Select Committee

Report of select committee, and amendment, adopted.

Bill ordered to reprint, reengrossment, and on file for passage.

THIRD-READING FILE.

Assembly Bill No. 264—An Act to amend section six of an Act entitled "An Act to establish police courts in cities of the first and one-half class, to fix their jurisdiction, and provide for officers of said courts, and to fix the compensation of certain officers thereof," approved March 5, 1901, relating to clerks in police courts in cities of the first and one-half class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 264 passed by the following vote:

AYES—Messrs. Baxter, Beatty, Beban, Cattell, Coghlan, Cogswell, Collum, Costar, Cronin, Cullen, Drew, Feeley, Fleisher, Flint, Gerdes, Gillis, Griffiths, Hanlon, Hans, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Kehoe, Maher, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Pugh, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 261—An Act to amend Section 1855*a* of the Code of Civil Procedure, relating to secondary evidence of public records or documents lost or destroyed by fire or other calamity; also providing that in such case decrees of distribution and partition, and deeds made, pursuant to or under a judgment, or order of court, shall prima facie be deemed made under proceedings duly had.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 261 passed by the following vote:

AYES—Messrs. Beban, Cattell, Coghlan, Cogswell, Collum, Costar, Cronin, Cullen, Dean, Drew, Feeley, Fleisher, Flint, Gerdes, Gillis, Griffiths, Hammon, Hanlon, Hans, Hayes, Hewitt, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Juilliard, Leeds, Lightner, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Perine, Polsley, Pugh, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Stuckenbruck, Whitney, Wilson, Young, and Mr. Speaker—51.

NOES—Messrs Beatty, Bohnett, Butler, Callan, Kehoe, Otis, and Silver—7.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 775—An Act to amend Section 922 of the Code of Civil Procedure of the State of California, relating to Justices' Courts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 775 passed by the following vote:

AYES—Messrs. Baxter, Beban, Bohnett, Butler Callan, Cattell, Coghlan, Collum, Costar, Cronin, Cullen, Dean, Drew, Feeley, Fleisher, Flint, Gerdes, Gillis, Griffiths, Hammon,

Hanlon, Hans, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Juilliard, Kehoe, Leeds, Lightner, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Polsley, Pugh, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Whitney, Wilson, and Mr. Speaker—56.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1154—An Act to amend Section 1272 of the Penal Code of California, relating to admission to bail pending appeal.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1154 passed by the following vote:

AYES—Messrs. Baxter, Beatty, Behan, Bohnett, Butler, Callan, Cattell, Coghlan, Collum, Costar, Cullen, Dean, Drew, Feeley, Fleisher, Flint, Gerdes, Gillis, Griffiths, Hammon, Hanlon, Hans, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Maher, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Polsley, Pugh, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Whitney, Wilson, Young, and Mr. Speaker—55.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 997—An Act to amend Section 650 of the Civil Code, relating to the powers of boards of trustees and colleges, and seminaries of learning.

Bill read third time, and passed on file.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read.

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1909

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Assembly Bill No. 1353—An Act to amend an Act which became effective February 26, 1901, entitled "An Act to provide for local improvements upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities, such Act to be known as 'The Local Improvement Act of 1901,'" by adding thereto a new section, to be numbered 20*a*.

Assembly Bill No. 823—An Act to amend section one thousand and ninety-seven of the Political Code, relating to qualifications of persons in event of registration.

Assembly Bill No. 256—An Act to provide an additional appropriation for the erection of a training school building for the use of the State Normal School at San Diego, California, and to equip the same.

Assembly Bill No. 1112—An Act to amend an Act entitled "An Act to add a new title to Part III of the Penal Code, to be known as Title I thereof, relating to the government and management of State prisons," approved March 18, 1907, by amending Sections 1572, 1574, 1577, 1578, and 1582 of the Penal Code, relating to the government and management of State prisons.

Assembly Bill No. 96—An Act authorizing and directing the board of managers of the Napa State Hospital to remodel and furnish and refurnish the general kitchen at the Napa State Hospital, and making an appropriation therefor.

Assembly Bill No. 116—An Act appropriating money for finishing and furnishing assembly hall, and equipping gymnasium at the Preston School of Industry.

Assembly Bill No. 54—An Act providing for an appropriation of thirty thousand dollars for the purpose of purchasing additional land for the Whittier State School.

Assembly Bill No. 120—An Act appropriating money for the purchase of bedding and furniture and for repairs for the use of the Preston School of Industry.

Assembly Bill No. 118—An Act appropriating money for the equipment of the trades building at the Preston School of Industry.

Assembly Bill No. 1387—An Act to amend Section 1164 of the Political Code of the State of California, relating to proclamation at closing the polls.

Assembly Bill No. 1388—An Act to amend Section 1160 of the Political Code of the State of California, relating to the time of opening and closing the polls.

Assembly Bill No. 1135—An Act to provide for the equipping and furnishing of the building now in process of erection at Stockton State Hospital, under the provisions of Chapter 172 of the Statutes of 1907, and making an appropriation therefor.

Assembly Bill No 954—An Act to provide for the inspection of institutions receiving moneys from the State.

Assembly Bill No. 1424—An Act to aid in the carrying out of the provisions of an Act entitled "An Act to provide for the gathering, compiling, printing and distribution of statistics and information regarding the Japanese of the State, and making an appropriation therefor," making it the duty of certain officers to keep certain records and furnish such statistics and information.

Assembly Bill No. 1216—An Act to amend section one thousand six hundred and ninety-nine of the Code of Civil Procedure, relating to settlement of accounts of trustees after distribution of estates and compensation of trustees.

Assembly Bill No 914—An Act to repeal section four hundred and sixteen of the Civil Code of the State of California, relating to policies, how issued and by whom signed.

Assembly Bill No. 164—An Act amending Section 3 of an Act entitled "An Act for the appointment of a guardian for Sutter's Fort property, prescribing his duties, and appropriating money therefor," approved March 16, 1895.

YOUNG, Chairman.

The above reported bills ordered on file for third reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1909.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly reengrossed:

Assembly Bill No. 688—An Act to amend Section 1662 of the Political Code by determining the number of years of instruction in the day and evening elementary schools, determining the age of admission to the day and evening elementary schools, and providing for separate schools for Indian, Mongolian and Chinese children, and authorizing the exclusion of children of filthy or vicious habits.

Assembly Bill No. 97—An Act authorizing and directing the board of managers of the Napa State Hospital to complete and improve the water distributing system at the Napa State Hospital, including the construction of a cement reservoir for distributing purposes, and making an appropriation therefor.

Assembly Bill No 689—An Act to amend an Act entitled "An Act creating a fund for the benefit and support of high schools and providing for its distribution," by changing the term high school to secondary school, approved March 6, 1903

Assembly Bill No. 983—An Act to amend Section 4284 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the fifty fifth class.

Assembly Bill No 1036—An Act to add a new section to the Penal Code, relating to recording of notices of location of mining claims

YOUNG, Chairman.

RECESS.

At twelve o'clock and thirty minutes P. M., the Assembly was declared at recess until two o'clock P. M. of this day.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.

Speaker P. A. Stanton in the chair.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1909.

MR SPEAKER Your Committee on Ways and Means, to whom was referred Assembly Bill No. 971—An Act making an appropriation for the construction and equipment of poultry houses at the California Polytechnic School

Also: Assembly Bill No. 972—An Act making an appropriation for the purchase and installation of a refrigerating plant and other creamery equipment for the California Polytechnic School

Also: Assembly Bill No. 973—An Act making an appropriation for repairing and furnishing the dormitory buildings at the California Polytechnic School.

Also: Assembly Bill No 210—An Act authorizing and directing the board of managers of the Mendocino State Hospital to purchase laundry machinery for the said hospital, and making an appropriation therefor.

Also: Assembly Bill No. 211—An Act making an appropriation for the erection and construction of a dairy barn on the grounds of the Mendocino State Hospital.

Also: Assembly Bill No. 212—An Act to provide for the enlargement and reroofing at Patton, and providing for additional machinery and remodeling, and making appropriations for the same.

Also: Assembly Bill No 214—An Act to provide for the construction and furnishing of a one-story bungalow for the use of the first assistant physician at the Southern California State Hospital at Patton, and to make appropriation for the same.

Also: Assembly Bill No. 215—An Act to provide for the construction of storm drains, and the completion of storm drains on the grounds of the Southern California State Hospital at Patton, and to make appropriation for the same

Also: Assembly Bill No. 216—An Act to provide for the construction and furnishing of a second story upon that structure at the Southern California State Hospital at Patton called and known as "The congregate dining-room," and to make appropriation for the same

Also: Assembly Bill No. 749—An Act to provide for the construction and furnishing of a cottage for female patients at the Southern California Hospital at Patton, and to make appropriation for the same.

Also: Assembly Bill No. 1056—An Act to make an additional appropriation for the purpose of carrying out the provisions of an Act entitled "An Act to provide for the erection, equipping, and furnishing of two receiving cottages, one for males and one for females, and a hydrotherapeutic building in connection therewith, with all necessary equipment and furnishings, at the Southern California State Hospital, and to make appropriations for the same," approved March 11, 1907.

Also: Assembly Bill No. 207—An Act authorizing and directing the board of managers of the Mendocino State Hospital to erect and construct an addition to the main kitchen at the said hospital, to construct in conjunction with said kitchen a dining room for the kitchen help, to purchase a new kitchen range, steam-table, and other necessary kitchen furniture; to enlarge the cold-storage rooms at said hospital, and making an appropriation therefor

Also. Assembly Bill No. 759—An Act to amend Section 751 of the Political Code, relating to deputies of the Clerk of the Supreme Court

Also Assembly Bill No 564—An Act to provide for the issuance and sale of State bonds to create a fund for the construction by the Board of State Harbor Commissioners for the bay of San Diego of a seawall, wharves, piers, State railroad spurs, betterments and appurtenances in the county of San Diego; to create a sinking fund for the payment of said bonds; to define the duties of State officers in relation thereto; to make an appropriation of one thousand dollars for the expense of printing said bonds, and to provide for the submission of this Act to a vote of the people.

Also: Assembly Bill No. 83—An Act to establish and maintain a State hygenic laboratory for bacteriological and chemical analysis, for the use of the State Board of Health; providing for the appointment of a director thereof, and assistants; making an appropriation therefor and prescribing the duties of the State Controller and the State Treasurer in relation thereto, and repealing an Act entitled "An Act to establish and maintain a State hygenic laboratory for bacteriological and chemical analysis for the use of the State Board of Health, providing for the appointment of a director thereof, and assistants; making an appropriation therefor, and prescribing the duties of the State Controller and State Treasurer in relation thereto," approved March 18, 1905

Also: Assembly Bill No 962—An Act making an appropriation for the purchase of equipment for shops and laboratories at the California Polytechnic School.

Also: Assembly Bill No. 965—An Act making an appropriation for the construction and furnishing of a dining hall at the California Polytechnic School.

Also: Two Committee Substitutes for Assembly Bill No. 1014—An Act providing for the construction of additional houses for the use of the officers, guards, and employees at the State Prison at Folsom, and making an appropriation therefor.

And one Committee Substitute for Assembly Bill No. 1015—An Act providing for the construction and furnishing of a residence at the State Prison at Folsom, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

BEARDSLEE, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1909

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 82—An Act authorizing and directing the State Board of Health to construct, furnish and equip, on lands of the University of California, at Berkeley, a building to be occupied and used by the state laboratory for the analysis and examination of foods and drugs, appropriating the sum of $10,000 therefor; and authorizing and directing the State Controller to draw his warrant for the said sum, and the State Treasurer to pay the same.

Also: Assembly Bill No 957—An Act to provide for certain necessary improvements to the grounds and appurtenances of the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Also: Assembly Bill No. 963—An Act making an appropriation for the erection of a combined power and lighting plant, with a mechanical and electrical laboratory, at the California Polytechnic School.

Also: Assembly Bill No. 964—An Act making an appropriation for the construction and equipment of barns at the California Polytechnic School.

Also Assembly Bill No. 968—An Act making an appropriation for the construction of cottages for employees at the California Polytechnic School.

Also: Assembly Bill No 969—An Act making an appropriation for the development of water supply and an irrigation system at the California Polytechnic School.

Also: Assembly Bill No. 90—An Act making an appropriation for the construction of an addition to the hospital at the Veterans' Home of California, located at Yountville, Napa County, including a ward for the care and treatment of tuberculous patients.

Also: Assembly Bill No. 92—An Act to provide for the construction of an additional building at the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Also: Assembly Bill No. 213—An Act providing for the construction and furnishing of a cottage for female patients at the Southern California State Hospital at Patton, and to make appropriations for the same.

Also: Assembly Bill No. 969—An Act providing for certain necessary repairs to the building and equipment of the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Also: Assembly Bill No 970—An Act making an appropriation for the construction of a sewer system at the California Polytechnic School.

Also: Assembly Bill No 767—An Act to amend Section 425 of the Political Code of the State of California

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended.

BEARDSLEE, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1909.

MR SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No 266—An Act making an appropriation for the construction of barns at the California Polytechnic School, and for the purchase of farm equipment for the use of said school

And·

Assembly Bill No. 757—An Act to amend section seven hundred and fifty-six of the Political Code, relating to salaries of deputies of the Clerk of the Supreme Court.

Have had the same under consideration, and respectfully report the same back, and recommend that Assembly Bill No 266 be withdrawn, and Assembly Bill No 757 be amended and withdrawn by author.

BEARDSLEE, Chairman.

The above reported bills, with the exception of Assembly Bill No. 266, ordered on file for second reading:

Assembly Bill No. 266 withdrawn by unanimous consent.

Committee Substitutes for Assembly Bills No. 1014 and 1015 adopted and ordered on file for second reading.

SPECIAL FILE—THIRD READING (RESUMED).

Assembly Bill No. 279—An Act to provide for the erection, equipping, and furnishing of two convalescent cottages, one for males and one for females, at the Stockton State Hospital Farm, and to make appropriations for the same.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 279 passed by the following vote:

AYES—Messrs. Baxter, Beatty, Bohnett, Butler, Callan, Collier, Costar, Cronin, Cullen, Drew, Flavelle, Fleisher, Flint, Gerdes, Gillis, Greer, Griffiths, Hammon Hanlon, Hawk, Hayes Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Keboe, Macauley, Maher, Mendenhall, Moore, Mott, Nelson, Odom, Perine, Polsley, Pulcifer, Rech, Rutherford, Silver, Stuckenbruck, Webber, Wheelan, Whitney, Wilson, Young, and Mr. Speaker—49

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1135—An Act to provide for the equipping and furnishing of the building now in process of erection at Stockton State Hospital under the provisions of Chapter 172 of the Statutes of 1907, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1135 passed by the following vote:

AYES—Messrs. Baxter, Beatty, Bohnett, Butler, Callan, Cattell, Cogswell, Costar, Cronin, Cullen, Drew, Flavelle, Fleisher, Flint, Gerdes, Gillis, Greer, Griffiths, Hanlon, Hawk Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Kehoe, Macauley, Maher, Mendenhall, Moore, Mott, Nelson, Perine, Polsley, Pugh, Rech, Rutherford, Silver, Stuckenbruck, Webber, Wheelan, Whitney, Young, and Mr. Speaker—45

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SENATE BILLS—THIRD-READING FILE.

Senate Bill No. 512—An Act to amend an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," as approved March 20, 1905, as amended, approved June 13, 1906, as amended, approved March 19, 1907, as amended, approved March 20, 1907, by amending Section 2 thereof, adding a new section, to be numbered 2*a*, and repealing Section 7 and Section 10*b* of said Act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 512 finally passed by the following vote:

AYES—Messrs. Baxter, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Costar, Cronin, Cullen, Dean, Drew, Feeley Flavelle, Fleisher, Flint, Gerdes, Gillis, Greer, Griffiths, Hanlon, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Kehoe, Macauley, Maher, McClellen, Mendenhall, Moore, Odom, Otis, Perine, Polsley, Pugh, Rech, Rutherford, Silver, Stuckenbruck, Wheelan, Whitney, Wilson, Young, and Mr. Speaker—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 587—An Act to amend an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 20, 1905, amended, approved June 13, 1906, amended, approved March 19, 1907; amended, approved March 20, 1907, by providing certain terms and conditions whereby corporations which have failed to pay the license tax mentioned in said Act may pay the same and be restored to their former rights.

During third reading of bill, Mr. Rech moved that the Speaker appoint a select committee of one to amend the bill, as follows:

AMENDMENT No. 1.

On page 2, Section 1, lines 10 and 11, of the printed bill, strike out the words "on or before noon on November 30, 1909"

AMENDMENT No 2

On page 2, Section 1, line 13, of the printed bill, after the word "thereto" insert the following: "and the license taxes and penalties that would have accrued if such corporation had not forfeited its charter or right to do business".

Motion carried.

The Speaker appointed Mr. Rech as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 587, with instructions, do now report that the instructions of the Assembly have been carried out.

RECH, Select Committee.

Report of select committee, and amendments, adopted.

Bill ordered to reprint, and on file for passage.

Senate Bill No. 69—An Act to amend Section 1622 of the Political Code, relating to State and county school moneys being used for the payment of teachers and superintendents of schools.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 69 finally passed by the following vote:

AYES—Messrs Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Costar, Cronin, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Gillis, Greer, Griffiths, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Kehoe, Maher, McClellan, Mendenhall, Moore, Otis, Perine, Polsley, Rech, Rutherford, Sackett, Stuckenbruck, Webber, Wheelan, Whitney, Wilson, Young, and Mr. Speaker—43.

NOES—Messrs Beban, Black, Johnston of Contra Costa, Macauley, Mott, and Pugh—6.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Constitutional Amendment No. 11—Relative to proposed amendment to Article XIII of the Constitution, providing that a mortgage, deed of trust, contract, or other obligation by which a debt is secured when land is pledged as security for the payment thereof, together with the money represented by such debt, shall be exempt from taxation, and to that end amending Section 1 and repealing Section 4 of Article XIII of the Constitution of the State of California

Mr. Cattell moved to amend the Assembly constitutional amendment as follows:

Strike out of lines 20, 21, and 22, page 2, of printed bill, the comma after the word "county", and also the following words: "and to raise or lower the assessed valuation of any class or classes of property on the assessment roll of any county."

Amendments ordered printed in the Journal, and Assembly constitutional amendment, with amendments pending, ordered on file as unfinished business.

Senate Bill No. 147—An Act providing for an appropriation of $5,000 for the erection of a manual training building on the grounds of the Whittier State School.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 147 finally passed by the following vote:

AYES—Messrs. Baxter, Beatty, Beban, Black, Bohnett, Callan, Cattell, Cogswell, Collier, Costar, Cronin, Cullen, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gillis, Griffiths, Hanlon, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnston of Contra Costa, Kehoe, Macauley, McClellan, McManus, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Polsley, Pugh, Pulcifer, Rech, Rutherford, Sackett, Silver, Stuckenbruck, Wheelan, Whitney, Wilson, Young, and Mr. Speaker—52

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 799—An Act to amend Section 1763 of the Code of Civil Procedure of the State of California, relating to appointment of guardians of insane and incompetent persons.

Bill read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 799 finally passed by the following vote:

AYES—Messrs. Baxter, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Cronin, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gillis, Griffiths, Hanlon, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnston of Contra Costa, Kehoe, Maher, McManus, Mendenhall, Moore, Mott, Odom, Otis, Perine, Polsley, Pugh, Pulcifer, Rech, Rutherford, Silver, Stuckenbruck, Webber, Wheelan, Whitney, Wilson, Young, and Mr. Speaker—48.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 180—An Act to amend Section 737 of the Political Code of California, relating to the salaries of superior judges.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 180 finally passed by the following vote:

AYES—Messrs. Baxter, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Costar, Cronin, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gillis, Griffiths, Hanlon, Hawk, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnston of Contra Costa, Kehoe, Maher, McClellan, McManus, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Pugh, Pulcifer, Rech, Rutherford, Silver, Stuckenbruck, Webber, Wheelan, Whitney, Wilson, Young, and Mr. Speaker—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 800—An Act to amend Section 1774 of the Code of Civil Procedure of the State of California, relative to settlement of accounts of guardians of insane persons.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 800, finally passed by the following vote:

AYES—Messrs. Baxter, Beatty, Beban, Black, Bohnett, Butler, Callan, Cogswell, Costar, Cronin, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gillis, Griffiths, Hanlon, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Kehoe, Maher, McClellan, McManus, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Pugh, Pulcifer, Rech, Rutherford, Sackett, Silver, Stuckenbruck, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—52.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 32—An Act to amend the Civil Code of California by adding a new title thereto, to be numbered Title X, in Part IV, of Division Second consisting of Sections 1426, 1426*a*, 1426*b*, 1426*c*, 1426*d*, 1426*e*, 1426*f*, 1426*g*, 1426*h*, 1426*i*, 1426*j*, 1426*k*, 1426*l*, 1426*m*, 1426*n*, 1426*o*, 1426*p*, 1426*q*, and 1426*r*, providing for the manner of locating lode and placer mining claims, tunnel right, mill sites, and prescribing the character and amount of assessment work on mining claims, and providing for proofs of such work, and for the recordation of location

notices, and proof of labor, and for the enforcement of contributions from the delinquent co-owners of mining claims, and prescribing the duties of county recorders respecting the recording of location notices of, and proofs of labor on, mining claims, tunnel rights and mill sites, and the fees to be charged therefor, and repealing an Act entitled "An Act entitled an Act relating to the working, rights of way, easement, and drainage of mines within the State of California," approved March 31, 1891.

Bill read third time and passed on file.

Senate Bill No. 513—An Act to amend Section 290*a* of the Civil Code, relating to corporations authorized to act as executor, administrator, guardian, assignee, receiver, depositary or trustee.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 513 finally passed by the following vote:

AYES—Messrs. Baxter, Beatty, Black, Bohnett, Butler, Callan, Cogswell, Collier, Costar, Cronin, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gillis, Griffiths, Hanlon, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Kehoe, Macauley, McManus, Mendenhall, Moore, Nelson, Odom, Otis, Perine, Polsley, Pugh, Rech, Rutherford, Sackett, Silver, Stuckenbruck, Webber, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 718—An Act appropriating seventy-five thousand ($75,000) dollars to complete, equip, and furnish the buildings of the San Jose State Normal School.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 718 finally passed by the following vote:

AYES—Messrs Baxter, Beatty, Black, Bohnett, Callan, Cogswell, Costar, Cronin, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gillis, Griffiths, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of San Diego, Juilliard, Kehoe, Macauley, Mendenhall, Moore, Nelson, Odom, Otis, Perine, Polsley, Pugh, Pulcifer, Rech, Rutherford, Sackett, Silver, Stuckenbruck, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 270—An Act declaring property infested with certain rodents to be a public nuisance; requiring owners, occupants, and persons having possession of or dominion over such property to endeavor to exterminate and destroy such rodents; providing for the inspection of property by boards of health and health officers; authorizing boards of supervisors and other governing bodies to purchase materials and employ inspectors to prosecute such work of extermination; authorizing State and local health authorities to prosecute such work in certain cases; providing for the payment of the expense thereof; making the amount of such expense a lien on the property; providing for the collection of such amount by foreclosure of such lien; and declaring any violation of the provisions thereof to be a misdemeanor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 270 finally passed by the following vote:

AYES—Messrs. Beatty, Black, Bohnett, Butler, Callan, Cogswell, Collier, Costar, Cronin, Cullen, Drew, Feeley, Flavelle, Flint, Gillis, Griffiths, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Juilliard, Kehoe, Macauley, Maher, McManus, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Polsley, Pugh, Pulcifer, Rech, Rutherford, Sackett, Silver, Whitney, Wyllie, Young, and Mr. Speaker—48.
NOES—Messrs. Stuckenbruck and Webber—2.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 232—An Act to repeal Section 644 of the Penal Code, relating to enticing seamen to desert their vessels.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 232 finally passed by the following vote:

AYES—Messrs. Baxter, Beatty, Beban, Bohnett, Callan, Coghlan, Cogswell, Collier, Cronin, Cullen, Drew, Flavelle, Fleisher, Flint, Gillis, Griffiths, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Juilliard, Kehoe, Macauley, Maher, McManus, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Polsley, Pugh, Rutherford, Stuckenbruck, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—47.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 96—An Act to prevent the desecration, mutilation, or improper use of the flag of the United States of America.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 96 finally passed by the following vote:

AYES—Messrs. Baxter, Beatty, Beban, Bohnett, Callan, Coghlan, Cogswell, Collier, Cronin, Cullen, Drew, Flavelle, Fleisher, Flint, Gillis, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Juilliard, Kehoe, Macauley, Maher, McManus, Mendenhall, Moore, Mott, Nelson, Odom, Perine, Polsley, Rech, Sackett, Stuckenbruck, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—44.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

WITHDRAWAL OF BILL.

Mr. Hawk asked for and was granted unanimous consent to withdraw Assembly Bill No. 122.

Assembly Bill No. 122 withdrawn, and ordered stricken from the file.

Senate Bill No. 650—An Act to amend Section 922 of the Code of Civil Procedure of the State of California, relatimg to Justices' Courts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 650 finally passed by the following vote:

AYES—Messrs. Baxter, Beatty, Bohnett, Callan, Coghlan, Cogswell, Collier, Cronin, Cullen, Drew, Flavelle, Fleisher, Flint, Gerdes, Gillis, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Juilliard, Kehoe, Macauley, Maher, McManus, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Polsley, Rech, Sackett, Silver, Stuckenbruck, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—46.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 703—An Act to add a new section to the Penal Code of the State of California, to be numbered 498*a*, relating to the possession of any contrivance for preventing the correct registration of any gas or electric meter.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 703 finally passed by the following vote:

AYES—Messrs. Baxter, Beatty, Bohnett, Callan, Coghlan, Cogswell, Collier, Cullen, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Gillis, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Juilliard, Kehoe, Macauley, Maher, McManus, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Polsley, Rech, Sackett, Silver, Stuckenbruck, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—46.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 704—An Act to amend Section 498 of the Penal Code of the State of California, relating to the stealing or unauthorized use of gas, and the injury, obstruction or alteration of gas meters.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 704 finally passed by the following vote:

AYES—Messrs. Baxter, Bohnett, Collier, Cullen, Dean, Drew, Feeley, Fleisher, Flint, Gerdes, Gillis, Griffiths, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Juilliard, Kehoe, MacCauley, Maher, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Polsley, Pugh, Rech, Sackett, Silver, Stuckenbruck, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—43.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 2—Relative to purchase by Federal Government of Henry ranch at Atascadero, California, for military camps, maneuvers, and rifle ranges, for regular troops and National Guard.

Senate Joint Resolution No. 2 read, adopted, and ordered transmitted to the Senate.

SENATE JOINT RESOLUTION No. 2,

Relative to purchase by Federal Government of Henry ranch, at Atascadero, California, for military camps, maneuvers, and rifle ranges for regular troops and National Guard.

WHEREAS, The State of California is lacking in a public site suitable for extensive military encampments, military maneuvers, and modern long range rifle practice; for the national guard; and

WHEREAS, It is necessary that such a permanent public site be obtained and dedicated to training and drilling the National Guard of California in coöperation with troops of the United States Army in military encampment, military maneuvers, and modern long range rifle practice; and

WHEREAS, That tract of land, known as the Henry ranch (comprising about 22,000 acres, and situate at Atascadero, county of San Luis Obispo, State of California, 200 miles south from the city of San Francisco, and readily accessible from all parts of the State) contains (1) locations suitable for modern rifle ranges; (2) extensive diversified areas adapted for war maneuvers; (3) an excellent drill ground comprising several hundred acres, which is surrounded by four, capacious and elevated camping grounds; and

WHEREAS, Said ranch is well provided with wood, water, drainage, and with favorable conditions of climate and sanitation; and

WHEREAS, Said ranch fulfills all the requirements for military encampments, maneuvers and rifle ranges; therefore, be it

Resolved, by the Senate and Assembly jointly, That the United States Senators from the State of California be instructed, and the Representatives in Congress from the State of California be requested, to use all honorable endeavors to have the Congress of the

United States make provision to purchase said Henry ranch for the military purposes indicated herein; and be it further

Resolved, That copies of this resolution be forwarded forthwith by the Secretary of the Senate to each United States Senator and each Representative in Congress from the State of California.

Senate Joint Resolution No. 15—Relating to the changing of old names of the United States forest reserves.

Senate Joint Resolution No. 15 read, adopted, and ordered transmitted to the Senate.

SENATE JOINT RESOLUTION No. 15.

Relating to the changing of old names of the United States forest reserves

WHEREAS, On December 20, 1892, the San Gabriel Forest Reserve was created by proclamation of the President of the United States and on February 25, 1893, the San Bernardino Forest Reserve was created in a similar manner, and on February 14, 1907, the San Jacinto Forest Reserve was created in a similar manner, all being situated in the southern part of California; and

WHEREAS, The names given to these respective reserves at the time of their creation are the ancient names of the mountain ranges in which they are situated, and they were and still are well-known names; and

WHEREAS, On the 26th day of June, 1908, by proclamation of the President of the United States, upon recommendation of the department of agriculture and through the suggestion and influence of the Hon. Gifford Pinchot, the Forester of the United States the San Bernardino and San Gabriel forest reserves were combined and given the new name of Angelus Forest Reserve, and the San Jacinto Forest Reserve was renamed Cleveland Forest Reserve; and

WHEREAS, The people residing in the neighborhood of these reserves, and the people generally throughout the State, have become accustomed to and attached to the ancient names adopted and used in California; and

WHEREAS, The changing of these names not only is deplored by the people of California from sentimental reasons, but is the cause of great confusion in the use of the names; therefore, be it

Resolved, by the Senate and Assembly jointly, That the President of the United States be and he is hereby requested to take the necessary steps and issue necessary proclamations to restore to these reserves their original and ancient names.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON INSURANCE AND INSURANCE LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1909.

MR. SPEAKER: Your Committee on Insurance and Insurance Laws, to whom was referred Senate Bill No. 706—An Act to establish a standard form of fire insurance policy, etc.—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

PULCIFER, Chairman.

The above reported bill ordered on file for second reading.

ON CONSTITUTIONAL AMENDMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 2 1909.

MR. SPEAKER: Your Committee on Constitutional Amendments, to whom was referred Assembly Constitutional Amendment No. 26—A resolution to propose to the people of the State of California an amendment of Sections 2 and 23 of Article IV of the Constitution, relating to the time of holding sessions of the Legislature and the mileage paid to members—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

COGHLAN, Chairman.

Assembly Constitutional Amendment No. 26 ordered on file for adoption.

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 2 1909.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Assembly Bill No. 58—An Act appropriating ten thousand dollars for the purpose of building one cottage for the Whittier State School.

Assembly Bill No. 114—An Act appropriating money for the building and equipping of a central heating and power station, and to make the necessary changes in the plumbing at the Preston School of Industry.

Assembly Bill No. 1279—An Act to amend section two of an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 20, 1905, and amended by Act approved March 10, 1907.

YOUNG, Chairman.

The above reported bills ordered on file for third reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1909.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly reengrossed:

Assembly Bill No. 594—An Act to provide for the establishment and maintenance of public museums of natural and historical objects within municipalities of the fourth, fifth, and sixth class.

Assembly Bill No. 709—An Act to amend Section 4234 of the Political Code of the State of California, relating to the compensation of officers of counties of the fifth class and their assistants and deputies.

Assembly Bill No. 580—An Act to amend Section 2144 of the Civil Code, relative to carrier's lien on property.

Committee Substitute for Assembly Bills Nos. 648 and 649—An Act to amend Section one thousand nine hundred and eighteen of the Civil Code, relating to a maximum rate of interest and providing for forfeitures for violations thereof.

YOUNG, Chairman.

RESOLUTIONS.

The following resolution was offered:

By Mr. Mott:

Resolved, That the Controller be, and he is hereby, authorized and directed to draw his warrant on the contingent fund of the Assembly, and the State Treasurer is hereby directed to pay the same, for the sum of one hundred and ninety dollars ($190.00) in favor of George C. Bornemann, same being for the payment of the following bill attached:

Geo. C. Bornemann Company	$190 00

For rent of nineteen typewriters from January 3 to February 3, 1909, and service of man to care for same.

Resolution read, and referred to Committee on Contingent Expenses and Accounts.

Also:

Resolved, That the Controller be, and he is hereby, authorized and directed to draw his warrant on the contingent fund of the Assembly, and the State Treasurer is hereby directed to pay the same, for the sum of two hundred and forty-nine and seventy-six hundredths dollars ($249.76) in favor of J. T. Stafford, Sergeant-at-Arms of the Assembly same being for the payment of the following bills attached:

F. R. Pulford	$25 85
Whiskey Hill Water Company	84 00
Julia Adams	14 00
John Breuner Company	29 75
H. S. Crocker Company	21 00
H. E Sleeper & Co.	10 50
Mrs. C. Mackall	20 00
Kane, Trainor Ice Company	28 00
E. F. Frazer	10 50
D. Ellis	1 50
Geo W. Locke & Son	4 66
	$249 76

Resolution read, and referred to Committee on Contingent Expenses and Accounts.

SPECIAL ORDERS.

Assembly Joint Resolution No. 7—Referring to defense of the Pacific seaboard.

ASSEMBLY JOINT RESOLUTION No. 7.

WHEREAS, The defense of the Pacific seaboard by a fleet adequate in point of numbers and power to meet and repel, if need be, the attempted invasion of the territory of the United States by any enemy, and commensurate with the dignity, affluence and commercial importance of that portion of the country which faces the Pacific Ocean, is at least, as necessary to the welfare of the nation as is the defense of the Atlantic seaboard; and

WHEREAS, A fleet of sufficient strength riding the waters of the Pacific, would conduce to the establishment of confidence and the preservation of peace among the nations of the earth; and

WHEREAS, It is the duty and indisputable right of the Federal Government to provide adequately for the protection of the sovereign people, and the sovereign states; and

WHEREAS, Although we believe in the protestations of good will of all nations toward this union of states, nevertheless, it is unwise and unfair to the people, interests and states on the Pacific coast, to refuse them ample protection against any contingency which may hereafter arise to menace their lives, their liberty or their property, therefore, be it

Resolved, by the Assembly and Senate of the State of California jointly, That our Senators in Congress be instructed and our Representatives in Congress requested to use all honorable means necessary to effect the immediate assignment to the waters of the Pacific, of ships of war in such numbers and of such power as to place this nation on an equal footing on its western coast with those nations which now maintain fleets of ships of war in the Pacific waters.

Assembly Joint Resolution No. 7 read, adopted, and ordered transmitted to the Senate.

SPECIAL ORDERS RESET.

On motion of Mr. Drew, the reconsideration of the vote on Assembly Constitutional Amendment No. 19 was made a special order for Wednesday, March 3, 1909.

On motion of Mr. Leeds, the reconsideration of the vote on Assembly Bill No. 584 was made a special order for Wednesday, March 3, 1909.

HON. JOHN J. MCMANUS IN THE CHAIR.

At four o'clock and five minutes P. M., Hon. John J. McManus in the chair.

THIRD READING FILE—(RESUMED).

Assembly Bill No. 1115—An Act to amend an Act entitled "An Act to define trusts and to provide for criminal penalties and civil damages, and punishment of corporations, persons, firms and associations or persons connected with them, and to promote free competition in commerce and all classes of business in this State," approved March 23, 1907.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1115 passed by the following vote:

AYES—Messrs. Baxter, Beatty, Beban, Black, Bohnett, Butler, Callan, Coghlan, Dean, Drew, Feeley, Flavelle, Fleisher, Gerdes, Gillis, Greer, Hanlon, Hawk, Holmquist, Irwin, Johnson of Sacramento, Juilliard, Kehoe, Macauley, Maher, McManus, Mendenhall, Moore, Mott, Nelson, Odom, O'Neill, Perine, Polsley, Pugh, Pulcifer, Rech, Rutherford, Sackett, Silver, Webber, Wheelan, Whitney, Wilson, and Young—45.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1064—An Act appropriating eighty-five dollars for the payment of claim of the Regal Shoe Company.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1064 passed by the following vote:

AYES—Messrs. Beban, Black, Bohnett, Butler, Callan, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Greer, Griffiths, Hanlon, Hans, Hawk, Holmquist, Irwin, Johnson of Sacramento, Juilliard, Kehoe, Macauley, Maher, McManus, Mendenhall, Moore, Mott, Nelson, Odom, O'Neill, Perine, Polsley, Pugh, Rutherford, Sackett, Silver, Stuckenbruck, Wheelan, Whitney, Wilson, Wyllie, and Young—43.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 709—An Act to amend Section 4234 of the Political Code of the State of California, relating to the compensation of officers of counties of the fifth class, and their assistants and deputies.

During third reading of bill, Mr. Johnson of Sacramento moved that the Speaker appoint a select committee of one to amend the bill, as follows:

After the word "aggregate", in line 92, of printed bill, page 3, insert the words: "All deputies and assistants herein mentioned shall be appointed by the tax collector, and the salaries herein provided for shall be paid by the said county in equal monthly installments at the same time and in the same manner and out of the same fund as the salary of the tax collector."

Also: Strike out the word "eight," in line 194, page 6, of the printed bill, and insert in lieu thereof the word "five".

Motion carried.

The Speaker appointed Mr. Johnson of Sacramento as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 709, with instructions, do now report that the instructions of the Assembly have been carried out.

JOHNSON OF SACRAMENTO, Select Committee.

Report of select committee, and amendments, adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No. 164—An Act amending Section 3 of an Act entitled "An Act for the appointment of a guardian for Sutter's Fort property, prescribing his duties, and appropriating money therefor," approved March 16, 1905.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 164 passed by the following vote:

AYES—Messrs. Baxter, Beban, Black, Bohnett, Callan, Coghlan, Collier, Collum, Dean, Flavelle, Flint, Gerdes, Gillis, Greer, Griffiths, Hanlon, Hans, Hawk, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Juilliard, Kehoe, Macauley, Maher, McClellan, McManus, Mendenhall, Moore, Mott, Odom, O'Neill, Perine, Polsley, Pugh, Rech, Rutherford, Sackett, Schmitt, Silver, Wheelan, Whitney, Wilson, Wyllie, and Young—46.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1038—An Act authorizing and empowering the directors of the State Agricultural Society to hold State industrial and agricultural fairs at the city of Oakland, county of Alameda, State of California, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1038 passed by the following vote:

AYES—Messers. Baxter, Black, Bohnett, Callan, Cattell, Collum, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Gillis, Griffiths, Hanlon, Hans, Hawk, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Juilliard, Kehoe, Macauley, Maher, McClellan, McManus, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Pulcifer, Rech, Sackett, Schmitt, Silver, Wheelan, Whitney, Wilson, and Young—45.

NOES—Messrs. Stuckenbruck and Wyllie—2.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1138—An Act to amend Section 1552 of the Political Code of the State of California, relating to traveling expenses of county, and city and county, superintendents.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1138 passed by the following vote:

AYES—Messrs. Baxter, Beatty, Beban, Black, Bohnett, Callan, Coghlan, Collum, Flavelle, Fleisher, Flint, Gerdes, Gillis, Griffiths, Hanlon, Hans, Hayes, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Juilliard, Kehoe, Macauley, Maher, McManus, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Pugh, Sackett, Schmitt, Silver, Wheelan, Wilson, Wyllie, Young, and Mr. Speaker—44.

NOES—Mr. Stuckenbruck—1.

Title read and approved.

Bill ordered transmitted to the Senate.

SECOND-READING FILE.

Assembly Bill No. 1443—An Act to provide for the transfer from the general fund of the State treasury to the San Francisco harbor improvement fund of the sum of $229.37 to reimburse said San Francisco harbor improvement fund, etc.

Mr. Beatty moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Hon. John J. McManus in the chair.

Assembly Bill No. 1443 considered.

Mr. Beatty moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Hon. John J. McManus in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1909

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 1443, and do now report the same back, and recommend that it do pass.

McMANUS, Chairman.

Bill read second time, and ordered to engrossment.

SPECIAL ORDER SET.

On motion of Mr. Beatty, the consideration of Assembly Bill No. 1443 was made a special order for Wednesday, March 23, 1909, at eleven o'clock A. M.

Assembly Bill No. 1431—An Act to allow unincorporated towns and villages to establish, equip, and maintain public libraries; to provide for the formation, government, and operation of library districts; the acquisitions of property thereby; the calling and holding of elections in such districts; the assessment, collection, custody, and disbursement of taxes therein; and to create boards of library trustees.

During second reading of bill, the following amendments were submitted by the committee:

On page 5, Section 12, line 10, printed bill, strike out the word "or", and insert in lieu thereof the following: "of".

Also, On page 6, Section 14, line 4, printed bill, after the word "credit" strike out the word "of".

Also: On page 7, Section 20, line 2, strike out the word "twenty", and insert in lieu thereof the following: "eighteen".

Also: On page 9, Section 31, lines 2 and 3, printed bill, strike out the words "twenty-three, twenty-four, twenty-five, twenty-seven, twenty-eight, twenty-nine" and insert in lieu thereof the following: "twenty-one, twenty-two, twenty-three, twenty-five, twenty-six, twenty-seven".

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

MOTION.

Mr Otis moved that Assembly Bills Nos. 64, 65, and 66 be withdrawn from file, and that Committee Substitute for same be substituted on file therefor.

Motion carried.

THIRD-READING FILE—(RESUMED).

Assembly Bill No. 1234—An Act for the establishment in the city of Santa Barbara of a State Normal School of Manual Arts and Home Economics, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1234 passed by the following vote:

AYES—Messrs Beban, Black, Bohnett, Butler, Callan, Coghlan, Collier, Collum, Cronin, Drew, Flavelle, Fleisher, Flint, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Juilliard, Kehoe, Leeds, Macauley, Maher, McClellan, McManus, Mendenhall, Moore, Mott, Odom, Otis, O'Neill, Perine, Polsley, Pugh, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—56.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

SPECIAL ORDER SET.

On motion of Mr. Webber, the consideration of Assembly Bill No. 773 was made a special order for Thursday, March 4, 1909, at eleven o'clock A. M

Assembly Bill No. 1281—An Act to amend Section 4239 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the tenth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1281 passed by the following vote:

AYES—Messrs. Beatty, Beban, Black, Bohnett, Butler, Callan, Coghlan, Collier, Collum, Drew, Flavelle, Fleisher, Flint, Gerdes, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Juilliard, Kehoe, Macauley, Maher, McClellan, McManus, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Pugh, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—55.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1909.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Senate Bill No. 91—An Act to amend Section 4258 of the Political Code as amended in 1907, Statutes of 1907, pages 499 and 500 thereof, relating to the compensation of officers in counties of the twenty-ninth class.

Also: Senate Bill No. 921—An Act to amend Section 4248 of the Political Code as amended in 1907, Statutes of 1907, pages 476 and 479, relating to the compensation of officers in counties of the nineteenth class.

Also: Senate Bill No. 836—An Act to amend Section 4282 of the Political Code of the State of California, relating to salaries of officers of counties of the fifty-third class.

Also: Senate Bill No. 514—An Act to amend Section 4274 of the Political Code of the State of California, relating to the compensation of officers of counties of the forty-fifth class.

Also: Senate Bill No. 932—An Act to amend section four thousand two hundred and seventy-six of the Political Code, relating to the compensation of officers of counties of the forty-seventh class.

Also: Senate Bill No. 931—An Act to add a new section to the Political Code, to be numbered 4271*a*, authorizing boards of supervisors in counties of the forty-second class to appoint assistants to the County Surveyor.

Also: Senate Bill No. 684—An Act to amend Section 4243 of the Political Code of the State of California, relating to the compensation and expenses of officers in counties of the fourteenth class.

Also: Assembly Bill No. 1245—An Act to amend Section 1 of an Act entitled "An Act to establish law libraries," approved March 1, 1891, amended March 1, 1907, and relating to the creation of a law library fund.

Also: Assembly Bill No. 1429—An Act to amend section four thousand two hundred and seventy-one of the Political Code, relating to the compensation of officers of counties of the forty-second class.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

HANS, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1909.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Senate Bill No. 729—An Act to amend Section 4257 of the Political Code, relating to county and township officers of counties of the twenty-eighth class.

Also: Senate Bill No. 890—An Act to amend Section 4233 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the fourth class, their deputies and assistants.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

HANS, Chairman.

The above reported bills ordered on file for second reading.

ADJOURNMENT.

At five o'clock P. M., on motion of Mr. Johnson of Sacramento, the Assembly was declared adjourned until ten o'clock A. M. of Wednesday, March 3, 1909.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL.,
Wednesday, March 3, 1909.

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. P. A. Stanton, Speaker of the Assembly, in the chair.

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

Messrs. Baxter, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Costar, Cronin, Drew, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, O'Neill, Perine, Polsley, Preston, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—66.

Quorum present.

LEAVES OF ABSENCE.

On motion, leave of absence for the day was granted to Messrs. Hopkins, Wyatt, Barndollar, and Flavelle.

PRAYER.

Prayer was offered by the Chaplain, Rev. Seren N. Marsh.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Gerdes, its further reading was dispensed with.

APPROVAL OF JOURNAL.

On motion of Mr. Mott, the Journals of Monday, February 22, Tuesday, February 23, Wednesday, February 24, Thursday, February 25, Friday, February 26, and Saturday February 27, 1909, were approved as corrected by the Minute Clerk.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1909.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Engrossed Committee Substitute for Assembly Bill No. 7—An Act to amend an Act entitled "An Act to repeal Title II to Part IV of the Political Code and to add a new Title II of Part IV to said Code in place thereof, relating to the establishment of a uniform system of county and township governments," approved March 18, 1907, by adding a new article and section to chapter six of said Act to be known as Article XI, Section 4205, relating to the registration of voters and the selection and appointment of a registrar of voters in counties of the fifth class, and prescribing his powers, duties and compensation—report the same back, and state that the same is constitutional, and recommend that it be immediately retransmitted to the Senate.

JOHNSON OF SACRAMENTO, Chairman.

Bill ordered transmitted to the Senate.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1909.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No 281—An Act to amend Section 784 of the Code of Civil Procedure, relating to sales in acts in partition.

Also: Assembly Bill No. 1232—An Act to amend Section 60 of the Civil Code

Also: Assembly bill No. 1286—An Act to add a new section to the Code of Civil Procedure of California, to be known as section nine hundred and seventy-eight *a*, relating to the undertaking on appeal from judgments of justices or police courts

Also: Senate Bill No. 554—An Act to add a new section to the Penal Code of the State of California, to be numbered 667, relating to punishment for second offenses.

Also: Senate Bill No. 555—An Act to amend Section 666 of the Penal Code of the State of California, relating to punishment for second offenses.

Also: Senate Bill No. 556—An Act to add a new section to the Penal Code of the State of California, to be numbered one thousand one hundred and ninety-two *a*, relating to the ascertainment of facts relating to the records of persons convicted of offenses, punishable by imprisonment in the State prison.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

JOHNSON OF SACRAMENTO, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1909.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Senate Bill No. 183—An Act to amend Sections 784, 788, and 789 of the Code of Civil Procedure, relating to actions for the partition of real property—report the same back, with two amendments, and recommend that it do pass as amended.

Also: Senate Bill No. 843—An Act providing for vacations for certain employees of the State—report the same back, with three amendments, and recommend that it do pass as amended.

Also: Assembly Bill No. 1285—An Act to amend section nine hundred and seventy-eight of the Code of Civil Procedure of California, relating to undertakings on appeal from judgments of justices or police courts—report the same back, with one amendment, and recommend that it do pass as amended.

JOHNSON OF SACRAMENTO, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1909.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 1037—An Act to amend section two hundred and thirteen of the Penal Code of the State of California, and to add a new section thereto numbered two hundred and twelve *a*, relating to the crime of robbery and its punishment—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, by a majority; and a minority report, do not pass.

JOHNSON OF SACRAMENTO, Chairman.

ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1909.

MR. SPEAKER: Your Committee on Education, to whom was referred Senate Constitutional Amendment No. 37—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending section seven of article nine thereof, relating to boards of education—report the same back, with four amendments, and recommend that it be adopted as amended.

Also: Senate Bill No. 956—An Act to add a new section to the Penal Code of California, to be known and numbered as Section 308*b*, relating to the use of text-books in the public schools—report the same back, with seven amendments, and recommend that it do pass as amended.

Also: Senate Bill No. 353—An Act to amend Section 1521 of the Political Code of the State of California, relating to the duties of the State Board of Education—report the same back, with recommendation that it do pass.

SACKETT, Chairman.

ON PUBLIC MORALS.

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1909.

MR. SPEAKER: Your Committee on Public Morals, to whom was referred Assembly Bill No. 87—An Act to amend Section 330 of the Penal Code, relating to gambling—have had the same under consideration, and respectfully report the same back, with five amendments, and recommend that it do pass as amended, and that it be re-referred to the Judiciary Committee.

GRIFFITHS, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1909.

MR SPEAKER: Your Committee on Public Morals, to whom was referred Assembly Bill No. 1029—An Act to add a new section to the Penal Code, to be numbered Section

413½, relating to sparring exhibitions and prize fights—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

GRIFFITHS, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1909.

MR. SPEAKER: Your Committee on Public Morals, to whom was referred Assembly Bill No. 1049—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 329, relating to the use of slot machines—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

GRIFFITHS, Chairman.

ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1909.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Senate Bill No. 648—An Act to amend Section 4253 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the twenty-fourth class.

Also: Assembly Bill No. 1247—An Act to amend section six of an Act entitled "An Act to regulate and license the hunting of game birds and animals, and to provide revenue therefrom, for game preservation and restoration, and to make appropriation for the purpose of carrying out the object of this Act," approved March 13, 1907.

Also: Assembly Bill No. 1246—An Act to amend subdivision 30 of Section 4041 of the Political Code of the State of California.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

HANS, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1909.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 1336—An Act to amend Section 4253 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the twenty-fourth class—have had the same under consideration, and respectfully report the same back, and recommend that it do pass. This bill is identical with Senate Bill No. 648, and should be withdrawn by the author.

HANS, Chairman.

The above reported bills, with the exception of Assembly Bill No. 1336, ordered on file for second reading:

Assembly Bill No. 1336 withdrawn by unanimous consent.

Assembly Bill No. 87 referred to Committee on Judiciary.

ON CONTINGENT EXPENSES AND ACCOUNTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1909.

MR. SPEAKER: Your Committee on Contingent Expenses and Accounts, to whom was referred the following resolution by Mr. Coghlan, have had the same under consideration, and respectfully report the same back, and recommend that it be adopted:

Resolved, That the State Controller be, and he is hereby, directed to draw his warrant in favor of Carl Browne for the sum of fifty ($50) dollars out of the contingent fund of the Assembly, and the Treasurer is hereby directed to pay the same, being the Assembly portion (one half) of the expense incurred by your committee for decoration of the Assembly Chamber on Lincoln memorial exercises, on Friday afternoon last, for two bas-relief profiles, one of Abraham Lincoln and one of Governor Gillett, which were used on said occasion, and which are to be placed in the historical department of the California State Library forever.

TELFER, Chairman.

Mr. Telfer moved the adoption of the report and resolution.

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

AYES—Messrs. Beatty, Bohnett, Butler, Callan, Collier, Collum, Costar, Cronin, Dean, Drew, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, McManus, Melrose, Mendenhall, Mott, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Pulcifer, Rutherford, Sackett, Schmitt, Silver, Telfer, Wagner, Webber, Wilson, Wyllie, and Mr. Speaker—51.

NOES—None.

ON CONFERENCE.

The following report of Committee on Conference was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1909.

MR. SPEAKER: Your Committee on Conference on Senate Joint Resolution No. 3 report that we met with a like committe from the Senate and were unable to agree.

We recommend that a Committee on Free Conference be appointed by the Assembly to meet with a like committee from the Senate.

JOHNSON of Sacramento,
DREW,
TRANSUE,
Committee.

Mr. Johnson of Sacramento moved the adoption of the report.

Motion carried.

APPOINTMENT OF COMMITTEE.

The Speaker announced the appointment of Messrs. Johnson of Sacramento, Transue, and Drew as a Committee on Free Conference, to meet with a like committee of the Senate, to consider amendments to Senate Joint Resolution No. 3.

SENATE MESSAGES.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, March 2, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted the report of the Conference Committee on Senate Joint Resolution No. 3—Relative to transportation rates and urging our Representatives in Congress to support measures granting increased powers to the Interstate Commerce Commission—and have appointed Senators Sanford, Black, and Cutter as a Committee on Free Conference.

LEWIS A HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 1, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to Senate Bill No. 778—An Act to amend section four hundred and nine of the Political Code of California, relating to the distribution of statutes and journals, and reports of State officers and journals.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 2, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 446—An Act to amend Section 8 of an Act entitled "An Act to create a State Bureau of Criminal Identification, providing for the appointment of a director of said bureau, defining his duties, qualifications and powers, providing for the appointment of a clerk of said bureau, and fixing his qualifications, fixing the compensation of said director and clerk, providing for the manner of paying the same, and providing for the expense of conducting the office," approved March 20, 1905.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Assembly Bill No. 446 ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 3, 1909

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 625—An Act to amend Sections 4, 14, and 19 of an Act entitled "An Act to establish a tax on gifts, legacies, inheritances, bequests, devices, successions and transfers, to provide for its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act and for suits to quiet title against claims of lien arising hereunder; to repeal an Act entitled "An Act to establish a tax on collaterals, inheritances, bequests, and devises, to provide for the collection and to direct the disposition of its proceeds, approved March 23, 1893, and all amendments thereto, and all Acts and parts of Acts in conflict with this Act," approved March 20, 1905, and to add a new section thereto, to be known and numbered as Section 14½.

Also: Senate Bill No. 781—An Act to amend Section 392 of the Penal Code of the State of California.

Also: Senate Bill No. 982—An Act to amend Sections 3 and 11 of an Act entitled "An Act creating a bureau of building and loan supervision; providing for the appointment of administration officials therefor, to be known as the Building and Loan Commissioners; prescribing their duties, powers and compensation; providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the bureau and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting license fees necessary to meet the salaries and other expenses; providing a course of procedure where violations of law, or unsafe practices are found to exist or are reported by the commissioner to the Attorney General; providing for involuntary liquidation by trustees and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions, and liens pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioners; providing for succession in office, and repealing all Acts and parts of Acts in conflict herewith," approved March 21, 1905, relating to the powers and duties and salaries of the State Building and Loan Commissioners

Also: Senate Bill No. 17—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and regulate the practice of dentistry in the State of California, providing penalties for the violation thereof, and to repeal an Act now in force relative to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, approved March 12, 1885.'" approved March 23, 1901, by amending Sections 12 and 13.

Also: Senate Bill No 936—An Act to amend Section 4 of an Act entitled "An Act for preventing the manufacture, sale, or transportion of adulterated, mislabeled, or misbranded foods and liquors, and regulating the traffic therein, providing penalties, establishing a state laboratory for foods, liquors, and drugs, and making an appropriation therefor," approved March 11, 1907, relating to the adulteration of foods.

Also: Senate Bill No. 229—An Act to establish and support a bureau of immigration.

Also: Senate Bill No 905—An Act to amend an Act entitled "An Act creating a State commission on voting or balloting machines, defining their powers, and providing for the use, at the option of indicated local authorities, of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city, or town, at any or all elections held therein, and for ascertaining the result at such elections, and providing for the punishment of all violations of the provisions of this Act," approved March 20, 1903.

Also: Senate Bill No. 67—An Act to provide for the holding of certain meetings by the State Board of Railroad Commissioners in various parts of the State of California, and for coöperation in certain investigations by such board with the Interstate Commerce Commission.

Also: Senate Bill No. 1075—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 1203 thereof, relating to probation of persons arrested for crime after a plea or verdict of guilty and the suspending of the imposition or execution of sentence during the term of probation, and the disposition of such accusation after full compliance with the terms of probation.

Also: Senate Bill No. 717—An Act to amend section five of an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State for the construction of sewers and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts, the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1891, as amended by a certain Act provided March 26, 1895.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Senate Bill No. 625 read first time, and referred to Committee on Judiciary.

Senate Bill No. 781 read first time, and referred to Committee on Corporations.

Senate Bill No. 982 read first time, and referred to Committee on Building and Loan Associations.

Senate Bill No. 17 read first time, and referred to Committee on Medical and Dental Laws.

Senate Bill No. 931 read first time, and referred to Committee on Public Health and Quarantine.

Senate Bill No. 229 read first time, and referred to Committee on Irrigation.

Senate Bill No. 905 read first time, and referred to Committee on Election Laws.

Senate Bill No. 67 read first time, and referred to Committee on Common Carriers.

Senate Bill No. 1075 read first time, and referred to Committee on Public Charities and Corrections.

Senate Bill No. 1017 read first time, and referred to Committee on Public Health and Quarantine.

REQUEST FOR PERMISSION TO INTRODUCE BILL.

The following petition, asking permission to introduce a bill, was presented:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1909.

MR. SPEAKER. I ask permission to introduce the accompanying bill, the title of which reads as follows, viz: "An Act to amend an Act entitled 'An Act relating to estrays, providing for taking them up, and giving a lien on them, for all damages, costs, and expenses incurred by reason of taking them up, and repealing all the Acts and parts of Acts now in force relating to estrays,' approved March 23, 1901, by amending the third section thereof "

MENDENHALL,
Member Twelfth District.

Petition referred to Committee on Introduction of Bills.

RESOLUTION.

The following resolution was offered:

By Mr. Hammon:

Resolved, That the Committee on State Prisons and Reformatory Institutions be, and it is hereby, granted leave of absence from and including Friday, March 5, 1909, until Monday, March 8, 1909, in which to visit the State prison at San Quentin, it being necessary to view and inspect said prison, in order to act intelligently and with prudence upon bills affecting the same, and the whole committee should visit.

Resolution read, and referred to Committee on Rules and Regulations.

RECONSIDERATION.

In compliance with his notice given on a previous day, Mr. Drew moved that the vote whereby Assembly Constitutional Amendment No. 19 was refused passage, be reconsidered.

The roll was called, and the same was reconsidered by the following vote:

AYES—Messrs. Beatty, Callan, Cattell, Cogswell, Costar, Cronin, Drew, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hawk, Hayes, Hewitt, Holmquist, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Melrose, Mendenhall, Otis, Polsley, Preston, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—44.

NOES—Messrs. Beban, Butler, Collier, Collum, Cullen, Dean, Hammon, Haus, Irwin, Leeds, Lightner, Macauley, McManus, Moore, Mott, Nelson, O'Neill, Perine, and Pugh—19.

MOTION.

On motion of Mr. Drew, the further consideration of Assembly Constitutional Amendment No. 19 was continued until Thursday, March 4, 1909.

WITHDRAWAL OF BILL.

Mr. Telfer asked for and was granted unanimous consent to withdraw Assembly Bill No. 912.

Assembly Bill No. 912 withdrawn, and ordered stricken from the file.

WITHDRAWAL OF BILLS.

Mr. Rech asked for and was granted unanimous consent to withdraw Assembly Bills Nos. 529, 646, 874, 890, 896, 906, 1323, 1324, 1325, and 1326.

Above Assembly bills withdrawn, and ordered stricken from the file.

SPECIAL FILE—THIRD READING.

Assembly Bill No. 58—An Act appropriating twenty thousand dollars for the purpose of building two cottages on the grounds of the Whittier State School.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 58 passed by the following vote:

AYES—Messrs. Beatty, Butler, Callan, Cattell, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Dean, Drew, Feeley, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Hanlon, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Rech, Schmitt, Silver, Stuckenbruck, Telfer, Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—59.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 120—An Act appropriating money for the purchase of bedding and furniture and for repairs for the use of the Preston School of Industry.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 120 passed by the following vote:

AYES—Messrs. Beatty, Butler, Callan, Cattell, Cogswell, Collum, Costar, Cronin, Cullen, Dean, Drew, Feeley, Fleisher, Gerdes, Gibbons, Gillis, Greer, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard Kehoe, Leeds, Lightner, Macauley, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—59.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 114—An Act appropriating money for the building and equipping of a central heating and power station, and to make the necessary changes in the plumbing at the Preston School of Industry.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 114 passed by the following vote:

AYES—Messrs. Beatty, Butler, Callan, Cattell, Cogswell, Collum, Costar, Cronin, Cullen, Dean, Drew, Feeley, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Rutherford, Sackett, Silver, Stuckenbruck, Wagner, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—60

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SPECIAL FILE—SECOND READING.

Assembly Bill No. 216—An Act to provide for the construction and furnishing of a second story upon that structure at the Southern California State Hospital at Patton called and known as "The congregate dining-room," and to make appropriation for the same.

Assembly Bill No. 83—An Act to establish and maintain a State hygienic laboratory for bacteriological and chemical analysis, for the use of the State Board of Health; providing for the appointment of a director thereof and assistants; making an appropriation therefor and prescribing the duties of the State Controller and the State Treasurer in relation thereto, and repealing an Act entitled "An Act to establish and maintain a state hygienic laboratory for bacteriological and chemical analysis for the use of the State Board of Health, providing for the appointment of a director thereof, and assistants; making an appropriation therefor, and prescribing the duties of the State Controller and State Treasurer in relation thereto," approved March 18, 1905.

Assembly Bill No. 212—An Act to provide for the enlargement and reroofing at Patton, and providing for additional machinery and remodeling, and making appropriations for the same.

Assembly Bill No. 214—An Act to provide for the construction and furnishing of a one-story bungalow for the use of the first assistant physician at the Southern California State Hospital at Patton, and to make an appropriation for the same.

Assembly Bill No. 215—An Act to provide for the construction of storm drains, and the completion of storm drains on the grounds of the Southern California State Hospital at Patton, and to make appropriation for the same.

Assembly Bill No. 1056—An Act to make an additional appropriation for the purposes of carrying out the provisions of an Act entitled "An Act to provide for the erection, equipping and furnishing of two receiving cottages, one for males and one for females, and a hydrotherapeutic building in connection therewith, with all necessary equipment and furnishings, at the Southern California State Hospital, and to make appropriation for the same," approved March 11, 1907.

Assembly Bill No. 962—An Act making an appropriation for the purchase of equipment for shops and laboratories at the California Polytechnic School.

Assembly Bill No. 965 -An Act making an appropriation for the construction and furnishing of a dining hall at the California Polytechnic School.

Assembly Bill No. 971—An Act making an appropriation for the construction and equipment of poultry houses at the California Polytechnic School.

Assembly Bill No. 972—An Act making an appropriation for the purchase and installation of a refrigerating plant and other creamery equipment for the California Polytechnic School.

Assembly Bill No. 973—An Act making an appropriation for repairing and furnishing the dormitory buildings at the California Polytechnic School.

Assembly Bill No. 207—An Act authorizing and directing the board of managers of the Mendocino State Hospital to erect and construct an addition to the main kitchen at the said hospital; to construct in conjunction with said kitchen a dining-room for the kitchen help; to purchase

a new kitchen range, steam-table and other necessary kitchen furniture; to enlarge the cold-storage rooms at said hospital, and making an appropriation therefor.

Assembly Bill No. 210—An Act authorizing and directing the board of managers of the Mendocino State Hospital to purchase laundry machinery for the said hospital, and making an appropriation therefor.

Assembly Bill No. 211—An Act making an appropriation for the erection and construction of a dairy barn on the grounds of the Mendocino State Hospital.

Assembly Bill No. 749—An Act to provide for the construction and furnishing of a cottage for female patients at the Southern California Hospital at Patton, and to make appropriation for the same.

Assembly Bill No. 564—An Act to provide for the issuance and sale of State bonds to create a fund for the construction by the Board of State Harbor Commissioners for the bay of San Diego of a seawall, wharves, piers, state railroad, spurs, betterments, and appurtenances in the county of San Diego; to create a sinking fund for the payment of said bonds; to define the duties of State officers in relation thereto; to make an appropriation of one thousand dollars for the expense of printing said bonds, and to provide for the submission of this Act to a vote of the people.

Mr. Perine moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bills.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Assembly Bills Nos. 216, 83, 212, 214, 215, 1056, 962, 965, 971, 972, 973, 207, 210, 211, 749, and 564 considered.

Mr. Perine moved that the committee do now rise and report in favor of the passage of the bills.

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bills Nos. 216, 83, 212, 214, 215, 1056, 962, 965, 971, 972, 973, 207, 210, 211, 749, and 564, and do now report the same back, and recommend that they do pass.

STANTON, Chairman.

Bills read second time, and ordered to engrossment.

Assembly Bill No. 82—An Act authorizing and directing the State Board of Health to construct, furnish, and equip, on lands of the University of California, at Berkeley, a building to be occupied and used by the State laboratory for the analysis and examination of foods and drugs; appropriating the sum of $10,000 therefor; and authorizing and directing the State Controller to draw his warrant for the said sum, and the State Treasurer to pay the same.

Mr. Perine moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Assembly Bill No. 82 considered.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1

In Section 1, lines 5, 6 and 7, strike out the following: "and according to plans prepared by the State Board of Health and approved by the Department of Engineering"

Amendment adopted.

AMENDMENT No. 2.

Strike out all of Section 4.

Amendment adopted.

Mr. Perine moved that the committee do now rise and report in favor of the passage of the bill as amended.

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 82, and do now report the same back, and recommend that it do pass as amended.

STANTON, Chairman

Bill read second time, and ordered to reprint and engrossment

Assembly Bill No. 213—An Act providing for the construction and furnishing of a cottage for female patients at the Southern California State Hospital at Patton, and to make appropriation for the same.

Mr. Perine moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Assembly Bill No. 213 considered.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No 1

In line 4, of the title, strike out the word "make", and insert in lieu thereof the words "making and".

Amendment adopted.

AMENDMENT No. 2

In line 1, Section 1, of the printed bill, strike out the word "forty", and insert in lieu thereof the word "twenty."

Amendment adopted.

Mr. Perine moved that the committee do now rise and report in favor of the passage of the bill as amended.

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 213, and do now report the same back, and recommend that it do pass as amended.

STANTON, Chairman

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 963—An Act making an appropriation for the erection of a combined power and lighting plant, with a mechanical and electrical laboratory, at the California Polytechnic School.

Mr. Perine moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Assembly Bill No. 963 considered.

During second reading of bill, the following amendment was submitted by the committee:

In line 3, Section 1, of the printed bill, strike out the words and figures "eleven thousand ($11,000)," and insert in lieu thereof the words "ten thousand".

Amendment adopted.

Mr. Perine moved that the committee do now rise and report in favor of the passage of the bill as amended.

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 963, and do now report the same back, and recommend that it do pass.

STANTON, Chairman.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 964—An Act making an appropriation for the construction and equipment of barns at the California Polytechnic School.

Mr. Perine moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Assembly Bill No. 964 considered.

During second reading of bill, the following amendment was submitted by the committee:

In line 3, Section 1, of the printed bill, strike out the words and figures "twenty thousand ($20,000)", and insert in lieu thereof the words "five thousand".

Amendment adopted.

Mr. Perine moved that the committee do now rise and report in favor of the passage of the bill as amended.

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 964, and do now report the same back, and recommend that it do pass as amended.

STANTON, Chairman.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 968—An Act making an appropriation for the construction of cottages for employees at the California Polytechnic School.

Mr. Perine moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Assembly Bill No. 968 considered.

During second reading of the bill, the following amendments were submitted by the committee:

AMENDMENT No 1

In line 2, of the title, strike out the word "cottages", and insert in lieu thereof the words "a cottage".

Amendment adopted.

AMENDMENT No. 2.

In line 3, Section 1, of the printed bill, strike out the words and figures "forty-six hundred dollars ($4,600.00)", and insert in lieu thereof the words "twenty-three hundred".

Amendment adopted.

AMENDMENT No. 3.

In line 4, Section 1, of the printed bill, strike out the words "two cottages", and insert in lieu thereof the words "a cottage".

Amendment adopted.

Mr. Perine moved that the committee do now rise and report in favor of the passage of the bill as amended.

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 968, and do now report the same back, and recommend that it do pass as amended.

STANTON, Chairman:

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 969—An Act making an appropriation for the development of water supply and an irrigation system at the California Polytechnic School.

Mr. Perine moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Assembly Bill No. 969 considered.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In line 1, Section 1, of the printed bill, strike out the word "there" and insert in lieu thereof the word "their".

Amendment adopted.

AMENDMENT No. 2.

In line 3, Section 1, of the printed bill, strike out the words and figures "eight thousand ($8000)" and insert in lieu thereof the words "six thousand".

Amendment adopted.

Mr. Perine moved that the committee do now rise and report in favor of the passage of the bill as amended.

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 969, and do now report the same back, and recommend that it do pass as amended.

STANTON, Chairman.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 970—An Act making an appropriation for the construction of a sewer system at the California Polytechnic School.

Mr. Perine moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Assembly Bill No. 970 considered.

During second reading of bill, the following amendment was submitted by the committee:

In line 3, Section 1, of the printed bill, strike out the words and figures "eight thousand ($8000)" and insert in lieu thereof the words "six thousand".

Amendment adopted..

Mr. Perine moved that the committee do now rise and report in favor of the passage of the bill as amended.

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 970, and do now report the same back, and recommend that it do pass as amended.

STANTON Chairman

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 90—An Act making an appropriation for the construction of an addition to the hospital at the Veterans' Home of California, located at Yountville, Napa County, including a ward for the care and treatment of tuberculosis patients.

Mr. Perine moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Assembly Bill No. 90 considered.

During second reading of bill, the following amendment was submitted by the committee:

In line 1, Section 1, of the printed bill, strike out the word "eleven", and insert in lieu thereof the word "five".

Amendment adopted.

Mr. Perine moved that the committee do now rise and report in favor of the passage of the bill as amended.

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1909

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No 90, and do now report the same back, and recommend that it do pass as amended.

STANTON Chairman.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 92—An Act to provide for the construction of an additional building at the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Mr. Perine moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Assembly Bill No. 92 considered.

During second reading of bill, the following amendment was submitted by the committee:

In line 1, Section 1, of the printed bill, strike out the word "ten", and insert in lieu thereof the word "five".

Amendment adopted.

Mr. Perine moved that the committee do now rise and report in favor of the passage of the bill as amended.

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No 92, and do now report the same back, and recommend that it do pass as amended.

STANTON, Chairman.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 957—An Act to provide for certain necessary improvement to the grounds and appurtenances of the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Mr. Perine moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Assembly Bill No. 957 considered.

During second reading of bill, the following amendment was submitted by the committee:

In line 1, Section 1 of the printed bill, strike out the words and figures "twenty-eight thousand ($28,000)", and insert in lieu thereof the words "four thousand dollars".

Amendment adopted.

Mr. Perine moved that the committee do now rise and report in favor of the passage of the bill as amended.

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 957, and do now report the same back, and recommend that it do pass as amended

STANTON, Chairman.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 960—An Act providing for certain necessary repairs to the building and equipment of the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Mr. Perine moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Assembly Bill No. 960, considered.

During second reading of bill, the following amendment was submitted by the committee:

In Section 1, lines 1 and 2, of the printed bill, strike out the following words and figures: "fifty-two thousand five hundred ($52,500)", and insert in lieu thereof the words "thirty thousand".

Amendment adopted.

Mr. Perine moved that the committee do now rise and report in favor of the passage of the bill as amended.

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 960, and do now report the same back, and recommend that it do pass as amended.

STANTON, Chairman.

Bill read second time, and ordered to reprint and engrossment.

SPECIAL ORDER RESET.

On motion of Mr. Johnson of Sacramento, the consideration of Assembly Bill No. 23 was continued until three o'clock and thirty minutes P. M. of this day.

UNFINISHED BUSINESS.

Assembly Bill No. 935—An Act to amend Section 4268 of the Political Code of the State of California, relating to salaries and compensation of officers, jurors, and witnesses in counties of the thirty-ninth class.

The question being put: "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 935?"

Amend the title by striking out the words "and witnesses", and the comma between the words "officers" and "jurors", and insert the word "and".

The roll was called, and Senate amendment to Assembly Bill No 935 was concurred in by the following vote:

AYES—Messrs. Baxter, Beatty, Butler, Callan, Cattell, Coghlan, Collier, Cullum, Costar, Cronin, Dean, Drew, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Hammon, Hans, Hawk, Hayes, Hewitt, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Maher, McManus, Mendenhall, Moore, Mott, Nelson, Otis, O'Neill, Perine, Polsley, Preston, Rech, Rutherford, Sackett, Schmitt, Stuckenbruck, Telfer, Wagner, Wheelan, Wilson, Wyllie, Young, and Mr. Speaker—55.

NOES—None.

Bill ordered to enrollment.

SPECIAL FILE—THIRD READING.

Assembly Constitutional Amendment No. 26—Proposed amendment of Article IV of the Constitution, relative to the time of holding sessions of the Legislature.

Mr. Beatty moved that the Speaker appoint a select committee of one to amend Assembly Constitutional Amendment No. 26 as follows:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1909.

By inserting after the word "session", in line 21, Section 2, page 1, of the printed resolution the following: "prior to adjournment, and one thousand dollars each for the remainder of each regular session."

Motion carried.

The Speaker appointed Mr. Beatty as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Constitutional Amendment No 26, with instructions, do now report that the instructions of the Assembly have been carried out.

BEATTY, Select Committee.

Report of select committee, and amendment, adopted.

The question being on the adoption of the Assembly constitutional amendment, as amended.

The roll was called, and Assembly Constitutional Amendment No. 26 refused adoption by the following vote:

AYES—Messrs. Beatty, Coghlan, Collier, Collum, Costar, Fleisher, Gerdes, Johnson of Sacramento, Johnston of Contra Costa, Leeds, Macauley, Mott, Nelson, O'Neill, Perine, Pugh, Rech, Rutherford, Schmitt, Wagner, and Wheelan—21.

NOES—Messrs Baxter, Butler, Callan, Cattell, Cogswell, Cronin, Drew, Flint, Gibbons, Gillis, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Lightner, Maher, Mendenhall, Moore, Otis, Polsley, Preston, Sackett, Stuckenbruck, Telfer, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—39

POINT OF ORDER.

Mr. Juilliard rose to the following point of order:

That Assembly Constitutional Amendment No. 26 had not been ordered to reprint, reengrossment, and on file.

POINT OF ORDER NOT WELL TAKEN.

The Speaker declared the point of order not well taken.

NOTICE OF MOTION TO RECONSIDER.

Mr. Polsley gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Constitutional Amendment No. 26 was this day refused adoption.

SENATE MESSAGE.

On motion of Mr. Cattell, the following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, March 3, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 13—Approving eighteen certain amendments to the charter of the city of Pasadena, county of Los Angeles, State of California, voted for and ratified by the qualified electors of the said city of Pasadena at the special municipal election held therein for that purpose on the twenty-sixth day of February, 1909.

LEWIS A HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

MOTION.

Mr. Cattell moved that the Assembly proceed with the consideration of Senate Concurrent Resolution No. 13.

Motion carried.

Senate Concurrent Resolution No. 13—Approving eighteen certain amendments to the charter of the city of Pasadena, county of Los Angeles, State of California, voted for and ratified by the qualified electors of the said city of Pasadena at the special municipal election held therein for that purpose on the twenty-sixth day of February, 1909.

The question being on the adoption of the Senate concurrent resolution.

The roll was called, and Senate Concurrent Resolution No. 13 adopted by the following vote:

AYES—Messrs Baxter, Beatty, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Cullen, Drew, Feeley, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, Mendenhall, Moore, Mott, Nelson, Otis, O'Neill, Perine, Polsley, Preston, Rutherford, Sackett, Schmitt, Stuckenbruck, Telfer, Wagner, Whitney, Wilson, Wyllie, Young and Mr. Speaker—55

NOES—None

Senate Concurrent Resolution No. 13 ordered transmitted to the Senate.

SENATE CONCURRENT RESOLUTION NO. 13

Approving eighteen certain amendments to the charter of the city of Pasadena, county of Los Angeles, State of California, voted for and ratified by the qualified electors of the said city of Pasadena at the special municipal election held therein for that purpose on the twenty-sixth day of February, 1909.

WHEREAS, The city of Pasadena, in the county of Los Angeles, State of California, contains a population of more than thirty-five hundred inhabitants, and has been ever since the year nineteen hundred and one, and is now, organized and acting under a freeholders' charter, adopted under and by virtue of section eight, of article eleven, of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the twentieth day of November, A. D. nineteen hundred, and approved by the Legislature of the State of California, on the twenty-ninth day of January, nineteen hundred and one (Statutes of 1900-1, page 884); and

WHEREAS, The city council of the said city of Pasadena did by ordinance number nine hundred and eight, adopted by said city council, and approved by the mayor of said city on the twenty-first day of December, nineteen hundred and eight, and pursuant to section eight of article eleven of the Constitution of the State of California, duly propose to the qualified electors of the said city of Pasadena, certain amendments to the charter of said city of Pasadena, to be submitted to the said qualified electors at a special municipal election to be held in said city on the twenty-sixth day of February, nineteen hundred and nine; said amendments being twenty-two in number; and

WHEREAS, Said proposed amendments were, and each of them was, published for twenty days in a daily newspaper printed and published in said city of Pasadena, and having a general circulation therein, to wit: The Pasadena Daily News; said publication beginning the twenty-first day of December, nineteen hundred and eight, and ending on the thirteenth day of January, nineteen hundred and nine; and

WHEREAS, The city council of said city did, by ordinance number nine hundred and nineteen, adopted by said city council, and approved by the mayor of said city on the twentieth day of January, nineteen hundred and nine, order the holding of a special municipal election in said city of Pasadena, on the twenty-sixth day of February, nineteen hundred and nine, said day being at least forty days after the publication of said proposed amendments for twenty days in a daily newspaper of general circulation in said city of Pasadena, to wit: The Pasadena Daily News, and did provide in said ordinance for the submission of the proposed charter amendments numbers 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, and 22 to the qualified electors of said city for their ratification at said election; said ordinance was published for ten days in the Pasadena Daily News, a daily newspaper printed and published in said city of Pasadena; said publication beginning on the twentieth day of January, nineteen hundred and nine, and ending on the thirtieth day of January, nineteen hundred and nine; and

WHEREAS, At said election a majority of the qualified electors voting thereon, voted in favor of the ratification of, and did ratify eighteen of the proposed amendments to said charter; and

WHEREAS, The city council of said city of Pasadena in accordance with section ten of article nineteen and section three of article twenty-one of the charter of said city, did meet on the first Monday after the day of election, to wit, the first day of March, nineteen hundred and nine, at their usual time and place of meeting

and duly canvassed the returns of the said election, and duly found, determined, and declared that a majority of the qualified electors of said city voting thereon, had voted for and ratified eighteen of the said proposed amendments to the charter of said city of Pasadena; and

WHEREAS, The said eighteen amendments to said charter so ratified by a majority of the qualified electors in said city voting at said election are in words and figures as follows, to wit:

Amendment Number One.

That Subdivision Fifteenth of Section 3 of Article 1 be amended to read as follows:

Fifteenth. To levy and collect taxes, or to provide for the levy and collection of taxes by officers of the county or otherwise, upon municipal property for all municipal purposes; *provided,* that the taxes levied for any one year for all municipal purposes other than for the payment of principal or interest on any bonds of the said city, or for school purposes, shall not, except as hereinafter provided, exceed one dollar on each hundred dollars worth of taxable property in the said city, as shown by the assessment roll. And to levy and collect, or cause to be levied and collected, assessments upon property to pay for the acquiring, grading, regrading, *laying out, opening, widening, extending and improving of rights of way, streets,* alleys, sidewalks, crossings, and other highways and public squares and places, for the construction of sewer, water, storm water, gas and other pipes, mains and conduits therein, for the planting, maintenance and care of trees and shrubbery therein, for the removal of grass, weeds or obstructions therefrom, and for the removal from lands or lots of weeds, rubbish or other material.

Amendment Number Two.

That Section 5 of Article 9 be amended to read as follows:

Section 5. Except as otherwise herein or by ordinance of the city provided, the general law or laws of the State of California now in force, or which may hereafter be adopted by the Legislature of this State, providing for the laying out, opening, extending, widening, straightening or closing up, in whole or in part, of any street, square, lane, alley, court or place within municipalities, for condemning and acquiring any and all land and property necessary or convenient for such purposes, for the paving, curbing, guttering, sidewalking and other improvement of streets, squares, lanes, alleys, courts or places, for the construction of sewer, water, storm water or other mains, ditches, pipes or conduits, for the planting, maintenance or care of shade trees or shrubbery upon or along streets, lanes, alleys, courts, rights of way and places within municipalities, and for the eradication of weeds and removal of rubbish within municipalities, and for the levying and collection of assessments upon property for the doing of said work or carrying out of said purposes, and for the issue of improvement bonds to represent such assessment, are hereby made a part of this charter, *provided, however,* that the council shall have power at any time by ordinance to abandon or re-adopt the modes or systems so provided for, or relative to, or adopt or provide or change different modes or systems for, or relative to, said work and purposes, or any of them, and for the levying and collection of assessments upon property for the doing of said work or carrying out of said purposes, and for the issue of improvement bonds to represent assessments for the cost of doing said work or carrying out said purposes.

Amendment Number Three.

That Article 9 be amended by adding thereto a new section to be known as Section 6, and to read as follows:

Section 6. Upon a petition of the owners of a majority of the frontage abutting upon any street or part thereof, the council shall have power by ordinance to require, or provide, or adopt general law or laws, for the planting, maintenance or care of grass plots between the sidewalk and roadway in such street or part thereof, and to make the cost thereof a lien and charge upon the abutting property, and to make provision of enforcement of such lien by the sale of property or otherwise.

Amendment Number Four.

That Article 9 of the charter be amended by adding thereto a new section to be known as Section 7, and to read as follows:

Section 7. The council shall have power by ordinance to require or provide for the removal of grass, weeds or other obstructions from the sidewalks, parkings or streets and to make the cost thereof a lien or charge upon the abutting property and to make provision for the enforcement of such lien by the sale of property or otherwise.

Amendment Number Five.

That Article 9 be amended by adding thereto a new section to be known as Section 8, and to read as follows:

Section 8. The council shall have power by ordinance to require or provide for the removal from property, lands or lots all weeds, rubbish or any other material

which may endanger or injure neighboring property, or the health or welfare of the residents of the vicinity, and to make the cost thereof a lien and charge upon such lots or lands, and to make provision for the enforcement of such lien by the sale of such lots or lands, or otherwise.

Amendment Number Six.

That Article 9 be amended by adding thereto a new section to be known as Section 9, and to read as follows:

Section 9. The council shall have power by ordinance to require the owners of real property fronting upon any street, lane, alley or other public place in which there are, or in which it is proposed to be constructed, sewer, water or gas, or other mains or conduits, to connect their several premises therewith, or to cause such connections to be made and to make the cost thereof a lien and charge upon the property so connected and to make provision for the enforcement of such lien by the sale of property or otherwise.

Amendment Number Seven

That Article 9 be amended by adding thereto a new section to be known as Section 10, and to read as follows:

Section 10. The performance of any act or work by this article authorized to be done by the council may be delegated to, or done through or by the aid of the board of park, police and fire commissioners or other officers or officer of the city

Amendment Number Eight.

That Sections 10 and 12 of Article 5 be amended to read as follows.

Section 10. The city treasurer shall be ex officio license collector, and as such tax and license collector he shall receive and collect all city taxes, general and special, license taxes and other branches of the city revenue, not otherwise herein provided for; he shall prepare and sign, and upon countersigning by the auditor shall issue all city license certificates, and he shall keep proper books showing all moneys collected by him as tax and license collector, and also a book which shall contain a record of every deed given by or on behalf of the city for real estate sold for delinquent taxes or assessments, which book shall be properly indexed, and shall be at all suitable times open to public inspection; he shall do and perform such other duties as may be required of him by this charter or by the ordinances of the city. He shall pay all moneys collected by him as tax and license collector into the city treasury daily and report to the auditor all licenses issued and license charges collected.

Section 12. The city clerk shall have the custody of, and be responsible for the corporate seal, all books, papers, records and archives belonging to the city, not in actual use by other officers, or elsewhere by special provision committed to their custody. He shall be present at each meeting of the council and of the board of equalization, and keep a record of its proceedings. He shall keep separate books in which respectively he shall record all ordinances and contracts and official bonds He shall keep all the books properly indexed and open to public inspection when not in actual use He shall perform such other duties as are or shall be imposed by this charter or by ordinance. He shall have power to take affidavits and administer oaths in all matters relating to the business of the city, and shall make no charge therefor He shall devote his entire time to the duties of his office. He shall be the custodian of the city hall, and of all personal property, the custody of which has not been otherwise provided for.

Amendment Number Nine

That Section 9 of Article 5 be amended to read as follows.

Section 9 The treasurer shall not under any circumstances deposit with any person, corporation or bank any of the moneys of the city or allow the same, except as herein provided, to pass out of his custody; *provided, however*, that the treasurer may deposit city moneys with such banks and upon terms and conditions and subject to and upon the requirements, limitations and penalties as provided by an act of the legislature approved March 23, 1907, and acts amendatory thereof, providing for and regulating the deposit of moneys of counties and municipalities of this state with banks and banking corporations.

Amendment Number Ten.

That Sections 1, 2, 3, 4 and 5 of Article 10 be amended to read as follows:

Section 1 The city of Pasadena shall not be, and is not bound by any contract, except as otherwise provided herein, unless the same is made in writing by order of the council and signed by the mayor or by some other person in behalf of the city, authorized so to do by the council; *provided* that the approval of the form of the contract by the city attorney shall be endorsed thereon before the council shall have power to order the same to be entered into in behalf of the city; but the council may authorize any officer, board, commission or agent of the city to bind the city, without a contract in writing, and without advertising, for the payment for supplies, labor or other valuable consideration furnished to the city, in an amount not exceeding one hundred dollars, and by motion duly passed by five councilmen, and approved by the mayor, may authorize any officer to so bind the city for said purposes in a larger

amount, not exceeding five hundred dollars; *provided, however*, that the respective manager or superintendent of the electric lighting or water departments of the city may contract for the sale of electricity and water respectively by the city upon general forms of contract approved, and at rates fixed, by the city council.

Provided, further, that the restrictions and provisions of this section shall not apply to labor or services rendered by persons in the employ of the city at salaries or wages fixed by ordinance or by this charter

Section 2. Except as otherwise provided in this charter, all contracts for goods, merchandise, stores, supplies, materials, subsistence or printing for the city or for any of the departments or public institutions thereof, must be made by the city council with the lowest bidder offering adequate security for the faithful performance of the contract after the publication for at least three days in a newspaper published in said city of a notice calling for bids and fixing a period during which such bids will be received, which shall be for not less than ten days after the first publication of said notice

Section 3. All bids must be accompanied by a certificate of deposit or certified check or draft or a cashier's check or draft of or on some responsible bank in the United States for an amount equal to ten per cent. of the bid; the said certificate of deposit or certified check or draft or cashier's check or draft must be in favor of and payable at sight to the city clerk. If the bidder to whom the contract is awarded shall for five days after such award, fail or neglect to enter into the contract and file the required bond, the clerk shall draw the money due on such certificate of deposit or check or draft and pay the same into the treasury, and under no circumstances shall the certificate of deposit or check or the proceeds thereof be returned to the defaulting bidder.

Section 4. The council shall require bonds with sufficient sureties for the faithful performance of every contract. All such bonds, after having been approved by the city attorney, as to form, shall be approved by the mayor, and such approval with the date thereof shall be endorsed upon said bonds and evidenced by the signature of the mayor.

Section 5. All bids must be placed in a sealed envelope and delivered to the city clerk and opened by the council at the hour and place to be stated in the notice calling for bids. All bids that do not conform to the requirements of this charter or are not in accord with the terms of the notice calling for bids must be rejected. The clerk shall return to the unsuccessful bidders their certificates of deposit, drafts or checks, He shall retain the certificate of deposit, check or draft of the successful bidder until after the approval by the mayor of the bond furnished by such bidder, for the faithful performance of his contract, and then shall return such certificate of deposit, check, or draft to such successful bidder.

That Section 3 of Article 6½ be amended to read as follows:

Section 3. All machinery, supplies and materials for the use of this department shall be purchased only on the recommendation or approval of said board, and contracts therefor shall be made only as provided by Article 10 of this charter.

That to Article 6, and immediately after Section 2 thereof, be added a new section to be known as Section 2½, and to read as follows:

Section 2½. All articles, supplies and materials for the use of the park, police and fire departments shall be purchased only on recommendation or approval of said board, and contracts therefor shall be made only as provided by Article 10 of this charter

Amendment Number Eleven

That Section 3 of Article 6 be amended to read as follows:

Section 3. The board shall have the exclusive management of all lands and real property which may be acquired, set apart or dedicated as public parks or pleasure grounds.

The board shall have authority to cause, direct and regulate the planting, removal, trimming, pruning and care of shade and ornamental trees and shrubbery and grass in any and all of the streets, alleys, public places and grounds of the city. *Provided, however*, that the provisions of this section shall not be deemed to abridge or supersede any of the powers elsewhere in this charter conferred upon the council or upon other officers or officer of the city.

The board shall have authority to establish rules and regulations for the use and government of the parks and pleasure grounds of the city and to provide for the amusement and recreation of the people in such parks and pleasure grounds, and to prohibit the use of drives and ways in any of said parks or pleasure grounds for teaming or other purposes determined by said board to be injurious thereto

For the purposes declared by this section the board shall upon terms and for compensations fixed by the city council have power to appoint, remove, discharge, and suspend all necessary superintendents, laborers and other employees

Amendment Number Thirteen

That Section 1 of Article 20 of the charter be amended to read as follows.

Section 1 In all cases where lands in the city shall hereafter be subdivided and laid out into blocks or lots, streets and alleys or when new streets, alleys or public places are laid out, opened, donated or granted to the public, the map or plat thereof shall be submitted to the council and the city engineer for their approval,

and if such council and engineer approve the same, such approval shall be endorsed upon said map or plat, the approval of the council being evidenced by the certificate of the clerk thereof, and a duplicate copy of such map or plat as approved shall be placed on file in the office of the city engineer, and no street, alley or public place hereafter opened and by such map or plat dedicated as such, shall become or be accepted by the council as a public street, alley or place, or be subject to any public improvement, without such approval and endorsement

Amendment Number Fourteen.

That Section 3 of Article 13, be amended to read as follows

Section 3. In granting franchises the city council shall, subject only to the provisions of the Constitution of the State of California impose such conditions restrictions and limitations as in their judgment may best subserve the public interest and welfare, but no franchise shall be granted for a longer period than twenty years; *provided, however*, that franchises to construct and maintain street railways upon streets in or over which at the time the franchise is applied for or granted or within two years theretofore are or were constructed, no street railway or railways under franchise from the city, may be granted for a period not exceeding thirty years

Amendment Number Sixteen

That Section 5 of Article 19 be amended to read as follows.

Section 5. At all city elections each of the election officers shall receive for his services the same amount as provided by the general law for like service at general elections

Amendment Number Eighteen.

That Article 3 be amended by adding thereto a new section to be known as Section 1*b*, and to read as follows:

Section 1*b* From and after the first Monday in May, 1909, each member of the council shall receive the sum of five dollars for each meeting of the council which he shall attend, *provided*, that compensation shall not be paid for more than five meetings during each month.

Amendment Number Nineteen.

That Article 3 be amended by adding thereto a new section to be known as Section 1*c*, and to read as follows.

Section 1c. From and after the first Monday in May, 1909, the salary of the city treasurer and ex officio tax and license collector shall be twelve hundred dollars per annum.

Amendment Number Twenty.

That Article 3 be amended by adding thereto a new section to be known as Section 1*d*, and to read as follows:

Section 1*d* From and after the first Monday in May, 1909, the salary of the city clerk shall be fifteen hundred dollars per annum.

Amendment Number Twenty-two.

That Section 2 of Article 1 be amended to read as follows

Section 2. The city shall be divided into six wards described as follows, to wit:

First Ward—All that portion of the city which lies east of the center line of Raymond avenue, west of the easterly line of the old city limits, as described in the charter of the city of Pasadena adopted and ratified November 20, 1900, south of the northerly line of said old city limits and north of the center line of Colorado street.

Second Ward—All that portion of the city which lies west of the center line of Raymond avenue and between the center line of Colorado street and a prolongation westerly thereof on the south, and the line of the old north city limits as described in the charter of said city adopted and ratified November 20, 1900, and a prolongation thereof, on the north.

Third Ward—All that portion of the city which lies south of the center line of Colorado street east of the center line of Raymond avenue and a prolongation southerly thereof, and west and southwest of a line described as follows, to wit:

Beginning at the intersection of the center line of Colorado street and the old east city limits, as described in the charter of the city of Pasadena adopted and ratified November 20, 1900, thence south, west and southeasterly along the line of the said old east city limits to the northeasterly corner of lot five (5) Arden road tract, as per map recorded in book 12, page 30 of maps in the office of the county recorder of Los Angeles County, thence southerly along the easterly line of said lot five (5) and a prolongation thereof, to the center line of Arden road; thence southeasterly to the northeasterly corner of lot twenty-three (23) of said Arden road

tract, thence southerly along the easterly line of said lot twenty-three (23) and the prolongation thereof.

Fourth Ward—All that portion of the city which lies south of the center line of Colorado street and a prolongation westerly thereof, and west of the center line of Raymond avenue and a prolongation southerly thereof

Fifth Ward—All that portion of the city which lies north of the old north city limits as described in the charter of said city adopted and ratified November 20, 1900, and prolongation westerly thereof, and west of the east city limits as described in an amendment to the charter of the city of Pasadena adopted and ratified February 20, 1905.

Sixth Ward—All that portion of the city of Pasadena lying east of the easterly boundary lines of the first, third and fifth wards, as above described.

The city council shall have power to change the boundaries of the said wards by ordinance, but the said boundaries shall not be changed oftener than once in three (3) years: *provided, however*, that when additional territory is annexed to said city the council may by ordinance determine the ward or wards to which said annexed territory shall belong.

That Section 2 of Article 8 be amended to read as follows:

Section 2. One of the members of the council shall be nominated from each of the wards of the city and one from the city at large. All of the members shall be elected at large by the qualified electors of the city. Each of the members of the council shall have been a citizen of the State and a resident and qualified elector of the city for a period of at least three (3) years immediately preceding the day of his election The members nominated from the wards shall be residents of the wards from which they are nominated.

AND WHEREAS, The said proposed amendments to the charter of the city of Pasadena, so ratified, are now submitted to the Legislature of the State of California, for approval or rejection without power of alteration or amendment in accordance with section eight of article eleven of the Constitution of the State of California.

STATE OF CALIFORNIA, }
County of Los Angeles, } ss.
City of Pasadena. }

This is to certify that we, Thomas Earley, mayor of the city of Pasadena, and Heman Dyer, clerk of the city of Pasadena, have compared the foregoing proposed and ratified amendments to the charter of the city of Pasadena, with the original ordinance proposing such amendments and submitting the same to the qualified electors of said city at a special municipal election, called for that purpose on Friday, the twenty-sixth day of February, nineteen hundred and nine, and find that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said charter are and each of them is true.

In witness whereof, we have hereunto set our hands and caused the corporate seal of the city of Pasadena to be attached this 1st day of March, nineteen hundred and nine

THOMAS EARLEY,
Mayor of the City of Pasadena
HEMAN DYER,
City Clerk of the City of Pasadena.

[SEAL]

Now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring (a majority of all members elected to each house voting for the adoption of this resolution and concurring therein), That the said amendments to the city charter of said city of Pasadena hereinbefore set forth as presented and submitted to and adopted and ratified by the qualified electors of said city be, and the same are hereby approved as a whole for, and as amendments to, the charter of said city of Pasadena.

HON. MILTON L. SCHMITT IN THE CHAIR.

At eleven o'clock and forty minutes A. M., Hon. Milton L. Schmitt in the chair.

THIRD-READING FILE.

Committee Substitute for Assembly Bills Nos. 64, 65, and 66—An Act to amend Sections 353, 1425, 1427 of the Political Code, all relating to Regents of the University of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Otis moved a call of the House.

Motion carried.

Time, eleven o'clock and fifty minutes A. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll.

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

Messrs Baxter, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Dean, Drew, Feeley, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Macauley, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, O'Neill, Perine, Polsley, Preston, Rech, Rutherford, Sackett, Schmitt, Stuckenbruck, Telfer, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—65

The Chief Clerk announced the absentees.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the House.

Messrs. Hammon, Pulcifer, and Silver were brought before the bar of the House, and, on motion, excused.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At twelve o'clock and five minutes P. M., further proceedings under the call of the House was dispensed with, on motion of Mr. Otis.

The roll of absentees was called, and Committee Substitute for Assembly Bills Nos. 64, 65, and 66 refused passage by the following vote:

AYES—Messrs Beatty, Bohnett, Callan, Cattell, Coghlan, Cogswell, Costar, Cronin, Drew, Gerdes, Gibbons, Gillis, Hanlon, Hans, Hawk, Hewitt, Hinkle, Holmquist, Juilliard, Kehoe, Leeds, Otis, Polsley, Preston, Rech, Sackett, Schmitt, Silver, Telfer, Webber, Whitney, Wilson, Wyllie, and Young—34.

NOES—Messrs. Baxter, Beban, Butler, Collier, Collum, Cullen, Dean, Feeley, Fleisher, Flint, Griffiths, Hammon, Hayes, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Lightner, Macauley, Maher, McManus, Mendenhall, Moore, Mott, Nelson, O'Neill, Perine, Pulcifer, Rutherford, Stuckenbruck, Wagner, Wheelan, and Mr Speaker—34

NOTICE OF MOTION TO RECONSIDER.

Mr. Pulcifer gave notice that on the next legislative day he would move a reconsideration of the vote whereby Committee Substitute for Assembly Bills Nos. 64, 65, and 66 was this day refused passage.

Assembly Bill No. 689—An Act to amend an Act entitled "An Act creating a fund for the benefit and support of high schools, and providing for its distribution by changing the term high school to secondary school, and apportioning six hundred dollars to each school in place of one third of the total amount," approved March 6, 1903.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 689 passed by the following vote:

AYES—Messrs. Baxter, Beatty, Bohnett, Callan, Cattell, Cogswell, Collum, Drew, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Leeds, Lightner, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, O'Neill,

Polsley, Preston, Pulcifer, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Wagner, Webber, Wheelan, Wilson, Wyllie, and Young—55.
NOES—Mr. Beban—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 580—An Act to amend Section 2144 of the Civil Code, relative to carrier's lien on property.

Bill read third time

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 580 passed by the following vote:

AYES—Messrs. Beban, Bohnett, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Cronin, Cullen, Dean, Drew, Fleisher, Gerdes, Gillis, Griffiths, Hanlon, Hans, Hawk, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Nelson, Otis, O'Neill, Polsley, Preston, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—56.
NOES—Messrs. Gibbons and Irwin—2

Title read and approved.

Bill ordered transmitted to the Senate.

SPECIAL ORDER RESET.

On motion of Mr Coghlan, the consideration of Assembly Bill No. 990 was made a special order for Thursday, March 4, 1909, at eleven o'clock A. M.

SPECIAL ORDER RESET.

On motion of Mr Beatty, the consideration of Assembly Bill No. 1443 was made a special order for Thursday, March 4, 1909, at eleven o'clock A. M.

Assembly Bill No 983—An Act to amend Section 4284 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the fifty-fifth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 983 passed by the following vote:

AYES—Messrs. Baxter, Beatty, Beban, Bohnett, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Dean, Drew, Feeley, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, O'Neill, Perine, Polsley, Preston, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—67.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 688—An Act to amend Section 1662 of the Political Code, by determining the number of years of instruction in the day and evening elementary schools; determining the age of admission to the day and evening elementary schools, and providing for separate schools for Indian, Mongolian, and Chinese children, and authorizing the exclusion of children of filthy and vicious habits.

During third reading of bill, Mr. Polsley moved that the Speaker appoint a select committee of one to amend the bill, as follows:

After the word "advisable", in line 14, page 2, of the printed bill, add the words "*Provided* that Chinese, Japanese, Hindoo, Malay, or Asiatic children over the age of sixteen years shall not be admitted into classes of the eighth grade, or under, with white children; *and provided further*, That no adult Chinese, Japanese, Hindoo, Malay, or Asiatic shall be admitted to any elementary school".

Roll call was regularly demanded.

The roll was called, and motion lost by the following vote:

AYES—Messrs. Baxter, Beatty, Butler, Collum, Cronin, Drew, Gibbons, Gillis, Hayes, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Lightner, Macauley, Maher, Mendenhall, Mott, Nelson, O'Neill, Polsley, Silver, Stuckenbruck, Telfer, Wheelan, Whitney, and Wyllie—27.

NOES—Messrs. Beardslee, Bohnett, Callan, Cattell, Coghlan, Cogswell, Collier, Costar, Dean, Feeley, Fleisher, Flint, Gerdes, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hewitt, Hinkle, Holmquist, Johnson of San Diego, Leeds, McClellan, Melrose, Moore, Otis, Perine, Preston, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Wagner, Young, and Mr. Speaker—38.

SPEAKER IN THE CHAIR.

At twelve o'clock and twenty-five minutes P. M., Speaker Stanton in the chair.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 688 passed by the following vote:

AYES—Messrs. Baxter, Beardslee, Beatty, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Cronin, Cullen, Dean, Drew, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt Holmquist, Irwin, Johnson of Placer, Johnston of Contra Costa, Juilliard, Leeds, Lightner, Macauley, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, O'Neill, Perine, Polsley, Preston, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wyllie, Young, and Mr Speaker—60

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

REPORTS OF STANDING COMMITTEES

The following reports of standing committees were received and read:

ON CONSTITUTIONAL AMENDMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1909.

MR. SPEAKER: Your Committee on Constitutional Amendments, to whom was referred Assembly Bill No. 1339—An Act providing for submitting to the electors the question of calling a convention to revise the Constitution of the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted

COGHLAN, Chairman.

Assembly Bill No. 1339 ordered on file for second reading.

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1909.

MR SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Assembly Bill No. 1096—An Act to amend Section 269 of the Code of Civil Procedure, relating to phonographic reporters for Superior Courts and providing for their appointment and duties, and also providing for copies of proceedings by them in certain cases

Assembly Constitutional Amendment No. 23—A resolution to propose to the people of the State of California an amendment to article six, section eight of the Constitution, relating to judges of the Superior Court

Assembly Bill No. 1443—An Act to provide for the transfer from the general fund of the State treasury to the San Francisco harbor improvement fund of the sum of twenty-two thousand nine hundred and thirty-seven dollars and forty-five cents, to reimburse said San Francisco harbor improvement fund for the costs of publishing the "Second San Francisco Seawall Act" and the "India Basin Act", and directing the State Controller and State Treasurer to make such transfer

Assembly Joint Resolution No. 7—WHEREAS, The defense of the Pacific seaboard by a fleet adequate in point of numbers and power to meet and repel, if need be, the attempted invasion of the territory of the United States by an enemy and commensurate with the dignity, affluence and commercial importance of that portion of the country which faces the Pacific Ocean, is at least, as necessary to the welfare of the nation as is the defense of the Atlantic seaboard; and

WHEREAS, A fleet of sufficient strength riding the waters of the Pacific, would conduce to the establishment of confidence and the preservation of peace among the nations of the earth, and

WHEREAS, It is the duty and indisputable right of the Federal Government to provide adequately for the protection of the sovereign people, and the sovereign States, and

WHEREAS, Although we believe in the prostestations of good will of all nations toward this union of States, nevertheless it is unwise and unfair to the people, interests and States on the Pacific coast, to refuse them ample protection against any contingency which may hereafter arise to menace their lives, their liberty or their property; therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That our Senators in Congress be instructed, and our Representatives in Congress requested, to use all honorable means necessary to effect the immediate assignment to the waters of the Pacific, of ships of war in such numbers and of such power as to place this nation on an equal footing on its western coast with the nations which now maintain fleets of ships of war in the Pacific waters.

Assembly Bill No 830—An Act to amend Sections 415 and 420 of the Political Code, all relating to the office of the Secretary of State

YOUNG, Chairman

The above reported bills ordered on file for third reading.

RECESS.

At twelve o'clock and thirty minutes P. M., the Assembly was declared at recess until two o'clock P. M. of this day.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.

Speaker pro tem. Perine in the chair.

SENATE BILLS—THIRD-READING FILE.

Senate Bill No. 32—An Act to amend the Civil Code of California by adding a new title thereto, to be numbered Title X, in Part IV. of Division Second, consisting of Sections 1426, 1426*a*, 1426*b*, 1426*c*, 1426*d*, 1426*e*, 1426*f*, 1426*g*, 1426*h*, 1426*i*, 1426*j*, 1426*k*, 1426*l*, 1426*m*, 1426*n*, 1426*o*, 1426*p*, 1426*q*, and 1426*r*, providing for the manner of locating lode and placer mining claims, tunnel right, mill sites, and prescribing the character and amount of assessment work on mining claims, and providing for proofs of such work, and for the recordation of location notices, and proof of labor, and for the enforcement of contributions from the delinquent co-owners of mining claims, and prescribing the duties of county recorders respecting the recording of location notices of, and proofs of labor on, mining claims, tunnel rights, and mill sites, and the fees to be charged therefor, and repealing an Act entitled "An Act relating to the working, rights of way, easement, and drainage of mines within the State of California," approved March 31, 1891

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No 32 finally passed by the following vote:

AYES—Messrs. Barndollar, Beatty, Black, Bohnett, Cogswell, Collier, Cronin, Drew, Flint, Gerdes, Gibbons, Gillis, Greer, Hawk, Hayes, Hewitt, Hinkle, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Maher, Melrose, Mendenhall, Mott, Nelson, Odom, Perine, Preston, Rech, Rutherford, Telfer, Wagner, Webber, Whitney, Wilson, Wyllie, and Young—41.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

RE-REFERENCE OF CONSTITUTIONAL AMENDMENT.

On motion of Mr. Sackett, Assembly Constitutional Amendment No 37 was referred to the Committee on Education.

RE-REFERENCE OF JOINT RESOLUTION.

On motion of Mr Mott, Senate Joint Resolution No. 14 was re-referred to the Committee on Federal Relations.

Senate Bill No. 771—An Act to definitely establish, and permanently locate, the boundary line between the county of Lake and the county of Glenn, State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No 771 finally passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beatty, Black, Bohnett, Cogswell, Drew, Flint, Gerdes, Gibbons, Gillis, Greer, Hawk, Hayes, Hewitt, Hinkle, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Maher, Melrose, Mendenhall, Mott, Nelson, Odom, Otis, O'Neill, Perine, Preston, Rutherford, Sackett, Telfer, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, and Young—43.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Concurrent Resolution No 9—Relative to approving ten certain amendments to the charter of the city of Los Angeles, in the county of Los Angeles, State of California, voted for and ratified by the qualified electors of said city of Los Angeles, at a special municipal election held therein on the second day of February, 1909.

The question being on the adoption of the Senate concurrent resolution.

The roll was called, and Senate Concurrent Resolution No 9 finally adopted by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Black, Callan, Cattell, Cogswell, Collier, Cronin, Drew, Flint, Gerdes, Gibbons, Gillis, Hammon, Hanlon, Hawk, Hayes, Hewitt, Irwin, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Maher, Melrose, Mendenhall, Mott, Nelson, Odom, Otis, O'Neill, Perine, Preston Rutherford, Silver, Telfer, Wagner, Wheelan, Whitney, Wilson, and Young—43
NOES—Mr. Johnson of Sacramento—1

Senate concurrent resolution ordered transmitted to the Senate

SENATE CONCURRENT RESOLUTION No 9.

Approving ten certain amendments to the charter of the City of Los Angeles, in the County of Los Angeles, State of California, voted for and ratified by the qualified electors of the said City of Los Angeles, at a special municipal election held therein on the second day of February, 1909.

WHEREAS, The City of Los Angeles, in the county of Los Angeles, State of California, contains a population of over one hundred thousand (100,000) inhabitants,

and has been ever since the year 1889, and is now, organized and acting under a freeholders' charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city, at a special election held for that purpose on the 20th day of October, 1888, and approved by the Legislature of the State of California, on the 31st day of January, 1889, (Statutes of 1889, p. 455); and,

WHEREAS, The city council of said City of Los Angeles did, by ordinance designated as Ordinance No. 17458 (new series), adopted by said city council on the 27th day of November, 1908, and approved by the mayor of said city on the 27th day of November, 1908, and pursuant to Section 8 of Article XI of the Constitution of the State of California, duly propose to the qualified electors of said City of Los Angeles the ten certain amendments hereinafter set forth to the charter of said city, to be submitted to said qualified electors at a special municipal election, to be held in said city on the 2nd day of February, 1909; and,

WHEREAS, Said ten proposed amendments hereinafter set forth were, and each of them was, published for twenty days in a daily newspaper printed and published in said city, and of general circulation therein, to wit: "The Los Angeles Daily Journal," said publication ending on the twenty-third day of December, 1908; and,

WHEREAS, Thereafter the city council of said city did by an ordinance designated as Ordinance Number 17589 (new series), which was duly adopted on the 29th day of December, 1908, order the holding of a special municipal election in said City of Los Angeles on the second day of February, 1909, which said last-mentioned date was at least forty days after the publication of said ten proposed amendments hereinafter set forth for twenty days in said daily newspaper of general circulation in said City of Los Angeles, to wit: "The Los Angeles Daily Journal," and did provide in said ordinance for the submission of said ten proposed amendments to the said charter, to the qualified electors of said city for their ratification at said special municipal election, which said ordinance was approved by the mayor of said city on the twenty-ninth day of December, 1908, and was published for at least ten days prior to the time appointed for the holding of said election, in "The Los Angeles Daily Journal," a daily newspaper printed and published in said city; and,

WHEREAS, At said election a majority of the qualified electors voting thereon, voted in favor of the ratification of, and did ratify each and all of said ten proposed amendments hereinafter set forth to said charter; and,

WHEREAS, The city council of said city of Los Angeles, at a special meeting thereof, held within ten days after said election, duly canvassed the returns of said special election, and duly found, determined and declared that a majority of such qualified electors voting thereon, had voted for and ratified each and all of the said ten proposed amendments to said charter; and,

WHEREAS, The mayor and city clerk of said city of Los Angeles did, on the 5th day of February 1909, duly certify to the submission to the electors of said city of said ten proposed amendments to said charter and to the ratification of said ten amendments, and did further certify to a copy of said ten proposed amendments, authenticated by a seal of the said City of Los Angeles, which said certificate is in the words and figures following, to wit:

STATE OF CALIFORNIA,
County of Los Angeles,
City of Los Angeles. } ss.

CERTIFICATE OF RATIFICATION OF PROPOSED CHARTER AMENDMENTS TO THE CHARTER OF THE CITY OF LOS ANGELES.

We, the undersigned, A. C Harper, mayor of the City of Los Angeles, State of California, and H. J. Lelande, city clerk of said city, do hereby certify as follows, to wit:

That the City of Los Angeles, in the county of Los Angeles, State of California, contains a population of over one hundred thousand inhabitants, and has been ever since the year 1889, and is now, organized and acting under a freeholders' charter, adopted under and by virtue of section eight, of article eleven, of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the 20th day of October, 1888, and approved by the Legislature of the State of California on the 31st day of January, 1889 (*Statutes of 1889, page 455.*)

That the city council of said City of Los Angeles, did, by Ordinance No. 17458 (new series) adopted by said council on the 27th day of November, 1908, and approved by the mayor of said city on the 27th day of November, 1908, and pursuant to section eight of article eleven of the Constitution of the State of California, duly propose to the qualified electors of said city of Los Angeles certain amendments to the charter of said city, to be submitted to said qualified electors at a special municipal election to be held in said city on the 2nd day of February, 1909, which said amendments were and are in the words and figures as follows, to wit:

Charter Amendment Number One.

That Subdivision 7, Section 2, of Article I, of the charter be amended to read as follows:

(7) To provide for supplying the city and its inhabitants with water, gas and electricity, or either or any thereof, or with other means of heat, illumination or

power; and to acquire or construct and to lease or operate, and to regulate the construction or operation of conduits or of railroads, or other means of transit or transportation, and of plants and equipments for the production or transmission of gas, electricity, heat, refrigeration or power, in any of their forms, by pipes, wires or other means; and to incur a bonded indebtedness for any of such purposes; *provided*, the question of the issue of bonds therefor shall be first submitted to the qualified electors of the city at a special or general election, and that two thirds of the votes cast on the question of said issue of bonds shall have been cast in favor thereof.

That Section 2, of Article I, of the charter, be amended by adding thereto three new subdivisions immediately after Subdivision 7 thereof, to be numbered respectively *7a* *7b* and *7c*, and to read as follows:

(*7a*) To provide for the supply of surplus water and surplus electric power, or either, belonging to the city, to other municipal corporations and to consumers and users outside of the city limits.

(*7b*) To acquire or build and operate railroads and interurban railroads from any point within the city limits, to any place or places within Los Angeles County and located on the ocean, or any inlet thereof, for the purpose of transporting passengers or freight between the city and the ocean, and to fix and collect charges therefor.

(*7c*) To acquire or construct and operate public wharves, docks, piers or moles upon the seashore, in connection with the transportation of passengers and freight between the ocean and the city, and to fix and collect charges therefor.

That said Section 2, of Article I, of the charter, be amended by adding thereto two new subdivisions immediately after Subdivision 25 thereof, to be numbered respectively 26 and 27, and to read as follows:

(26) No wharf, dock, seawall, railroad, street railroad, electric road, traction road, canal, conduit, subway, water system, gas or electric system, light or power works or plant, or any public utility, now or hereafter owned or controlled by the city of Los Angeles, or the right to generate or develop electric or other power by means of any water or water right, now or hereafter owned or controlled by said city, shall ever be sold, transferred, leased, or disposed of, in whole, or in part, without the assent of two thirds of the qualified voters of said city voting on the proposition at a general or special election at which such proposition shall be lawfully submitted; and no electric power, now or hereafter owned or controlled by said city shall ever be sold, transferred, leased, or disposed of to any person or corporation for resale, rental, disposal, or distribution to consumers, without the assent of two-thirds of the qualified voters of said city given as aforesaid; *provided*, that nothing in this subdivision contained shall be construed to prevent the ordinary sale and distribution, by the city, of electric power, belonging to the city, to the inhabitants thereof, or persons doing business therein, for their own use, or to prevent the distribution or supplying, by the city, of surplus electric power, not required by the city for distribution to consumers within its limits, to consumers outside of the limits of the city, for their own use, or to other municipal corporations for municipal use or for resale and disposal, by such municipal corporations to consumers within such municipalities, respectively; *provided, further* that no electric power shall be distributed or supplied for use outside of the limits of the city unless the furnishing of the same, and the terms and conditions thereof, shall first be authorized by a resolution, adopted by the board of public works, and approved by an ordinance of said city.

(27) The bed of the Los Angeles River, as now defined and located, shall not, nor shall any part thereof, ever be sold, granted, leased, transferred or alienated in any way; but the whole thereof shall be kept at all times for municipal purposes, and no franchise or right to use the same, or any part thereof, shall ever be granted, sold, leased or given away; *provided* this shall not prevent the granting by ordinance of franchises or rights to cross said river bed, or to take sand or gravel therefrom.

That Section 191, of Article XVIII, of the charter, be amended to read as follows:

Sec. 191. The said city shall not convey, lease, or otherwise dispose of its rights in the waters of said river Los Angeles, or any part thereof, or grant, or lease to any corporation or person, any right or privileges to use, manage, or control the said waters, or any part thereof, for any purpose, public or private. No other water or water rights now or hereafter owned by said city shall be conveyed, leased, or otherwise disposed of, without the assent of two thirds of the qualified electors of said city voting upon such proposition at an election general or special, at which such proposition shall be lawfully submitted, *provided, however*, that this section shall not be construed to prevent the ordinary sale and distribution, by the city, in the manner hereinafter prescribed, of the waters belonging to said city, to the inhabitants thereof or persons doing business therein for domestic and irrigating uses, and for manufacturing and business purposes, other than water power, or to prevent the distributing or supplying by the city, in the manner hereinafter prescribed, of surplus water, belonging to the city, to other municipal corporations for public, domestic, and business purposes, within such municipalities, respectively, or to consumers and users outside of the limits of the city, for domestic and irrigating purposes; *provided, further*, that no water shall be distributed or supplied to any person, or corporation, other than municipal, for resale, rental, or disposal to consumers; *and provided, further*, that no water shall be furnished for use outside of the limits of the city unless

the furnishing of the same, and the terms and conditions thereof, shall first be authorized by resolution, adopted by the board of water commissioners and approved by an ordinance of said city.

Charter Amendment Number Two.

That Section 3, of Article II, of the charter, be amended to read as follows

Sec. 3. The officers of the municipality shall be

A mayor
Nine councilmen.
A city clerk
A clerk of the mayor.
A city treasurer
A city auditor.
A city tax and license collector.
Seven members of the board of education.
A city school superintendent.
Five directors of the Los Angeles public library
A city assessor
A city engineer.
A city attorney
A water overseer.
Five police commissioners.
A chief of police.
A chief engineer of the fire department.
Five members of the board of health.
A health officer.
Five fire commissioners.
Five park commissioners.
Five water commissioners.
A superintendent of water works.
Three commissioners of public works.
A secertary of the board of public works.

That Section 4, of Article II, of the charter, be amended to read as follows:

Sec. 4. The following officers shall be elected by the electors of the city of Los Angeles at large, to wit.

The mayor.
The city clerk.
The city attorney.
The city treasurer
The city auditor.
The city tax and license collector
The city assessor
Seven members of the board of education, and
Nine members of the council

That Section 13, of Article III, of the charter, be amended to read as follows:

Sec. 13. The said council, consisting of nine councilmen, elected as herein provided, is the governing body of the city, and shall meet at least once a week, and shall by ordinance provide for the manner, time and place of holding all regular and special meetings

That Section 200, of Article XIX, of the charter, be amended to read as follows:

Sec. 200. The council of said city shall by ordinance order the holding of all elections. Such ordinances shall specify the object and time of holding such election and designate the voting precincts and polling places therefor, and the names of the election officers for each precinct, who must be residents thereof, to conduct the holding of and make returns of such election; said ordinance shall be published in some daily newspaper printed and published in said city at least ten days prior to the time appointed for the holding of the election.

That Section 203, of Article XIX, of the charter be amended to read as follows:

Sec. 203. No person shall be eligible to any municipal office under this charter who at the time of his election or appointment is not a qualified elector of this city, and to be eligible to the office of member of the council, the person elected must also have been a resident of the city for at least two years next preceding his election.

Charter Amendment Number Three.

That Article XIV of the charter be amended by adding thereto, immediately after Section 146 thereof, a new section to be known as Section 146¼, and to read as follows:

Sec. 146¼. The board of public works shall have charge, superintendence and control of the design, construction and establishment of an aqueduct system extending from a point in the Owens River Valley, in the State of California, to a point in the San Fernando Valley in the county of Los Angeles, in the vicinity of the city of Los Angeles, for the purpose of providing said city with a water supply from the watershed of said Owens River; *provided*, that, upon the completion of said aqueduct system, the same shall thereafter be managed, controlled and maintained by the board of water commissioners, as in the case of other water works belonging to said city.

Charter Amendment Number Four.

That Section 194, of Article XIX, of the charter be amended to read as follows.

ARTICLE XIX.

ELECTIONS

Sec 194. Elections to be held in said city for the purpose of electing the officers of said city, and for all other purposes, are of three kinds·

(1) Primary nominating elections
(2) General municipal elections
(3) Special elections

That Section 195, of Article XIX, of the charter, be amended to read as follows.

Sec. 195. General municipal elections shall be held in said city on the first Tuesday in December, 1909, and on the first Tuesday in December every two years thereafter, at which shall be elected the elective officers in this charter provided for.

That Section 196, of Article XIX, of the charter, be amended to read as follows:

Sec. 196. The officers elected at a general municipal election shall, after they have qualified as provided in this charter, enter upon the discharge of the duties of the offices to which they have been elected, on the first Monday in January of the year succeeding their election at twelve o'clock M., and shall serve for two years, and until their successors have been elected and qualified.

The officers elected at the general municipal election held on the first Tuesday in December, 1906, shall serve for three years, beginning on the first Monday in January, 1907, and until their successors have been elected and qualified.

In the case of a special election to fill a vacancy, the person elected shall, after qualifying as herein provided, enter at once upon the discharge of the duties of the office to which he has been elected, and shall serve for the remainder of the term, and until his successor shall have been elected and qualified.

That Section 197, of Article XIX, of the charter, be amended to read as follows

Sec. 197. In the event of a vacancy in the city council, a special election for the purpose of filling the same shall be ordered and held without delay. In the event of a vacancy in any other elective office other than a vacancy in the office of member of the board of education, which shall be filled by such board, the council shall fill such vacancy for the unexpired term.

That Section 202, of Article XIX, of the charter, be amended to read as follows·

Sec. 202. All elections shall, except as herein otherwise provided, be conducted and held in accordance with the provisions of the laws of the State for the holding of general elections in effect at the time

That Article XIX, of the charter, be amended by adding thereto, immediately after Section 206 of said Article XIX, the following sections, to be designated Sections 206*a*, 206*b*, 206*c*, 206*d*, 206*e*, 206*f*, 206*g*, 206*h*, 206*i*, 206*j*, 206*k*, 206*l*, 206*m*, 206*n*, 206*o*, 206*p*, 206*q*, and 206*r*, respectively, and to read as follows·

PRIMARY NOMINATING ELECTION.

Sec. 206*a*. Candidates to be voted for at any general municipal election, or special election to fill a vacancy, shall be nominated at a primary nominating election, and no names shall be printed upon the ballot for such general or special election other than those selected in the manner hereinafter prescribed.

Sec. 206*b*. The primary nominating election shall be held not less than three nor more than five weeks preceding such general or special election The officers of election who shall be appointed for the primary nominating election shall be the officers of such general or special election, and such general or special election shall be held at the same places, so far as possible, and the polls shall be opened and closed at the same hours, as may be provided for the primary nominating election All ballots, blanks and other supplies to be used at any primary nominating election, and all expenses necessarily incurred in the preparation for or the conducting of such primary election shall be paid out of the treasury of the city in the same manner, with like effect, and by the same officers, as in the case of other elections.

Sec. 206*c*. The name of no candidate for nomination shall be printed upon the primary nomination ballot unless a petition for nomination shall have been filed in his behalf, as provided herein, in substantially the following form

We, the undersigned, qualified electors of the city of Los Angeles, county of Los Angeles, State of California, do hereby petition that the following named person or persons shall be a candidate or candidates for the office or offices hereinafter specified, to be voted for at the primary nominating election to be held for the nomination of candidates for offices of said city at the next general election, (or in case of a special election, say at a special election) for (name the office or offices to be filled).

Name of candidate.	Office	Address
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....

Name of petitioner Address

STATE OF CALIFORNIA, } ss.
County of Los Angeles. }

I, ..., do hereby certify that I am a qualified elector of the city of Los Angeles, that I reside at No ..... street,

in the city of Los Angeles, county of Los Angeles, State of California, and that the signatures on this sheet were signed in my presence and are genuine, and that to the best of my knowledge and belief the persons so signing were at the time of so signing qualified electors of said city and that their respective residences are correctly stated as above set forth.

.....

.....

Subscribed and sworn to before me this..... .... day of ...., A D. .....

.....

Sec. 206*d*. Such petition shall consist of sheets of uniform size to be furnished by the city clerk and said petition and each separate sheet thereof shall be preceded by a heading in large clear letters or type giving name of petition, or for what office, and name of candidate nominated, in substantially the following form:

Petition for nomination of A. B. for city clerk and C. C. for city auditor, etc., etc

Such petition shall be signed by qualified electors of the city of Los Angeles in their own proper persons only, and opposite the signature of each signer, his residence address shall be written by him, or if he is unable to write, by some one under his direction, giving the street and number when such designation by street and number can be given At the bottom of each sheet of such petition shall be added a statement, signed by a qualified elector of the city stating his residence address, with street and number when such designation by street and number can be given, certifying that the signatures on that sheet of said petition were signed in his presence and are genuine, and that to the best of his knowledge and belief the persons so signing were at the time of signing said petition qualified electors of said city. Such statement shall be sworn to before some officer authorized to administer oaths. Such sheets, before being filed, shall be fastened together, in book form, by placing the sheets in a pile, and fastening them together at one edge in a secure and suitable manner, and then the sheets shall be numbered consecutively. The sheets shall not be fastened by pasting them together end to end, so as to form a continuous strip or roll.

Sec 206*e*. No petition for nominations shall be held sufficient unless signed by at least one hundred qualified electors of the city. No petition for nomination shall contain the names of more than one candidate for each office. No voter may sign more than one petition for a candidate for the same office.

Sec. 206*f*. Said petition shall be presented to the city clerk not later than sixty days and not earlier than eighty days prior to the election for which such nominations are made, and the clerk shall endorse thereon the date of such presentation. The clerk shall immediately, upon the presentation to him of a petition, ascertain and determine whether or not the petition is signed by the requisite number of qualified electors. If necessary, the council shall allow the clerk extra help in this work, and the clerk shall, within five days after the presentation thereof, attach his certificate to the petition showing the result of his examination.

Sec 206*g*. If, by the clerk's certificate, it shall appear that the petition has not been signed by the requisite number of qualified electors, it may be amended within five days from the date of said certificate by the further addition of names. The clerk shall, within five days after such amendment, make like examination of the amended petition and shall certify as to the result of his examination, but no further amendment shall be allowed.

Sec. 206*h*. If either the original or amended petition shall be found to be sufficiently signed as herein provided, the same shall be filed by the clerk Said petition, when filed, shall not be withdrawn or added to, and no signature shall be withdrawn therefrom after presentation to the clerk

Sec. 206*i*. Immediately upon the filing of the petitions for nominations, the clerk shall enter the names of the candidates so nominated in a list and shall, not later than ten days prior to the election, certify said list as being the list of candidates nominated as required by this charter, and shall cause said certificate, together with said list of names and the offices for which the several candidates were respectively nominated, to be published at least five consecutive days prior to the primary nominating election in five of the daily newspapers published in the city.

Sec. 206*j*. Any proposed candidate may cause his name to be withdrawn and removed from the list of candidates by filing with the clerk his request and demand, in writing, to that effect any time before the clerk shall have certified the list of candidates nominated.

Sec. 206*k*. The clerk shall cause the ballots to be printed and, except when voting machines are used, numbered and bound, which ballots shall contain the list of names of candidates and respective offices as published, with the following caption:

"PRIMARY NOMINATING ELECTION

CITY OF LOS ANGELES

(Inserting date thereof.)

"To vote, stamp a cross opposite the name of the candidate voted for, except that when name of candidate is written in by voter the cross shall not be made."

The names of the offices to be filled shall be arranged on the ballots in the order the officers of the city to be elected are named in this charter

Sec. 206*l*. The names of the candidates for each office shall be arranged on the ballot of the primary nominating election in alphabetical order. There shall be nothing on any ballot indicative of the party affiliation, source of candidacy or support of any candidate.

Sec 206*m*. Each ballot shall contain blank spaces underneath the printed names for each office, wherein the voter may write the name of any candidate whose name is not printed on the ballot and for whom he may wish to vote and in such case a cross shall not be stamped opposite such written name.

Sec. 206*n*. Any candidate to fill a vacancy and to serve the remainder of an unexpired term, shall be designated on the ballot as a candidate to fill a vacancy.

Sec. 206*o*. The two candidates receiving the highest number of votes for any given office at the primary nominating election, shall be the candidates, and the only candidates, for such office whose names shall be printed upon the ballots to be used at the general municipal election or special election, *provided*, that where more than one office of the same kind is to be filled, the candidates therefor, equaling, in number, twice the number of such offices, who receive the highest number of votes at the primary nominating election shall be the candidates and the only candidates for such offices, whose names shall be printed upon the ballot to be used at such general or special election.

Sec. 206*p*. The ballot at such general or special election shall be in the same general form as for such primary nominating election, so far as applicable, and without any indication as to the party affiliation, source of candidacy or support of any candidate.

SEC. 206*q*. Any person entitled to vote at any election held in the city of Los Angeles, shall, on the day of such election, be entitled to absent himself from any service or employment in which he is then engaged or employed, for the period of two consecutive hours between the time of opening and the time of closing the polls; and such voter shall not, because of so absenting himself, be liable to any penalty, nor shall any deduction be made on account of such absence from his usual salary or wages.

Sec. 206*r*. Nothing contained in any of the foregoing sections numbered 206*a* to 206*q*, inclusive, shall be deemed to apply to an election held under the provisions of Section 198c of this charter.

Charter Amendment Number Five.

That Article XX, of the charter, be amended to read as follows.

ARTICLE XX.

CONTRACTS.

Sec. 207. The city of Los Angeles shall not be and is not bound by any contract (except such a contract as is now or may be hereafter authorized by this charter to be made in behalf of the city by a board or officer of the city), unless the city council shall have first caused notice to be published for not less than five days in a daily newspaper, printed and published in the city of Los Angeles, inviting proposals to perform the same, and thereafter shall have let said contract to the lowest responsible bidder furnishing security for its performance, satisfactory to the city council; *provided*, that any such contract shall not be made or be binding on the city unless first authorized by resolution passed by the council, subject to approval by the mayor and passage over his veto by the council, and the provisions of Sections 37 and 38 of this charter are hereby made applicable to every such resolution; that any such contract shall be made in writing, the draft thereof approved by the council, and the same ordered to be, and be, signed, on behalf of the city, by the mayor, or some other person authorized thereto by resolution, and that the approval, as to form, of such contract by the city attorney, as required by Section 49 of this charter, shall be endorsed on the draft thereof before the council shall have power to approve the same; *provided, further*, that the council may by resolution authorize any officer, committee, or agent, of the city to bind the city for the payment of a sum of money, not exceeding $500, without a contract in writing and without any previous publication of notice inviting proposals or the presentation to or approval by the mayor of such resolution.

Charter Amendment Number Seven.

That the charter be amended by adding a new article thereto, to be known as Article XXV, and to read as follows:

ARTICLE XXV.

ANNEXATIONS, CONSOLIDATION OF CITY AND COUNTY GOVERNMENTS, ESTABLISHMENT AND GOVERNMENT OF BOROUGHS, HARBOR IMPROVEMENT BONDS.

Sec. 257. Whenever it shall be authorized by the laws of this state, it shall be lawful, under the charter of the city of Los Angeles, to annex or join to the city of Los Angeles any contiguous city or town in Los Angeles County, incorporated under the general laws of the State, or existing under a freeholders' charter, or any

contiguous territory in said county, within any part of which the whole of any such city or town may be included, to be governed under the charter of the city of Los Angeles, and the question of annexation or joinder to the city of Los Angeles may be voted upon at an election to be called and held as provided by law.

It shall also be lawful to consolidate the city and county governments within the boundaries of the city of Los Angeles as now or hereafter established whenever the same shall be authorized by the laws of this state

Sec 258. A borough may be established in any territory hereafter annexed to the city of Los Angeles containing a population of not less than five hundred inhabitants, whether such territory in whole or in part was or was not included within the limits of any incorporated city or town at or immediately prior to the time of such annexation, in the manner, with the powers and subject to the conditions and limitations, hereinafter provided:—

(*a*) The government of a borough, established under the provisions of this charter, shall be vested in a board of trustees, to consist of five members, to be elected by the qualified electors of such borough, and the other officers of such borough to be appointed by the board of trustees thereof, as hereafter provided.

(*b*) Whenever a petition shall be presented to the city council of the city of Los Angeles, signed by at least fifty per cent of the qualified voters residing in such territory, computed upon the number of votes cast at the last general state election held therein, describing the boundaries of such territory and proposed borough and stating the proposed name thereof, and praying for the establishment therein of a borough system of government, the city council of the city of Los Angeles must without delay submit to the voters of such territory, the question whether such proposed borough shall be established, at a special election to be called and held for that purpose, and cause a notice of such election to be published in a newspaper printed and published in the territory embraced within such proposed borough, if any such there be, at least once a week for a period of three successive weeks next preceding the date of such election. If there be no such newspaper, such notice shall be posted for the same period in at least five public places in such territory. Such notice shall particularly describe the boundaries of such proposed borough; shall state the name thereof, and shall require the voters to cast ballots, which shall contain the words "For the establishment of the borough" or "Against the establishment of the borough," or words equivalent thereto, and also the names of the persons to be voted for to fill the office of members of the board of trustees of such proposed borough.

Such election shall be called, held and conducted, and the returns thereof shall be canvassed and the result thereof declared by the city council, in all respects as in the case of general municipal elections in the city of Los Angeles. If, upon such canvass, it appears that the majority of the votes cast are in favor of the establishment of such borough, the city council shall, by an order entered upon its minutes, declare such borough duly established, with the name thereof stated in such petition, and declare the five persons receiving, respectively, the highest number of votes for members of the board of trustees of such borough to be the duly elected members of the board of trustees thereof, and thereupon the establishment of such borough shall be complete, and such officers shall be entitled to enter immediately upon the discharge of the duties of their respective offices, upon qualifying in accordance with law. The trustees elected at such election shall hold office during the remainder of the period for which the mayor of the city of Los Angeles then in office shall have been elected, and their successors in office shall be elected by the qualified voters of such borough at the same time and shall serve for like terms as shall be provided for election and duration of the term of office of mayor of the city of Los Angeles.

(*c*) The board of trustees of such borough shall elect one of their number president, and shall prescribe by rules the time and place of their meetings and of their manner of procedure, and they shall have power to regulate and control all local municipal affairs throughout the said borough, excepting as to those matters and things where jurisdiction is herein conferred upon or reserved to the city of Los Angeles; and they shall also have power to levy a general tax upon the taxable property within such borough for borough uses, not exceeding one dollar upon each one hundred dollars worth of taxable property, according to the assessed value thereof

The said board of trustees of any borough shall also have power to appoint and remove an attorney, a clerk, a treasurer, an auditor, a recorder, a marshal and necessary police officers and men, and such other officers, agents and employees as they deem necessary to conduct said borough government: *provided, however*, that the powers and duties of assessor and tax collector respectively, of such borough shall be vested in and be performed by the assessor and tax collector, respectively, of the city of Los Angeles. In case it shall be required by ordinance passed by the board of trustees of any borough, the city treasurer of Los Angeles city shall perform the duties of treasurer of such borough.

Except as herein otherwise provided, any borough established under this charter shall have the powers, and the board of trustees and officers and agents thereof, respectively, shall have the powers and perform the duties, now or hereafter con-

ferred or imposed by the general laws of the State of California upon cities of the *sixth class and the officers and agents thereof, respectively.*

(*d*) The qualified voters of any borough shall be entitled to vote at all elections for officers of the city of Los Angeles, and at all other elections affecting property in such borough

(*e*) All general taxes levied and collected by, or for and on account of, any borough shall be paid over to the proper borough treasurer, except as hereafter provided.

All property within any borough shall be taxable for the purpose of paying the principal and interest of any bonded or other indebtedness of the city of Los Angeles incurred after the annexation of the territory in which such borough is located and before the establishment of such borough, and of any bonds issued by said city, under the provisions of Section 262 of this charter, after such annexation, and of any bonds issued for county indebtedness, in case of the consolidation of city and county governments. All taxes upon property in any borough for the purpose of paying the principal or interest of bonds issued by such borough, or of bonded or other indebtedness of said city incurred as aforesaid, or of bonds issued by said city, as aforesaid, under the provisions of Section 262 of this charter, shall be levied and collected by said city and shall be paid over to the treasurer of said city. No other taxes shall be levied or collected by said city upon property within such borough, *provided, however*, that if the whole or any part of such borough shall heretofore have been embraced within the limits of an incorporated city, and there are any outstanding bonds or other indebtedness of such city chargeable against property within such borough, the city of Los Angeles shall have power to levy and collect upon such property, from time to time, such sums as shall be found due from it on account of its just proportion of liability for any payment on the principal or interest of such indebtedness, and to pay the same in discharging such liability, *and provided, further*, that, in case of the consolidation of city and county governments, the property within any such borough shall be taxable for *general purposes of such consolidated city and county, subject*, however, to the limitation prescribed in Section 259 of this charter

The principal and interest of all bonds issued by any borough shall be paid through the treasurer of the city of Los Angeles

(*f*) The city of Los Angeles shall have exclusive jurisdiction over two streets or highways in each borough which, in themselves, or in continuation of, or in connection with, other streets or highways, extend from the present boundaries of the city of Los Angeles to the water front and to established government harbor lines, if such harbor lines shall have been established at such water front, and of two cross streets within such borough which lead to any docks, wharves, piers, or navigable waters in such borough, which streets and cross streets, and the continuations or extensions of streets, as aforesaid, shall be selected and designated by ordinance of the city council of the city of Los Angeles as harbor highways. The city of Los Angeles shall have exclusive power to control and regulate the use, maintenance and repair of such harbor highways, and the making of excavations therein, and to open, extend, widen, straighten, grade, regrade, macadamize, remacadamize, pave, repave, establish or change the grade of, or otherwise improve, the same, and shall also have exclusive power to control or acquire, own, construct and operate water, gas, electric lighting and power plants, railroads, street railroads, and electric roads and to grant franchises therefor upon and over such harbor highways. The city of Los Angeles, shall also have, throughout the whole of said city, including any such borough, the exclusive power to acquire, construct, own, operate and maintain docks, wharves, piers, canals and seawalls, and to regulate and control navigable waters, anchorage, wharfage and pilotage, and shall have the ownership, possession and control of all tide-lands and submerged lands below the line of mean high tide, whether filled or unfilled, and of all water front within the limits of said city; *provided*, that not exceeding 1000 feet of water frontage continuous in one body, within such borough, with any wharves, docks, piers or other improvements thereon or to be placed thereon under authority of any such borough, together with the adjoining co-terminus tide-land or submerged land, is hereby reserved for the uses of such borough, and such borough shall have jurisdiction over such 1000 feet of frontage and such improvements thereon and such co-terminus tide-land or submerged land for municipal purposes, and shall designate such frontage by ordinance within sixty days after the organization of the first board of trustees of such borough, *provided, however*, that such frontage so designated shall not include any portion of water frontage or lands theretofore improved by the city of Los Angeles, except by consent of the city of Los Angeles given by ordinance adopted by its city council; *and, provided, further*, that such frontage shall be subject to all rights of way for highways, railways, street and other railroads, as may be determined from time to time by the city council of the city of Los Angeles.

Sec. 259. Whenever the consolidation of city and county governments of the territory within the city of Los Angeles becomes effective, the city council, or its successor in office, of the consolidated city and county of Los Angeles shall also exercise the powers of a board of supervisors, including the power to levy and collect taxes, as may be authorized by law, upon all property within such consolidated city and county; *provided*, that in any borough, if any there be, embraced in such con-

solidated city and county, not exceeding one half of the percentage of the levy of taxes for general purposes of such consolidated city and county, shall be levied and collected from property in such borough In all other respects such borough shall continue to exist and be governed as hereinbefore provided in this article.

Sec. 260. Whenever, in the opinion of the city attorney of Los Angeles, the public interests require him so to do, he shall be authorized, and whenever directed by the city council of Los Angeles, it shall be his duty, to commence and prosecute all actions and proceedings in the name of the city to recover possession of, or to determine adverse claims to, any highway, street, alley, water frontage, tide-land, or other property held for or dedicated to any public use.

Sec. 261. It shall be unlawful to sell, convey, alienate, transfer or lease any part of the water front, tide-lands, submerged lands, or other real property or appurtenances thereunto belonging, owned or held by the city of Los Angeles, or by any borough therein, for any public use, unless thereunto authorized by two-thirds of the qualified voters of the city voting at a general or special election at which such proposition shall have been submitted; *provided*, that whenever the city of Los Angeles shall have acquired the absolute title and possession to more than ten thousand consecutive feet (linear measurement) of water frontage and the co-terminus and adjacent tide and submerged land upon the water front, as fixed by the government harbor lines of the navigable waters of the outer or inner bay of San Pedro, not including frontage upon any island nor frontage held by any borough, nor any frontage created by construction of channels by any person or corporation other than the United States, the city of Los Angeles may lease, by ordinance, from the water frontage in excess of said ten thousand feet so owned by said city, for periods of not exceeding fifteen years, alternate frontages upon such outer or inner bay where it so owns such water frontage, as the case may be, not exceeding one thousand linear feet in a continuous body, together with the adjacent and co-terminus tide-land, to any person or corporation, and said ten thousand feet of water frontage and each alternate thousand feet of such excess water frontage, together with the adjacent and co-terminus tide and submerged land, shall be reserved for public uses as aforesaid. Each such lease shall contain a condition that in case such lease or property, or any part thereof, embraced therein, shall be transferred or subleased, or the control thereof given or granted to any person or corporation so that such person or corporation shall then own, hold or control more than two (2) thousand feet of said water front, upon any part of the outer or inner bay of San Pedro, then such lease, and all rights thereunder shall thereupon be absolutely terminated. Every such lease granted or made hereunder, shall be subject to all rights of way over the tide and submerged land embraced therein for highways, streets, railways, and street and other railroads, as may from time to time be determined by the city council.

In any case, where the city of Los Angeles or its predecessors in interest or authority shall have executed any lease or grant, or any document purporting to be such, to any person or corporation, the water front, tide-lands, and submerged lands covered thereby, shall not be deemed to be subject to be again leased or granted by the city of Los Angeles under this section until such lease or grant shall have been cancelled or otherwise terminated, and until the city of Los Angeles shall have regained peaceable possession of such property.

Sec. 262. For the purpose of opening, improving, constructing or maintaining streets, highways, or other means of public transportation, to navigable waters within the county of Los Angeles, and acquiring the necessary land therefor by purchase or condemnation, and for the further purpose of constructing and maintaining canals and waterways between such navigable waters and any such streets, highways, or means of transportation, and acquiring the necessary land therefor, by purchase or condemnation, and for the further purpose of constructing docks, wharves, and warehouses, within or without the city boundary, to be owned and operated by the city, and acquiring the necessary land therefor by purchase or condemnation, the city of Los Angeles shall be authorized to incur an indebtedness,

That Article III of the charter be amended by adding seven new sections thereto, to be designated as "harbor improvement bonds."

Charter Amendment Number Twenty-three.

That Article III of the charter be amended by adding seven new sections thereto, to be known as Sections 36*a*, 36*b*, 36*c*, 36*d*, 36*e*, 36*f*, and 36*g*, immediately after Section 36 of said article, and to read as follows:

Sec 36*a*. The council shall have power, by ordinance, to provide for the planting, maintenance, or care of shade and ornamental trees in streets and other public places and for the removal of unsightly and dead trees therefrom; and to make the cost thereof a lien and charge upon the abutting property, and to make provision for the enforcement of such lien

Sec 36*b*. The council shall have power, by ordinance, to provide for the removal, from private lands or lots, of weeds, rubbish, or any other material which may endanger or injure neighboring property, or the health or welfare of the residents of the vicinity; to make the cost thereof a lien and charge upon such lands or lots, and to make provision for the enforcement of such lien

Sec. 36*c*. The council shall have power, by ordinance, to require the owners of real property in the city to remove grass weeds or obstructions from the public

sidewalks in front of their property, and, upon their default, to cause such work to be done and the cost thereof to be made a lien and charge upon such property, and to make provision for the enforcement of such lien.

Sec. 36*d*. The council shall have power, by ordinance, to require the owners of real property fronting upon any street, lane, alley or other public place, in which there are sewers, water or gas mains or other mains or conduits, to connect their several premises therewith before such street, lane, alley or other public place, or the portion thereof upon which such property fronts, is paved or otherwise improved and, upon their default, cause such connections to be made and to make the cost thereof a lien and charge upon the property so connected, and to make provision for the enforcement of such lien.

Sec. 36*e*. Except as otherwise provided in this charter, or in the constitution of the State of California, the council shall have power, by ordinance, to regulate and control, for any and every purpose, the use of the streets, lanes, alleys, courts and sidewalks, and other public places of the city.

Sec. 36*f*. The council shall have power, by ordinance, to set apart as a boulevard or boulevards, any street or streets, or portions thereof, and to make regulations for the use of the same.

Sec. 36*g*. The council shall have power, by ordinance, to provide for the licensing of dogs, the seizure and impounding of unlicensed dogs, the care and protection of lost, strayed or homeless dogs, for the protection of the public against dogs, and the destruction of dangerous or vicious dogs, whether licensed or not; to authorize contracts to be made in the name of the city for the care or protection of, or the prevention of cruelty to, animals, for the capture and impounding of all unlicensed dogs, and the maintenance of a shelter for lost, strayed, or homeless dogs; *provided, however*, that the compensation to be paid therefor, must not exceed, in any one year, the amount collected by the city from the payment of licenses for dogs during such year.

That Section 34 of Article III of the charter be amended to read as follows:

Sec. 34. It shall, by ordinance, regulate the speed of railroad trains, engines or cars, street, or other railroad cars, automobiles and other vehicles in the city, and require persons, firms or corporations, operating railroads or street or other railroads, to station flagmen, place gates, or construct bridges, viaducts, tunnels or subways, at railroad crossings, as the council may deem proper.

Charter Amendment Number Twenty-seven.

That Section 58 of the charter be amended to read as follows:

ANNUAL REPORTS OF OFFICERS.

Sec. 58. It shall be the duty of the mayor, city attorney, city treasurer, city assessor, city tax and license collector, chief of police, city auditor, health officer, water overseer, city clerk, city engineer, board of public works, chief engineer of the fire department, city sealer of weights and measures, city school superintendent, board of directors of the Los Angeles public library, and the board of park commissioners, each to present to the council, at its meeting in the second week in July of each year, a report for the preceding year, ending on the 30th day of June last which shall show as follows:

(1) The mayor shall, in addition to his report as mayor, inform the council of the condition of the police court, the number of arrests made, the offenses charged and how disposed of, the penalties inflicted and amount of fines and from whom collected, and to that end he may require such reports from the police judges as he may deem necessary.

(2) The city attorney shall, in his report, present an abstract of all actions and proceedings in the supreme and superior courts, where the city is an interested party; and shall show what cases have been disposed of during the year, and in what manner, and the condition of those remaining on the calendar.

(3) The city treasurer shall show, in his report, specifically, the amount of all indebtedness of the city; of money received by him during the year, the date of the receipt thereof, and from whom; the amount paid out, when, and to whom; and the date and number of the demands on which the respective amounts are paid.

(4) The city tax and license collector shall report the amount of money received and on what account.

(5) The city assessor shall, in his report, show the amount of personal property taxes collected by him, together with the amount of any fees which he may have received on account of such collection in each case.

(6) The city auditor shall make a proper statement of the transactions of his office, as provided in Section 43.

(7) The chief of police shall report the number of arrests made by him, the offenses charged and how disposed of, the number and names of the policemen employed, when appointed and when discharged, and all money and other property received from prisoners and the disposition of the same.

(8) The health officer shall show the condition of the health of the city during the year, and the number of cases of diseases which he has treated, and other matters of interest pertaining to his office.

(9) The water overseer shall, in his report, show the amount of water rates or charges collected by him; and shall make a detailed statement of the condition of the water systems of the city, so far as the same are entrusted to his charge.

(10) The report of the city clerk shall show the number of licenses issued, and for what amount

(11) The report of the city engineer shall show the character, cost and condition of all public works and improvements in course of construction during the year.

(12) The report of the board of public works shall show the cost of erection, alteration and repair of all buildings during the year; and shall show also the general result of its inspection of buildings during the year. Said board shall report also the number of building permits issued by it

(13) The board of public works shall report upon the condition of the streets of the city and the improvements of the same during the year, and shall show what action was taken by it in the enforcement of ordinances pertaining to street obstructions and in regard to deviations from contract in the construction of public works.

(14) The report of the chief engineer of the fire department shall show the condition of the fire department and its apparatus, giving a detailed statement thereof; also the work of the department during the year

(15) The report of the city sealer of weights and measures shall show the amount of charges collected by him, and such other matters as are entrusted to him

(16) The report of the city school superintendent shall show the number and condition of the public schools, the number of teachers and their salaries and the number of pupils in attendance.

(17) The report of the board of directors of the Los Angeles public library shall show the condition of their trust for the year ending the 30th day of June of that year, the various sums of money received from the library fund and from other sources; for what purpose such money has been expended, and the amount so expended and the balance on hand; the number of books and periodicals on hand; the number added by purchase, gift or otherwise during the year; the number lost or missing; the number of visitors attending, the number of books loaned out, and the general character and kind of such books, with such information and suggestions as it may deem of general interest.

(18) The report of the park commissioners shall show the condition of the parks, with the kind, cost and expense of the improvements, including the entire cost and expense of the department for the year ending June 30th, last preceding.

That Section 150 of the charter be amended to read as follows

Sec. 150. The board of public works shall present to the city council at its meeting in the second week of July, in each year, a report for the year ending on the thirtieth day of June next preceding, which shall show the amount of money received from the sale of bonds, the purposes for which such money has been expended, the amount so expended, and the balance on hand in each bond fund, and also, such information and suggestions as it may deem of general interest, and the board of public works shall also, on or before the tenth day of each month make out and present to the city council a similar statement of all expenditures during the preceding month of the moneys derived from the sale of bonds.

That subdivision *k* of Section 192 of the charter be amended to read as follows

(*k*) The board of water commissioners shall present to the city council, at its meeting in the second week of July in each year, a report for the year ending on the thirtieth day of June next preceding, which shall show the amount of money received from all sources, the purposes for which such money has been expended, the amounts so expended, and the balance on hand; also the nature and condition of the property held by the board, with such information and suggestions as it may deem of general interest; and the board shall also, on or before the tenth day of each month, make out and present to the city council a similar statement of all receipts and expenditures during the preceding calendar month.

That Section 43 of the charter be amended to read as follows:

CITY AUDITOR.

Sec. 43. The city auditor shall act as the general accountant and fiscal agent of the city, and shall exercise a general superintendence over all of the officers of the city charged in any manner with the receipt, collection or disbursement of the city revenues.

He shall keep a complete set of books, in which he shall set forth in a plain and business-like manner every money transaction of the city, so as to show at all times the state of each fund, from what source the money was derived, and for what purpose any money was expended, and also all collections made and paid into the treasury by each officer or any other person.

He shall, on application of any person indebted to the city, holding money payable into the city treasury, or desiring to pay money therein, certify to the city treasurer the amount thereof, to what fund applicable, and by whom to be paid. He shall upon the deposit of the receipt of the city treasurer for money paid into the city treasury, charge the city treasurer with the amount received by him, and give the person paying the same a receipt therefor.

It shall be his duty to apportion among the several funds all public money at any time in the city treasury, not by law or ordinance specifically apportioned and

appropriated, and forthwith notify the city treasurer of such apportionment or appropriation. He shall countersign and deliver to the proper officer all licenses.

He shall report to the council at the regular meeting of each week the condition of each fund in the city treasury and the amount drawn from each fund the preceding week.

He shall make and present a report to the council at its meeting in the second week of July of each year, showing all financial business transactions of the city for the preceding year ending the 30th day of June last.

He shall audit and approve all demands against the city before payment, and keep a record of the same as hereinafter provided in Article XXI.

He shall on or before the first day of August in each year, make and present to the council a report as to the revenue and expenses of the city for the current fiscal year, in which he shall set forth estimates of (1), the revenue from other sources than taxation; (2), the itemized expenditures; (3), the itemized amounts, necessary to be raised by taxation for each fund.

He shall perform such other duties as shall be required of him by this charter or by ordinance. He shall devote his entire time to the duties of his office.

That Section 44 of the charter be amended to read as follows:

CITY TREASURER.

Sec. 44. It shall be the duty of the city treasurer to receive and keep all moneys that shall come to the city by taxation or otherwise, and to pay the same out on demands legally audited in the manner hereinafter provided; and without such auditing he shall disburse no public moneys whatever, except the principal and interest of the municipal debt when payable.

He shall receive no money into the city treasury unless accompanied by the certificate of the city auditor provided for in Section 43 hereof.

He shall issue receipts in duplicate to all persons paying money into the treasury. One of which receipts shall be forthwith deposited with the city auditor.

He shall make a report at the close of each business day, to the auditor, showing all moneys received during the day, together with the number of each receipt given by him therefor, and what account and from whom received and to what fund applied.

He shall, on or before the seventh day of each month, make out and present to the council a full and complete statement of the receipts and expenditures for the preceding calendar month; and he shall make such special reports from time to time as may be required by the council.

The mayor, city attorney, city auditor, the finance committee of the council, or any special committee appointed by the council, separately or collectively, and with the aid of an accountant selected by such officer or committee, shall have the right and power to examine the books of the treasurer at all times, and the mayor, auditor or finance committee shall also have the right to inspect and count all public moneys under the treasurer's control, or on deposit elsewhere. Whenever the city shall provide a proper vault and safes in the city hall for the keeping of the city money, the treasurer shall keep said moneys in said vault, except as hereinafter provided. It shall be in the power of the council, by ordinance, at any time to require the city treasurer to devote his entire time to the duties of his office.

That Section 46 of the charter be amended to read as follows:

CITY ASSESSOR.

Sec. 46. It shall be the duty of the city assessor, in addition to any duty that may be elsewhere prescribed for him by this charter or by ordinance, to make out, within such a time as may be prescribed by ordinance of said city, either now in force or which may hereafter be passed in pursuance hereof, a full, true and correct list of all the property, both real and personal, taxable by law, within the limits of said city, with the valuation thereof, and assess the same to the persons by whom it was owned or claimed, or in whose possession or control it was, at 12 o'clock meridian on the first Monday of March next preceding.

Each taxpayer in said city shall make and deliver to the city assessor annually, and at such time as shall be provided for by ordinance, a statement under oath setting forth specifically all the real and personal property owned by such taxpayer, or in his possession or under his control at 12 o'clock meridian on the first Monday of March next preceding.

It shall be the duty of the assessor to collect the taxes on all personal property, when the owner of said property is not seized of real estate in said city sufficient to afford ample security for the collection of said taxes.

In all such cases he shall be governed in fixing the amount of the tax by the rate of the tax levy for the preceding year.

Immediately after fixing the assessment on such property he shall serve on its owner or owners a notice in writing, which shall specify the assessed valuation of the property, the rate per cent and the amount of tax payable, and contain a demand for the payment of said tax within three days after service of said notice. Said notice shall be served personally, or by leaving a copy of the same at the last known place of residence of the person whose property is so assessed.

Upon the expiration of said three days after such service, if the tax demanded still remains unpaid or payment thereof be not secured to the satisfaction of the city

attorney and city assessor, the assessor shall forthwith proceed to collect the same by seizure and sale of any personal property owned by the delinquent.

The said sale shall be made by him in the manner provided in Sections 3791, 3792, 3793, 3794, 3795 and 3796 of the Political Code of the State of California, *provided*, that the newspaper referred to in Section 3792 shall be published in the city, and shall be designated by the council.

As soon as the rate is fixed for the year in which such collection is made, if it be found that a sum in excess of said rate has been collected, the excess must be repaid in the same manner as other demands against the city are paid, to the person from whom the collection was made, or to his assigns And if a sum less than the rate fixed has been collected, the deficiency must be collected as other taxes on personal property are collected.

Should the board of equalization reduce the valuation for the same year of the property so assessed, the sum collected in excess of said reduced valuation must be repaid in like manner, to the person from whom the collection was made, or to his assigns And if the valuation of said property should be increased by said board, then the deficiency must be collected as other taxes on personal property are collected.

The assessor shall carefully note upon his assessment list, and also in a book to be kept by him for the purpose, all collections made by him under this section, and shall turn over to the city treasurer all money received immediately upon its receipt.

In case the said assessor shall fail to demand, and through his fault to collect, any and all taxes which by this section he is directed to collect, he shall be and become personally liable to the city for the amount of said delinquent taxes, with interest from the date of their assessment, and the council is authorized and directed to cause proper action or actions at law to be brought against said assessor and the sureties on his official bond to recover the same

The mode of making out assessment lists, of ascertaining the value of property and of equalizing the same shall be such as is now, or may hereafter be, prescribed by the ordinances of the city.

When such list has been made out and the same returned to the council, as prescribed by such ordinances, the council shall, at the time and in the manner in such ordinance provided, sit and act as a board of equalization, and shall have, as regards the equalization of said list, powers similar to those conferred by law upon the board of supervisors of Los Angeles County, as a board of equalization of state and county taxes.

The meetings of said board of equalization shall be public, and notice of such meetings shall be given by publication at such time and in such manner as shall be provided by ordinance The said board shall have the power, in its discretion, to increase or diminish the amount of any or all of the assessments on said lists, both as to real and personal property; *provided*, that before any such assessments shall be increased, due notice shall be given to the owner or owners of the property the assessed value of which is sought to be increased, and such owner or owners shall have the opportunity to be heard before the board, under oath, such notice to be regulated in all respects by ordinance.

After such list has been equalized, it shall be returned to the council, which shall forthwith fix the levy or rate per cent of taxes levied for all municipal purposes for that fiscal year

Every tax so levied shall have the force and effect of a judgment against the person and property taxed, and shall be and constitute a lien upon the real property situated in said city so assessed or owned by the party against whom such assessment is made

Every such assessment and the lien thereof shall have the force and effect of an execution duly levied upon all property owned by the party assessed, or by the unknown owner of such property when assessed to an unknown owner. The judgment is not satisfied nor discharged until the tax assessed against the property and the owners is paid, or the property sold for the payment thereof

The said corporation shall have such other rights, claims and liens for the amount of such municipal taxes as may now or hereafter be given to or exercised by the people of the State of California for and on account of the assessment of state and county taxes levied in Los Angeles County.

The mode and manner of collecting such municipal taxes, and enforcing such tax lien, and the proceedings thereafter, shall substantially be the same as the mode and manner at the time prescribed by law for the collection of state and county taxes in said county; *provided, however*, that the council may, by ordinance, have the power to regulate the time or times of the collection of said taxes within each fiscal year, and prescribe by what officers the respective duties appertaining to such collection and enforcement shall be performed All such proceedings, sales, certificates and conveyances had, made and executed by them in pursuance thereof, shall be of like force, effect and validity as is or may hereafter be given by law to like proceedings and acts in the matter of the collections of state and county taxes in said county

That Section 205 of the charter be amended to read as follows:

Sec. 205. The registers used at any election held in pursuance of this charter shall be registers used at the last preceding general state election in the precincts

in which such municipal election is held, together with supplemental registers showing all additional registrations, transfers, and changes, since the closing of registration for such general state election. It shall be the duty of the county clerk of the county of Los Angeles to furnish such registers, together with such supplemental registers, showing all additional registrations, transfers and changes since the closing of registration for the last preceding general state election, with proper indices thereto, to the city clerk of said city at least five days before the holding of such municipal election.

Charter Amendment Number Twenty-eight.

That Section 32 of the charter be amended to read as follows

Sec 32 It shall, by ordinance, provide for the naming of streets and numbering of houses, and for regulating or preventing the exhibition of banners, flags or placards across the streets, or sidewalks, and for regulating or suppressing public criers, advertising, ringing of bells, and other noises

It shall, by ordinance, forbid the erection or display on any building or property of the city, of any banner, device or flag of any state or nation except that of the United States, the State of California, or the city of Los Angeles

The council may by ordinance authorize the expenditure of money, not to exceed the sum of five thousand dollars, in any one fiscal year, for the proper celebration of the anniversary of the declaration of national independence, and such other public celebrations, events, or demonstrations as the council may deem proper

Charter Amendment Number Thirty-one.

That a new section be added to the charter, immediately after Section 199 thereof, to be designated as Section 199½, and to read as follows

Sec. 199½. The city council may, in calling special elections, order the consolidation thereof; *provided, however*, that not more than ten separate propositions or questions shall be submitted in any one election.

That said ten proposed amendments were, and each of them was, published for twenty days in a daily newspaper, printed and published in said city, and of general circulation therein, to wit: "The Los Angeles Daily Journal," said publication ending on the 23d day of December, 1908.

That thereafter the city council of said city, did, by an ordinance known as ordinance No. 17589 (new series) which was duly adopted on the 29th day of December, 1908, order the holding of a special municipal election in said city of Los Angeles on the 2nd day of February, 1909, which said last-mentioned date was at least forty days after the publication of said proposed amendments for twenty days in said daily newspaper of general circulation in said city of Los Angeles, to wit "The Los Angeles Daily Journal," and did provide in said ordinance for the submission of said ten proposed amendments to the said charter, to the qualified electors of said city for their ratification at said special municipal election, which said ordinance was approved by the mayor of said city on the 29th day of December, 1908, and was published for at least ten days prior to the time appointed for the holding of said election in "The Los Angeles Daily Journal," a daily newspaper printed and published in said city.

That at said election a majority of the qualified electors voting thereon voted in favor of the ratification of and did ratify each and all of said ten proposed amendments to said charter.

That the city council of said city of Los Angeles, at a special meeting thereof held within ten days after said election, duly canvassed the returns of said election, and duly found, determined, and declared that a majority of such qualified electors, voting thereon, had voted for and ratified each and all of the said proposed amendments to said charter.

IN WITNESS WHEREOF, we have hereunto set our hands and affixed the corporate seal of the city of Los Angeles, this 5th day of February, 1909.

A. C. HARPER,
Mayor of the City of Los Angeles
H. J. LELANDE,
City Clerk of the City of Los Angeles

AND WHEREAS, The said ten proposed amendments so ratified as hereinabove set forth have been duly presented and submitted to the legislature of the State of California for approval or rejection, without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California, now, therefore, be it

Resolved, by the Senate of the State of California, the Assembly concurring (a majority of all members elected to each house, voting for the adoption of this resolution and concurring herein), that the said ten amendments to the said charter of said city of Los Angeles hereinabove set forth, as presented, and as submitted to and adopted and ratified by the qualified electors of said city, be and the same are hereby approved, as a whole, for and as amendments to the said charter of said city of Los Angeles.

SENATE BILLS—SECOND-READING FILE.

Senate Bill No. 768—An Act to regulate the production and sale of certified milk.

During second reading of bill, the following amendment was submitted by the committee:

On page 1, Section 1, line 11, of the printed bill, after the word "it" insert the following: "*provided* that such milk commission shall make all requirements for the production and handling of certified milk uniform and fair, and shall not refuse to certify milk for any applicant for certification who shall comply with the provisions of this Act, and the requirements of the milk commission whose certification is sought".

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for passage.

Senate Bill No. 653—An Act authorizing and empowering Reclamation District No. 791 to contract for the disposition of drainage and flood waters, and for the sale thereof, to any person, firm, or corporation, for the purpose of irrigation, or for any other lawful use.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 652—An Act authorizing and empowering Reclamation District No. 791 to construct and maintain jointly or in connection with any person, firm, corporation, reclamation district, levee district, and drainage district, public agency or municipal corporation for the construction and maintenance of joint levees or other joint work of reclamation.

Bill read second time, and ordered on file for third reading.

On motion of Mr. Johnson of Sacramento, Senate Bills Nos. 653 and 652 were ordered placed at the head of the third-reading file.

Senate Bill No. 762—An Act to amend Section 2293 of the Political Code, relative to the powers and duties of the board of trustees of the State Library.

During second reading of bill, the following amendment was submitted by the committee:

On page 1, Section 1, between lines 2 and 3, insert the following: "the powers and duties of the board as follows:"

Amendment adopted.

Bill read second time, and ordered to reprint and on file for passage.

WITHDRAWAL OF BILL

Mr. Cogswell asked for, and was granted, unanimous consent to withdraw Senate Bill No. 145.

Senate Bill No. 145 withdrawn, and ordered stricken from the file.

Senate Bill No. 137—An Act to add a new section to the Penal Code, to be numbered Section 628*e*, to prevent the catching of surf-fish, yellow-fin, or spot-fin croaker, and providing penalties therefor.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 477—An Act to amend Part III, Chapter III, Article I, of the Political Code of California by adding a new section to said Article I, to be numbered 344, relating to fish and game commissions.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 677—An Act to regulate the vocation of fishing, and to provide therefrom revenue for the propagation, restoration, and preservation of fish in the waters of the State of California.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 804—An Act to create a preserve for crabs within Humboldt and Trinidad bays and the waters of the Pacific Ocean adjacent thereto, and to regulate the taking of crabs from such preserve for commercial purposes.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 829—An Act to add to the Penal Code of California a new section, to be numbered 633, relating to the protection and preservation of golden trout.

Bill read second time, and ordered on file for third reading.

Senate Committee Substitute for Senate Bill No. 44—An Act to amend the Penal Code of California by adding a new section thereto, to be numbered 637*c*, and relating to the preservation of seals and sea lions in the waters of Santa Barbara Channel.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 64—An Act to amend Section 626*f* of the Penal Code, relating to the protection of deer.

During second reading of bill, the following amendments were submitted by committee:

AMENDMENT No. 1.

On page 1, Section 1, line 4, of the printed bill, strike out the word "fifteenth", and insert in lieu thereof the word "first".

Amendment adopted.

AMENDMENT No. 2.

On page 1, Section 1, line 5, of the printed bill, strike out the word "October", and insert in lieu thereof the word "November".

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for passage.

Senate Bill No. 476—An Act to create a fish and game preservation fund, and to unite the fish commission fund and the game preservation fund into a common fund, to be known as fish and game preservation fund.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 1, line 1, of the title, of the printed bill, after the word "Fish" insert the word "and".

Amendment adopted.

AMENDMENT No. 2.

On page 1, Section 1, line 5, of the printed bill, after the word "introducing" insert the word "game".

Amendment adopted.

AMENDMENT No. 3.

On page 1, Section 1, of the printed bill, strike out all of lines 11 and 12.

Amendment adopted.

AMENDMENT No 4.

On page 1, Section 1, line 13, of the printed bill, strike out the following: "by the State Board of Examiners,".

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for passage.

Senate Bill No. 965—An Act to amend the Political Code of the State of California by adding thereto a new section, to be known as Section 3785*a*, relating to deeds to the State under sales made to the

State prior to March 28, 1895, for delinquent State and county taxes, and authorizing certain persons to represent the State in the giving of notices, and relating to the redemption of such property and also to the resale thereof.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 729—An Act to amend Section 4257 of the Political Code, relating to county and township officers of counties of the twenty-eighth class.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out of line 22, page 2, of the printed bill, the words "one hundred and seventy-five", and inserting in lieu thereof the words "two hundred".

Amendment adopted

AMENDMENT No. 2.

Amend by striking out of line 25, page 2, of the printed bill, the words "one hundred and seventy-five", and inserting in lieu thereof the words "two hundred".

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out all of lines 39, 40, 41, and 42, on page 2, of the printed bill, and inserting in lieu thereof the following: "8. The district attorney, two thousand four hundred dollars per annum; he may also appoint a clerk, which office of clerk to the district attorney is hereby created, whose salary shall be six hundred dollars per annum, payable as the salaries of other county officers are paid".

Amendment adopted

Bill read second time, and ordered to reprint, and on file for passage.

Senate Bill No. 890—An Act to amend Section 4233 of the Political Code of the State of California.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 1, of the printed bill, in lines 2, 3, and 4 of the title, strike out the following: "relating to salaries and fees of officers of counties of the fourth class, their deputies and assistants", and insert in lieu thereof the following: "relating to the salaries, fees, and mileage of officers, their deputies and assistants, and jurors in counties of the fourth class".

Amendment adopted.

AMENDMENT No. 2.

On page 6, of the printed bill, between lines 181 and 182 insert the following: "13 The fish and game warden, twelve hundred dollars per annum, and the actual and necessary expenses incurred by him in the performance of his official duties, not to exceed fifty dollars for any one month".

Amendment adopted.

AMENDMENT No. 3.

In line 182, page 6, of the printed bill, strike out the figures "13", and insert in lieu thereof the following: "14".

Amendment adopted.

AMENDMENT No. 4.

In line 283, page 9, of the printed bill, strike out the figures "14", and insert in lieu thereof the following: "15".

Amendment adopted.

AMENDMENT No. 5.

In line 358, page 11, of the printed bill, strike out the figures "15", and insert in lieu thereof the following: "16".

Amendment adopted.

AMENDMENT No. 6.

On page 11, of the printed bill, after line 368 insert the following: "17. The fees of grand jurors and trial jurors in the superior courts of said counties of the fourth class, in civil and criminal cases, shall be two and one-half dollars, in lawful money of the United States, for each day's attendance, and mileage to be computed at the rate of fifteen cents per mile for each mile necessarily traveled in attending court, in going only. In criminal cases such fees and mileage of said trial jurors in the superior court shall be paid by the treasurer of the county out of the general fund of said county upon warrants drawn by the county auditor upon the written order of the judge of the court in which said juror was in attendance, and the treasurer of said county shall pay said warrants. The board of supervisors of said county is hereby directed to make suitable appropriations for the payment of the fees herein provided for".

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for passage.

Senate Bill No. 911—An Act to amend Section 4258 of the Political Code, as amended in 1907, Statutes of 1907, pages 499 and 500 thereof, relating to the compensation of officers in counties of the twenty-ninth class.

Bill read second time, and ordered on file for third reading

Senate Bill No 921—An Act to amend Section 4248 of the Political Code, as amended in 1907, Statutes of 1907, pages 476 and 479, relating to the compensation of officers in counties of the nineteenth class.

Bill read second time, and ordered on file for third reading

Senate Bill No. 836—An Act to amend Section 4282 of the Political Code of the State of California, relating to salaries of officers of counties of the fifty-third class.

Bill read second time, and ordered on file for third reading

Senate Bill No 514—An Act amending Section 4274 of the Political Code of the State of California, relating to the compensation of officers of counties of the forty-fifth class.

Bill read second time, and ordered on file for third reading

Senate Bill No. 932—An Act to amend section four thousand two hundred and seventy-six of the Political Code, relating to the compensation of officers of counties of the forty-seventh class

Bill read second time, and ordered on file for third reading

Senate Bill No. 931—An Act to add a new section to the Political Code, to be numbered 4271*a*, authorizing boards of supervisors in counties of the forty-second class to appoint assistants to the county surveyor

Bill read second time, and ordered on file for third reading

Senate Bill No. 684—An Act to amend Section 4243 of the Political Code of the State of California, relating to the compensation and expenses of officers in counties of the fourteenth class.

Bill read second time, and ordered on file for third reading.

THIRD-READING FILE.

Committee Substitute for Assembly Bills Nos. 648 and 649—An Act to amend section one thousand nine hundred and eighteen of the Civil Code, relating to a maximum rate of interest and providing for forfeitures for violations thereof.

Bill read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Assembly Bills Nos. 648 and 649 finally passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beatty, Callan, Cattell, Cogswell, Collier, Drew, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hanlon, Hans, Hawk, Hewitt,

Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Kehoe, Leeds, Maher, McClellan, Melrose, Mendenhall, Mott, Odom, Otis, O'Neill, Perine, Preston, Pugh, Pulcifer, Sackett, Silver, Whitney, Wilson, Wyllie, and Young—45.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

WITHDRAWAL OF BILL.

Mr. Colher asked for, and was granted, unanimous consent to withdraw Assembly Bill No. 760.

Assembly Bill No. 760 withdrawn, and ordered stricken from the file.

RE-REFERENCE OF BILLS.

On motion of Mr. Johnson of Sacramento, Assembly Bills Nos 997 and 998 were referred to Committee on Judiciary.

REPORTS OF STANDING COMMITTEE.

The following reports of standing committees were received and read:

ON INTRODUCTION OF BILLS.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1909.

MR. SPEAKER: Your Committee on Introduction of Bills, to whom was referred the following bill, herewith returns the same with the recommendation that the author be permitted to introduce it. The title of said bill is as follows:

By Mr. Leeds: An Act to add a new section to the Political Code, to be numbered Section 3443*a*, relating to the sale of tide lands of the State.

LEEDS, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1909.

MR. SPEAKER: Your Committee on Introduction of Bills, to whom was referred the following bill.

By Mr. Mendenhall: An Act to amend an Act entitled "An Act relating to estrays, providing for, taking them up, and giving a lien on them, for all damages, costs, and expenses incurred by reason of taking them up, and repealing all Acts and parts of Acts now in force relating to estrays," approved March 23, 1901, by amending the third section thereof—have had the same under consideration, and respectfully report the same back, and recommend that permission be denied the author to introduce it, for the reason that it is identical with Assembly Bill No. 1316.

LEEDS, Chairman.

Mr. Leeds moved the adoption of the report.

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

AYES—Messrs Barndollar, Baxter, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Costar, Cullen, Dean, Drew, Feeley, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Hanlon, Hans, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Mott, Odom, Otis, O'Neill, Perine, Polsley, Pugh, Pulcifer, Rutherford, Sackett, Silver, Stuckenbruck, Telfer, Wagner, Webber, Whitney, Wilson, Wyllie, and Young—62.

NOES—None.

INTRODUCTION OF BILL.

The following bill was introduced and referred as indicated:

By Mr Leeds: Assembly Bill No. 1444—An Act to add a new section to the Political Code, to be numbered Section 3443*a*, relating to the sale of tide lands of the State

Bill read first time, and ordered on file without reference.

THIRD READING FILE—(RESUMED).

Assembly Bill No. 1036—An Act to add a new section to the Penal Code, relating to recording notices of location of mining claims.

Bill read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1036 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Culen, Costar, Dean, Drew, Feeley, Fleisher, Flint, Gerdes, Gibbons Gillis, Griffiths, Hammon, Hanlon, Hans, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Maher, McClellan, McManus, Melrose, Mendenhall, Mott, Odom, Otis, O'Neill, Perine, Polsley, Pugh, Pulcifer, Rutherford, Sackett, Silver, Stuckenbruck, Telfer, Wagner, Webber, Whitney, Wilson, Wyllie, and Young—59

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1024—An Act to amend Section 3 of an Act entitled "An Act to prevent the waste and flow of water from artesian wells, and prescribing penalties therefor, and defining waste and artesian wells," approved March, 1907.

Bill read third time, and passed on file.

Assembly Bill No. 299—An Act to provide for the investigation of agricultural problems and conditions in Imperial County, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 299 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Black, Bohnett, Butler, Callan, Coghlan, Cogswell, Collier, Collum, Costar, Dean, Drew, Feeley, Fleisher, Flint, Gerdes, Gillis, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, McClellan, Melrose, Mendenhall, Mott, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Rutherford, Sackett, Silver, Stuckenbruck, Telfer, Wagner, Webber, Wheelan, Whitney, Wilson, and Young—59.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

RECONSIDERATION.

In compliance with his notice given on a previous day, Mr. Leeds moved that the vote whereby Assembly Bill No. 584 was refused passage be reconsidered.

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Leeds moved a call of the House.

Motion carried.

Time, three o'clock and thirty minutes P. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll

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

Messrs. Barndollar, Baxter, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Costar, Cronin, Cullen, Dean, Drew, Feeley,

Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Mott, Nelson, Odom, Otis, Perine, Polsley, Preston, Pulcifer, Rech, Rutherford, Sackett, Silver, Stuckenbruck, Telfer, Wagner, Wheelan, Wilson, Wyllie, Young, and Mr. Speaker—67

The Chief Clerk announced the absentees

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the House

Messrs. Holmquist, Beban, Collum, Transue, and Beardslee were brought to the bar of the House, and on motion excused.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At four o'clock P. M., further proceedings under the call of the House were dispensed with, on motion of Mr. Leeds.

The roll of absentees was called, and the motion to reconsider carried by the following vote:

AYES—Messrs. Baxter, Beardslee, Beatty, Beban, Butler, Coghlan, Collum, Cronin, Cullen, Dean, Feeley, Flint, Gibbons, Greer, Griffiths, Hans, Hawk, Irwin, Johnston of Contra Costa, Juilliard, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Mott, Nelson, Otis, Perine, Polsley, Preston, Pulcifer, Rech, Sackett, Stuckenbruck, Transue, Wagner, Wheelan, Whitney, Wilson, and Mr. Speaker—42.

NOES—Messrs. Barndollar, Black, Bohnett, Callan, Cattell, Cogswell, Costar, Drew, Fleisher, Gerdes, Gillis, Hammon, Hanlon, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Kehoe, Melrose, Mendenhall, Odom, Rutherford, Silver, Telfer, Wyllie, and Young—29.

Bill ordered on file as unfinished business.

Assembly Bill No. 1146—An Act to add a new section to the Political Code of the State of California, to be known as Section 3495*a*, and relating to applications to purchase State lands, requiring a deposit of money to accompany the application, and providing for the filing of additional applications.

Bill read third time, and passed on file.

Assembly Bill No. 830—An Act to amend Sections 415 and 420 of the Political Code, all relating to the office of the Secretary of State.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 830 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beban, Black, Bohnett, Butler, Callan, Coghlan, Cogswell, Collum, Costar, Cronin, Cullen, Dean, Drew, Feeley, Fleisher, Flint, Greer, Griffiths, Hammon, Hanlon, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Juilliard, Kehoe, Leeds Lightner, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Mott, Nelson, Odom, Otis, Perine, Polsley, Preston, Rutherford, Sackett, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Wilson, Wyllie, and Young—59.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SENATE MESSAGES.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, March 2, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 722—An Act to amend an Act entitled "An

Act to regulate the practice of optometry, and for the appointment of a board of examiners in the matter of said regulations," approved March 20, 1903, by amending sections one, two five, eight, eleven, twelve, thirteen, fifteen, and sixteen thereof.

LEWIS A. HILBORN, Secretary of Senate.
By J W KAVANAGH, Assistant Secretary

Assembly Bill No. 722 ordered to enrollment.

Also·

SENATE CHAMBER, SACRAMENTO, March 2, 1909

MR SPEAKER I am directed to inform your honorable body that the Senate this day passed Senate Bill No. 374—An Act to regulate the work and hours of employees in the occupation of cooks, waiters, and waitresses in public eating houses, and providing a penalty for violation thereof

Also: Senate Bill No. 854—An Act to amend the Penal Code of the State of California, by adding a new section thereto, to be numbered ——, relating to the making of false statements in writing by any person respecting his own or another's financial condition, for the purpose of procuring a loan or credit in any form for himself or for another person, and relating to the procuring of credit on such false statements and prescribing penalties therefor

Also. Senate Bill No 1144—An Act to add a new section to the Penal Code, to be known as Section 172*a*, relating to the selling, giving away or exposing for sale of any vinous or alcoholic liquors upon or within one and one half miles of the university grounds of any university having an enrollment of more than one thousand students, more than five hundred of whom reside or lodge upon said university grounds.

Also Senate Bill No 322—An Act to make an appropriation for the repair and maintenance, under the supervision, management, and control of the Department of Engineering of the State of California, of that certain state highway commencing at Pine Grove, in Amador County, and running thence via Hope Valley to connect at Osgood's Place, in El Dorado County, with the Lake Tahoe wagon road, and via Markleeville, in Alpine County, to connect at Junction, in Mono County, with the Sonora and Mono road, to place such highway under the supervision, management, and control of such Department of Engineering, and to designate and name such state highway as the Alpine State Highway

Also Senate Bill No 980—An Act to amend Sections 653*c*, 653*d*, and 653*l*, of the Civil Code of the State of California, all relative to cooperative business associations

Also Senate Bill No. 886—An Act to regulate the practice of veterinary medicine in the State of California

Also: Senate Bill No. 1042—An Act to amend Section 1550 of the Political Code of the State of California, relating to salaries of deputy superintendents of schools.

Also Committee Substitute for Senate Bill No 630—An Act to repeal an Act of the Legislature of the State of California entitled "An Act to enable school districts, in cities of the fifth class, and school districts which embrace territory a portion of which is within and a portion of which is without such cities of the fifth class, to issue bonds for the purpose of raising money to purchase school lots, and for building or purchasing one or more schoolhouses, and supplying the same with furniture, necessary apparatus, and improving the grounds, and for liquidating any indebtedness already incurred for such purposes, and to repeal an Act approved March 31, 1891, entitled 'An Act to enable cities of the fifth class to issue bonds for the purpose of raising money to purchase school lots and for building or purchasing one or more schoolhouses, and supplying the same with furniture, necessary aparatus, and improving the grounds and for liquidating any indebtedness already incurred for such purposes'"

LEWIS A. HILBORN, Secretary of Senate
By J. W. KAVANAGH, Assistant Secretary.

Senate Bill No. 374 read first time, and referred to Committee on Judiciary

Senate Bill No 854 read first time, and referred to Committee on Judiciary

Senate Bill No. 1144 read first time, and referred to Committee on Universities

Senate Bill No 322 read first time, and referred to Committee on Roads and Highways.

Senate Bill No. 980 read first time, and referred to Committee on Judiciary

Senate Bill No. 886 read first time, and referred to Committee on Live Stock Dairies, and Dairy Products.

Senate Bill No. 1042 read first time, and referred to Committee on Education.

Committee Substitute for Senate Bill No. 630 read first time, and referred to Committee on Education.

Also:

SENATE CHAMBER, SACRAMENTO, March 3, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Concurrent Resolution No. 11—Relative to the appointment of a President Lincoln Monument Commission.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Senate Concurrent Resolution No. 11 read, and referred to Committee on Education.

Also:

SENATE CHAMBER, SACRAMENTO, March 3, 1909.

MR. SPEAKER. I am directed to inform your honorable body that the Senate on this day refused to recede from Senate amendment to Assembly Bill No. 31—An Act to amend Section 2957 of the Civil Code, relating to chattel mortgages and the circumstances under which the same are void as to creditors and subsequent purchasers and incumbrancers—and have named Senators Willis, McCartney, and Wright as a conference committee, and respectfully request that your honorable body appoint a like committee to consider said amendment.

LEWIS A. HILBORN, Secretary of Senate
By J. W. KAVANAGH, Assistant Secretary.

APPOINTMENT OF COMMITTEE.

The Speaker announced the appointment of Messrs. Johnson of Sacramento, Johnston, and Drew as a Committee on Conference to consider Senate amendments to Assembly Bill No. 31.

Also:

SENATE CHAMBER, SACRAMENTO, March 3, 1909

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 220—An Act to amend Sections 1197, 1205, and 1211 of the Political Code, relating to elections within this State.

LEWIS A. HILBORN, Secretary of Senate
By J. W. KAVANAGH, Assistant Secretary.

Senate Bill No. 220 read first time, and referred to Committee on Elections and Election Laws.

Also:

SENATE CHAMBER, SACRAMENTO, March 3, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 4—Relative to approving the amendments of the charter of the city of Grass Valley, adopted by the electors of said city at a special election held on the 8th day of October, 1908.

Also. Passed Assembly Bill No. 75—An Act to add a new section to the Penal Code, to be numbered 271b, making it a misdemeanor for any person who shall fail to endeavor in good faith to earn or otherwise provide, when able to do so, money with which to pay, or who fails to pay, whenever and so far as able, any allowance made by the court and directed to be paid by him to the wife for her support, or for the maintenance of any minor child or children of the marriage in any action of divorce, during the pendency of the action, at the final hearing, or at any time thereafter, and providing a penalty for such failure.

Also · Assembly Bill No. 1030—An Act to amend Section 528 of the Political Code, relating to the printing of the Journals and Appendices of the Senate and Assembly.

Also · Assembly Bill No. 569—An Act to amend Section 3335 of the Political Code of the State of California, concerning the formation of fire companies.

Also · Assembly Bill No. 68—An Act to amend Section 1 of an Act entitled "An Act requiring the wardens of State prisons of California to furnish the sheriffs of California and the bureaus of identification with certain information concerning convicts, within thirty days after receiving said convicts, and providing for the payment of the expense incurred thereby," approved March 20, 1905, to include chiefs of police of regularly constituted police departments of incorporated cities and towns among those to whom such information shall be furnished.

Also: Assembly Bill No. 168—An Act to repeal Sections 2042 and 2043 of the Political Code of California, relating to the National Guard.

Also: Assembly Bill No. 576—An Act to amend Section 1312 of the Code of Civil Procedure, relating to contesting the probate of wills.

Also: Assembly Bill No. 1160—An Act authorizing the State Surveyor General to furnish his office and vault therein, and making an appropriation therefor.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary

Assembly Concurrent Resolution No. 4 ordered to enrollment.

Assembly Bills Nos. 75, 1030, 569, 68, 168, 576, and 1160 ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 3, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate amended, and on this day passed as amended, Assembly Bill No. 200—An Act to amend Section 591 of the Penal Code of the State of California.

Also: Assembly Bill No. 723—An Act to amend Section 3546 of the Political Code of the State of California, relating to what must be contained in the statement by the Register of State Lands to the district attorney.

Also: Assembly Bill No. 284—An Act to add a new section to the Political Code, to be numbered 1617*b*, relating to enlarging, reconstructing, or replacing county high schools or increasing the capacity and accommodations thereof, and the levying of a special tax for such purposes.

And respectfully request that your honorable body concur in said amendments

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary

The question being put: "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 200?"

On page 1, line 4, strike out the word "Section".

The roll was called, and Senate amendment to Assembly Bill No. 200 was concurred in by the following vote:

AYES—Messrs. Barndollar, Beatty, Beban, Butler, Cattell, Cogswell, Collier, Collum, Cronin, Dean, Drew, Feeley, Fleisher, Flint, Gerdes, Gillis, Greer, Hanlon, Hans, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Macauley, Maher, McManus, Melrose, Mendenhall, Nelson, Odom, Otis, Perine, Polsley, Preston, Pulcifer, Rutherford, Stuckenbruck, Wagner, Webber, Whitney, Wilson, Wyllie, and Young—49.

NOES—None.

Bill ordered to enrollment.

The question being put: "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 723?"

On page 1, Section 1, line 3, strike out the word "Section".

The roll was called, and Senate amendment to Assembly Bill No 723 was concurred in by the following vote:

AYES—Messrs. Barndollar, Beatty, Black, Butler, Cattell, Coghlan, Colbier, Collum, Costar, Cronin, Cullen, Dean, Drew, Feeley, Fleisher, Flint, Gerdes, Gillis, Greer, Hanlon, Hans, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Lightner, Macauley, Maher, Mendenhall, Moore, Nelson, Odom, Otis, Perine, Polsley, Preston, Pulcifer, Rutherford, Silver, Stuckenbruck, Wagner, Webber, Whitney, Wilson, Wyllie, and Young—51.

NOES—None.

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No 284?"

By striking out line 3, of the title, after the word "county", the word "high", and inserting in lieu thereof the word "Secondary".

Also: On page 2, Section 1, of the printed bill, after the word "county", at the end of line 20, insert the following: "Secondary school improvement fund, and shall be drawn".

Also On page 2, Section 1, of the printed bill, strike out the whole of line 22, where it appears the first time.

The roll was called, and Senate amendments to Assembly Bill No. 284 were concurred in by the following vote:

AYES—Messrs Barndollar, Beatty, Black, Butler, Callan, Cattell, Collier, Costar, Cronin, Dean, Drew, Fleisher, Flint, Gerdes, Gillis, Greer, Hanlon, Hans, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Lightner, Macauley, Maher, McClellan, Melrose, Mendenhall, Mott, Nelson, Odom, Otis, Perine, Polsley, Preston, Pulcifer, Rutherford, Silver, Stuckenbruck, Wagner, Webber, Whitney, Wilson, Wyllie, and Young—50.

NOES—None.

Bill ordered to enrollment.

SPEAKER IN THE CHAIR.

At four o'clock and twenty minutes P. M., Speaker Stanton in the chair.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1909.

MR SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Assembly Bill No 1414—An Act to amend an Act entitled "An Act to amend an Act to allow unincorporated towns and villages to equip and maintain a fire department, and to assess and collect taxes from time to time for such purpose, and to create a board of fire commissioners," approved March 4, 1881, amended March 6, 1899

Assembly Bill No 1322—An Act to amend Section 4248 of the Political Code as amended in 1907, statutes of 1907, pages 476 and 479, relating to the compensation of officers in counties of the nineteenth class

Assembly Bill No. 1335—An Act forbidding the manufacture or sale of falsely or spuriously stamped articles of merchandise made of gold or silver or their alloys, and prescribing a penalty therefor.

Assembly Bill No. 1006—An Act to amend sections six, seven, fifteen, seventeen, and nineteen of an Act entitled "An Act to create for the State of California a Department of Engineering, to provide for the appointment of the officers and employees thereof, defining its powers, and prescribing the duties of said department, its officers, and employees, to provide the compensation of such officers and employees, to make an appropriation for the salaries and other expenses for the remainder of the fifty-eighth fiscal year, and making certain acts a felony, and repealing an Act entitled 'An Act creating a Commissioner of Public Works, defining his duties and powers, and fixing his compensation,' approved February ninth, nineteen hundred, and all Acts or parts of Acts amendatory thereof, also repealing an Act entitled 'An Act to create a Department of Highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employees thereof, and to provide for the compensation of said officers and employees, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year,' approved April first, eighteen hundred and ninety-seven; also repealing an Act entitled 'An Act providing for the appointment of an auditing board to the Commissioner of Public Works, authorizing and directing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredges, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn lands and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this Act,' approved March seventeenth, eighteen hundred and ninety-seven, and all Acts or parts of Acts amendatory thereof, also repealing an Act entitled 'An Act to provide for the appointment, duties, and compensation of a Débris Commissioner, and to make an appropriation to be expended under his directions in the discharge of his duties as such commissioner,' approved March twenty-fourth, eighteen hundred and ninety-three, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled 'An Act to create the office of Lake Tahoe Wagon Road Commissioner, providing the term of office and compensation of such commissioner, defining his duties, and making an appropriation for the salary and expenditures provided for and authorized by this Act,' approved April first, eighteen hundred and

ninety-seven, and all Acts or parts of Acts amendatory thereof," approved March eleventh, nineteen hundred and seven, relating to the officers and employees of the Department of Engineering, their powers, duties, and salaries, and appropriating money to provide a revolving fund for said department

YOUNG, Chairman.

The above reported bills ordered on file for third reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1909.

MR SPEAKER Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled

Assembly Bill No. 573—An Act to amend Section 161*a* of the Penal Code of California, relating to falsely advertising as an attorney.

Assembly Bill No. 8—An Act to amend Sections 271 and 271*a* of the Penal Code of the State of California, all relating to crimes against children

Assembly Bill No. 198—An Act to amend Sections 1715 and 1716 of the Political Code, relating to school libraries.

Assembly Bill No. 227—An Act to add a new section to the Political Code of the State of California, to be numbered 1195*a*, relating to the advertising of amendments to the Constitution.

Assembly Bill No. 228—An Act to amend Section 1543 of the Political Code, so as to provide for suspended school districts

Assembly Bill No. 262—An Act to add a new section to the Political Code, to be numbered Section 4052*b*, relating to the disposition of property of the counties.

Assembly Bill No. 373—An Act to add two new sections to the Political Code, to be numbered 3196*a* and 3196*b*, relating to the protection of farm names.

Assembly Bill No. 592—An Act to amend an Act entitled "An Act relating to commitments to the State School at Whittier and to the Preston School of Industry; fixing the authority to examine and commit to such schools with the superior court judges of the counties, and fixing the responsibilities from which commitments are made to the State for maintenance of the persons committed therefrom; providing for the manner of payment thereof, and fixing the responsibility of the parents to the counties from which their children are committed," approved March 26, 1895

Assembly Bill No. 607—An Act to amend section three thousand and seventy-five of the Political Code of the State of California, relating to the office of the State Registrar of the Bureau of Vital Statistics and the State Board of Health, and providing for deputies, clerks, and assistants, and their compensation.

Assembly Bill No 647—An Act to amend Section 4280 of the Political Code, relating to salaries and fees of officers of counties of the fifty-first class

Assembly Bill No 655—An Act to amend Section 2524 of the Political Code, relating to the jurisdiction, powers and duties of the Board of State Harbor Commissioners

Assembly Bill No 710—An Act authorizing the payment of assessments levied in Reclamation District No. 791 to be made to the county treasurer of the county of Sacramento

Assembly Bill No. 848—An Act to provide for the gathering, compiling, printing, and distribution of statistics and information regarding the Japanese of the State, and making an appropriation therefor

Assembly Bill No. 934—An Act to amend an Act entitled "An Act to continue in force school teachers' certificates, State educational diplomas, and life diplomas," approved February 5, 1880.

Assembly Bill No. 1059—An Act pertaining to the establishment of a uniform system of county and township governments, and amending Section 4273 of the Political Code, relating to the salaries and fees of officers of counties of the forty-fourth class

Assembly Bill No 1109—An Act to prohibit within certain limits the mooring and anchoring of house-boats in rivers and streams, and the maintaining of privies, vaults, cesspools, sewer pipes and conduits to the banks of rivers and streams, and providing for punishment for violation thereof, declaring such acts to be public nuisances, and providing for the abatement of such nuisances.

Assembly Concurrent Resolution No 5—WHEREAS, The Alaska-Yukon-Pacific Exposition is intended to commemorate an event of great importance in the history of the United States, and more particularly of the entire Pacific coast, and

WHEREAS, It is fit and proper that the State of California shall be officially represented in the exercises incidental to the formal opening of such exposition in the city of Seattle, Washington, June 1, 1909, therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring, That, as part of such celebration, the Lieutenant-Governor shall appoint seven members of the Senate, and the Speaker of the Assembly shall name a like number of members of the Assembly, who, with the Governor, the Lieutenant-Governor, the President pro tem of the Senate, and the Speaker and the Speaker pro tem. of the

Assembly, shall represent the State of California at the time and place and the occasion mentioned.

Resolved, That, for the purposes aforesaid, the sum of five thousand dollars, or as much thereof as may be necessary, is hereby appropriated, one half from the contingent fund of the Senate, and one half from the contingent fund of the Assembly, the same to be expended under the supervision and direction of the select committee authorized, and in the manner herein set forth

And were presented to the Governor March third, at ten o'clock A. M.

YOUNG, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1909.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled:

Assembly Concurrent Resolution No. 11—Approving the charter of the city of Richmond, State of California, voted for and ratified by the qualified voters of said city at a special municipal election held therein for that purpose on the 9th day of February, 1909.

Assembly Bill No 440—An Act to amend Section 4237 of the Political Code, relating to county and township officers of counties of the eighth class.

Assembly Bill No. 604—An Act to amend Section 1492 of the Political Code of the State of California, relating to the duties of the joint board of State Normal School Trustees.

Assembly Bill No. 751—An Act to amend Section 2572 of the Political Code of the State of California, relating to the Board of Harbor Commissioners of the Port of Eureka, and to add a new section to the Political Code, to be known as Section 2568½, also relating to the Board of Harbor Commissioners of the Port of Eureka.

Assembly Bill No. 618—An Act to amend Sections 3921 and 3923, of the Political Code, relating to and defining the boundaries of Sierra and Nevada counties

And were presented to the Governor March first, at eleven o'clock and forty-five minutes A. M

YOUNG, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1909.

MR SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following concurrent resolution has been correctly enrolled: Assembly Concurrent Resolution No 10—Approving the charter of the town of Berkeley, State of California, and the alternative proposition submitted therewith, voted for and ratified by the qualified voters of said town at a special municipal election held therein for that purpose on the 30th day of January, 1909—and was presented to the Governor March third, at four o'clock P. M.

YOUNG, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1909.

MR SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bill correctly reengrossed:

Assembly Bill No. 250—An Act to amend Section 1874 of the Political Code of California, relating to standing committee on text-books.

YOUNG, Chairman.

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1909.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No 1405—An Act to amend Section 1251 of the Code of Civil Procedure of the State of California, relating to proceedings to exercise the right of eminent domain—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

JOHNSON OF SACRAMENTO, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1909.

MR SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No 1252—An Act to amend Section 1240 of the Code of Civil Procedure of the State of California, relating to the taking of private property for public use—have had the same under consideration, and respectfully report the same back, with three amendments, and recommend that it do pass as amended.

JOHNSON OF SACRAMENTO, Chairman.

ON LABOR AND CAPITAL.

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1909.

MR SPEAKER: Your Committee on Labor and Capital, to whom was referred Senate Bill No 194—An Act to amend sections two, three, four, and six of an Act entitled "An Act regulating the employment and hours of labor of children, prohibit-

ing the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

NELSON, Chairman.

ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1909

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 1224—An Act to amend Section 4360*a* of the Political Code—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

HANS, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1909.

MR SPEAKER: Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 1365—An Act to amend section four thousand two hundred and thirty-two of the Political Code of the State of California, referring to counties of the third class—enclose a committee substitute for the original bill, and recommend that it do pass, and be referred to the Alameda County Delegation.

HANS, Chairman.

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1909.

MR SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No 127—An Act authorizing and directing the Board of Managers of the California Home for the Care and Training of Feeble-Minded Children to erect, construct and equip a pavilion to be used as a gymnasium for boys at the California Home for Feeble-Minded Children, and making an appropriation therefor.

Also Assembly Bill No 130—An Act authorizing and directing the Board of Managers of the California Home for the Care and Training of Feeble-Minded Children to purchase and install laundry machinery at the California Home for the Care and Training of Feeble-Minded Children, and making an appropriation therefor.

Also Assembly Bill No 131—An Act authorizing and directing the Board of Managers of the California Home for the Care and Training of Feeble-Minded Children to develop the water supply at the California Home for the Care and Training of Feeble-Minded Children, and making an appropriation therefor.

Also Assembly Bill No. 132—An Act making an appropriation for the completion of repairs to the manor house at the California Home for the Care and Training of Feeble-Minded Children

Also: Assembly Bill No. 595—An Act making an appropriation for the purpose of enlarging the power house at the California Home for the Care and Training of Feeble-Minded Children and for the purchase and installation therein of two steam boilers and necessary tools and machinery.

Also Assembly Bill No. 669—An Act to provide for the re-appropriation of the unexpended balance of money appropriated by an Act entitled "An Act making an appropriation to pay certain claims against the California Home for the Care and Training of Feeble-Minded Children" approved March 7, 1905.

Also. Assembly Bill No 1063—An Act making an appropriation for furnishing the manor house at the California Home for the Care and Training of Feeble-Minded Children at Eldridge, California.

Also Assembly Bill No 781—An Act to authorize the local boards of managers of the several State hospitals for the insane and homes for the feeble-minded of the State of California to employ regularly ordained ministers and priests to visit and perform spiritual duties and ministrations to the inmates of said State hospitals and homes for the feeble-minded and to provide for their compensation

Also Assembly Bill No 762—An Act to provide for the reforestation, the cutting of fire lanes and fire trails on the San Bernardino Forest Reserve, and to make an appropriation therefor

Also: Senate Bill No 222—An Act making an appropriation of two thousand five hundred dollars for restoring certain records in the office of the Clerk of the Supreme Court in the city of San Francisco

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

BEARDSLEE, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1909.

MR SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 128—An Act authorizing and directing the Board of Managers of the California Home for the Care and Training of Feeble-Minded Children to

enlarge and repair the hospital building at the California Home for the Care and Training of Feeble-Minded Children, and making an appropriation therefor

Also: Assembly Bill No. 596—An Act making an appropriation for the erection and construction of a building at the California Home for the Care and Training of Feeble-Minded Children, as an addition to the present kitchen, to be used for the accommodation of a cold storage and ice plant; for the purchase and installation in the said building of a cold storage and ice plant, for repairs to the present kitchen at said home, and for the purchase and installation in said kitchen of necessary kitchen ranges and cooking utensils.

Also: Assembly Bill No 635—An Act authorizing and directing the Board of Managers of the Agnew State Hospital to continue the work of replacing and reconstructing and reequipping for the accommodation and treating of patients' buildings destroyed April 18, 1906, to appropriate the sum of three hundred seventy-five thousand dollars therefor, to direct the manner of expenditure thereof, to remove restriction upon the per capita cost, and authorizing and directing the State Controller to draw his warrant for the said sum, and the State Treasurer to pay the same.

Also: Senate Bill No 510—An Act to purchase from the heirs of William Cogswell, deceased, two paintings, one of ex-President Abraham Lincoln and the other of ex-President William McKinley, the same to be hung in the State Capitol building, and to appropriate the sum of two thousand dollars therefor

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended

BEARDSLEE, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1909.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No 1052—An Act appropriating three hundred dollars and thirty-three cents to pay the claim of Anthony Lorr—return the same, accompanied by the statement from the Controller's office, setting forth the fact that the claim embodied in Assembly Bill No. 1052 had been previously paid by the State, that the aforesaid mentioned statement from the State Controller be printed in the Journal, and that the author of Assembly Bill No 1052 be requested to withdraw the bill.

BEARDSLEE, Chairman

DATA FURNISHED BY ADJUTANT GENERAL'S OFFICE RELATIVE TO CLAIM OF ANTHONY LORR FOR AMOUNTS ALLEGED TO BE DUE HIM FROM THE SOLDIERS' RELIEF AND BOUNTY FUNDS BY REASON OF SERVICE IN COMPANY E, FIRST INFANTRY, AND COMPANY A, FIRST VETERAN INFANTRY CALIFORNIA VOLUNTEERS CIVIL WAR

Records show the following:

Anthony Lorr enlisted at Sacramento, Cal., as a private in Company E, First Infantry, California Volunteers, War of Rebellion, and was mustered in to the service on August 26, 1861, that he reenlisted as a veteran volunteer at Fort Craig, New Mexico, January 20, 1864, in Company A, First Veteran Infantry, California Volunteers; and that he was honorably discharged, by reason of muster-out of company, September 9, 1866

Two claims and powers of attorney combined appear to have been filed with the State Controller, after passing through the hands of the board of auditors on bounty and relief claims (of which the Adjutant General was secretary), as follows: The first executed by Anthony Lorr in favor of one William T. Coleman, of San Francisco, on September 7, 1864, and witnessed by Thomas L Roberts, Captain Company E, First Infantry, California Volunteers, and William V. B Wardwell, for the amount due said Lorr as a private in Company E, First Infantry, California Volunteers, under an Act entitled "An Act for the relief of the enlisted men of the California Volunteers, in the service of the United States," approved April 27, 1863, and supplemental Act, approved March 15, 1864. The amount appearing upon the briefing fold of this claim (in pencil) is $145 50, the correctness of which can be ascertained by the records in the State Controller's office

The second claim, etc., executed by the said Anthony Lorr on September 10, 1866, in favor of one John H Steele, for the amount due him by reason of service in Company A, First Veteran Infantry, California Volunteers ($159 83), under the Acts of the Legislature above mentioned

According to the records of the Controller's office both of the above claims seem to have been allowed and paid to the respective attorneys in fact named in the instruments There would, therefore, appear to be nothing further due on this account from the State

CONTROLLER'S OFFICE
SACRAMENTO, March 2, 1909.

The above statement agrees in all particulars with the data on record in this office.

(Signed) A. B. NYE, State Controller.

ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1909.

MR SPEAKER Your Committee on Education, to whom was referred Senate Bill No 292—An Act to amend Section 1665 of the Political Code, relative to the course of study in public schools of the State of California.

Also Assembly Bill No. 1364—An Act to amend Section 1622 of the Political Code, relating to teachers' salaries, and fixing a minimum to be paid

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

SACKETT, Chairman

ON REVISION AND REFORM OF LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1909.

MR SPEAKER Your Committee on Revision and Reform of Laws, to whom was referred Assembly Bill No. 867—An Act to repeal an Act entitled "An Act to prevent the spread of contagious or infectious diseases among domestic animals," approved March 23, 1893

Also Assembly Bill No. 868—An Act to add a new section to the Penal Code of the State of California, to be known as Section 374*a*, relating to contagious or infectious diseases among domestic animals

Also Assembly Bill No. 851—An Act to repeal an Act entitled "An Act to prohibit the desecration of the flag of the United States, and to provide a punishment therefor," approved March 2, 1899.

Also Assembly Bill No. 852—An Act to add a new section to the Penal Code of the State of California, to be known as Section 648*b*, relating to advertising on the American flag

Also Assembly Bill No. 853—An Act to repeal an Act entitled "An Act to authorize boards of supervisors to pay the expenses of posse comitatus in criminal cases," approved April 16, 1880.

Also Assembly Bill No. 854—An Act to add a new section to the Penal Code of California, to be known as Section 151, relating to authorizing boards of supervisors to pay the expenses of posse comitatus in criminal cases.

Also Assembly Bill No. 855—An Act to repeal an Act entitled "An Act to prevent the spread of contagious diseases among animals," approved March 20, 1905

Also Assembly Bill No 856—An Act to add three new sections to the Penal Code of California, to be known as Sections 374*b*, 374*c*, and 374*d*, preventing the spread of contagious diseases among animals

Also Assembly Bill No 857—An Act to add a new section to the Penal Code of California, to be known as Section 1088*a*, relating to parole commissioners for the parole of and government of paroled prisoners

Also Assembly Bill No 858—An Act to repeal an Act entitled "An Act to establish Board of Parole Commissioners for the parole of and government of paroled prisoners" approved March 23, 1893.

Also Assembly Bill No 859—An Act to add a new section to the Penal Code of California, to be known as Section 721, relating to authorizing and requiring boards or commissions having the management and control of paid police force to grant the members thereof yearly vacations

Also Assembly Bill No. 860—An Act to repeal an Act entitled "An Act authorizing and requiring boards or commissions having the management and control of paid police force to grant the members thereof yearly vacations," approved March 10, 1891.

Also Assembly Bill No 861—An Act to add a new section to the Penal Code of California, to be known as Section 773, relating to the intoxication of officers

Also Assembly Bill No 862—An Act to repeal an Act entitled "An Act relating to the intoxication of officers," approved April 15, 1880

Also Assembly Bill No 863—An Act to add two new sections to the Penal Code of California, to be known as Sections 1597 and 1598, relating to authorizing and empowering the State Board of Prison Directors to purchase California-grown hemp, to be used in the manufacture of grain bags, and to fix the price at which such bags shall be sold, and the payment of the expenses and costs of the trial of convicts for crimes committed in the State prison, and to pay the costs of the trial of escaped convicts, and to pay for the expenses of coroner's inquests in said prison

Also Assembly Bill No 864—An Act to repeal an Act entitled "An Act to authorize and empower the State Board of Prison Directors to purchase California-grown hemp, to be used in the manufacture of grain bags, and to fix the price at which such bags shall be sold," approved March 16, 1901.

Also Assembly Bill No 865—An Act to repeal an Act entitled "An Act to more fully define the crime of larceny," approved March 6, 1872

Also Assembly Bill No. 866—An Act to add two new sections to the Penal Code of the State of California, to be known as Sections 502*a* and 502*b*, relating to larceny of real estate.

Also Assembly Bill No 869—An Act to amend Section 597 of the Penal Code of the State of California, relating to cruelty to animals.

Also: Assembly Bill No. 870—An Act to repeal an Act entitled "An Act to prohibit the use of the bristle bur, tack bur, or other like devices on horses or other animals in this State," approved March 13, 1903

Also: Assembly Bill No. 871—An Act to repeal an Act entitled "An Act concerning actions for libel and slander," approved March 2, 1872.

Also: Assembly Bill No. 872—An Act to add three new sections to the Code of Civil Procedure of California, to be known as Sections 1040, 1041, and 1042, relating to libel and slander.

Also: Assembly Bill No. 873—An Act to repeal an Act entitled "An Act to protect stockholders and persons dealing with corporations in this State," approved March 29, 1878.

Also: Assembly Bill No. 875—An Act to amend Section 74*a* of the Penal Code of California, relating to the protection of labor and wages of employees on public works

Also: Assembly Bill No 876—An Act to repeal an Act entitled "An Act to protect the wages of labor and the salaries and fees of subordinate officers," approved April 1, 1872.

Also: Assembly Bill No. 877—An Act to repeal an Act entitled "An Act forbidding the payment of municipal officers out of the funds of the county," approved March 8, 1905.

Also: Assembly Bill No. 878—An Act to add a new section to Chapter XII, Title II, Part IV of the Political Code of the State of California, to be known as Section 4326, relating to charges of city justices and constables against counties.

Also: Assembly Bill No. 879—An Act to add a new section to Article III, Chapter III, Title VI, Part III of the Political Code of the State of California, to be known as Section 2882, relating to ferries across navigable rivers separating counties, and empowering the boards of supervisors of such counties to establish and maintain ferries across such rivers, and to pay the expense thereof.

Also: Assembly Bill No. 880—An Act to repeal an Act entitled "An Act relating to ferries across navigable rivers separating counties, and empowering the boards of supervisors of such counties to establish and maintain ferries across such rivers, and to pay the expense thereof," approved March 16, 1903.

Also: Assembly Bill No. 881—An Act to repeal an Act entitled "An Act to prohibit the creation of debts against the State in excess of appropriations made by law, except in cases of actual necessity and on consent of the Board of Examiners"

Also: Assembly Bill No 882—An Act to add a new section to the Political Code of the State of California, to be known as Section 689, prohibiting the creation of debts against the State in excess of appropriations made by law, except in cases of actual necessity and on consent of the Board of Examiners.

Also: Assembly Bill No. 883—An Act to repeal an Act entitled "An Act empowering boards of supervisors of any of the several counties of the State of California to levy a special tax for the purpose of displaying the products and industries of any county in the State at domestic or foreign expositions, for the purpose of encouraging immigration and increasing trade in the products of the State," approved March 23, 1901.

Also: Assembly Bill No. 889—An Act to amend an Act entitled "An Act to enable incorporated cities and counties and cities and towns to acquire, maintain, and improve public parks and boulevards," approved March 19, 1889.

Also: Assembly Bill No 893—An Act to amend section two hundred and forty-six of the Civil Code of the State of California, relating to guardian and ward.

Also: Assembly Bill No. 894—An Act to repeal an Act entitled "An Act to provide for the appointment of guardians of children maintained in an orphans' home or orphan asylum in this State," approved March 23, 1893

Also: Assembly Bill No. 899—An Act to repeal an Act entitled "An Act to secure to native born and naturalized citizens of the United States the exclusive right to be employed in any department of the State, county, city and county, or incorporated city or town government in this State," approved March 23, 1901.

Also: Assembly Bill No. 900—An Act to amend the Political Code of the State of California, by adding thereto three new sections, to be numbered as Sections 3251, 3253, and 3254, relating to the exclusion of all persons, except native born and naturalized citizens of the United States from employment in any department of the State, county, city and county, or incorporated city or town government in this State.

Also: Assembly Bill No. 905—An Act to repeal an Act entitled "An Act to authorize the Governor to employ a stenographer for his office, and to provide for the payment of his salary," approved January 15, 1891

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended

RECH, Chairman.

The above reported bills, with the exception of Assembly Bill No. 1052, ordered on file for second reading.

Assembly Bill No. 1052 withdrawn by unanimous consent.

SPECIAL ORDER RESET.

On motion of Mr. Johnson of Sacramento, the consideration of Assembly Bill No. 23 was made a special order for Thursday, March 4, 1909, at three o'clock and thirty minutes P. M.

THIRD-READING FILE—(RESUMED).

Assembly Bill No. 702—An Act to amend Section 2319 of the Political Code of the State of California, relating to the office of the State Commissioner of Horticulture, the powers and duties of said commissioner, and the salaries, duties, and qualifications of his appointees.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 702 passed by the following vote:

AYES—Messrs. Barndollar, Beatty, Callan, Cattell, Cogswell, Costar, Cronin, Dean, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnston of Contra Costa, Juilliard, Kehoe, Lightner, Maher, Melrose, Mendenhall, Nelson, Odom, Otis, Perine, Preston, Pulcifer, Silver, Stuckenbruck, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—47

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

SECOND-READING FILE—(RESUMED).

Assembly Bill No. 289—An Act to amend Section 789 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to termination of estates.

During second reading of bill, the following amendment was submitted by the committee:

Strike out the words "Tenancy at will may be terminated by notice", in line 3, Section 1, of the printed bill.

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 290—An Act to amend Section 1265 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to homesteads and exemptions.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1

Strike out the words "Tenure by which homestead is held", in line 3, of Section 1, page 1, of the printed bill.

Amendment adopted.

AMENDMENT No 2

Strike out Section 2 of the printed bill.

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

RE-REFERENCE OF BILL

On motion of Mr. Hinkle, Assembly Bill No. 939 was re-referred to Committee on Medical and Dental Laws.

THIRD-READING FILE—(RESUMED).

Assembly Bill No. 1087—An Act to prevent fishing or the taking of fish by means of weirs, dams, nets, traps, or seines in False Bay, or in the entrance thereto

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No 1087 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Black, Bohnett, Butler, Callan, Cogswell, Collier, Costar, Cronin, Dean, Drew, Feeley, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Nelson, Odom, Otis, Preston, Sackett, Silver, Stuckenbruck, Telfer, Wagner, Webber, Whitney Wilson, Wyllie, and Young—56

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1228—An Act to amend Sections 385 and 386 of the Political Code, relating to the salaries of the Private Secretary and the Executive Secretary of the Governor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1228 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beatty, Beban, Black, Bohnett, Butler, Callan, Collum, Costar, Cronin, Cullen, Drew, Feeley, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Hanlon Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, Melrose, Mendenhall, Mott, Nelson, Odom, Otis, Preston, Sackett Wagner, Webber, Wilson, Wyllie, and Young—52

NOES—Mr Stuckenbruck—1

Title read and approved.

Bill ordered transmitted to the Senate.

SECOND-READING FILE—(RESUMED).

Assembly Bill No 1369—An Act authorizing property owners or their grantees or assignees to sue the State of California for damages done to real property situated at Wood Island, county of Sacramento, by reason of the construction and maintenance of jetties in the Sacramento River, known as Newtown Jetties, making an appropriation therefor, and repealing an Act entitled "An Act to authorize the Lauritzen Company of San Francisco, a corporation, to sue the State of California," approved March 23, 1907.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Strike out of the printed bill all of Section 5, and insert in lieu thereof the following "Sec 5 The action to be brought under this Act shall be decided on the merits of the case, and no statute of limitation shall apply to the cause or causes of action sued on hereunder"

Amendment adopted.

AMENDMENT No. 2

Strike out of the printed bill all of Section 6, and insert in lieu thereof the following: "Sec. 6 Either party defeated in the suit or suits authorized to be brought by this Act shall have the right of appeal to the District Court of Appeal and to the Supreme Court, the same as in other civil cases."

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment

THIRD-READING FILE—(RESUMED).

Assembly Bill No. 603—An Act to amend the Penal Code of California by adding thereto a new section, to be numbered 181*a*, relating to the falsification of books and accounts.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 603 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beban, Black, Bohnett, Callan, Cogswell, Collier, Collum, Costar, Cronin, Dean, Drew, Feeley, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Hanlon, Hans, Hawk, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, Melrose, Mendenhall, Mott, Nelson, Odom, Otis, Polsley, Preston, Sackett, Silver, Stuckenbruck, Telfer, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, and Young—55.

NOES—None

Title read and approved

Bill ordered transmitted to the Senate.

Assembly Bill No. 654—An Act to amend Section 870 of the Penal Code, relating to the keeping and furnishing of depositions on examinations in criminal charges.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 654 passed by the following vote:

AYES—Messrs Barndollar, Beban, Black, Bohnett, Butler, Callan, Coghlan, Collier, Costar Cronin, Cullen, Dean, Drew, Fleisher, Flint, Gillis, Hans, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Kehoe, Leeds, Macauley, Maher, McManus, Melrose, Mendenhall, Mott, Nelson Odom, Otis, Polsley, Preston, Sackett, Silver, Stuckenbruck, Telfer, Wagner, Wheelan, Whitney, Wilson, Wyllie, and Young—48

NOES—Messrs Collum, Feeley, and Lightner—3

Title read and approved

Bill ordered transmitted to the Senate

Assembly Bill No. 1262—An Act authorizing municipal corporations to permit other municipal corporations to construct and maintain sewers, water mains, and other conduits therein, also to construct and maintain sewers, water mains, and other conduits for their joint benefit, and at their joint expense, and to make and enter into contracts for said purposes.

During the third reading of the bill, Mr. Leeds moved that the Speaker appoint a select committee of one to amend the bill, as follows:

On page 2, Section 2, line 7, of the printed bill, strike out the words "it of", and insert in lieu thereof the words "by such municipal corporation of certain"

Also On page 2, Section 2, of the printed bill, strike out all of lines 14, 15, 16, 17, 18, and 19, and insert in lieu thereof the following "situated Said resolution shall contain a description of the sewers, water mains or other conduits proposed to be constructed and maintained in such other municipal corporation or

corporations, and shall designate the streets, or other public places thereof, in, across or along which such sewers, water mains, or other conduits, are so proposed to be constructed and maintained Said resolution shall be accompanied by a request in writing that the municipal corporation on behalf of which the same is made, signed by the clerk thereof, be granted permission to construct and maintain the sewers, water mains or other conduits described in said resolution The".

Motion carried.

The Speaker appointed Mr. Leeds as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1909

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 1262, with instructions, do now report that the instructions of the Assembly have been carried out.

LEEDS, Select Committee

Report of select committee, and amendments, adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No. 705—An Act to amend Section 597 of the Penal Code, relating to cruelty to animals.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 705 passed by the following vote:

AYES—Messrs. Barndollar, Beatty, Beban, Black, Bohnett, Butler, Callan, Coghlan, Cogswell, Collier, Collum, Costar, Cullen, Drew, Feeley, Fleisher, Flint, Gerdes, Gibbons, Gillis, Hans, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Kehoe, Leeds, Lightner, Macauley, Maher, McManus, Melrose, Mendenhall, Mott, Nelson, Odom, Preston, Sackett, Silver, Stuckenbruck, Telfer, Wagner, Wheelan, Whitney, Wilson, Wyllie, and Young—52.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

ADJOURNMENT.

At five o'clock P. M., on motion of Mr. Johnson of Sacramento, the Assembly was declared adjourned.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL.,
Thursday, March 4, 1909.

At nine o'clock and thirty minutes A. M., pursuant to adjournment, the Assembly was called to order

Hon. P. A. Stanton, Speaker of the Assembly, in the chair.

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

Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Bohnett, Callan, Cattell, Coghlan, Cogswell, Collier Collum, Costar, Cronin, Cullen, Dean, Drew, Feeley, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds,

Lightner, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Wilson, Young, and Mr Speaker—71.

Quorum present.

LEAVES OF ABSENCE.

On motion, leave of absence for the day was granted to Messrs. Wyatt and Flavelle.

PRAYER.

Prayer was offered by the Chaplain, Rev. Seren N Marsh.

MOTION.

On motion of Mr. Odom, the following portion of the Chaplain's prayer was ordered printed in the Journal:

It is with sorrow and regret, our blessed Lord, that we have learned of the illness of our beloved brother Assemblyman from the sixty-seventh district, the Hon J W. Flavelle, who on last night took his departure from the capital for his home at Ontario We know not what Thy purposes may be in this case, but we do know that the Lord of heaven and earth will do right. If it be in accordance with Thy sovereign will we pray Thee to raise our brother up and permit him to return to us, that he may cooperate with us in closing up the affairs of the thirty-eighth Legislature of the State of California.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Black, its further reading was dispensed with.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1909.

MR SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 1217—An Act to amend section one thousand four hundred sixty-five of the Code of Civil Procedure, relating to the setting apart of property exempt from execution for use of the family

Also: Assembly Bill No. 1218—An Act to amend section one thousand seven hundred twenty-three of the Code of Civil Procedure, relating to the disposition of life estates and homestead property on owner's death in certain cases.

Also: Assembly Bill No. 1219—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as number one thousand four hundred and sixty-five and one half, relating to notices to be given of petitions to set aside exempt property for the use of the family.

Also: Senate Bill No. 623—An Act to amend Section 607*e* of the Civil Code of the State of California, relating to the disposition to be made of certain fines, penalties and forfeitures.

Also Senate Bill No. 954—An Act to amend Section 848 of the Code of Civil Procedure of California, relating to service of summons in Justices' Courts

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

JOHNSON OF SACRAMENTO, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1909

MR SPEAKER: Your Committee on Judiciary, to whom was referred Senate Bill No. 548—An Act to amend Section 399 of the Code of Civil Procedure of the State of California, relative to the payment of costs in transferring actions or proceedings—have had the same under consideration, and a majority respectfully report the same back, and recommend that it do pass, and a minority report that it do not pass

JOHNSON OF SACRAMENTO, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1909

MR SPEAKER Your Committee on Judiciary, to whom was referred Senate Bill No 552—An Act to amend Section 852 of an Act entitled "An Act to provide for

the organization, incorporation, and government of municipal corporations," approved March 13, 1883—have had the same under consideration, and respectfully report the same back, without recommendation

JOHNSON OF SACRAMENTO, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1909

MR SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 1011—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations" approved March 13, 1883, and regulating the procedure to be followed for the annexation of additional territory to municipal corporations—report the same back, with four amendments, and recommend that it do pass as amended

Also, Assembly Bill No. 1012—An Act to amend an Act entitled "An Act to provide for the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipalities, and for the districting, government, and municipal control of annexed territory," approved March 19, 1889, and regulating the procedure to be followed for the annexation of additional territory to incorporated towns and cities—report the same back, with four amendments, and recommend that it do pass as amended

Also: Assembly Bill No. 1393—An Act to amend Section 868 of the Code of Civil Procedure of the State of California, relating to writ of attachment, the officers to whom the writ may be addressed; the substance of, and the undertaking upon attachment—report the same back, with one amendment, and recommend that it do pass as amended

Also: Assembly Bill No. 1395—An Act to amend Section 540 of the Code of Civil Procedure of the State of California, relating to whom the writ must be directed, and what it shall contain—report the same back, with one amendment, and recommend that it do pass as amended

Also: Senate Bill No. 330—An Act to amend Article V, Chapter VI, Title XI, Part III, of the Code of Civil Procedure of the State of California, by amending Section 1577 thereof and adding a new section, to be numbered 1580, relating to the real property of decedents, minors, and incompetent persons—report the same back, with five amendments, and recommend that it do pass as amended.

JOHNSON OF SACRAMENTO, Chairman.

ON COUNTY AND TOWNSHIP GOVERNMENTS

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1909

MR SPEAKER: Your Committee on County and Township Governments, to whom was referred Senate Bill No. 832—An Act to amend Section 2712 of the Political Code of California, relating to the powers of the board of supervisors.

Also: Senate Bill No. 685—An Act to add a new section to the Political Code of the State of California, to be numbered four thousand two hundred and forty-three *a*, relating to the compensation of jurors in counties of the fourteenth class

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

HANS, Chairman

ON PUBLIC HEALTH AND QUARANTINE.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1909

MR SPEAKER: Your Committee on Public Health and Quarantine, to whom was referred Assembly Bill No. 910—An Act to amend section five of an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State for the construction of sewers and other sanitary purposes the acquisition of property thereby; the calling and conducting of elections in such districts, the assessment, levy collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1891, and as amended by a certain Act approved March 26, 1895—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BARNDOLLAR, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1909

MR SPEAKER: Your Committee on Public Health and Quarantine, to whom was referred Senate Bill No. 936—An Act to amend Section 4 of an Act entitled "An Act for preventing the manufacture, sale, or transportation of adulterated, mislabeled, or misbranded foods and liquors, and regulating the traffic therein, providing penalties, establishing a state laboratory for foods, liquors, and drugs, and making an appropriation therefor," approved March 11, 1907, relating to the adulteration of foods—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

BARNDOLLAR, Chairman

ON STATE PRISONS AND REFORMATORY INSTITUTIONS

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1909.

MR. SPEAKER: Your Committee on State Prisons and Reformatory Institutions, to whom was referred Assembly Bill No. 828—An Act providing for the building of cottages for guards at the State prison at San Quentin, and appropriating money therefor—have had the same under consideration and respectfully report the same back, with two committee substitutes, "A" and "B," and recommend that the two substitutes do pass.

HAMMON, Chairman

ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1909.

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 1283—An Act to add a new section to the Political Code, to be known as Section 1665*a*, providing for the establishment and maintenance in cities of the first class of one or more public schools called cosmopolitan schools, in which shall be taught the French, Italian, and German languages in connection with the English branches—have had the same under consideration, and respectfully report the same back, without recommendation.

SACKETT, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1909

MR SPEAKER: Your Committee on Education, to whom was referred Senate Bill No. 809—An Act adding a new section to the Political Code of the State of California, to be numbered Section 1584, relating to school districts.

Also: Senate Bill No. 983—An Act validating bonds heretofore voted and issued by joint union high school districts

Also: Senate Bill No. 1002—An Act to validate all bonds heretofore issued or ordered to be issued by or on behalf of any school district, high school district, union high school district, or joint union high school district, where authority for such issuance has already been given by a vote of more than two thirds of the electors of such district.

Also: Senate Bill No. 1042—An Act to add to the Penal Code of the State of California a new section, to be numbered 587*b*, to prevent trespassing upon railroad locomotives, tenders, cars and trains

Also: Senate Constitutional Amendment No 37—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending section seven of article nine thereof, relating to boards of education

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass

SACKETT, Chairman

ON BANKS AND BANKING

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1909

MR. SPEAKER: Your Committee on Banks and Banking, to whom was referred Senate Constitutional Amendment No. 44—A resolution to propose to the people of the State of California an amendment of the Constitution of the State of California, providing for the classification by the Legislature of cities and towns by population, for the purpose of regulating the business of banking, by amending section five, article twelve of the Constitution of the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted

TRANSUE, Chairman

ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1909

MR SPEAKER: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 558—An Act to amend an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof," approved February 25, 1901, as amended March 19, 1907, by amending Section 9 thereof

Also: Assembly Bill No. 949—An Act to amend Section 1 of an Act entitled "An Act to provide for the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipalities, and for the districting, government, and municipal control of annexed territory," approved March 19, 1889

Also: Assembly Bill No. 1153—An Act to provide for the incorporation, organization, and management of municipal water districts.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

FEELEY, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1909.

MR SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 38—An Act to provide for the relief of indigent Union, Spanish-American, Philippine insurrection, and Mexican war soldiers, sailors, and marines, and the families of those deceased or indigent, and to defray funeral expenses—have had the same under consideration, and respectfully report the same back, without recommendation.

FEELEY, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1909.

MR SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No 36—An Act to amend an Act entitled "An Act to provide for the classification of municipal corporations," approved March 2, 1883—have had the same under consideration, and respectfully report the same back, with two amendments, and recommend that it do pass as amended.

FEELEY, Chairman.

ON IRRIGATION

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1909

MR. SPEAKER: Your Committee on Irrigation, to whom was referred Senate Bill No 268—An Act to permit boards of directors of irrigation districts organized or existing under and by virtue of an Act of the Legislature entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, to provide for the payment in two installments of the assessments levied under and in accordance with the provisions of said Act—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

WAGNER, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1909.

MR SPEAKER: Your Committee on Irrigation, to whom was referred Assembly Bill No 743—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 59 thereof

Also Assembly Bill No. 1404—An Act to amend Section 29 of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Have had the same under consideration, and respectfully report the same back with three amendments, and recommend that it do pass as amended.

WAGNER, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1909.

MR SPEAKER Your Committee on Irrigation, to whom was referred Assembly Bill No 745—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 14 thereof—have had the same under consideration, and respectfully report the same back, and recommend that the committee substitute bill be substituted for Assembly Bill No. 745, and recommend that it do pass.

WAGNER, Chairman

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1909.

MR SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No 135—An Act to amend an Act entitled "An Act directing the Commissioner of the Bureau of Labor Statistics to collect certain statistics and present them in biennial reports, and making it the duty of certain officers to furnish such statistics in compliance with the provisions of this Act," approved March 18, 1905

Also Assembly Bill No 975—An Act making an appropriation to pay the claim of George H P. Shaw against the State of California.

Also Assembly Bill No 1072—An Act making an appropriation of one thousand seven hundred and twenty-five dollars ($1725) to be applied to the cost of building

concrete curb and gutter along the boundary of the grounds of the State normal school at San Jose, and defining the duties of the Controller and Treasurer in reference thereto

Also Assembly Bill No. 1168—An Act to appropriate the sum of sixty and fifty-one one-hundredths dollars to pay the claim of the Security Mutual Life Insurance Company against the State of California.

Also: Assembly Bill No. 1169—An Act to appropriate the sum of eleven and thirty one-hundredths dollars to pay the claim of the Life Association of America against the State of California

Also Assembly Bill No. 1170—An Act to appropriate the sum of $903.72 to pay the claim of the Massachusetts Mutual Life Insurance Company, of Springfield, against the State of California.

Also Assembly Bill No. 1171—An Act to appropriate the sum of $349.60 to pay the claim of the Minnesota Mutual Life Insurance Company against the State of California.

Also Assembly Bill No. 1172—An Act to appropriate the sum of three thousand four hundred sixty-two and eleven one-hundredths dollars to pay the claim of the New England Mutual Life Insurance Company against the State of California.

Also: Assembly Bill No 1173—An Act to appropriate the sum of two hundred twenty-two and eighty-five one-hundredths dollars to pay the claim of the Northwestern National Life Insurance Company against the State of California.

Also Assembly Bill No 1174—An Act to appropriate the sum of one thousand five hundred thirty-one and ninety-one one-hundredths dollars to pay the claim of the Prudential Insurance Company of America against the State of California.

Also Assembly Bill No 1175—An Act to appropriate the sum of eight hundred eighty-nine and ninety-five one-hundredths dollars to pay the claim of the Bankers' Life Association of Des Moines, Iowa, against the State of California

Also Assembly Bill No. 1176—An Act to appropriate the sum of one thousand seven hundred sixty-two and seventy-nine one-hundredths dollars to pay the claim of the Germania Life Insurance Company of New York against the State of California

Also Assembly Bill No. 1177—An Act to appropriate the sum of two thousand five hundred thirty-six and seventy-six one-hundredths dollars to pay the claim of the Ætna Life Insurance Company, of Hartford, Connecticut, against the State of California

Also Senate Bill No 145—An Act providing for an appropriation of $1,000.00 for the purchase of books and periodicals for the Whittier State School

Also Senate Bill No 271—An Act authorizing the Controller of State to appoint an Inheritance Tax Deputy, and prescribing his duties

Also Senate Bill No. 320—An Act providing for a biennial appropriation in the General Appropriation Bill for the support and maintenance of the Bureau of Criminal Identification of the State of California.

Also: Senate Bill No 364—An Act to amend an Act entitled "An Act to establish a School of Industry, to provide for the maintenance and management of the same, and to make an appropriation therefor," approved March 11, 1889.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass

BEARDSLEE, Chairman.

The above reported bills, with the exception of Assembly Bills Nos. 828 and 745, ordered on file for second reading:

Assembly Bills Nos. 828 and 745 withdrawn by unanimous consent.

Committee Substitutes "A" and "B" for Assembly Bill No. 828 adopted and ordered on file for second reading.

Committee Substitute "A" for Assembly Bill No 828—An Act providing for the repairing of the buildings at the State prison at San Quentin, and making an appropriation therefor.

Committee Substitute "B" for Assembly Bill No. 828—An Act for construction of cottages for the use of guards and employees at the State prison at San Quentin, and to make an appropriation therefor

Committee Substitute for Assembly Bill No. 745—An Act to amend Section 14 of an Act, entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby for works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes." approved March 31, 1897.

ON ENGROSSMENT AND ENROLLMENT

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1909.

MR SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed

Assembly Bill No. 773—An Act to change, establish, and permanently locate the boundary lines of the county of Kings, and a portion of the south and east boundary lines of the county of Fresno

Assembly Bill No. 990—An Act authorizing the construction, acquisition, maintenance, and control of a system of state highways in the State of California, specifying the work, fixing the payments to be made by counties for moneys expended therein; providing for the issuance and sale of State bonds to create a fund for the construction and acquisition of such system, creating a sinking fund for the payment of said bonds, and providing for the submission of this Act to a vote of the people

YOUNG, Chairman

The above reported bills ordered on file for third reading:

SENATE MESSAGES.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, March 3, 1909

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 898—An Act to provide for the purchase of portraits of Governor James N. Gillett and Lieutenant-Governor Warren R. Porter, by the State Board of Examiners, and to appropriate money therefor

Also Senate Bill No. 721—An Act to amend Section 15 of an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, relating to moneys received by the wardens thereof

Also Senate Bill No. 585—An Act to amend Sections 654, 684, and 685 of the Political Code, relating to the Board of Examiners

Also Senate Bill No. 990—An Act fixing a bounty on coyote scalps.

Also Senate Bill No. 944—An Act to amend Section 4246 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the seventeenth class

Also Senate Bill No. 34—An Act to establish a State Board of Embalmers, defining the duties thereof providing for the better protection of life and health, preventing the spread of contagious diseases, regulating the practice of embalming in connection with the care and disposition of the dead, and providing penalties for the violation thereof

Also Senate Bill No. 842—An Act to amend Article I, of Chapter I, of Title VIII, of Part III of the Political Code, relating to state school land

Also Senate Bill No. 1219—An Act to provide for the protection and preservation of shade and ornamental trees growing and to be grown upon the roads, highways, grounds, and property within the State of California, and for the planting, care, protecting and preservation of shade and ornamental trees, hedges, lawns, shrubs, and flowers growing and to be grown in and upon such roads, highways, grounds and property; and to create county boards of forestry for such purposes and to prescribe the duties and powers of such boards, and to authorize such boards to appoint county foresters; and to prescribe the duties and fix the compensation of county forester, and to empower such boards to enforce all laws and adopt and enforce any and all lawful and reasonable rules for the protection, planting, regulation, preservation, care, and control of such shade and ornamental trees, hedges, lawns, shrubs, and flowers

Also Senate Bill No. 215—An Act to make an appropriation to locate, survey, and obtain estimate of cost of a highway from Happy Camp, Siskiyou County, along the Klamath and Trinity rivers to Hoopa Valley, Humboldt County, and also from a point along said route up the Salmon River to Black Bear

Also Senate Bill No. 924—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known and numbered as Section 526a, relating to actions by taxpayers against officers and agents of any county, town, city or city and county in said State

Also Senate Bill No. 741—An Act to regulate and license the hunting of game birds and animals and the fishing for and catching of fish, and to provide revenue therefrom, for game and fish preservation and restoration

Also Senate Bill No. 33—An Act to establish the school of trades of the State of California in the city and county of San Francisco and providing for the selection, location, acquisition, and purchase of a site or sites in the said city and county of San Francisco, for the erection, equipment, and furnishing of a building or buildings, and for the improvement of the grounds thereof, for the use and occupancy of said school of trades, and making an appropriation therefor

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Senate Bill No. 898 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 721 read first time, and referred to Committee on State Prison and Reformatory Institutions.

Senate Bill No. 585 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 990 read first time, and referred to Committee on Public Morals.

Senate Bill No. 944 read first time, and referred to Committee on County and Township Governments.

Senate Bill No. 34 read first time, and referred to Committee on Public Morals.

Senate Bill No. 842 read first time, and referred to Committee on Public Lands and Forestry.

Senate Bill No. 1219 read first time, and referred to Committee on Roads and Highways

Senate Bill No. 215 read first time, and referred to Committee on Roads and Highways.

Senate Bill No. 924 read first time, and referred to Committee on Judiciary.

Senate Bill No. 741 read first time, and referred to Committee on Fish and Game

Senate Bill No 33 read first time, and referred to Committee on Judiciary.

Also:

SENATE CHAMBER, SACRAMENTO, March 4, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 15—Relative to the inauguration of Hon. William H. Taft and Hon. James S. Sherman as President and Vice-President of the United States.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Senate Concurrent Resolution No 15 read, adopted, and ordered transmitted to the Senate.

SENATE CONCURRENT RESOLUTION No 15.

WHEREAS, Honorable William H Taft is to-day about to be inaugurated into the office of President of the United States of America, and Honorable James S. Sherman is to-day about to be inaugurated into the office of Vice-President of the United States of America, and

WHEREAS, There is a general feeling of satisfaction and confidence among the people of this Union, because of the high character and splendid patriotism of their President-elect and Vice-President-elect; therefore, be it

Resolved by the Senate of the State of California, the Assembly concurring, That the congratulations of this Legislature in its thirty-eighth session, be extended to President-elect Taft and to Vice-President-elect Sherman upon their inauguration as President and Vice-President, respectively; and be it further

Resolved, That the best wishes of this Legislature be extended not only to the President-elect and Vice-President-elect, but to the whole people, whom they will serve and represent.

Also:

SENATE CHAMBER, SACRAMENTO, March 4, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 441—An Act to add a new section to the Code of Civil Procedure, to be numbered Section 103½, authorizing city justices in cities and towns of the third class to appoint a clerk.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Assembly Bill No. 441 ordered to enrollment.

RESOLUTION.

The following resolution was offered:

By Committee on Rules and Regulations:

WHEREAS, There are numerous bills before the Committee on State Prisons and Reformatory Institutions calling for the expenditure of large sums of money; and

WHEREAS, In order to properly judge of the value of said bills, it will be necessary for the members of said committee to visit the various reformatory institutions; therefore, be it

Resolved, That leave of absence is hereby granted to Messrs. Hammon, Butler, Cogswell, Holmquist, Moore, Silver, Gerdes, Transue, Hopkins, Odom, and Drew on the fifth and sixth days of March, 1909, for the purpose of visiting the State prison at San Quentin, California, and that they be allowed six cents per mile mileage in both directions for expenses.

Resolution read and adopted.

COMMUNICATION.

The Speaker filed the following communication:

ASSEMBLY CHAMBER, March 4, 1909.

MR. SPEAKER: Owing to the fact that I shall be unable to accompany the Committee on State Prisons and Reformatory Institutions on its visit to the State prison at San Quentin, I ask that T. D. Johnston be substituted in my stead.

J. P. TRANSUE.

Affirmed:

P. A. STANTON, Speaker.

LEAVE OF ABSENCE.

On request of Mr. Mott, he was granted leave of absence until Tuesday, March 9, 1909.

SPECIAL FILE—SECOND READING.

Assembly Bill No. 131—An Act authorizing and directing the board of managers of the California Home for the Care and Training of Feeble-Minded Children to develop the water supply at the California Home for the Care and Training of Feeble-Minded Children, and making an appropriation therefor.

Assembly Bill No. 132—An Act making an appropriation for the completion of repairs to the manor house at the California Home for the Care and Training of Feeble-Minded Children.

Assembly Bill No. 127—An Act authorizing and directing the board of managers of the California Home for the Care and Training of Feeble-Minded Children to erect, construct, and equip a pavilion to be used as a gymnasium for boys at the California Home for Feeble-Minded Children, and making an appropriation therefor.

Assembly Bill No. 130—An Act authorizing and directing the board of managers of the California Home for the Care and Training of Feeble-Minded Children to purchase and install laundry machinery at the California Home for the Care and Training of Feeble-Minded Children, and making an appropriation therefor.

Assembly Bill No. 595—An Act making an appropriation for the purpose of enlarging the power house at the California Home for the Care and Training of Feeble-Minded Children, and for the purchase and installation therein of two steam boilers and necessary tools and machinery.

Assembly Bill No. 669—An Act to provide for the reappropriation of the unexpended balance of money appropriated by an Act entitled "An Act making an appropriation to pay certain claims against the California Home for the Care and Training of Feeble-Minded Children," approved March 7, 1905.

Assembly Bill No. 781—An Act to authorize the local boards of managers of the several State hospitals for the insane and homes for the feeble minded of the State of California to employ regularly ordained ministers and priests to visit and perform spiritual duties and ministrations to the inmates of said State hospitals and homes for the feeble-minded, and to provide for their compensation.

Assembly Bill No. 1063—An Act making an appropriation for furnishing the manor house at the California Home for the Care and Training of Feeble-Minded Children at Eldridge, California.

Mr. Perine moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bills.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Assembly Bills Nos. 131, 132, 127, 130, 595, 669, 781, and 1063 considered.

Mr. Perine moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Commitee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bills Nos. 131, 132, 127, 130, 595, 669, 781, and 1063, and do now report the same back, and recommend that they do pass.

STANTON, Chairman.

Bill read second time, and ordered on file for third reading.

Mr. Perine moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering Assembly Bills Nos. 128, 596, and 635.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Assembly Bills Nos. 128, 596, and 635 considered.

Assembly Bill No. 128—An Act authorizing and directing the board of managers of the California Home for the Care and Training of Feeble-Minded Children to enlarge and repair the hospital building at the California Home for the Care and Training of Feeble-Minded Children, and making an appropriation therefor.

During second reading of bill, the following amendment was submitted by the committee:

In line 1, Section 1, of the printed bill, strike out the words "ten thousand", and insert in lieu thereof the words "seventy-five hundred".

Amendment adopted.

Assembly Bill No. 596—An Act making an appropriation for the erection and construction of a building at the California Home for the Care and Training of Feeble-Minded Children, as an addition to the present kitchen, to be used for the accommodation of a cold storage and ice plant; for the purchase and installation in the said building of a cold storage and ice plant; for repairs to the present kitchen at said home, and for the purchase and installation in said kitchen of necessary kitchen ranges and cooking utensils.

During second reading of bill, the following amendment was submitted by the committee:

In line 1, Section 1, of the printed bill, strike out the word "twenty-five", and insert in lieu thereof the word "fifteen".

Amendment adopted.

Assembly Bill No. 635—An Act authorizing and directing the board of managers of the Agnews State Hospital to continue the work of replacing and reconstructing and reëquipping for the accommodation and treating of patients, buildings destroyed April 18, 1906, to appropriate the sum of three hundred seventy-five thousand dollars therefor, to direct the manner of expenditure thereof, to remove restriction upon the per capita cost, and authorizing and directing the State Controller to draw his warrant for the said sum, and the State Treasurer to pay the same.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT NO. 1.

In lines 6 and 7, of the title, strike out the words "three hundred seventy-five", and insert in lieu thereof the words "two hundred fifteen".

Amendment adopted.

AMENDMENT NO. 2.

In line 1, Section 2, of the printed bill, strike out the words "three hundred and seventy-five", and insert in lieu thereof the words "two hundred and fifteen".

Amendment adopted.

AMENDMENT NO. 3.

Strike out all of Section 5, and insert in lieu thereof the following:

"SEC. 5. Of the moneys herein appropriated one hundred thousand dollars shall be available on and after July 1, 1909, and one hundred and fifteen thousand dollars on and after January 1, 1910."

Amendment adopted.

Mr. Perine moved that the committee do now rise and report in favor of the passage of the bills as amended.

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1909.

GENTLEMEN. The Committee of the Whole have had under consideration Assembly Bills Nos. 128, 590, and 635, and do now report the same back, and recommend that they do pass as amended.

STANTON, Chairman.

Bills read second time, and ordered to reprint and engrossment.

THIRD-READING FILE.

Assembly Bill No. 594—An Act to provide for the establishment and maintenance of public museums of natural and historical objects within municipalities.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 594 passed by the following vote:

AYES—Messrs. Baindollar, Baxter, Beatty, Bohnett, Callan, Cattell, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Dean, Drew, Fleisher, Gerdes, Gibbons, Gillis, Greer, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnston of Contra Costa, Kehoe, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Pulcifer, Rutherford, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—57.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

MESSAGES FROM THE GOVERNOR.

On motion of Mr. Johnson of Sacramento the following messages from the Governor were taken up and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 2, 1909.

To the Assembly of the State of California:

In compliance with the provisions of Section 6 of the San Francisco Depot Act, approved March 17, 1891, I have the honor to present herewith a certified copy of the report to me by the State Treasurer and an abstract of all his proceedings under said Act

J. N. GILLETT, Governor.

REPORT OF PROCEEDINGS UNDER THE SAN FRANCISCO DEPOT ACT.

To His Excellency JAMES N. GILLETT, *Governor of California.*

In accordance with the provisions of Section 6, Chapter III, Statutes 1891, I herewith submit a report of the proceedings thereunder for the year beginning January 1, 1907, and ending December 31, 1907, and also a report for the year beginning January 1, 1908, and ending December 31, 1908.

As will be seen by said report for the year 1907, the sum of $70,000.00 was received from the redemption of United States bonds which matured that year, and which money, together with other accumulations in the sinking fund, was invested in United States registered 4% bonds of 1895-1925.

By reference to the statement showing the condition of the San Francisco depot sinking fund, it will be shown that the present value of said fund is $588,933 37, figuring the value of the U. S. registered 4% bonds, in which said fund is invested, at a value of 1.20¼. This shows that the value of the fund is $86,412.37 in excess of the transfers for the repayment of the principal, as provided in said Act, the present value of the fund being within less than $12,000 00 of the full amount necessary to retire all of the bonds outstanding, amounting to $600,000. It will be seen by this that at the time the depot bonds mature (January 1, 1912) there will be a considerable sum for repayment to the San Francisco harbor improvement fund.

Respectfully submitted.

(Signed) W. R. WILLIAMS, State Treasurer.

Dated Sacramento, California, January 2, 1909.

SAN FRANCISCO DEPOT SINKING FUND—RECEIPTS, 1907.

Date—Items. 1907	Investments returned to fund.	Interest on investments	Principal.	Transfers of interest.	Total.
Jan 1—To totals brought forward from December 31, 1906	.....	$103,900 00	$439,377 00	$298,000 00	$841,277 00
Jan. 2—To transfer from San Francisco Harbor Impt. Fund	.....	.....	2,631 00	2,000 00	.....
Feb. 1—To transfer from San Francisco Harbor Impt. Fund	.....	.....	2,631 00	2,000 00	.....
Feb. 7—To interest on bonds purchased	.....	3,550 00	.....	.....	.....
Mar. 1—To transfer from San Francisco Harbor Impt. Fund	.....	.....	2,631 00	2,000 00	.....
Apl. 1—To transfer from San Francisco Harbor Impt. Fund	.....	.....	2,631 00	2,000 00	.....
Apr 1—To interest on bonds purchased	.....	700 00	.....	.....	.....
May 1—To transfer from San Francisco Harbor Impt. Fund	.....	.....	2,631 00	2,000 00	.....
May 6—To interest on bonds purchased	.....	3,550 00	.....	.....	.....
June 1—To transfer from San Francisco Harbor Impt. Fund	.....	.....	2,631 00	2,000 00	.....
July 1—To transfer from San Francisco Harbor Impt. Fund	.....	.....	2,631 00	2,000 00	.....
Aug 1—To transfer from San Francisco Harbor Impt. Fund	.....	.....	2,631 00	2,000 00	.....
Aug 6—To interest on bonds purchased	.....	3,550 00	.....	.....	.....
Aug 22—To interest on bonds purchased	.....	700 00	.....	.....	.....
Aug 22—To cash from redemption of U S. bonds of 1907 matured	$70,000 00	.....	.....	.....	.....
Sept. 3—To transfer from San Francisco Harbor Impt Fund	.....	.....	2,631 00	2,000 00	.....
Oct 1—To transfer from San Francisco Harbor Impt. Fund	.....	.....	2,631 00	2,000 00	.....
Nov 1—To transfer from San Francisco Harbor Impt. Fund	.....	.....	2,631 00	2,000 00	.....
Nov 5—To interest on bonds purchased	.....	4,400 00	.....	.....	.....
Dec 2—To transfer from San Francisco Harbor Impt. Fund	.....	.....	2,631 00	2,000 00	.....
				.....	142,022 00
Dec 31—Total of transfers of principal	.....	.....	$470,949 00	.....	.....
Total of interest on investments applied to principal	.....	$120,350 00	120,350 00	.....	.....
Total of investments returned applied to principal	$70,000 00	.....	70,000 00	.....	.....
Totals	.....	.....	$661,299 00	$322,000 00	$983,299 00

SAN FRANCISCO DEPOT SINKING FUND—DISBURSEMENTS, 1907.

Date—Items 1907	Investments of principal	Interest paid.	Total.
Jan. 1—By totals brought forward from December 31, 1906	$542,443 13	$288,000 00	$830,443 13
Jan. 2—By payment of semi-annual interest on bonds sold	.....	12,000 00	.....
July 2—By payment of semi-annual interest on bonds sold	.....	12,000 00	.....
Sept. 20—By purchase of U. S. registered 4% bonds of 1895-1925, par value	85,000 00	.....	.....
Sept 20—By premium on above purchase at 1.27½	23,375 00	.....	.....
Sept 20—By expenses in making purchase	124 10	.....	132,499 10
Totals	$650,942 23	$312,000 00	$962,942 23
Dec. 31—By balance of principal in fund (not invested)	10,356 77	.....	.....
Dec. 31—By balance of interest in fund	.....	10,000 00	.....
Dec 31 By balance in fund	.....	.....	20,356 77
Totals to balance	$661,299 00	$322,000 00	$983,299 00

SAN FRANCISCO DEPOT SINKING FUND—RECEIPTS, 1908.

Date—Items. 1908.	Investments returned to fund	Interest on investments.	Principal.	Transfers of interest.	Total.
Jan. 1—To totals brought forward from December 31, 1907	$70,000 00	$120,350 00	$470,949 00	$322,000 00	$983,299 00
Jan. 2—To transfer from San Francisco Harbor Impt. Fund			2,631 00	2,000 00	
Feb. 1—To transfer from San Francisco Harbor Impt. Fund			2,631 00	2,000 00	
Feb 6—To interest on bonds purchased		4,400 00			
Mar. 2—To transfer from San Francisco Harbor Impt. Fund			2,631 00	2,000 00	
Apr. 1—To transfer from San Francisco Harbor Impt. Fund			2,631 00	2,000 00	
May 1—To transfer from San Francisco Harbor Impt. Fund			2,631 00	2,000 00	
May 4—To interest on bonds purchased		4,400 00			
June 1—To transfer from San Francisco Harbor Impt. Fund			2,631 00	2,000 00	
July 1—To transfer from San Francisco Harbor Impt. Fund			2,631 00	2,000 00	
Aug. 1—To transfer from San Francisco Harbor Impt. Fund			2,631 00	2,000 00	
Aug. 4—To interest on bonds purchased		4,700 00			
Sept. 1—To transfer from San Francisco Harbor Impt Fund			2,631 00	2,000 00	
Oct 1—To transfer from San Francisco Harbor Impt. Fund			2,631 00	2,000 00	
Nov. 1—To transfer from San Francisco Harbor Impt. Fund			2,631 00	2,000 00	
Nov. 4—To interest on bonds purchased		4,840 00			
Dec. 1—To transfer from San Francisco Harbor Impt. Fund			2,631 00	2,000 00	73,912 00
Dec. 31—Total of transfers of principal			$502,521 00		
Total of interest on investments applied to principal		$138,690 00	138,690 00		
Total of investments returned applied to principal	$70,000 00		70,000 00		
Totals			$711,211 00	$346,000 00	$1,057,211 00

SAN FRANCISCO DEPOT SINKING FUND—DISBURSEMENTS, 1908.

Date—Items 1908	Investments of principal.	Interest paid.	Total.
Jan. 1—By totals forward from December 31, 1907	$650,942 23	$312,000 00	$962,942 23
Jan. 3—By payment of semi-annual interest on bonds sold	.....	12,000 00	.....
May 22—By purchase of U. S. registered 4% bonds of 1895-1925, par value	24,500 00	.....	.....
May 22—By premium on above purchase at 1.20½	5,022 50	.....	.....
May 22—By expenses in making purchase	103 00	.....	.....
July 1—By payment of semi-annual interest on bonds sold	.....	12,000 00	.....
July 3—By purchase of U. S. registered 4% bonds of 1895-1925, par value	5,500 00	.....	.....
July 3—By premium on above purchase at 1.20¾	1,141 25	.....	.....
July 3—By expense in making purchase	30 25	.....	.....
Oct. 21—By purchase of U. S. registered 4% bonds of 1895-1925, par value	14,000 00	.....	.....
Oct. 21—By premium on above purchase at 1.21⅝	3,027 50	.....	.....
Oct. 21—By expenses in making purchase	20 80	.....	77,345 30
Totals	$704,287 53	$336,000 00	$1,040,287 53
Dec. 31—By balance of principal in fund (not invested)	6,923 47	.....	.....
By balance of interest in fund	.....	10,000 00	.....
By total balance in fund	.....	.....	16,923 47
Totals to balance	$711,211 00	$346,000 00	$1,057,211 00

CONDITION OF SAN FRANCISCO DEPOT SINKING FUND.

December 31, 1908.

PRINCIPAL.

Total of transfers of principal	$502,521 00	.....
Par value of U. S registered 4% bonds of 1895-1925	.....	$484,000 00
Premium on above at 1.20¼ (present value of U. S. 4% registered bonds)	.....	98,010 00
Total value of investments (bonds at 1.20¼)	.....	$582,010 00
Balance of principal in fund (not invested)	.....	6,923 47
Excess value of fund over transfers	86,412 47	.....
Total value of fund per payment of principal of bonds sold	$588,933 47	$588,933 47
Bonds sold (redeemable January 1, 1912)	.....	600,000 00

INTEREST.

The next payment of semi-annual interest on bonds sold will be due January 1, 1909, and will amount to	.....	$12,000 00
Balance of interest in fund December 31, 1908	$10,000 00	.....
Transfer of interest from San Francisco harbor improvement fund to be made January 1, 1909	2,000 00	.....
	$12,000 00	$12,000 00

STATE OF CALIFORNIA, County of Sacramento. } ss.

I, E C. Cooper, Private Secretary to the Governor of California, do hereby certify: That the within and foregoing papers are a full, true, and correct copy of the report on file in the Governor's office made by the State Treasurer, and an abstract of all his proceedings under said Act.

E. C. COOPER

Subscribed and sworn to before me this 2d day of March, 1909.

[SEAL.] NORA B ANDREWS,
Notary Public in and for the County of Sacramento, State of California.

Message read, and referred to Committee on Executive Communications, and ordered printed in the Journal

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 2, 1909.

To the Assembly of the State of California:

In compliance with the provisions of Section 6 of the San Francisco Seawall Act, approved March 20, 1903, I have the honor to present to the Assembly a certified copy of the report made to me by the State Controller and State Treasurer, and an abstract of all their proceedings under said Act

J. N GILLETT, Governor.

REPORT OF PROCEEDINGS UNDER THE SAN FRANCISCO SEAWALL ACT.

To His Excellency JAMES N. GILLETT, *Governor of California:*

In accordance with the provisions of Section 6, Chapter 211, Statutes 1903, we herewith submit a report of the proceedings thereunder for the year beginning January 1, 1907, and ending December 31, 1907, and also a report for the year beginning January 1, 1908, and ending December 31, 1908.

Up to the first of January, 1907, $250,000 of seawall bonds had been sold, and no further sales were made during the year 1907, but on July 2, 1908, $500,000 of the bonds were sold to the State of Nebraska, at par, and in accordance with your proclamation, dated November 20, 1908, notice of sale of an additional $500,000 on January 2, 1909, is now being published.

By reference to the statement showing the condition of the San Francisco seawall sinking fund, it will be seen that the present value of the fund, figuring the municipal bonds in which the accumulations have been invested on a basis to earn 4¼% interest, is $53,568 28, being a profit of $1,574 87 over and above the value of the transfers as provided in said Act. As the first investment for the benefit of this fund was made on October 25, 1907, the fund is in a very satisfactory condition

Respectfully submitted.

(Signed:) A. B. NYE,
State Controller.

(Signed) W. R. WILLIAMS,
State Treasurer

Dated Sacramento California January 2, 1909

SAN FRANCISCO SEAWALL FUND.

Receipts.

1907—		
Jan. 1	—To balance on hand	$261,850 00
1908—		
*July 13	—To cash	250,000 00
July 14	—To cash	250,000 00
	Total	$761,850 00

Disbursements.

1907—		
July 15	—San Francisco Call	$240 95
Aug. 13	—San Francisco Chronicle	351 00
Sept 24	—Healy-Tibbits Cont. Co.	8,042 47
Oct. 15	—Healy-Tibbits Cont Co	7,330 26
Oct. 15	—W B Thorpe, Sec.	590 00
Nov. 7	—W. B. Thorpe, Sec.	635 00
Nov. 9	—Healy-Tibbits Cont. Co.	8,515 67
Dec. 5	—W. B. Thorpe, Sec.	610 00
Dec. 17	—Healy-Tibbits Cont Co	13,653 17
1908—		
Jan. 8	—W B. Thorpe, Sec.	483 75
Jan. 23	—Healy-Tibbits Cont. Co	12,085 87
Feb. 15	—Healy-Tibbits Cont. Co.	9,674 28
Feb. 16	—W. B Thorpe, Sec	472 50
Mar. 6	—W. B. Thorpe, Sec	378 75
Mar. 17	—H. R. Rood & Co	14,012 92
May 17	—Healy-Tibbits Cont. Co.	3,857 28
Apr. 3	—H. R. Rood & Co	4,670 97
Apr. 7	—W. B. Thorpe, Sec.	316 75
Apr. 24	—Darby Laydon	1,200 00
Apr. 24	—Healy-Tibbits Cont Co.	5,211 59
Apr. 30	—Hickman & Masterson	497 35
Apr. 30	—Hickman & Masterson	860 32
May 2	—W. B. Thorpe, Sec	300 00
May 5	—Darby Laydon	103 60
May 29	—Hickman & Masterson	1,471 72
June 5	—Healy-Tibbits Cont. Co.	1,667 21
June 5	—Darby Laydon	400 00
June 6	—W. B Thorpe, Sec.	147 50
June 30	—Healy-Tibbits Cont. Co.	2,899 66
July 8	—Mercer-Fraser Co	636 75
July 8	—W. R. Thorpe, Sec	816 00
July 15	—Healy-Tibbits Cont. Co.	24,312 49
July 27	—Hickman & Masterson	213 87
July 27	—Hickman & Masterson	1,393 02
July 30	—San Francisco Call	67 20
July 30	—Commercial News Pub. Co.	45 75
Aug. 6	—San Francisco Chronicle	99 00
Aug. 6	—J. R. Lafontaire	112 71
Aug. 11	—Phillips & Van Orden Co.	103 90
Aug 11	—W. B. Thorpe, Sec.	278 00
Aug. 22	—Mercer-Fraser Co	212 25
Sept. 10	—W. B. Thorpe, Sec.	244 00
Sept. 14	—Healy-Tibbits Cont. Co.	1,741 85
Sept. 16	—Commercial News Pub. Co.	102 30
Sept. 23	—Eng. News Pub. Co.	59 40
Oct. 8	—Commercial News Pub. Co.	50 40
Oct 12	—W. B. Thorpe, Sec.	750 50
Nov. 7	—Western Bldg Mat Co.	1,860 65
Nov. 10	—Southern Pacific Co.	241 51
Nov. 12	—W. B. Thorpe, Sec.	699 60
Nov. 25	—Healy-Tibbits Cont. Co.	1,074 23
Nov. 25	—Robert Wakefield	11,340 00
Nov 25	—Healy-Tibbits Cont. Co	938 69
Nov. 30	—Commercial News Pub. Co.	54 25
Dec. 1	—Western Bldg. Mat. Co.	920 75
Dec. 4	—San Francisco Chronicle	94 50
Dec. 5	—Robert Wakefield	34,020 00
Dec. 8	—Southern Pacific Co.	112 72
Dec. 10	—Robert W. Hunt & Co.	121 25

*Payment for bonds sold to State of Nebraska, July 2, 1908

1908—	
Dec. 10—Pacific Cont. Co.	$6,046 87
Dec. 11—W. B. Thorpe, Sec.	754 00
Dec. 17—R. E. Moriarity	462 80
	$190,661 75
Dec. 31—Balance on hand	571,188 25
	$761,850 00

SAN FRANCISCO SEAWALL SINKING FUND—RECEIPTS, 1907.

Date—Items.	Principal.	Transfers of interest.	Total.
1907.			
Jan. 1—To totals brought from Dec 31, 1906,	$10,514 90	$9,166 75	$19,681 65
Jan. 2—To trans. from S. F. Harb. Imp. Fund.	1,168 22	833 25	.....
Feb. 1—To trans. from S. F. Harb Imp. Fund.	1,168 22	833 35	.....
Mar. 1—To trans. from S. F. Harb. Imp. Fund.	1,168 22	833 35	.....
Apr. 1—To trans. from S. F. Harb. Imp. Fund.	1,168 22	833 35	.....
May 1—To trans. from S. F. Harb. Imp. Fund.	1,168 22	833 35	.....
June 1—To trans from S. F. Harb. Imp. Fund.	1,168 22	833 35	.....
July 1—To trans. from S. F. Harb. Imp. Fund.	1,168 22	833 25	.....
Aug. 1—To trans. from S. F. Harb. Imp. Fund.	1,168 22	833 35	.....
Sept. 1—To trans. from S. F. Harb. Imp. Fund.	1,168 22	833 35	.....
Oct. 1—To trans from S F. Harb Imp. Fund.	1,168 22	833 35	.....
Nov. 1—To trans. from S. F. Harb. Imp. Fund.	1,168 22	833 35	.....
Dec. 1—To trans. from S. F. Harb. Imp. Fund.	1,168 22	833 35	24,018 64
Dec. 31—Total of transfers of principal	$24,533 54		
Totals	$24,533 54	$19,166 75	$43,700 29

SAN FRANCISCO SEAWALL SINKING FUND—DISBURSEMENTS. 1907.

Date—Items.	Investments of principal.	Interest paid.	Total.
1907			
Jan. 1—By totals brought forward from December 31, 1906	.....	$5,000 00	$5,000 00
Jan. 2—By payment of semi-annual interest on bonds sold	.....	5,000 00	.....
July 2—By payment of semi-annual interest on bonds sold	.....	5,000 00	.....
Oct. 25—By purchase of City of Oakland Mun. Imp. 4½% bonds, par value	$20,000 00	.....	.....
Oct. 25—By premium on above purchase	310 40	.....	.....
Oct. 25—By accrued interest paid on above purchase	251 50	.....	30,561 90
Totals	$20,561 90	$15,000 00	$35,561 90
Dec. 31—By balance of principal in fund (not invested)	3,971 64	.....	.....
Dec. 31—By balance of interest in fund	.....	4,166 75	.....
Dec. 31—By total balance in fund	.....	.....	8,138 39
Totals to balance	$24,533 54	$19,166 75	$43,700 29

SAN FRANCISCO SEAWALL SINKING FUND—RECEIPTS, 1908.

Date—Items 1908.	Interest on investments	Principal.	Transfers of interest	Total.
Jan. 1—To totals brought forward from December 31, 1907	.....	$24,533 54	$19,166 75	$43,700 29
Jan. 2—To transfer from San Francisco Harbor Impt. Fund	.....	1,168 22	833 25	.....
Jan 17—To interest on bonds purchased	$449 50	.....	.....	.....
Feb. 1—To transfer from San Francisco Harbor Impt. Fund	.....	1,168 22	833 35	.....
Mar. 2—To transfer from San Francisco Harbor Impt. Fund	.....	1,168 22	833 35	.....
Apr. 1—To transfer from San Francisco Harbor Impt. Fund	.....	1,168 22	833 35	.....
May 1—To transfer from San Francisco Harbor Impt. Fund	.....	1,168 22	833 35	.....
June 1—To transfer from San Francisco Harbor Impt. Fund	.....	1,168 22	833 35	.....
July 1—To transfer from San Francisco Harbor Impt. Fund	.....	1,168 22	833 25	.....
July 18—To interest on bonds purchased	449 50	.....	.....	.....
Aug. 1—To transfer from San Francisco Harbor Impt. Fund	.....	3,856 77	2,500 00	.....
Sept. 1—To transfer from San Francisco Harbor Impt. Fund	.....	3,856 39	2,500 00	.....
Oct 1—To transfer from San Francisco Harbor Impt. Fund	.....	3,856 39	2,500 00	.....
Nov 1—To transfer from San Francisco Harbor Impt. Fund	.....	3,856 39	2,500 00	.....
Dec. 1—To transfer from San Francisco Harbor Impt. Fund	.....	3,856 39	2,500 00	.....
Dec. 11—To interest on bonds purchased	269 10	.....	.....	46,961 22
Dec 31—Total of transfers of principal	.....	$51,093 41	.....	.....
Total of interest on investments applied to principal	$1,168 10	1,168 10	.....	.....
Totals	.....	$53,161 51	$37,500 00	$90,661 51

SAN FRANCISCO SEAWALL SINKING FUND—DISBURSEMENTS, 1908.

Date—Items. 1908	Investments of principal	Interest paid.	Total
Jan. 1—By totals brought forward from December 31, 1907	$20,561 90	$15,000 00	$35,561 90
Jan. 2—By payment of semi-annual interest on bonds sold	.....	5,000 00	.....
June 24—By purchase of City of San Diego Mun. Imp. 4½% bonds	10,000 00	.....	.....
June 24—By accrued interest on above purchase	27 50	.....	.....
July 2—By payment of semi-annual interest on bonds sold	.....	5,000 00	.....
July 3—By purchase of City of San Diego Mun. Imp. 4½% bonds	2,000 00	.....	.....
July 3—By accrued interest on above purchase	7 75	.....	.....
Dec. 5—By purchase of City of San Diego Mun Imp. 4½% bonds	17,000 00	.....	.....
Dec 5—By premium on above purchase	98 30	.....	.....
Dec. 5—By accrued interest on above purchase	8 55	.....	39,142 10
Totals	$49 704 00	$25,000 00	$74,704 00
Dec 31—By balance of principal in fund (not invested)	3,457 51	.....	.....
Dec. 31—By balance of interest in fund	.....	12,500 00	.....
Dec. 31—By total balance in fund	.....	.....	15,957 51
Totals to balance	$53,161 51	$37,500 00	$90,661 51

CONDITION OF SAN FRANCISCO SEAWALL SINKING FUND.

December 31, 1908.

PRINCIPAL

Total of transfers of principal		$51,993 41	.....
City of Oakland Municipal Improvement 4½% bonds, on 4½% basis		.....	$20,254 00
City of San Diego Municipal Improvement 4½% bonds, on 4¼% basis		.....	29,333 30
Accrued interest (not collected)		.....	523 47
Present value of investments (bonds at par)		.....	$50,110 77
Balance of principal in fund (not invested)		.....	3,457 51
Excess value of fund over transfers		1,574 87	.....
Total value of fund (bonds at par)		$53,568 28	$53,568 28
Bonds sold (redeemable by lot between December 31, 1914, and January 2, 1924)	$750,000 00		

INTEREST.

The next payment of semi-annual interest on bonds sold will be due January 2, 1909, and will amount to		.....	$15,000 00
Balance of interest in fund December 31, 1908	$12,500 00		.....
Transfer of interest from S. F. Harbor Impt. Fund to be made January 1, 1909		2,500 00	.....
		$15,000 00	$15,000 00

STATE OF CALIFORNIA, County of Sacramento } ss

I, E. C. Cooper, Private Secretary to the Governor of the State of California, do hereby certify: That the within and foregoing papers are a full, true, and correct copy of the report on file in the Governor's office, made by the State Controller and State Treasurer, and an abstract of all their proceedings under said Act.

E. C. COOPER,
Private Secretary.

Subscribed and sworn to before me this 2d day of March, 1909.

[SEAL.]

NORA B. ANDREWS,
Notary Public in and for the County of Sacramento, State of California.

THIRD READING FILE (RESUMED).

Assembly Bill No. 767—An Act to amend Section 425 of the Political Code of the State of California.

During third reading of bill, Mr. Rutherford moved that the Speaker appoint a select committee of one to amend the bill, as follows:

In Section 1, lines 6 and 7 of the printed bill, strike out the words "fifteen hundred", and insert in lieu thereof the words "thirteen hundred and twenty".

Motion carried.

The Speaker appointed Mr. Rutherford as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1909.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 767, with instructions, do now report that the instructions of the Assembly have been carried out.

RUTHERFORD, *Select Committee.*

Report of select committee, and amendment, adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No. 250—An Act to amend Section 1874 of the Political Code of California, relating to standing committee on text-books

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 250 passed by the following vote:

AYES—Messrs. Barndollar, Beatty, Butler, Callan, Coghlan, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Dean, Feeley, Flint, Gerdes, Gibbons, Greer, Griffiths, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnston of Contra Costa, Leeds, Lightner, Macauley, Maher, McManus, Melrose, Moore, Odom, Perine, Polsley, Preston, Pugh, Pulcifer, Rutherford, Schmitt, Silver, Stuckenbruck, Telfer, Wagner, Webber, Wheelan, and Whitney—49.

NOES—Messrs. Cattell, Gillis, Hanlon, Johnson of Placer, Kehoe, Mendenhall, Otis, Sackett, and Young—9.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 273—An Act to amend Section 692 of the Code of Civil Procedure, relating to the notice of sale of property on execution.

Bill considered engrossed.

During third reading of bill, Mr. Johnson of Sacramento moved that the Speaker appoint a select committee of one to amend the bill, as follows:

Insert after the word "published", in line 19, of the printed bill, the words "in the township if there be one, and if not in some newspaper of general circulation published".

Also: Strike out the words "if there be one", in line 19, of the printed bill.

Motion carried.

The Speaker appointed Mr. Johnson of Sacramento as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1909

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 273, with instructions, do now report that the instructions of the Assembly have been carried out.

JOHNSON OF SACRAMENTO, Select Committee.

Report of select committee and amendments adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No. 1066—An Act to amend sections six, seven, fifteen, and seventeen, and to add a new section known as section fifteen and a half, creating a revolving fund to an Act entitled "An Act to create for the State of California a Department of Engineering, to provide for the appointment of the officers and employees thereof, defining its powers and prescribing the duties of said department, its officers and employees, to provide the compensation of such officers and employees, to make an appropriation for the salaries and other expenses for the remainder of the fifty-eighth fiscal year, and making certain acts a felony, and repealing an Act entitled 'An Act creating a Commissioner of Public Works, defining his duties and powers, and fixing his compensation,'" approved February 9, 1900, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to create a Department of Highways for the State of California, to define his duties and powers, to provide for the appointment of officers and employees thereof, and to provide for the compensation of said officers and employees, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year," approved February 1, 1907; also repealing an Act entitled "An Act providing for an auditing board to the Commissioner of Public Works, authorizing and directing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredges, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn lands and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this Act," approved March 17, 1897, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to provide for the appointment, duties, and compensation of a Débris Commissioner, and to make an appropriation to be expended under his directions in the discharge of his duties as such commissioner," approved March 24, 1893, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to create the office of Lake Tahoe Wagon Road Commissioner, providing the term of office and compensation of such commissioner, defining his duties, and making an appropriation for the salary and expenditures provided for and authorized by this Act," approved April 1, 1897, and all Acts and parts of Acts amendatory thereof, approved March 11, 1907.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1066 passed by the following vote:

AYES—Messrs. Barndollar, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Collum, Cronin, Cullen, Dean, Flint, Gerdes, Gibbons, Gillis, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of

Placer, Johnston of Contra Costa, Kehoe, Leeds, Lightner, Macauley, Maher, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, Perine, Polsley, Preston, Pulcifer, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Transue, Wagner, Wilson, Wyllie, Young, and Mr. Speaker—52.

NOES—Mr. Drew—1.

Title read and approved.

Bill ordered transmitted to the Senate.

SPECIAL ORDER.

The hour of eleven o'clock A. M. having arrived, the special orders heretofore set for this hour were taken up for consideration.

Assembly Constitutional Amendment No. 19—Proposed amendments to Article II of the Constitution, relative to the framing of county government Acts.

Assembly Constitutional Amendment No. 19 continued until eleven o'clock A. M. of Tuesday, March 9, 1909.

Assembly Bill No 773—An Act to change, establish, and permanently locate the boundary lines of the county of Kings, and a portion of the south and east boundary lines of the county of Fresno.

During the third reading of the bill Mr. Drew moved that the Speaker appoint a select committee of one to amend the bill, as follows:

Amend Section 1, page 2, by striking out all after the word "Fresno", in line 24, to the end of the section, and inserting as follows: "thence in a northeasterly direction along the boundary line between Fresno and Kings counties, as now established by law, to a point where the said boundary line intersects the center line of the main channel of the Kings River, thence following the center line of said main channel of the Kings River in a north and easterly direction to a point where the said center line of the main channel of the Kings River crosses the fourth standard line south of Mount Diablo base line; thence east to point of beginning."

Also: Strike out all after the figure "2", in line 1, Section 2, page 2, of the printed bill, to the end of the section, and insert: "The boundary line of Fresno County, between Fresno and Kings counties, is hereby declared to be as follows: Beginning at the corner common to the counties of Kings, Monterey and Fresno; thence in a northeasterly direction along the boundary line between Fresno and Kings counties, as now established by law, to a point where the said boundary line intersects the center line of the main channel of the Kings River, thence following the center line of said main channel of the Kings River in a north and easterly direction to a point where the said center line of the main channel of Kings River crosses the fourth standard line south of Mount Diablo base line."

HOUR OF RECESS EXTENDED.

At twelve o'clock and thirty minutes P. M., the hour of recess was extended until the matter under consideration be disposed of.

Roll call was regularly demanded.

The roll was called, and motion lost by the following vote:

AYES—Messrs Cogswell, Drew, Flint, Holmquist, Johnson of Sacramento, Kehoe, Odom, Silver, Telfer, and Young—10.

NOES—Messrs Barndollar, Baxter, Beatty, Beban, Black, Butler, Cattell, Collier, Collum, Costar, Cronin, Cullen, Feeley, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Irwin, Johnson of Placer, Johnston of Contra Costa, Leeds, Lightner, Macauley, Maher, McManus, Melrose, Mendenhall, Moore, O'Neill, Perine, Polsley, Preston, Pugh, Pulcifer, Rutherford, Sackett, Schmitt, Stuckenbruck, Wagner, Webber, and Whitney—49

RECESS.

At twelve o'clock and thirty-five minutes P. M., the Assembly was declared at recess until two o'clock P. M. of this day.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened. Speaker pro tem. Perine in the chair.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1909.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Assembly Bill No. 1165—An Act to amend Section 626 of the Penal Code of the State of California, relating to the protection and preservation of game.

Assembly Bill No. 1042—An Act to add to the Penal Code of the State of California a new section, to be numbered 587*b*, to prevent trespassing upon railroad locomotives, tenders, cars, and trains

Assembly Bill No. 1018—An Act to amend section four hundred fifty-six of the Political Code, relating to the office of the Treasurer of State, his deputy and assistants, and the salaries of the deputy and assistants.

Assembly Bill No. 1092—An Act to amend Article XXX, Section 4259, of an Act entitled "An Act to repeal Title II of Part IV of the Political Code, and to add a new Title II of Part IV of said Code in place thereof, relating to the establishment of a uniform system of county and township government.

Assembly Bill No. 1158—An Act to amend section four thousand two hundred and sixty-six of the Political Code of the State of California, relating to salaries and fees of officers of counties of the thirty-seventh class.

Assembly Bill No. 630—An Act entitled "An Act to amend Section 1564 of Article IV of the Political Code by increasing the allowance of money for conducting separate teachers' institutes."

Assembly Bill No. 1086—An Act to amend section four thousand two hundred thirty-eight of the Political Code of the State of California, relating to the compensation of officers of counties of the ninth class.

Assembly Bill No. 1223—An Act to amend Section 4302 of the Political Code.

Assembly Bill No. 104—An Act to repeal three sections of the Code of Civil Procedure, numbered 953*a*, 953*b*, and 953*c*, respectively, relating to a new and alternative method for the preparation of records to be used on appeals from judgments, orders or decrees of the Superior Court to the Supreme Court or District Courts of Appeal.

Assembly Bill No. 1102—An Act to amend Section 1696 of the Political Code of the State of California, relating to the duties of teachers

Assembly Bill No. 1355—An Act to amend Section 4275 of the Political Code of the State of California, relating to the compensation of officers of counties of the forty-sixth class.

Assembly Bill No. 1356—An Act to amend Section 4270 of the Political Code of the State of California, relating to the compensation of officers of counties of the forty-first class

Assembly Bill No. 806—An Act to amend Section 2687 of the Political Code.

Assembly Bill No. 1359—An Act to amend section seven hundred and seventy-four and section seven hundred and seventy-five of the Political Code, relating to the preparation and printing of the reports of decisions of the Supreme Court.

Assembly Bill No. 652—An Act to amend sections six and seven of an Act entitled "An Act to provide for the levy and collection of taxes by and for the use of municipal corporations and cities incorporated under the laws of the State of California, except municipal corporations of the first class, and to provide for the consolidation and abolition of certain municipal offices, and to provide that their duties may be performed by certain officers of the county, and fixing the compensation to be allowed for such county officers for the service so rendered to such municipal corporations."

Assembly Bill No. 6—An Act to amend Section 170 of the Code of Civil Procedure.

Assembly Bill No. 1391—An Act to add a new section to the Penal Code, to be known as section three hundred and thirty-seven *b* thereof, and relating to the publishing of tips or advance information on horse-racing, and providing the punishment for the violation thereof

Assembly Bill No. 1070—An Act to add a new section to the Political Code of the State of California, to be known as Section 3251 thereof, providing pay for holidays for employees of the State of California, or of any political subdivision thereof

Assembly Bill No. 1366—An Act authorizing municipal corporations, counties, and cities and counties, to acquire and hold lands by purchase or otherwise, or by

lease for a term of years, for the purpose of developing and encouraging agricultural, horticultural, or botanical products and exhibiting the same, or for the purpose of erecting, rebuilding, or furnishing historical museums or art galleries thereon, and repealing all Acts and parts of Acts in conflict with this Act.

Assembly Bill No. 1108—An Act to amend Section 2302 of the Political Code, relating to the salary of the State Librarian.

Assembly Bill No 700—An Act to amend Sections 654, 684, and 685 of the Political Code, relating to the Board of Examiners.

Assembly Bill No. 701—An Act to amend sections four hundred and eighty-four and four hundred and eighty-five of the Political Code of the State of California, and to repeal all laws in conflict therewith.

Assembly Bill No 1032—An Act to add a new section to the Political Code of the State of California, to be numbered four hundred and twenty-six.

Assembly Bill No 1144—An Act to amend Section 3498 of the Political Code of the State of California, relating to approvals of applications for State lands.

Assembly Bill No. 714—An Act to regulate the issue of bonds of school districts in cities of the fifth class, and school districts partly within and partly without such cities of the fifth class

Assembly Bill No. 1220—An Act to amend Section 928 of the Penal Code of the State of California, relating to the duties of grand juries.

Assembly Bill No 35—An Act to amend Section 103 of the Code of Civil Procedure

Assembly Bill No. 690—An Act to amend section five hundred fifteen of the Political Code, and to provide for the appointment of a statistician, a bookkeeper, and a clerk and stenographer, for the Superintendent of Public Instruction, and to fix their compensation.

YOUNG, Chairman.

The above reported bills ordered on file for third reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1909.

MR SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly reengrossed:

Assembly Bill No. 430—An Act to amend section eight hundred and sixty-two of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, and all amendments thereto.

Assembly Bill No. 1166—An Act to regulate contracts on behalf of the State in relation to the erection, construction, alteration, repair, or improvement of any State structure, building, road, or other State improvement of any kind, and to repeal an Act entitled "An Act to regulate contracts on behalf of the State in relation to erections and buildings," approved March 28, 1876.

YOUNG, Chairman.

SENATE BILLS—THIRD-READING FILE.

Senate Bill No. 667—An Act to amend Section 3671 of the Political Code, relating to taxes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 667 finally passed by the following vote:

AYES—Messrs. Barndollar, Black, Callan, Cogswell, Collum, Cronin, Dean, Feeley, Fleisher, Flint, Gerdes, Gibbons, Greer, Hammon, Hanlon, Hayes, Hewitt, Hinkle, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Kehoe, Leeds, Lightner, Maher, McManus, Melrose, Mendenhall, Nelson, Odom, O'Neill, Perine, Polsley, Pugh, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Wagner, Webber, Whitney, Wilson, and Wyllie—45.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 652—An Act authorizing and empowering Reclamation District No. 791 to construct and maintain jointly or in connection with any person, firm, corporation, reclamation district, levee district,

and drainage district, public agency or municipal corporation for the construction and maintenance of joint levees or other joint work of reclamation.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 652 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Black, Callan, Cattell, Cogswell, Collier, Collum, Cronin, Dean, Feeley, Fleisher, Flint, Gerdes, Greer, Hammon, Hewitt, Hinkle, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Maher, McManus, Melrose, Mendenhall, Moore, Nelson, Odom, O'Neill, Perine, Polsley, Pugh, Pulcifer, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Transue, Wagner, Webber, Whitney, Wilson, and Wyllie—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 653—An Act authorizing and empowering Reclamation District No. 791 to contract for the disposition of drainage and flood waters, and for the sale thereof, to any person, firm, or corporation, for the purpose of irrigation, or for any other lawful use.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 653 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beban, Black, Callan, Cattell, Cogswell, Collum, Cullen, Dean, Feeley, Fleisher, Flint, Gerdes, Gillis, Greer, Hammon, Hayes, Hewitt, Hinkle, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Maher, McManus, Melrose, Mendenhall, Moore, Nelson, Odom, O'Neill, Perine, Polsley, Pugh, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Wagner, Webber, Wheelan, Whitney, Wilson, and Wyllie—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 647—An Act to amend Sections 3627, 3680, 3692, 3839, 3843, 3845, and 3854 of the Political Code, relating to the assessment, equalization, and collection of taxes of the State and counties

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 647 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Beban, Black, Butler, Cattell, Cogswell, Collum, Cullen, Dean, Drew, Feeley, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Hammon, Hanlon, Hayes, Hewitt, Hinkle, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Maher, McManus, Melrose, Mendenhall, Moore, Nelson, O'Neill, Perine, Polsley, Pugh, Pulcifer, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Transue, Wagner, Webber, Wheelan, Wyllie, and Young—54.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SPECIAL ORDER—(RESUMED).

Assembly Bill No 773—An Act to change, establish, and permanently locate the boundary lines of the county of Kings, and a portion of the south and east boundary lines of the county of Fresno.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 773 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Beban, Black, Butler, Callan, Cattell, Coghlan, Collier, Collum, Cronin, Cullen, Dean, Feeley, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Moore, Nelson, O'Neill, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Stuckenbruck, Transue, Wagner, Webber, Wheelan, and Whitney—57.

NOES—Messrs. Cogswell, Drew, Johnson of San Diego, Mendenhall, Odom, Telfer, and Young—7.

Title read and approved.

Bill ordered transmitted to the Senate.

SENATE BILLS—THIRD-READING FILE—(RESUMED).

Senate Bill No. 137—An Act to add a new section to the Penal Code, to be numbered Section 628*e*, to prevent the catching of surf-fish, yellow-fin or spot-fin croaker and providing penalties therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 137 finally passed by the following vote:

AYES—Messrs. Barndollar, Beban, Butler, Callan, Cattell Cogswell, Collier, Cronin, Dean, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Hawk, Hayes, Hewitt, Hinkle, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Nelson, Odom, Perine, Preston, Pugh, Pulcifer, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wyllie, and Young—52.

NOES—Messrs Beatty and Hanlon—2.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No 477—An Act to amend Part III, Chapter III, Article I, of the Political Code of California by adding a new section to said Article I, to be numbered 344, relating to fish and game commissions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 477 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Black, Butler, Callan, Cattell, Cogswell, Collier, Cronin, Cullen, Drew, Flint, Gerdes, Gibbons, Gillis, Hanlon, Hans, Hawk, Hewitt, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Mendenhall, Moore, Nelson, Odom, O'Neill, Perine, Preston, Pulcifer, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Transue, Wagner, Wheelan, Whitney, Wilson, and Young—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 677—An Act to regulate the vocation of fishing, and to provide therefrom revenue for the propagation, restoration, and preservation of fish in the waters of the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 677 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Cronin, Cullen, Drew, Flint, Gerdes, Gillis, Greer, Griffiths, Hanlon,

Hans, Hawk, Hayes, Hewit, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, Perine, Preston, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Transue, Wagner, Webber, Wheelan, Wyllie, and Young—55.

NOES—Mr Stuckenbruck—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 804—An Act to create a preserve for crabs within Humboldt and Trinidad bays and the waters of the Pacific Ocean adjacent thereto, and to regulate the taking of crabs from such preserve for commercial purposes.

Bill read third time

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 804 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Black, Bohnett, Callan, Cattell, Cogswell, Collier, Costar, Cronin, Cullen, Dean, Drew, Flint, Gerdes, Gillis, Hanlon, Haus, Hawk, Hewitt, Hinkle, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Maher, McClellan, Melrose, Mendenhall, Moore, Odom, Otis, Perine, Polsley, Preston, Pulcifer, Rutherford, Schmitt, Silver, Transue, Wagner, Webber, Whitney, and Young—49.

NOES—Mr. Wyllie—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 829—An Act to add to the Penal Code of California a new section, to be numbered 633, relating to the protection and preservation of golden trout

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 829 finally passed by the following vote:

AYES—Messrs. Barndollar Baxter, Beatty, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Cronin, Cullen Dean, Flint, Gerdes, Gillis, Griffiths, Hanlon, Haus, Hawk, Hewitt, Hinkle, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, Maher, McClellan, Melrose, Mendenhall, Moore, Odom, Otis, Perine, Preston, Sackett, Schmitt, Silver, Stuckenbruck, Transue Wagner, Whitney, Wilson, Wyllie, and Young—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Committee Substitute for Senate Bill No. 44—An Act to amend the Penal Code of California by adding a new section thereto, to be numbered 637c, and relating to the preservation of seals and sea lions in the waters of Santa Barbara Channel.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Committee Substitute for Senate Bill No. 44 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Bohnett, Butler, Callan, Cattell, Cogswell, Dean, Gibbons, Gillis, Griffiths Hanlon, Hans, Hawk, Hayes, Hewitt, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McManus, Mendenhall, Moore Odom, Otis, Perine, Preston, Pulcifer, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Transue, Wagner, Whitney, Wilson, Wyllie, and Young—46.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate

Senate Bill No. 965—An Act to amend the Political Code of the State of California by adding thereto a new section, to be known as Section 3785*a*, relating to deeds to the State under sales made to the State prior to March 28, 1895, for delinquent State and county taxes, and authorizing certain persons to represent the State in the giving of notices, and relating to the redemption of such property, and also to the resale thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 965 finally passed by the following vote:

AYES—Messrs Barndollar, Baxter, Bohnett, Butler, Cattell, Cogswell, Collum, Cronin, Cullen, Drew, Flint, Gibbons, Gillis, Hans, Hawk, Hayes, Hewitt, Hinkle, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Lightner, Macauley, Maher, McManus, Mendenhall, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Transue, Wagner, Whitney, Wyllie, and Young—44.

NOES—Mr. Kehoe—1

Title read and approved.

Bill ordered transmitted to the Senate.

NOTICE OF MOTION TO RECONSIDER.

Mr. Drew gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 965 was this day passed.

Senate Bill No. 911—An Act to amend Section 4258 of the Political Code, as amended in 1907, Statutes of 1907, pages 499 and 500 thereof, relating to the compensation of officers in counties of the twenty-ninth class

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 911 finally passed by the following vote:

AYES—Messrs. Barndollar, Beatty, Bohnett, Butler, Cattell, Cogswell, Collier, Collum, Cronin, Cullen, Dean, Flint, Gibbons, Gillis, Greer, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Kehoe, Lightner, Macauley, Maher, McClellan, Melrose, Mendenhall, Moore, Odom, Otis, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Wagner, Webber, Wilson, Wyllie, and Young—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 587—An Act to amend an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 20, 1905, amended, approved June 13, 1900, amended, approved March 19, 1907; amended, approved March 20, 1907, by providing certain terms and conditions whereby corporations which have failed to pay the license tax mentioned in said Act may pay the same, and be restored to their former rights.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 587 finally passed by the following vote:

AYES—Messrs Barndollar, Beatty, Bohnett, Butler, Callan, Cattell, Cogswell, Collum, Cronin, Cullen, Flint, Gerdes, Gibbons, Gillis, Hanlon, Hans, Hawk, Hayes,

Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Lightner, Macauley, Maher, McManus, Melrose, Mendenhall, Moore, Odom, Otis, Perine, Polsley, Preston, Pulcifer, Rech, Rutherford, Schmitt, Silver, Telfer, Wagner, Whitney, Wyllie, and Young—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 921—An Act to amend Section 4248 of the Political Code, as amended in 1907, Statutes of 1907, pages 476 and 479, relating to the compensation of officers in counties of the nineteenth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 921 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Bohnett, Butler, Callan, Cattell, Cogswell, Collum, Cullen, Flint, Gerdes, Gibbons, Gillis, Greer, Hanlon, Hans, Hawk, Hayes, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Kehoe, Lightner, Macauley, Maher, McManus, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, Perine, Polsley, Pulcifer, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Wagner, Wheelan, Wilson, Wyllie, and Young—50

NOES—Mr. Preston—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 836—An Act to amend Section 4282 of the Political Code of the State of California, relating to salaries of officers of counties of the fifty-third class

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 836 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Bohnett, Butler, Callan, Cattell, Cogswell, Collum, Costar, Cronin, Drew, Flint, Gerdes, Gibbons, Gillis, Greer, Hanlon, Hans, Hawk, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Kehoe, Macauley, Maher, Melrose, Mendenhall, Moore, Odom, Otis, Perine, Polsley, Preston, Pugh, Pulcifer, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Wagner, Wheelan, Wilson, and Wyllie—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 514—An Act amending Section 4274 of the Political Code of the State of California, relating to the compensation of officers of counties of the forty-fifth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 514 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Bohnett, Butler, Callan, Coghlan, Cogswell, Collier, Collum, Costar, Cronin, Dean, Drew, Flint, Gerdes, Gibbons, Gillis, Greer, Hanlon, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Placer, Johnston of Contra Costa, Kehoe, Macauley, McManus, Melrose, Mendenhall, Moore, Odom, Otis, Perine, Polsley, Preston, Pugh, Pulcifer, Rutherford, Sackett, Schmitt, Telfer, Wagner, and Wilson—46

NOES—None.

Title read and approved

Bill ordered transmitted to the Senate.

Senate Bill No. 932—An Act to amend section four thousand two hundred and seventy-six of the Political Code, relating to the compensation of officers of counties of the forty-seventh class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 932 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Costar, Cronin, Drew, Flint, Gerdes, Gibbons, Gillis, Hanlon, Hans, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Kehoe, Macauley, Maher, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, Perine, Polsley, Preston, Pugh, Pulcifer, Rutherford, Sackett, Schmitt, Telfer, Wagner, Wilson, and Wyllie—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 931—An Act to add a new section to the Political Code, to be numbered 4271*a*, authorizing boards of supervisors in counties of the forty-second class to appoint assistants to the county surveyor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 931 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Cronin, Cullen, Flint, Gerdes, Gibbons, Gillis, Hanlon, Hans, Hawk, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Kehoe, Macauley, McClellan, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, Perine, Polsley, Pugh, Pulcifer, Rutherford, Sackett, Schmitt, Telfer, Wagner, Whitney, Wilson, and Wyllie—45

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 684—An Act to amend Section 4243 of the Political Code of the State of California, relating to the compensation and expenses of officers in counties of the fourteenth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 684 finally passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beatty, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collum, Cullen, Dean, Drew, Flint, Gerdes, Gillis, Greer, Hanlon, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Kehoe, Lightner, Macauley, Melrose, Mendenhall, Moore, Otis, Perine, Polsley, Preston, Pugh, Pulcifer, Rutherford, Sackett, Telfer, Wagner, Wilson, and Mr. Speaker—44

NOES—Messrs. Cronin, Gibbons, Hans, Johnston of Contra Costa, Juilliard, Maher, Odom, Stuckenbruck, Whitney, and Wyllie—10

Title read and approved.

Bill ordered transmitted to the Senate.

SPEAKER IN THE CHAIR.

At three o'clock and forty-five minutes P. M., Speaker Stanton in the chair.

SPECIAL ORDER RESET.

On motion of Mr. Beatty, the consideration of Assembly Bill No. 23 was made a special order for Tuesday, March 9, 1909.

SENATE BILLS—SECOND-READING FILE.

Senate Bill No. 510—An Act to purchase from the heirs of William Cogswell, deceased, two paintings, one of ex-President Abraham Lincoln and the other of ex-President William McKinley, the same to be hung in the State Capitol building, and to appropriate the sum of two thousand dollars therefor.

Mr. Perine moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Senate Bill No. 510 considered

During second reading of bill the following amendments were submitted by the committee:

AMENDMENT No. 1.

In line 6 of the title, strike out the words "two thousand", and insert in lieu thereof the words "seventeen hundred".

Amendment adopted.

AMENDMENT No 2

In line 1, Section 1, of the printed bill, strike out the words "two thousand", and insert in lieu thereof the words "seventeen hundred".

Amendment adopted.

AMENDMENT No. 3.

In line 2, Section 2, of the printed bill, strike out the words 'two thousand' and insert in lieu thereof the words "seventeen hundred"

Amendment adopted.

Mr. Perine moved that the committee do now rise and report in favor of the passage of the bill as amended.

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 510, and do now report the same back, and recommend that it do pass as amended.

STANTON, Chairman.

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No. 706—An Act to establish a standard form of fire insurance policy, and to prevent variations therefrom, excepting under certain stated conditions and restrictions.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 183—An Act to amend Sections 784, 788, and 789 of the Code of Civil Procedure, relating to actions for the partition of real property.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Strike out all of Section 2 of the printed bill.

Amendment adopted.

AMENDMENT No. 2.

Strike out the figure "3" after "Sec." in the first line of Section 3, page 2, of the printed bill, and insert in lieu thereof the figure "2".

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No. 843—An Act providing for vacations for certain employees of the State.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

After the words "employee", in line 1, Section 1, of the printed bill, insert the words "regularly employed".

Amendment adopted.

AMENDMENT No. 2.

After the word "employee", in line 2, Section 1, of the printed bill, insert the words "regularly employed".

Amendment adopted.

AMENDMENT No. 3.

After the word "office", in line 3, Section 1, of the printed bill, insert the words "who shall have been employed for a period of not less than six months".

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No. 554—An Act to add a new section to the Penal Code of the State of California, to be numbered 667, relating to punishment for second offenses.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 555—An Act to amend Section 666 of the Penal Code of the State of California, relating to punishment for second offenses.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 556—An Act to add a new section to the Penal Code of the State of California, to be numbered one thousand one hundred and ninety-two *a*, relating to ascertainment of facts relating to the records of persons convicted of offenses, punishable by imprisonment in the State prison.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 956—An Act to add a new section to the Penal Code of the State of California, to be known and numbered as Section 308*b*, relating to the use of text-books in public schools.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1

Strike out of line 5, page 1, of printed bill, the words "neglects or".

Amendment adopted.

AMENDMENT No. 2.

Strike out of line 8, page 1, of printed bill, the words "advises, or urges, or".

Amendment adopted.

AMENDMENT No. 3.

Insert on line 8, in the word "purhase" the letter "c", making the word spell "purchase"; also, on same line, strike out the word "or" before the word "who".

Amendment adopted.

AMENDMENT No. 4.

Insert on line 9, page 1, of printed bill, after the word "schools" the following: "or who refuses or willfully neglects to make such reports as are required by law,".

Amendment adopted.

AMENDMENT No. 5.

Strike out of line 11, page 1, of printed bill, the words "less than twenty-five dollars nor".

Amendment adopted.

AMENDMENT No. 6

Strike out of line 12 the comma after the word "dollars", and insert a period in lieu thereof

Amendment adopted.

AMENDMENT No. 7.

Strike out of lines 12, 13, and 14, page 1, of printed bill, the following words. "or to imprisonment in a county jail for not more than sixty days; or to both such fine and imprisonment."

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No. 353—An Act to amend Section 1521 of the Political Code of the State of California, relating to the duties of the State Board of Education.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 648—An Act to amend Section 4253 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the twenty-fourth class.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 222—An Act making an appropriation of two thousand five hundred dollars for restoring certain records in the office of the Clerk of the Supreme Court in the city of San Francisco.

Mr. Perine moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Senate Bill No. 222 considered

Mr. Perine moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1909.

GENTLEMEN. The Committee of the Whole have had under consideration Senate Bill No. 222, and do now report the same back, and recommend that it do pass as amended

STANTON, Chairman.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 292—An Act to amend section sixteen hundred and sixty-five of the Political Code, relative to the course of study in the public schools in the State of California.

During second reading of bill, the following amendment was submitted by the committee:

Strike out of line 26 the comma after the word "week" and the words "exclusive of", and also all of lines 27, 28, 29, 30, 31, 32, and 33, and insert in lieu thereof the following: "shall be required of pupils in the secondary schools, and no pupil under the age of fifteen years in any elementary school shall be required to do any home study."

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No. 194—An Act to amend Sections 2, 3, and 4 of an Act entitled "An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

Bill read second time, and ordered on file for third reading.

SPECIAL ORDERS—(RESUMED).

Assembly Bill No. 990—An Act authorizing the construction, acquisition, maintenance, and control of a system of state highways in the State of California; specifying the work; fixing the payments to be made by counties for moneys expended therein; providing for the issuance and sale of State bonds to create a fund for the construction and acquisition of such system; creating a sinking fund for the payment of said bonds, and providing for the submission of this Act to a vote of the people.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No 990 passed by the following vote:

AYES—Messrs. Barndollar, Beatty, Black, Bohnett, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Cronin, Dean, Drew, Feisher, Flint, Gerdes, Gibbons, Greer, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Kehoe, Lightner, Macauley, Maher, McManus, Melrose, Mendenhall, Moore, Odom, Otis, Perine, Preston, Pugh, Rutherford, Sackett, Schmitt, Stuckenbruck, Telfer, Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr Speaker—55.

NOES—Mr. Juilliard—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1443—An Act to provide for the transfer from the general fund of the State treasury to the San Francisco harbor improvement fund the sum of $22,937.45 to reimburse the San Francisco harbor improvement fund, etc.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1443 passed by the following vote:

AYES—Messrs. Barndollar, Beatty, Beban, Bohnett, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Cronin, Drew, Fleisher, Flint, Gerdes, Gibbons, Greer,

Hanlon, Haus, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Kehoe, Lightner, Macauley, Maher, Melrose, Mendenhall, Moore, Odom, Otis, Perine, Polsley, Preston, Rutherford, Schmitt, Silver, Telfer, Wagner, Webber, Wilson, Wyllie, Young, and Mr Speaker—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SECOND-READING FILE.

Mr. Perine moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering Assembly Bills Nos. 51, 424, and 1407.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Assembly Bills Nos. 51, 424, and 1407 considered.

Assembly Bill No. 51—An Act authorizing the Regents of the University of California to hold farmers' institutes, and making appropriation therefor.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In Section 1 strike out all after the period following the word "Agriculture", in line 12

Amendment adopted.

AMENDMENT No. 2.

In line 1, Section 2, of the printed bill, strike out the word "thirty", and insert in lieu thereof the word "twenty".

Amendment adopted.

AMENDMENT No. 3.

In Section 2, of the printed bill, strike out all of lines 6, 7, and 8, and strike out the letters following "ucts.", in line 9.

Amendment adopted.

AMENDMENT No. 4.

In line 9, Section 2, of the printed bill, strike out the word "fifteen", and insert in lieu thereof the word "ten".

Amendment adopted.

AMENDMENT No. 5.

In line 10, Section 2, of the printed bill, strike out the word "fifteen", and insert in lieu thereof the word "ten".

Amendment adopted.

Assembly Bill No. 424—An Act to promote education in literature, music, and the fine arts, and making an appropriation therefor.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In line 2 of the title, after the word "arts", strike out the comma and insert in lieu thereof a period.

Amendment adopted.

AMENDMENT No. 2.

Strike out all of line 3 of the title

Amendment adopted.

AMENDMENT No. 3.

In Section 2, line 4, of the printed bill, after the word "cause" strike out the comma and the following words: "and shall receive a salary of three thousand six hundred dollars per annum, payable as the salaries of other State officers are payable".

Amendment adopted.

AMENDMENT No. 4.

In Section 3, of the printed bill, strike out all after the period as in line 12.

Amendment adopted.

AMENDMENT No. 5.

In Section 4, line 1, of the printed bill, strike out the word "who", and strike out all of lines 2 and 3.

Amendment adopted.

AMENDMENT No. 6.

Strike out all of Section 5.

Amendment adopted.

AMENDMENT No. 7.

In line 1, Section 6, strike out the figure "6", and insert in lieu thereof the figure "5".

Amendment adopted.

AMENDMENT No. 8.

In line 1, Section 6, of the printed bill, strike out the word "shall", and insert in lieu thereof the word "may".

Amendment adopted.

AMENDMENT No. 9.

Strike out all of Section 7, and insert in lieu thereof the following. "Sec. 6. This Act shall take effect immediately."

Amendment adopted.

Assembly Bill No. 1407—An Act appropriating money to pay the claim of B. A. Palmer against the State of California, on account of injuries sustained while in the service of the State of California in the National Guard thereof.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In line 1, Section 1, of the printed bill, strike out the word "ten", and insert in lieu thereof the word "five".

Amendment adopted.

AMENDMENT No. 2.

In line 2, Section 2, of the printed bill, strike out the word "ten", and insert in lieu thereof the word "five".

Amendment adopted.

AMENDMENT No. 3.

On page 1, after the word "same" and period on line 4, add the following
"Sec 3. This Act is hereby exempted from the provisions of Section 672 of the Political Code of the State of California"
Also: Strike out the following: "Sec. 3.", and insert in lieu thereof the following: "Sec. 4."

Amendment adopted.

Mr. Perine moved that the committee do now rise and report in favor of the passage of the bills as amended.

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1909.

GENTLEMEN. The Committee of the Whole have had under consideration Assembly Bills Nos. 51, 424, and 1407, and do now report the same back, and recommend that they do pass as amended.

STANTON, Chairman.

Bills read second time, and ordered to reprint and engrossment.

Assembly Bill No. 579—An Act to amend Section 751 of the Political Code, relating to deputies of the Clerk of the Supreme Court..

Assembly Bill No. 762—An Act to provide for the reforestation, the cutting of fire lanes and fire trails on the San Bernardino Forest Reserve, and to make an appropriation therefor.

Assembly Bill No. 1330—An Act to amend an Act entitled "An Act to prevent deception in the manufacture and sale of butter and cheese, to secure its enforcement, and to appropriate money therefor," approved March 4, 1897, by amending Section 17 of said Act.

Assembly Bill No. 1313—An Act providing for topographic surveys and investigations of the water resources of the State, and making an appropriation therefor.

Mr. Perine moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bills.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Assembly Bills Nos. 759, 762, 1313, and 1330 considered.

Mr. Perine moved that the committee do now rise and report in favor of the passage of the bills.

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bills Nos 759, 762, 1313, and 1330, and do now report the same back, and recommend that they do pass.

STANTON, Chairman.

Bills read second time, and ordered to reprint and engrossment

WITHDRAWAL OF BILL.

Mr. Preston asked for and was granted unanimous consent to withdraw Assembly Bill No. 757.

Assembly Bill No. 757 withdrawn, and ordered stricken from the file.

RE-REFERENCE OF BILLS.

On motion of Mr. Perine, Bill No. 1247 was referred to Committee on Ways and Means.

Assembly Bill No. 1252—An Act to amend Section 1240 of the Code of Civil Procedure of the State of California, relating to the taking of private property for public use.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No 1.

Insert after the word "corporation", in line 25, page 2, of the printed bill, the following: "provided that the question as to the necessity for the taking of the particular property shall be submitted to the court or jury and shall not be precluded by this section."

Amendment adopted.

AMENDMENT No 2.

Insert after the word "corporation", line 14, page 3, Section 2, of the printed bill, the following: "*provided* that the question as to the necessity for the taking of the particular property shall be submitted to the court or jury, and shall not be precluded by this section"

Amendment adopted.

AMENDMENT No. 3.

Strike out all of Section 3

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 1405—An Act to amend Section 1251 of the Code of Civil Procedure of the State of California, relating to proceedings to exercise the right of eminent domain.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No 1.

Amend by striking out after the word "assessed", on page 1, line 5, of the printed bill, the semicolon, and insert in lieu thereof a period

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out all of page 1, of the printed bill, after the word "assessed", on line 5, also, all of page 2, of the printed bill, and insert in lieu thereof the following words: "In case the plaintiff is the State of California, or is a public corporation, and it appears by affidavit that bonds of said State or public corporation must be issued and sold in order to provide the money necessary to pay the sum assessed, then such sum may be paid at any time within six months from the date of such judgment: *provided, further*, that if the sale of any such bond can not be had by reason of litigation affecting the validity thereof, then the time during which such litigation is pending shall not be considered a part of the six months' time in which such payment must be made. In case the use is for railroad purposes, the plaintiff may, at the time of or before payment, elect to build the fences and cattle-guards, and if he so elect, shall execute to the defendant a bond, with sureties to be approved by the court in double the assessed cost of the same, to build such fences and cattle-guards within eighteen months from the time the railroad is built on the land taken, and if such bond be given, need not pay the cost of such fences and cattle-guards In an action on such bond, the plaintiff may recover reasonable attorney's fees"

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 1379—An Act to amend Section 690 of the Code of Civil Procedure, relating to property exempt from execution.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 921—An Act to amend Section 928 of the Penal Code, relating to the duties of the grand jury.

During second reading of bill, the following amendment was submitted by the committee:

Strike out from the word "not", in line 10, of Section 1, of the printed bill, down to and including the word "impaneled", in line 12, Section 1, of the printed bill, both inclusive, and insert in lieu thereof the words "subject to the approval of the judge who impaneled the jury".

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 1409—An Act to amend section eight hundred and fifty of the Code of Civil Procedure, relating to the notice of trial and service of notice thereof in Justices' Court.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No 1.

Strike out the words in italics "Notice of hearing", in line 3, of Section 1, of the printed bill.

Amendment adopted

AMENDMENT No. 2.

Strike out the words "one half", in line 49, of Section 1, page 2, of the printed bill and insert in lieu thereof the word "one"

Amendment adopted

Bill read second time, and ordered to reprint and engrossment.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON COMMERCE AND NAVIGATION.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1909.

MR SPEAKER A majority of your Committee on Commerce and Navigation, to whom was referred Senate Bill No. 226—An Act to authorize and direct the Board of State Harbor Commissioners to institute condemnation proceedings against certain property north of India Basin, and extending to Islais Creek, in the city and county of San Francisco, and extending the jurisdiction of said board over the same, and providing for the payment of judgments from the proceeds of bonds issued and sold under the provisions of an Act entitled "An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners of a necessary area for a tidal basin, for wharves, docks, piers, harbors and appurtenances, in the city and county of San Francisco, to create a sinking fund for the payment of said bonds, and defining the duties of State officers in relation thereto, making an appropriation of one thousand dollars for the expense of printing said bonds, and providing for the submission of this Act to a vote of the people"

Also Senate Bill No 227—An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners of a necessary area for a tidal basin for wharves, docks, piers harbors, and appurtenances, in the city and county of San Francisco; to create a sinking fund for the payment of said bonds, and defining the duties of State officers in relation thereto, making an appropriation of one thousand dollars for the expense of printing said bonds, and providing for the submission of this Act to a vote of the people

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass

McMANUS, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1909.

MR SPEAKER A minority of your Committee on Commerce and Navigation, to whom was referred Senate Bill No. 226—An Act to authorize and direct the Board of State Harbor Commissioners to institute condemnation proceedings against certain

property north of India Basin, and extending to Islais Creek in the city and county of San Francisco, and extending the jurisdiction of said board over the same and providing for the payment of judgments from the proceeds of bonds issued and sold under the provisions of an Act entitled "An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners of a necessary area for a tidal basin for wharves, docks, piers, harbors, and appurtenances, in the city and county of San Francisco, to create a sinking fund for the payment of said bonds, and defining the duties of State officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds, and providing for the submission of this Act to a vote of the people"—report the same back, and recommend that it do pass as amended.

Also: Senate Bill No. 227—An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners of a necessary area for a tidal basin for wharves, docks, piers, harbors, and appurtenances, in the city and county of San Francisco, to create a sinking fund for the payment of said bonds, and defining the duties of State officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds, and providing for the submission of this Act to a vote of the people—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

McMANUS
BLACK
JOHNSON
O'NEILL.

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1909.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled:

Assembly Bill No. 606—An Act to secure the safety of the public at bathing places upon the seacoast and lakes.

Assembly Bill No. 160—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding thereto a new section, to be numbered 1761, relating to giving special notices to relatives of persons under guardianship during the administration of estates of wards.

Assembly Bill No. 631—An Act entitled "An Act to amend Section 1533 of Article II of the Political Code, by providing a superintendents' annual convention."

Assembly Bill No. 728—An Act to amend Section 4245 of the Political Code of the State of California, relating to county and township government, and the compensation of county and township officers of counties of the sixteenth class.

Assembly Bill No. 951—An Act to amend Section 4027 of the Political Code of California, relating to the organization of boards of supervisors.

Assembly Joint Resolution No. 8—Assembly Joint Resolution relating to the assent of the State of California to grants, purposes, and conditions of the Act of Congress entitled "An Act to provide for an increased annual appropriation for agricultural experiment stations and regulating the expenditures thereof," approved March 16, 1906.

And were presented to the Governor March fourth, at two o'clock P. M.

YOUNG, Chairman.

COMMUNICATIONS.

The Speaker filed the following communications:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1909.

HON. P. A. STANTON,

I hereby certify that Mr. Holmquist will not accompany the Committee on State Prisons and Reformatory Institutions on its visit to San Quentin, March 5th and 6th, and request substitution of George Black in his stead.

HAMMON, Chairman.

Substitution approved.

P. A. STANTON, Speaker.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1909.

HON. P. A. STANTON, *Speaker*:

I hereby certify that Mr. Hopkins will not accompany the Committee on State Prisons and Reformatory Institutions on its visit to San Quentin, March 5th and 6th, and request substitution of Dom. Beban in his stead.

HAMMON, Chairman.

Substitution approved.

P. A. STANTON, Speaker.

SECOND READING FILE—(RESUMED).

Assembly Bill No. 413—An Act to amend an Act entitled "An Act to create a fund to be known as the United States forest reserve fund, and to provide for the payment out of such fund to the treasuries of the several counties entitled thereto of certain moneys received from the government of the United States, and also to regulate the manner of expenditure by the counties of the moneys so paid," approved March 18, 1907.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1

On line 1, of the title after the words "to amend" insert the following. "sections one and three of"

Amendment adopted.

AMENDMENT No. 2.

On page 1. Section 1. of printed bill, strike out all of Section 1, and insert in lieu thereof the following

Section 1. Section one of an Act entitled "An Act to create a fund to be known as the United States forest reserve fund and to provide for the payment out of such fund to the treasuries of the several counties entitled thereto of certain moneys received from the government of the United States, and also to regulate the manner of expenditure by the counties of the moneys so paid," approved March 18, 1907, is hereby amended to read as follows:

Section 1. All moneys which have been received, and all moneys which may hereafter be received by the State of California from the government of the United States in pursuance of any and all Acts of Congress providing for the distribution and payment to states and territories of a fixed and definite percentage of the moneys received by the government of the United States from the forest reserves established therein, shall be credited to a fund to be known as the United States forest reserve fund, which fund is hereby specifically created, and such moneys shall be disposed of, in accordance with the terms of such Act of Congress, by the payment of the same to the counties in which such forest reserves are situated. The payment made to each county from the receipts of any given forest reserve shall be in the proportion which the area of such forest reserve situated in such county bears to the total area of such reserve.

Amendment adopted.

AMENDMENT No. 3

On page 2, of the printed bill, strike out all of Section 2, and insert in lieu thereof the following. "Sec 2 Section three of said Act is hereby amended to read as follows:".

Amendment adopted.

AMENDMENT No. 4.

On page 2, of the printed bill, strike out all of Section 3, and insert in lieu thereof the following. "Sec. 3 It shall be the duty of the board of supervisors of each county, upon application of the State Controller, to instruct the county surveyor to furnish the Controller, without expense to the State, a statistical statement showing the area of each United States forest reserve located within that county, and the data thus secured shall be made the basis of the computation of the amount of money due that county under the provisions of this Act."

Amendment adopted.

AMENDMENT No. 5.

On page 2, of printed bill, strike out all of Section 4

Amendment adopted.

AMENDMENT No. 6.

On page 2, of printed bill, strike out all of Section 5.

Amendment adopted.

AMENDMENT No. 7.

On page 2, of printed bill, strike out all of Section 6.

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 1057—An Act to amend Section 3785 of the Political Code, relating to the issuance of tax deeds for property sold for delinquent taxes.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 1, Section 1, line 5, printed bill, strike out the words "allowed by law for its redemption.".

On page 1, line 4, after the word "within" insert the following: "five years from the date of the sale to the State".

Amendment adopted

AMENDMENT No 2

On page 2, Section 1, line 39, of printed bill, strike out the word "in".

On page 2, line 40, after the word "heretofore" strike out the word "been".

On page 2, line 40, after the word "sold" strike out the words "to the State".

On page 2 strike out all of Sections 2 and 3

On page 2, line 39, after the word "eighty-five" insert the following "*provided, however*, that in".

On page 2, line 40, after the word "has" insert the word "been".

Amendment adopted.

AMENDMENT No 3.

On page 2, Section 1, lines 41 to 48, printed bill, strike out the words "after the".

On line 41, after the word "taxes", strike out the balance of line 41, and lines 42, 43, 44, 45, 46, 47, and 48, and insert in lieu thereof the following: "to purchasers other than the State of California, the deed therefor must have been made within the time allowed under the provisions of that certain Act entitled 'An Act to amend section seven hundred and eighty-five of the Political Code of the State of California, relating to the issuance of tax deeds,' approved March 23, 1907, and unless the deed has been so made the purchaser shall be deemed to have relinquished all his rights under said sale

"SEC 2 All Acts or parts of Acts in conflict with this Act are hereby repealed."

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment

Committee Substitute for Assembly Bill No. 829—An Act to amend Section 1584 of the Penal Code of the State of California, relating to moneys received or collected by the wardens of San Quentin prison and of Folsom prison, and the disposition thereof.

Committee substitute adopted.

Bill read second time, and ordered to engrossment.

Assembly Bill No 609—An Act to amend Section 636 of the Penal Code of the State of California, relating to the protection and preservation of fish

Bill read second time, and ordered to engrossment

Assembly Bill No. 1274—An Act for the protection and propagation of shrimp.

Bill read second time, and ordered to engrossment.

Committee Substitute for Assembly Bill No. 1136—An Act to amend Sections 22 and 57 of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Committee substitute adopted.

Bill read second time and ordered to engrossment

Assembly Bill No. 1185—An Act to amend Section 594*a* of the Political Code, as to deposits of insurance companies not organized under the laws of this State

During second reading of bill, the following amendment was submitted by the committee:

On page 2, Section 1, line 25, of the printed bill, after the word "Code" insert the following: "such deposits, for all purposes of the insurance laws of this State, may be treated as part of the capital of the company making it"

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 1441—An Act to repeal an Act entitled "An Act to provide for the accomplishment of the work of the direct improvement of the navigation of the Sacramento, San Joaquin, and Feather rivers of the State of California, as recommended in the special report of the California Débris Commission, dated June 30, 1907, and made jointly by Brigadier General A. MacKenzie, Chief of Engineers, C H. McKinstry, Major, Corps of Engineers, and Thomas H. Jackson, Captain, Corps of Engineers, of the United States Army, and printed with the annual report of the Chief of Engineers of the United States Army for the fiscal year ending June 30, 1907, and making an appropriation for such work," approved February 12, 1909.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 918—An Act to amend "An Act to provide for the appointment of guardians of children maintained in any orphans' home or orphan asylum in this State," approved March 23, 1893.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

After the title of the printed bill insert: "The people of the State of California, represented in senate and assembly, do enact as follows"

Amendment adopted.

AMENDMENT No 2

Strike out the word "managers", in line 3 of Section 3, page 2, of the printed bill, and insert in lieu thereof the word "president".

Amendment adopted.

AMENDMENT No 3

After the word "year", in line 4, of Section 3, page 2, of the printed bill insert the words "or the superintendent thereof".

Amendment adopted.

AMENDMENT No. 4

Strike out the word "them", in line 4, of Section 3, page 2, of the printed bill, and insert in lieu thereof the words "the said president".

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 1381—An Act to amend Section 2021 of the Code of Civil Procedure, relating to the taking by deposition of the testimony of witnesses in the State.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 1383—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as number one thousand four hundred sixty-five and one half, relating to notices

to be given of petitions to set aside exempt property for the use of the family.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 1384—An Act to amend Section 1465 of the Code of Civil Procedure, relating to the setting apart of property exempt from execution for the use of the family

Bill read second time, and ordered to engrossment.

Assembly Bill No. 1334—An Act to provide for the acquisition by municipalities of land for public park or public playground purposes by condemnation, and for the establishment of assessment districts and the assessment of property therein to pay the expense of acquiring such land.

Bill read second time, and ordered to engrossment

Assembly Bill No 1354—An Act to provide for separate sewer districts within municipalities.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 1386—An Act to provide for the improvement of public streets, lanes, alleys, courts, and places in municipalities, in cases where any damage to the private property would result from such improvement, and for the assessment of the costs, damages, and expense thereof upon the property benefited thereby.

Bill read second time, and ordered to engrossment.

Committee Substitute for Assembly Bill No 1351—An Act to create a drainage district to be called Yolo Basin Drainage District, to promote drainage therein and to provide for the management and control of said drainage district

Committee substitute adopted

Bill read second time, and ordered to engrossment.

Committee Substitute for Assembly Bill No. 30—An Act to authorize James Touhey to bring suit against the State of California

Committee substitute adopted.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 663—An Act to add a new section to the Penal Code of the State of California, to be numbered 1192*a*, relating to the ascertainment of facts relating to the records of persons convicted of offenses punishable by imprisonment in the State prison.

Bill read second time, and ordered to engrossment

Assembly Bill No. 1316—An Act to amend Sections 2 and 3 of an Act entitled "An Act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other Acts, or parts of Acts now in force, relating to estrays," approved March 23, 1901.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 703—An Act to amend Sections 3 and 8 of an Act entitled "An Act to insure the better education of practitioners of veterinary medicine in the State of California; to provide for the creation of a board of five members who shall act under and in accordance with the provisions of this Act; to provide for their appointment, and define their powers, duties, and compensation; to define offenses committed by acts done contrary to the provisions of this Act, and providing penalties for the violation thereof; providing for the revocation or suspension, in certain cases, of licenses issued hereunder, and to repeal an

Act entitled 'An Act to regulate the practice of veterinary medicine and surgery in the State of California.' approved March 30, 1903, and all other laws in conflict herewith,'' approved March 23, 1907.

During second reading of bill, the following amendment was submitted by the committee:

Strike out all of Section 8, of printed bill, on page 3, and insert in lieu thereof the following

SEC. 8. Nothing in this Act shall be so construed as to affect the rights of veterinarians to practice veterinary medicine in the State of California who, prior to the approval hereof, shall have received a license from the state veterinary medical board to so practice, and the certificate issued by said board shall be conclusive evidence of the right of the holder thereof to practice veterinary medicine in said state Nor shall this Act apply to any veterinary surgeon in the employ of the United States army, nor to any regularly licensed veterinarian from another state or territory in actual consultation or actually called from another state or territory and who does not open an office or appoint a place to do business within this state, nor to employees acting under the immediate and direct supervision, direction, and control of licensed veterinarians legally qualified to practice as such under the provisions of this Act

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 1367—An Act authorizing district agricultural associations, organized under the laws of the State of California, to lease lands owned, managed or controlled, in trust or otherwise, to municipal corporations in which such lands are situated, and repealing all Acts and parts of Acts in conflict herewith.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 1110—An Act to amend an Act entitled ''An Act to provide work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities,'' approved March 18, 1885, by adding thereto a new section, to be numbered 19½, providing for the completion of sidewalks in any block where a portion of the same has been constructed.

Bill read second time, and ordered to engrossment.

Committee Substitute for Assembly Bill No. 320—An Act to amend Sections 1, 3, 8, 20, and 21 of an Act approved March 23, 1901, and entitled an Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relating to the same, and known as an Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, approved March 12, 1885, to repeal Sections 13 and 24 of said Act; also to amend Sections 10, 12, 14, and 19 of said Act as amended by an Act approved March 20, 1903; also to amend Section 21½ of said Act as added thereto by said Act approved March 20, 1903; and also to amend Section 15 of said Act of March 23, 1901, as amended by an Act approved March 6, 1907, all relating to the Board of Dental Examiners of California and the regulation of the practice of dentistry in the State of California.

Committee substitute adopted

Bill read second time, and ordered to engrossment.

Assembly Bill No 1314—An Act to authorize and empower the board of managers of the Agnews State Hospital to sell and convey a portion of real property situated in Santa Clara County, in the State of California, and belonging to said State, to the Western Distilling Company,

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Strike out the words "distilling company", the same being the last two words in the title to this Act, and insert in lieu thereof the word "distilleries".

Amendment adopted.

AMENDMENT No. 2.

On page 1, Section 1, line 3, strike out the words "distilling company", and insert in lieu thereof the word "distilleries".

Amendment adopted.

AMENDMENT No. 3.

On page 1, Section 1, line 7, strike out the word "lot", and insert in lieu thereof the words "lands".

Amendment adopted.

AMENDMENT No. 4.

On page 1, Section 1, line 11, strike out the word "to", and insert in lieu thereof the word "and".

Amendment adopted.

AMENDMENT No 5.

On page 1, Section 1, line 12, strike out the capital letter "R", and insert in lieu thereof the capital letter "B".

Amendment adopted.

AMENDMENT No. 6.

On page 2, Section 1, line 16, strike out the word "land", and insert in lieu thereof the word "lane".

Amendment adopted.

AMENDMENT No. 7.

On page 2, Section 1, line 18, strike out the capital letter "R", and insert in lieu thereof the capital letter "B".

Amendment adopted.

AMENDMENT No. 8.

On page 2, Section 1, line 20, strike out the word "land", and insert in lieu thereof the word "lane".

Amendment adopted.

AMENDMENT No. 9.

On page 2, Section 1, line 23, strike out the capital letter "R", and insert in lieu thereof the capital letter "B".

Amendment adopted.

AMENDMENT No 10.

On page 2, Section 1, line 28, strike out the word "to", and insert in lieu thereof the word "and".

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment

RE-REFERENCE OF BILL.

On motion of Mr. Hinkle, Assembly Bill No. 939 was referred to Committee on Medical and Dental Laws.

Assembly Bill No. 1428—An Act to prevent the destruction of wild game within the boundaries of the Pinnacles Forest Reserve and Pinnacles National Monument, in the counties of San Benito and Monterey, in the State of California

Bill read second time, and ordered to engrossment.

Assembly Bill No. 1343—An Act to amend Section 10 of an Act entitled "An Act to establish a school for the discipline, education, reformation, and protection of juvenile delinquents in the State of California, to be known as the Whittier State School," approved March 11, 1889, and amended March 23, 1893, and March 7, 1905, and February 7, 1907, all relating to the said Whittier State School.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 1315—An Act restricting the powers of boards of supervisors in the matter of imposing licenses upon the business of raising, grazing, herding, and pasturing sheep.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 1245—An Act to amend Section 1 of an Act entitled "An Act to establish law libraries," approved March 1, 1891, amended March 1, 1907, and relating to the creation of a law library fund.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 1429—An Act to amend section four thousand two hundred and seventy-one of the Political Code, relating to the compensation of officers in counties of the forty-second class.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 1037—An Act to amend section two hundred and thirteen of the Penal Code of the State of California, and to add a new section thereto, numbered two hundred and twelve *a*, relating to the crime of robbery and its punishment.

Bill read second time, and ordered to engrossment

Assembly Bill No. 281—An Act to amend Section 784 of the Code of Civil Procedure, relating to sales in actions in partition.

Bill read second time, and ordered to engrossment.

Assembly Bill No 1232—An Act to amend Section 60 of the Civil Code.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 1285—An Act to amend section nine hundred and seventy-eight of the Code of Civil Procedure of California, relating to undertakings on appeal from judgments of justices of police courts

During second reading of bill, the following amendment was submitted by the committee:

Strike out the words "Undertaking on appeal." in line 3, Section 1, of printed bill.

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 1286—An Act to add a new section to the Code of Civil Procedure of California, to be known as section nine hundred and seventy-eight *a*, relating to the undertaking on appeal from judgments of justices or police courts.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 1029—An Act to add a new section to the Penal Code, to be numbered Section 413½, relating to sparring exhibitions and prize fights.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 1049—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 329, relating to the use of slot machines.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 1246—An Act to amend Subdivision 30 of Section 4041 of the Political Code of the State of California.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 1339—An Act providing for submitting to electors the question of calling a convention to revise the Constitution of the State of California.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 1224—An Act to amend Section 4300*a* of the Political Code

Bill read second time, and ordered to engrossment.

Assembly Bill No. 1364—An Act to amend Section 1622 of the Political Code, relating to teachers' salaries, and fixing a minimum amount to be paid.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Strike out of line 4, page 1, of the printed bill, the word "sixty", and insert in lieu thereof the word "forty"

Amendment adopted.

AMENDMENT No 2.

Strike out of line 6, page 1, of the printed bill, the word "forty", and insert in lieu thereof the word "sixty".

Amendment adopted.

AMENDMENT No. 3.

Strike out of line 11, page 1, of printed bill, the words "seven hundred and eighty dollars per year" and the semicolon, and insert in lieu thereof the words "seventy dollars per school month."

Amendment adopted.

AMENDMENT No. 4.

Strike out of line 12 the following words: "and that the minimum salary to be paid to any", and also all of lines 13 and 14

Amendment adopted.

AMENDMENT No. 5.

Strike out of line 8, page 1, of printed bill, the words "primary and grammar", and insert in lieu thereof the word "elementary".

Amendment adopted.

AMENDMENT No 6.

Strike out of line 8, page 1, of printed bill, the semicolon, and insert after the word "schools" the following words: "and the salaries of city superintendents of public schools and supervising principals of public schools, *provided*, that the city superintendent of schools or supervising principal of schools, holds a teacher's certificate in force for the full time for which the requisition is drawn;".

Amendment adopted.

AMENDMENT No 7

Strike out of line 9, page 1, of printed bill, the word "however", and insert in lieu thereof the word "further".

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

RECONSIDERATION.

In compliance with his notice given on a previous day, Mr. Polsley moved that the vote whereby Assembly Constitutional Amendment No 26 was refused passage be reconsidered.

The roll was called, and the same was reconsidered by the following vote:

AYES—Messrs Barndollar, Baxter, Beatty, Bohnett, Butler, Callan, Cattell, Coghlan, Collier, Cronin, Flint, Gerdes, Greer, Hanlon, Hewitt, Hinkle, Holmquist,

Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Kehoe, Lightner, Macauley, McClellan, McManus, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, Perine, Polsley, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Wagner, Webber, Whitney, Wilson, and Wyllie—47.

NOES—Messrs Beban, Collum, Dean, Hans, Hawk, and Hayes—6.

RE-REFERENCE OF ASSEMBLY CONSTITUTIONAL AMENDMENT.

On motion of Mr. Polsley, Assembly Constitutional Amendment No 26 was referred to Committee on Constitutional Amendments.

RE-REFERENCE OF BILL.

On motion of Mr. Johnson of Placer, Assembly Bill No 317 was re-referred to Committee on Common Carriers.

SPECIAL ORDER RESET.

On motion of Mr. Pulcifer, the reconsideration of the vote on Committee Substitute for Assembly Bills Nos. 64, 65, and 66 was made a special order for Monday, March 8, 1909, at eleven o'clock A M

THIRD-READING FILE—(RESUMED).

Assembly Bill No. 1284—An Act validating the title to lands selected by the State in lieu of surveyed school sections situated within the exterior boundaries of national reservations created by proclamation of the President of the United States, and vesting the title of the State to such surveyed school sections of the United States.

During third reading of bill, Mr. Rech moved that the Speaker appoint a select committee of one to amend the bill, as follows:

After the word "government" in line 3, of Section 1, add the words "of the United States".

Also, After the word "California", in line 6, of Section 1, add the following: "and also all such selections which are now pending before the land department of the United States, when listed to the State, are"

Also Strike out the word "is", in line 6, of Section 1.

Also After the word "State" in line 7, of Section 1, insert a comma and then add the following "when said State shall have issued its patent therefor,".

Also Strike out the following, in line 11, of Section 1 "is hereby declared to be vested", and in lieu thereof insert "shall vest"

Also After the words "United States", in line 12, of Section 1, insert "at the date of such listing to the State"

Also Strike out the words "is hereby", in line 12, of Section 1, and insert in lieu thereof "shall be deemed to be"

Also After the words "United States", in line 13, of Section 1 and before the punctuation mark insert "at the time of such listing to the State as aforesaid"

Motion carried.

The Speaker appointed Mr. Rech as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER SACRAMENTO, March 4, 1909

MR SPEAKER Your select committee of one, to whom was referred Assembly Bill No 1284, with instructions, do now report that the instructions of the Assembly have been carried out

RECH, Select Committee

Report of select committee, and amendments, adopted

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No. 1356—An Act to amend Section 4270 of the Political Code of the State of California, relating to the compensation of officers of counties of the forty-first class.

During third reading of bill, Mr. Hewitt moved that the Speaker appoint a select committee of one to amend the bill, as follows:

Strike out all of lines 30 and 31 of the printed bill and insert in lieu thereof the following: "7. The assessor two thousand five hundred dollars per annum The said assessor may appoint one deputy assessor, which said office of deputy assessor is hereby created, who shall serve as such only during the months of March, April, May and July of each year. Said deputy assessor shall receive a salary of one hundred dollars per month, payable during the period of such service, at the same time and in the same manner as the salary of county officers is paid."

Motion carried.

The Speaker appointed Mr. Hewitt as such select committee

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1909.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 1356, with instructions, do now report that the instructions of the Assembly have been carried out

HEWITT, Select Committee

Report of select committee, and amendment, adopted.

Bill ordered to reprint, reëngrossment, and on file for passage

Assembly Bill No. 1355—An Act to amend Section 4275 of the Political Code of the State of California, relating to the compensation of officers of counties of the forty-sixth class.

During third reading of bill, Mr. Hewitt moved that the Speaker appoint a select committee of one to amend the bill, as follows:

Insert a comma after the word "law", in line 56, of printed bill, and follow it by the word "and".

Motion carried.

The Speaker appointed Mr Hewitt as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1909

MR SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 1355, with instructions, do now report that the instructions of the Assembly have been carried out

HEWITT, Select Committee

Report of select committee, and amendment, adopted

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No. 742—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby, of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 47 thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No 742 passed by the following vote:

AYES—Messrs Barndollar, Beatty, Butler, Callan, Cattell, Collier, Collum, Cronin, Dean, Drew, Flint, Gerdes Gibbons, Gillis, Hanlon, Hans, Hawk, Hayes,

Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, Mendenhall, Moore, Nelson, Odom, Otis, Perine, Preston, Pugh, Pulcifer, Rutherford, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Wilson, Wyllie, Young, and Mr Speaker—50

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

WITHDRAWAL OF BILL.

Mr Leeds asked for, and was granted, unanimous consent to withdraw Assembly Bill No. 1047.

Assembly Bill No. 1047 withdrawn, and ordered stricken from the file.

Assembly Bill No. 690—An Act to amend Section 515 of the Political Code and to provide for the appointment of a statistician, a bookkeeper, and a clerk and stenographer for the Superintendent of Public Instruction, and to fix their compensation.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 690 passed by the following vote·

AYES—Messrs Barndollar, Baxter, Butler, Callan, Cattell, Costar, Dean, Drew, Flint, Gerdes, Gibbons, Gillis, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McManus, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, Perine, Preston, Pugh, Pulcifer, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wilson, Young, and Mr. Speaker—50.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No 1108—An Act to amend Section 2302 of the Political Code, relating to the salary of the State Librarian.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1108 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beban, Black, Butler, Callan, Cattell, Cogswell, Costar, Drew, Flint, Gerdes, Gibbons, Gillis, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Leeds, Lightner Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Nelson, Odom Otis, Perine, Preston, Pugh, Pulcifer, Sackett, Schmitt, Silver, Stuckenbruck, Transue, Wagner, Young, and Mr. Speaker—47.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 35—An Act to amend Section 103 of the Code of Civil Procedure

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 35 passed by the following vote:

AYES—Messrs Barndollar, Black, Bohnett, Callan, Cattell, Cogswell, Collier, Costar, Dean, Drew, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Hans, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Macauley, Maher, McManus, Melrose, Mendenhall, Mott, Nelson, Otis Perine, Polsley, Preston, Sackett, Schmitt, Telfer, Transue, Wagner, Webber, Whitney, and Young—47

NOES—None

Title read and approved

Bill ordered transmitted to the Senate.

Committee Substitute for Assembly Bill No. 714—An Act to regulate the issue of bonds of school districts in cities of the fifth class, and school districts partly within and partly without such cities of the fifth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Assembly Bill No. 714 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beban, Butler, Callan, Cattell, Cogswell, Collum, Costar, Dean, Drew, Flint, Gerdes, Gibbons, Gillis, Greer, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Macauley, Maher, McManus, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Sackett, Schmitt, Stuckenbruck, Transue, Wagner, Webber, Whitney, Wilson, and Young—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

HON P. F. COGSWELL IN THE CHAIR.

At four o'clock and fifty minutes P. M., Hon. P. F. Cogswell in the chair.

Assembly Bill No. 1220—An Act to amend Section 928 of the Penal Code of the State of California, relating to the duties of grand juries.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1220 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beban, Black, Bohnett, Cattell, Coghlan, Cogswell, Collum, Costar, Dean, Drew, Flint, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Macauley, Maher, Melrose, Moore, Perine, Polsley, Preston, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, and Young—47.

NOES—Mr. Callan—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1127—An Act to legalize, confirm, and validate assessments of real estate made between the years 1880 and 1908, inclusive, which real estate, under such assessments, has been struck off and sold to the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1127 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Black, Bohnett, Callan, Cattell, Cogswell, Costar, Dean, Drew, Flint, Gerdes, Gibbons, Gillis, Greer, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds Lightner, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Transue, Wagner Webber, Wheelan, Whitney, Wilson, and Young—49.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1363—An Act authorizing the purchase of portraits of Speakers of the Assembly, and appropriating money therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1363 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beatty, Bohnett, Callan, Cattell, Cogswell, Collier, Collum, Costar, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Juilliard, Leeds, Macauley, Maher, McManus, Melrose, Nelson, Otis, Perine, Preston, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Transue, Wagner, Webber, Whitney, Wilson, and Young—48

NOES—Messrs. Dean, Mendenhall, Polsley, Stuckenbruck, and Telfer—5

Title read and approved.

Bill ordered transmitted to the Senate.

NOTICE OF MOTION TO RECONSIDER.

Mr. Johnson of Sacramento gave notice that on the next legislative day he would (by request) move a reconsideration of the vote whereby Assembly Bill No. 1066 was this day passed.

ADJOURNMENT.

At five o'clock and fifteen minutes P. M., on motion of Mr Johnson of Sacramento, the Assembly was declared adjourned.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL., }
Friday, March 5, 1909. }

At nine o'clock and thirty minutes A. M, pursuant to adjournment, the Assembly was called to order.

Hon. P. A Stanton, Speaker of the Assembly, in the chair.

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

Messrs. Barndollar, Beardslee, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Coghlan, Costar, Cronin, Cullen, Dean, Fleisher, Flint, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Pulcifer, Rutherford, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wylhe, Young, and Mr. Speaker—63.

Quorum present.

LEAVES OF ABSENCE.

On motion, leave of absence for the day was granted to Messrs Collier, Wyatt, and Flavelle.

PRAYER.

Prayer was offered by the Chaplain, Rev. Seren N. Marsh

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. McManus, its further reading was dispensed with.

PETITION.

The following petition was presented:

By Mr. Cattell:

PASADENA, CAL., February 11, 1909

To the Honorable H. G CATTELL, *Sacramento, Cal*

We, the undersigned, members of The Modern Woodmen of America, have been informed that there is to be an effort made by certain persons and associations interested in life insurance to secure from the legislatures of the various states certain enactments in a so-called "uniform bill", or, in other words, a minimum rate bill, which shall have the effect of requiring all fraternal insurance orders to fix their rates at not less than the rate thus sought to be established, regardless of any question as to whether or not any such association is able safely to fix a lower rate for such insurance.

We believe that such legislation would be unjust in the extreme; that there is no more reason for attempting to regulate the price to be charged for life insurance than there is to regulate the price of any other commodity that may be offered for sale; that the law of supply and demand, the circumstances of each society, and its facilities for supplying this demand are not subject to legislative control, but are very great factors in determining the question of the rates to be charged for life insurance, that the laws already in force in this State regarding fraternal insurance societies are ample for the protection of all patrons of all such societies, and that the matter of rate regulation is one that should be left to the wise discretion of each society itself.

Such a measure would afford no particular protection to parties seeking insurance, but would eliminate from competition those societies whose management is conducted with such fairness and economy as to enable them to offer life insurance at lower rates than certain other companies or societies, whose management is neither economical nor commendable, can, under the circumstances afford to accept, and would destroy all incentive for such societies to conduct their affairs with strict economy.

We feel that we are fully entitled to the benefit of the lowest rate that the efficient, safe and economical management of our head officers is able to procure for us

We earnestly request you to use your very best endeavors towards preventing the enactment of any such legislation in this State.

S. B BEERS (and others).

REPORTS OF STANDING COMMITTEES

The following reports of standing committees were received and read:

ON INSURANCE AND INSURANCE LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1909.

MR. SPEAKER: Your Committee on Insurance and Insurance Laws, to whom was referred Senate Bill No. 115—An Act to regulate the organization of fraternal insurance associations—have had the same under consideration, and respectfully report the same back without recommendation.

PULCIFER, Chairman.

ON MEDICAL AND DENTAL LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1909

MR SPEAKER: Your Committee on Medical and Dental Laws, to whom was referred Assembly Bill No 939—An Act for the regulation of the practice of medicine, surgery and obstetrics, osteopathy and other systems or modes of treating sick or afflicted human beings in the State of California, fixing the standard of preliminary education of students before entering upon the study of medicine, surgery or obstetrics, osteopathy or other modes of treating sick or afflicted human beings, the mode of the examination of matriculants and by whom, the number of hours required in the attendance at colleges, schools or universities before receiving a diploma, standard of colleges, schools and universities teaching the same, and for the appointment of a Board of Medical Examiners in the matter of said regulation—have had the same under consideration, and respectfully report the same back without recommendation.

SILVER, Chairman

Also:

ASSEMBLY CHAMBER SACRAMENTO, March 5, 1909

MR SPEAKER: Your Committee on Medical and Dental Laws, to whom was referred Senate Bill No. 17—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and regulate the practice of dentistry in the State of California, providing penalties for the violation thereof, and to repeal an Act now in force relative to the same, and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California,' approved March 12, 1885," approved March 23, 1901, by amending Sections 12 and 13—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended

SILVER, Chairman.

ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1909.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Assembly Bill No 1271—An Act to amend section four thousand two hundred and forty-two of the Political Code, relating to the compensation of officers of counties of the thirteenth class.

Also. Assembly Bill No. 1244—An Act to amend Section 4300*a* of the Political Code, relating to fees to be charged and collected by the county clerk.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

HANS, Chairman

ALAMEDA COUNTY DELEGATION.

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1909

MR SPEAKER: The Alameda County Delegation, to whom was referred Assembly Bill No 937—An Act to amend section four thousand two hundred and thirty-two of the Political Code of the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

HANS, Chairman.

ON JUDICIARY

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1909

MR SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 282 —An Act to amend Section 775 of the Code of Civil Procedure, relating to sales in actions in partition—report the same back, with one amendment, and recommend that it do pass as amended

Also. Assembly Bill No. 1410—An Act to amend section three hundred and forty of the Code of Civil Procedure, relating to the time of commencing certain actions—report the same back, with one amendment, and recommend that it do pass as amended.

Also: Assembly Bill No 1411—An Act to amend Section 339 of the Code of Civil Procedure, relating to the time within which certain actions may be commenced—report the same back, with one amendment, and recommend that it do pass as amended.

Also Assembly Bill No. 1412—An Act to amend section eight hundred and sixty of the Code of Civil Procedure, relating to demurrer or answer to amend pleadings in the justice courts—report the same back, with one amendment, and recommend that it do pass as amended

Also Assembly Bill No. 1251—An Act to amend section six hundred and two of the Code of Civil Procedure, relating to jury trial—report the same back, with two amendments, and recommend that it do pass as amended.

JOHNSON OF SACRAMENTO, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1909.

MR SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No 666—An Act to add a new section to the Penal Code, to be numbered 556 to prevent fraud in the sale of commodities baled, boxed, crated or otherwise packed for sale and delivery, and providing a punishment therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

JOHNSON OF SACRAMENTO, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1909.

MR SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 1264—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 1203 thereof, relating to the probation of persons arrested for crime after a plea or verdict of guilty and the suspending of the imposition or execution of sentence during the term of probation, and the disposition of such accusation after full compliance with the terms of probation

Also: Assembly Bill No. 1426—An Act providing for the disposition of civil or criminal actions or proceedings in which bills of exceptions or statements on motion for new trial have been lost or destroyed by conflagration or other public calamity

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass

Also: Assembly Bill No. 1427—An Act to legalize, confirm, and validate tax deeds made to the State of California for delinquent taxes, and deeds made to purchasers of property sold under and in pursuance of the provisions of sections three thousand eight hundred and ninety-seven and three thousand eight hundred and ninety-eight of the Political Code—have had the same under consideration, and respectfully report the same back, with one amendment, and recommend that it do pass as amended.

JOHNSON OF SACRAMENTO, Chairman.

The above reported bills ordered on file for second reading.

SENATE MESSAGES.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO March 4, 1909.

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 185—An Act requiring persons, corporations, receivers, or trustees operating lines of railway to furnish cars for shipment of freight upon written application from shippers of freight, and providing a penalty and damages to be paid by such persons, corporations, receivers, or trustees to shippers for failure to do so, and providing a penalty and damages to be paid to persons, corporations, receivers, or trustees operating such railway lines by the applicant or shipper for failure to load or unload cars so furnished.

Also: Senate Bill No 1167—An Act appropriating money to pay the claim of S. B. Sumner against the State of California.

Also: Senate Bill No. 538—An Act to provide for the permanent support and improvement of the University of California by the levy of a tax of taxation and the creation of a fund therefor

Also: Senate Bill No. 1133—An Act to add a new section to the Political Code, to be known as Section 1665*a*, providing for the establishment and maintenance in cities of the first class of one or more public schools called cosmopolitan schools, in which shall be taught the French, Italian, and German languages, in connection with the English branches

Also: Senate Bill No. 624—An Act to define personal property brokers and regulate their charge and business.

Also: Senate Bill No. 797—An Act to amend section twelve hundred and thirty-eight of the Code of Civil Procedure, relating to the purposes for which the right of eminent domain may be exercised.

Also: Senate Bill No. 837—An Act to add a new section to the Penal Code of California to be numbered 632*b*, relating to fishing with salmon roe or steelhead roe as bait.

Also: Senate Bill No 763—An Act to amend Sections 628, 628*a*, 632½, 634, and 636 of the Penal Code of the State of California, all relating to the protection and preservation of fish.

Also: Adopted Senate Constitutional Amendment No. 36—A resolution to propose to the people of the State of California an amendment to Article VI, section eight of the Constitution, relating to judges of the Superior Court

Also: Passed Senate Bill No. 754—An Act granting certain lands and salt marsh and tide lands of the State of California to the city of Oakland.

Also: Senate Bill No. 833—An Act to amend Section 4041 of the Political Code of California, relating to the general permanent powers of the board of supervisors.

Also: Senate Bill No. 657—An Act to amend Section 647 of the Code of Civil Procedure of the State of California, relating to what is deemed excepted to.

Also: Senate Bill No. 659—An Act to repeal Sections 1170, 1171, 1172, 1173, 1174, 1175, 1177, and 1241 of the Penal Code of the State of California, relating to bills of exceptions on appeal.

Also: Senate Bill No. 979—An Act to add a new section to the Penal Code of California, to be numbered 536*a*, relating to the duties of commission merchants, brokers, factors, and consignees

Also: Senate Bill No. 1059—An Act to amend Sections 2 and 3 of an Act entitled "An Act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs and expenses incurred by reason of taking them up, and repealing all other Acts or parts of Acts now in force, relating to estrays," approved March 23, 1901

Also: Senate Bill No. 904—An Act to amend Sections 626, 626*c*, 626*d*, 626*m*, and 627*b* of the Penal Code of the State of California, and add to such Penal Code two new sections, to be numbered Section 626*n* and Section 626*o*, relating to the protection and preservation of game and fish

Also: Senate Bill No 347—An Act to provide for experiment and research work in viticulture, directing publication of the results of experiments and investigations, making an appropriation therefor and prescribing the duties of the Controller and Treasurer in relation thereto.

Also: Senate Bill No. 658—An Act to amend Section 270 of the Code of Civil Procedure of the State of California, and to add a new section to the Code of Civil Procedure of the State of California, to be known as Section 274*a*, relating to phonographic reporter, his competency and compensation.

Also: Senate Bill No. 803—An Act to amend the Political Code by adding thereto two new articles, to be designated and numbered Article XIV of Chapter III of Part III of said Code, to consist of sections numbered 1720, 1721, 1722, 1723, 1724, 1725, 1726, 1727, 1728, 1729, 1730, 1731, 1732, 1733, 1734, 1735, 1736, 1737, 1738, 1739, 1740, 1741, 1742, 1743, 1744, 1745, 1746, 1747, 1748, 1749, 1750, 1751, and Article XV of said chapter, to consist of sections numbered 1755, 1756, 1757, 1758, 1759, 1760, 1761, 1762, and 1763, and to repeal sections 1669, 1670, 1671, 1671*a*, and 1681 of said Code, all relating to high schools, and to repeal an Act entitled "An Act to provide for the change of name of high school districts and union high school districts and the manner of making such change," approved March 23 1907,

and an Act entitled "An Act relating to the meeting place of high school boards within municipal corporations," which became a law without the Governor's signature March 15, 1901, and an Act entitled "An Act creating a fund for the benefit and support of high schools and providing for its distribution, and repealing an Act entitled 'An Act creating a fund for the benefit and support of high schools and providing for its distribution.'" approved March 2, 1903, approved March 6, 1905, and all Acts amendatory thereof.

Also: Senate Bill No. 973—An Act to amend section six hundred and ninety-two of the Code of Civil Procedure, relating to the notice of sale of property on execution.

Also: Senate Bill No. 1143—An Act to amend Section 1723 of the Code of Civil Procedure, relating to the dispositions of life estates and homestead property on owners' death in certain cases

Also: Senate Bill No. 133—An Act to amend sections eleven hundred eighty-three, eleven hundred eighty-four, eleven hundred eighty-five, eleven hundred eighty-six, eleven hundred eighty-seven, eleven hundred ninety, eleven hundred ninety-two, and eleven hundred ninety-four of the Code of Civil Procedure of the State of California, and to add two new sections thereto, to be numbered section "twelve hundred *a*," and "section twelve hundred three *b*," and to repeal section eleven hundred eighty-eight of said Code, all relating to mechanics' liens

Also: Senate Bill No. 378—An Act to provide for the establishment and maintenance of public museums of natural and historical objects within municipalities of the fourth, fifth, and sixth class not having a freeholders' charter.

Also: Senate Bill No. 709—An Act legalizing the formation and organization of reclamation district number seven hundred and eighty-seven, in the county of Yolo, State of California.

Also: Senate Bill No. 710—An Act legalizing the formation and organization of reclamation district number seven hundred and eighty-five, in the county of Yolo, State of California.

Also: Senate Bill No. 336—An Act to amend Section 1265 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1875, relating to homesteads and exemptions.

Also: Senate Bill No. 337—An Act to amend Section 789 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to termination of estates.

Also: Senate Bill No. 968—An Act to amend Section 269 of the Code of Civil Procedure, relating to phonographic reporters for Superior Courts and providing for their appointment and duties, and also providing for copies of proceedings by them in certain cases

Also: Senate Bill No. 919—An Act to add to the Penal Code of the State of California a new section, to be numbered 587*a*, prohibiting unauthorized persons from manipulating, tampering, or interfering with railroad appliances, and prescribing punishment for violation of such prohibition.

Also: Senate Bill No 38—An Act authorizing the regents of the University of California to hold farmers' institutes, and making appropriation therefor.

Also: Senate Bill No. 95—An Act appropriating the sum of twelve thousand one hundred and fifty-five dollars ($12,155 00) to provide certain improvements to the plant and grounds of the Industrial Home of Mechanical Trades for the Adult Blind

Also: Senate Bill No 757—An Act appropriating money for metal shelving, record cases, fixtures, and other accessories for the use of the Clerk of the Supreme Court.

Also: Senate Bill No 234—An Act to appropriate money for the purchase of land adjoining the present property of the State Normal School at San Francisco.

Also: Senate Bill No 691—An Act authorizing the State Treasurer to purchase a bond filing case, and making an appropriation therefor.

Also: Senate Bill No. 221—An Act making an appropriation to pay the deficiency in the appropriation for postage and contingent expenses of the Clerk of the Supreme Court for the fifty-ninth and sixtieth fiscal years.

Also: Senate Bill No. 516—An Act to provide for the reappropriation of the unexpended balance of money appropriated by an Act entitled "An Act making an appropriation to pay certain claims against the California Home for the Care and Training of Feeble-Minded Children," approved March 7, 1905

Also: Senate Bill No 939—An Act to promote education regarding the laws of nature, governing the parents, governing reproduction, and making an appropriation therefor.

Also: Senate Bill No. 588—An Act to provide for the reforestation, the cutting of fire lanes and fire trails on the San Bernardino Forest Reserve, and to make an appropriation therefor.

Also: Senate Bill No 831—An Act to appropriate the sum of ten thousand dollars, for the purpose of partly changing the line of road and making permanent culverts on the Sonora and Mono road, a state highway

Also: Committee Substitute "A" for Senate Bill No. 772—An Act providing for the construction of additional houses for the use of the officers, guards, and employees at the State prison at Folsom, and making an appropriation therefor

Also: Committee Substitute "B" for Senate Bill No 772—An Act providing for the repairing of the buildings at the State prison at Folsom, and making an appropriation therefor

Also: Committee Substitute for Senate Bill No 774—An Act providing for the construction and furnishing of a residence at the State prison at Folsom, and making an appropriation therefor.

Also. Committee Substitute 'A" for Senate Bill No. 882—An Act providing for the repairing of the buildings at the State prison at San Quentin, and making an appropriation therefor.

Also: Committee Substitute "B" for Senate Bill No 882—An Act providing for the construction of cottages for the use of guards and employees at the State prison at San Quentin, and making an appropriation therefor.

Also. Senate Bill No. 637—An Act to provide for the construction of buildings and structures and repairs to the same on the University Farm at Davis, and appropriating money therefor

Also: Senate Bill No. 638—An Act to provide for the purchase of farm machinery, tools, wagons, and harness for the University Farm and Agricultural School at Davis, and appropriating money therefor

Also: Senate Bill No. 668—An Act to provide for the extension of the light, heating, power, water, and sewer systems at the University Farm and Agricultural School at Davis, and appropriating money therefor.

Also: Senate Bill No. 669—An Act to provide for the purchase of supplies, apparatus, equipment, and furnishings of buildings, class rooms, and laboratories on the University Farm at Davis, and appropriating money therefor.

Also Senate Bill No. 670—An Act to provide for the purchase of live stock for and for the use of the University Farm and Agricultural School at Davis, and appropriating money therefor.

Also· Senate Bill No. 912—An Act to provide for the expenses of operating and conducting the University Farm and School of Agriculture thereon to June 30, 1909, and appropriating money therefor.

Also· Senate Bill No. 993—An Act to appropriate the sum of twenty thousand dollars for the general improvement of Lake Tahoe wagon road, and for constructing, erecting, and operating a sprinkling plant and appurtenance thereon

LEWIS A. HILBORN, Secretary of Senate
By J. W KAVANAGH, Assistant Secretary.

Senate Bill No 185 read first time, and referred to Committee on Corporations.

Senate Bill No. 1167 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 538 read first time, and referred to Committee on Universities.

Senate Bill No. 1133 read first time, and referred to Committee on Education.

Senate Bill No. 624 read first time, and referred to Committee on Judiciary.

Senate Bill No. 797 read first time, and referred to Committee on Judiciary.

Senate Bill No. 837 read first time, and referred to Committee on Fish and Game.

Senate Bill No 763 read first time, and referred to Committee on Fish and Game.

Senate Constitutional Amendment No. 36 read first time, and referred to Committee on Constitutional Amendments

Senate Bill No. 754 read first time, and referred to Committee on Municipal Corporations.

Senate Bill No. 833 read first time, and referred to Committee on County and Township Governments.

Senate Bill No. 657 read first time, and referred to Committee on Judiciary.

Senate Bill No. 659 read first time, and referred to Committee on Judiciary.

Senate Bill No. 979 read first time, and referred to Committee on Judiciary.

Senate Bill No. 1059 read first time, and referred to Committee on Revision and Reform of Laws.

Senate Bill No 904 read first time, and referred to Committee on Fish and Game.

Senate Bill No. 347 read first time, and referred to Committee on Fruit and Vine Interests.

Senate Bill No. 658 read first time, and referred to Committee on Judiciary.

Senate Bill No. 803 read first time, and referred to Committee on Education.

Senate Bill No. 973 read first time, and referred to Committee on Judiciary.

Senate Bill No. 1143 read first time, and referred to Committee on Judiciary.

Senate Bill No 133 read first time, and referred to Committee on Judiciary

Senate Bill No. 378 read first time, and referred to Committee on Municipal Corporations.

Senate Bill No. 709 read first time, and referred to Committee on Swamp and Overflowed Lands and Levees and River Improvements and Drainage.

Senate Bill No. 710 read first time, and referred to Committee on Swamp and Overflowed Lands and Levees and River Improvements and Drainage.

Senate Bill No. 336 read first time, and referred to Committee on Judiciary.

Senate Bill No. 337 read first time, and referred to Committee on Judiciary.

Senate Bill No. 968 read first time, and referred to Committee on Judiciary.

Senate Bill No. 919 read first time, and referred to Committee on Corporations.

Senate Bill No. 38 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 95 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 757 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 234 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 691 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 221 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 516 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 939 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 588 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 831 read first time, and referred to Committee on Ways and Means.

Committee Substitute "A" for Senate Bill No. 772 read first time, and referred to Committee on Ways and Means.

Committee Substitute "B" for Senate Bill No. 772 read first time, and referred to Committee on Ways and Means.

Committee Substitute for Senate Bill No. 774 read first time, and referred to Committee on Ways and Means.

Committee Substitute "A" for Senate Bill No. 882 read first time, and referred to Committee on Ways and Means.

Committee Substitute "B" for Senate Bill No. 882 read first time, and referred to committee on Ways and Means.

Senate Bill No. 637 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 638 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 668 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 669 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 670 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 912 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 993 read first time, and referred to Committee on Ways and Means.

Also:

SENATE CHAMBER, SACRAMENTO, March 4, 1909.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 445—An Act to regulate the hours of labor in mines

Also, Committee Substitute for Assembly Bill No 753—An Act authorizing the State Board of Prison Directors to fix the price, terms, and conditions of sale at which jute bags should be sold for the State, providing for the prosecution and punishment for offenses under the same, and repealing certain Acts.

Also Assembly Bill No 1111—An Act to authorize and empower the State Board of Prison Directors to insure jute and jute goods against either fire or marine loss, and to pay the cost of such insurance from the revolving fund for the purchase of jute.

Also: Assembly Bill No. 442--An Act to amend "An Act to provide for work upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by adding thereto a new section numbered 5½, providing for the doing of sidewalk work by cities in the absence of bidders for doing the same.

Also: Assembly Bill No. 733--An Act to amend an Act entitled "An Act to provide for the planting, maintenance, and care of shade trees, lanes, alleys, courts, and places within municipalities, and of hedges upon the lines thereof; also for the eradication of certain weeds within the city limits," approved March 11, 1893.

Also, Assembly Bill No. 671--An Act to prevent the formation and prohibit the existence of secret oath-bound fraternities in the public schools.

Also: Assembly Bill No. 842—An Act to amend Section 10 of an Act entitled "An Act to create and administer a public school teachers' annuity and retirement fund in the several counties, and cities and counties in the State," approved March 26, 1895, and amended March 29, 1897, and amended March 23, 1901, and amended March 20, 1903.

Also: Assembly Bill No. 173—An Act authorizing the State Veterinarian to employ during the balance of the sixtieth and throughout the sixty-first and sixty-second fiscal years such inspectors as he may deem necessary to inspect and supervise the dipping of sheep infected with the disease known as scabies; providing for the compensation and expenses of said inspectors, and making an appropriation therefor

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Bills ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 4, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted Assembly Joint Resolution No. 9--Resolution relating to Federal Improvement of Newport Bay, in Orange County.

LEWIS A. HILBORN, Secretary of Senate
By J. W KAVANAGH, Assistant Secretary

Assembly joint resolution ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 5, 1909

MR SPEAKER I am directed to inform your honorable body that the Senate on this day ordered returned to you Assembly Bill No. 1066—An Act to amend sections six, seven, fifteen, and seventeen, and to add a new section known as section fifteen and a half, creating a revolving fund, to an Act entitled "An Act to create for the State of California a Department of Engineering, to provide for the appointment of the officers and employees thereof, defining its powers, and prescribing the duties of said department, its officers and employees, to provide the compensation of such officers and employees, to make an appropriation for the salaries and other expenses for the remainder of the fifty-eighth fiscal year, and making certain acts a felony, and repealing an Act entitled 'An Act creating a Commissioner of Public Works, defining his duties and powers and fixing his compensation,' " approved February 9, 1900, and all Acts or parts of Acts amendatory thereof, also repealing an Act entitled "An Act to create a Department of Highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employees thereof, and to provide for the compensation of said officers and employees, and for the additional expenses of said department and to make an appropriation therefor for the remainder of the forty-eighth fiscal year," approved April 1, 1897, also repealing an Act entitled "An Act providing for an auditing board to the Commissioner of Public Works, authorizing and directing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredges, and appliances therefor to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn lands and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this Act," approved March 17, 1897, and all Acts or parts of Acts amendatory thereof, also repealing an Act entitled "An Act to provide for the appointment, duties and compensation of a Débris Commissioner, and to make an appropriation to be expended under his directions in the discharge of his duties as such commissioner," approved March 24, 1893, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to create the office of Lake Tahoe Wagon Road Commissioner, providing the term of office and compensation of such commissioner, defining his duties and making an appropriation for the salary and expenditures provided for and authorized by this Act" approved April 1, 1897, and all Acts and parts of Acts amendatory thereof, approved March 11, 1907—as per request

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 4, 1909.

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day refused adoption to Assembly Constitutional Amendment No. 13—Proposed amendment to Article XLI, Section 9, of the Constitution, relative to the compensation of officers, and the extension of the term of officers

Also Refused passage to Assembly Bill No 229—An Act to amend Section 637*a* of the Penal Code of the State of California, relating to the protection and preservation of birds

LEWIS A. HILBORN, Secretary of Senate
By J W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 4, 1909

MR SPEAKER. I am directed to inform your honorable body that the Senate on this day adopted Committee Substitute for Senate Joint Resolutions Nos. 6, 7, 11, and 17—Relative to Asiatic immigration

LEWIS A HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

On motion of Mr. Transue, Committee Substitute for Senate Joint Resolutions Nos. 6, 7, 11, and 17 was referred to the Speaker as a select committee for consideration.

Also

SENATE CHAMBER, SACRAMENTO, March 4, 1909

MR SPEAKER. I am directed to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 726—An Act to add a new section to the Penal Code, to be known as Section 537*c*, and relating to the unlawful use of horses and vehicles by the owner, manager, and proprietors of livery and feed stables, and persons pasturing stock, and providing the punishment for the violation thereof.

Also: Assembly Bill No. 846— An Act to amend Section 1213 of the Civil Code of the State of California, relating to the recording of conveyances of real property, and pro-

viding for the recording of certified copies of such conveyances in cases where the same have been recorded in a wrong manner.

Also: Assembly Bill No. 240—An Act to provide for the consolidation of municipal corporations.

Also: Assembly Bill No. 825—An Act to amend Section 4277 of the Political Code.

And respectfully request your honorable body to concur in said amendments.

LEWIS A. HILBORN, Secretary of Senate
By J. W. KAVANAGH, Assistant Secretary

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 726?"

On page 1, after the enacting clause, insert the following:

Section 1. A new section is hereby added to the Penal Code of California, to be numbered 537*c*, and to read as follows:

Also: On page 1, line 1, strike out the word "Section".

And: Amend the title of the bill, line 1 thereof, after the word "Code", by inserting the words "of California".

The roll was called, and Senate amendments to Assembly Bill No. 726 were concurred in by the following vote:

AYES—Messrs. Barndollar, Bohnett, Butler, Callan, Cattell, Cronin, Dean, Fleisher, Flint, Gibbons, Gillis, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Nelson, O'Neill, Perine, Polsley, Preston, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—47.

NOES—None.

Bill ordered to enrollment.

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 240?"

On page 1, Section 1, line 6, of the printed bill, strike out the word "of"

Also: On page 2, Section 2, line 3, of the printed bill, before the word "greatest" insert the words "greater or"

Also: On page 2, Section 2, line 6, of the printed bill, strike out the word "so", and insert in lieu thereof the words "designated in said petition and".

Also: On page 2, Section 2, line 12, of the printed bill, strike out the word "of"

Also: On page 2, Section 2, line 38, of the printed bill, after the word "newspaper" insert the word "for".

Also: On page 3, Section 2, line 43, of the printed bill, after the word "publication" insert the words "or posting".

Also: On page 3, Section 2, line 49, of the printed bill, after the word "consolidated" insert the word "respectively".

Also: On page 4, Section 2, line 81, of the printed bill, after word "concerning" insert the word "general".

Also: On page 4, Section 2, line 88, of the printed bill, strike out the word "return", and insert in lieu thereof the word "statement".

Also: On page 4, Section 2, line 92, of the printed bill, strike out the word "returns", and insert in lieu thereof the word "statement"

Also: On page 4, Section 2, line 98, of the printed bill, strike out the word "lists", and insert in lieu thereof the word "sheets".

Also: On page 4, Section 2, line 100, of the printed bill, after the word "corporations" insert the words "so proposed to be consolidated"

Also: On page 4, Section 2, line 107, of the printed bill, strike out the "period" at the end of said line, and insert in lieu thereof the following: ", *provided, however*, that the presence of a majority of the members of each such legislative body at such joint convention shall constitute a quorum thereof, and shall be sufficient to enable such joint convention to perform the duties herein prescribed"

Also: On page 4, Section 2, line 112, of the printed bill, strike out the letter "s" at the end of the word "conventions".

Also. On page 5, Section 2, line 114, of the printed bill, strike out the words "ballots, tally sheets and"

Also: On page 5 Section 2, line 118-9, of the printed bill, strike out the words "tally sheets and".

Also: On page 5, Section 2, line 118-9, of the printed bill, strike out the word "ballots", and insert in lieu thereof the word "votes"

Also: On page 5, Section 2, lines 124-125, of the printed bill, strike out the word "ballots", and insert in lieu thereof the word "votes".

Also: On page 5, Section 2, line 129, of the printed bill, strike out the letter "s" at the end of the word "corporations".

Also: On page 5, Section 2, line 151, of the printed bill, after the word "shall" insert the following: "declare the result and".

Also: On page 5, Section 2, line 140, of the printed bill, strike out the word "equally", and insert in lieu thereof the words "equal in"

Also: On page 6, Section 2, line 159-160, of the printed bill, strike out the following words: "and thereupon the clerk of such joint convention", and insert in lieu thereof the word "who".

Also: On page 6, Section 2, line 180, of the printed bill, strike out the word "corporation", and insert in lieu thereof the word "corporations".

Also: On page 6, Section 2, line 181, of the printed bill, after the word "lation" insert a "comma".

Also: On page 6, Section 2, line 184, of the printed bill, after the word "annulled" insert the following sentence: "And upon the completion of such consolidation, such other or others of the municipal corporations so consolidated shall be deemed to be annexed to and joined to and merged into the one on said municipal corporations so operating under a freeholders' charter and having the greater or greatest population, as aforesaid".

Also: On page 8, Section 3, line 35, of the printed bill, strike out the word "officers", and insert in lieu thereof the word "offices".

Also: On page 9, Section 3, line 43, of the printed bill, strike out the word "as", and insert in lieu thereof the word "so".

Also: On page 9, Section 3, line 69, of the printed bill, after the word "actions" strike out the words "or of".

Also: On page 9, Section 3, line 69, of the printed bill, after the word "civil" insert the word "or"

Also: On page 9, Section 3, line 69, of the printed bill, after the word "transferred" strike out the "period", and insert the following: ", *provided further*, that such repeal shall not apply to ordinances under which vested rights have accrued, or to ordinances relating to proceedings for street or other public improvements, or to proceedings for opening, extending, widening or straightening streets or other public places, or to proceedings for changing the grade thereof, all of which proceedings shall be continued and conducted by and under the authority of the new consolidated municipal corporation, with the same force and effect as if continued and conducted by and under the authority of the municipal corporation by which they were commenced And all ordinances of the one of the municipal corporations consolidated under the provisions of this Act having the greater or greatest population, shall, upon the completion of such consolidation, ipso facto, have full force and effect in and throughout the new consolidated municipal corporation"

Also: On page 9, Section 4, line 4, of the printed bill, after the word "contracted" insert the words "or incurred".

Also: On page 10, Section 4, after the line 14, of the printed bill, insert the following: "Sec 5 In the event that the greater or greatest in population of any municipal corporations, consolidated under the provisions of this Act, shall be operated under a freeholders' charter, which charter shall at any time provide that a borough or boroughs may be established in any territory, or incorporated city or town, annexed to or joined to such municipal corporation, such borough or boroughs to be governed as in such charter provided nothing in this Act contained shall prevent, or be construed to prevent any other municipal corporation, or any portion thereof, so consolidated with the municipal corporation so operating under such freeholders' charter, from becoming a borough under such freeholders' charter, to be established and governed as therein provided."

Also: On page 10, of the printed bill, strike out all of Section 7.

Also: On page 10, Section 5, line 1, strike out the figure "5", and insert the figure "6".

And: On page 10, Section 6, line 1, strike out the figure "6", and insert the figure "7".

The roll was called, and Senate amendments to Assembly Bill No 240 were concurred in by the following vote:

AYES--Messrs. Barndollar, Bohnett, Butler, Cattell, Cronin, Dean, Fleisher, Flint, Gibbons, Gillis, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Mendenhall, Nelson, O'Neill, Perine, Polsley, Preston, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, and Mr. Speaker—44.

NOES—None

Bill ordered to enrollment.

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 825?"

Amend the title by striking out the period after the word Code, in line 2 thereof and by inserting in lieu thereof the following: "relating to salaries and fees of officers of counties of the forty-eighth class".

And: On page 1, line 3, of the printed bill, strike out the word "section".

The roll was called, and Senate amendments to Assembly Bill No 825 were concurred in by the following vote:

AYES--Messrs. Barndollar, Bohnett, Butler, Callan, Cattell, Cronin, Dean, Fleisher, Flint, Gibbons, Gillis, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin,

Johnson of Sacramento, Johnson of Placer, Kehoe, Lightner, Macauley, Maher, McClellan, McManus, Mendenhall, Nelson, O'Neill, Perine, Polsley, Preston, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Wyllie, and Mr Speaker—42.
NOES—None.

Bill ordered to enrollment.

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 846?"

On page 1, Section 1, line 3, strike out the following words: "Conveyances filed with recorder is constructive notice, etc"
And: on page 2, strike out all of Section 2.

The roll was called, and Senate amendments to Assembly Bill No. 846 were concurred in by the following vote:

AYES—Messrs Barndollar, Beardslee, Beatty, Bohnett, Callan, Cattell, Cullen, Dean, Fleisher, Flint, Gillis, Greer, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juillard, Kehoe, Leeds, Maher, Melrose, Mendenhall, Nelson, Otis, O'Neill, Perine, Polsley, Preston, Sackett, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, and Mr Speaker—44
NOES—None.

Bill ordered to enrollment.

RE-REFERENCE OF BILLS.

On motion of Mr. Transue, Assembly Bills Nos. 1433, 1434, 1435, 1436, 1437, 1438, and 1439 were recalled from the Committee on Claims, and referred to Committee on Ways and Means.

SPECIAL FILE—THIRD READING.

Assembly Bill No. 1166—An Act to regulate contracts on behalf of the State in relation to the erection, construction, alteration, repair, or improvement of any State structure, building, road, or other State improvement of any kind, and to repeal an Act entitled "An Act to regulate contracts on behalf of the State in relation to erections and buildings," approved March 28, 1906.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1166 passed by the following vote:

AYES—Messrs Barndollar, Beardslee, Beatty, Bohnett, Butler, Callan, Cattell, Cronin, Cullen, Dean, Fleisher, Gibbons, Gillis, Hanlon, Hans, Hawk, Hayes, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Rutherford, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, and Mr. Speaker—50.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

RECONSIDERATION.

In compliance with his notice given on a previous day, Mr. Johnson of Sacramento moved that the vote whereby Assembly Bill No. 1066 was passed be reconsidered.

The roll was called, and the same was refused reconsideration by the following vote:

AYES—None.
NOES—Messrs Barndollar, Beatty, Bohnett, Callan, Cattell, Cronin, Cullen, Dean, Fleisher, Flint, Gillis, Hanlon, Hans, Hawk Hayes, Hewitt, Hinkle, Holmquist, Irwin,

Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Nelson, Otis, O'Neill, Perine, Polsley, Preston, Sackett, Silver, Stuckenbruck, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, and Mr. Speaker—47.

Bill ordered transmitted to the Senate.

WITHDRAWAL OF BILLS.

Mr. Hewitt asked for and was granted unanimous consent to withdraw Assembly Bills Nos. 765 and 636.

Assembly Bills Nos. 765 and 636 withdrawn, and ordered stricken from the file.

SPECIAL FILE—SECOND READING.

Assembly Bill No. 1072—An Act making an appropriation of one thousand seven hundred and twenty-five dollars ($1,725) to be applied to the cost of building concrete curb and gutter along the boundary of the grounds of the State Normal School at San Jose, and defining the duties of the Controller and Treasurer in reference thereto.

Mr. Telfer moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Assembly Bill No. 1072 considered

Mr. Telfer moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1909.

GENTLEMEN The Committee of the Whole have had under consideration Assembly Bill No. 1072, and do now report the same back, and recommend that it do pass.

STANTON, Chairman.

Bill read second time, and ordered to engrossment.

THIRD-READING FILE.

Assembly Bill No. 430—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, and all amendments thereto.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No 430 passed by the following vote:

AYES—Messrs Barndollar, Bohnett, Callan, Cattell, Cronin, Dean, Flint, Gibbons, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan,

Melrose, Mendenhall, Nelson, Otis, O'Neill, Perine, Polsley, Sackett, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Wilson, Wylhe, and Mr. Speaker—42
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1144—An Act to amend Section 3498 of the Political Code of the State of California, relating to approvals of applications for State lands

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1144 passed by the following vote:

AYES—Messrs. Barndollar, Beatty, Bohnett, Callan, Cattell, Cullen, Dean, Fleisher, Flint, Gibbons, Gillis, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Kehoe, Leeds, Lightner, Macauley, Maher, Melrose, Mendenhall, Nelson, Otis, O'Neill, Perine, Polsley, Preston, Sackett Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Wilson, Wylhe, and Mr. Speaker—45.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1146—An Act to add a new section to the Political Code of the State of California, to be known as Section 3495*a*. and relating to applications to purchase State lands, requiring a deposit of money to accompany the application and providing for the filing of additional applications.

During third reading of bill, Mr. Preston moved that the Speaker appoint a select committee of one to amend the bill, as follows:

Strike out the words "as by reason of any proponent of court in favor of another applicant," found in Section 1, line 15, page 1, of printed bill

Motion carried.

The Speaker appointed Mr. Preston as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR SPEAKER: Your select committee of one, to whom was referred Assembly Bill No 1146, with instructions, do now report that the instructions of the Assembly have been carried out

PRESTON, Select Committee.

Report of select committee, and amendment, adopted.

Bill ordered to reprint, reengrossment, and on file for passage.

Assembly Bill No. 701—An Act to amend Sections 484, 485, 486, and 500 of the Political Code, relating to the salary of the Surveyor General and to the salaries of appointees in the office of the Surveyor General and Register of the State Land Office, and to repeal all laws in conflict therewith

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No 701 passed by the following vote:

AYES—Messrs Barndollar, Beardslee, Beatty, Bohnett, Callan, Cattell, Cronin, Cullen, Dean, Fleisher, Flint, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hans, Hawk, Hayes,

Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Kehoe, Leeds, Lightner, Macauley, Maher, Melrose, Mendenhall, Otis, O'Neill, Perine, Preston, Sackett, Stuckenbruck, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, and Mr. Speaker—46

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 823—An Act to amend Section 1097 of the Political Code, relating to the qualifications of persons in event of registration.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 823 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Bohnett, Callan, Cattell, Cronin, Cullen, Dean, Fleisher, Flint, Gillis, Greer, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Maher, Melrose, Mendenhall, Nelson, O'Neill, Perine, Polsley, Preston, Sackett, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wyllie, and Mr. Speaker—45.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1256—An Act to amend Section 3 of an Act entitled "An Act for the registration of deaths, the issuance and registration of burial and disinterment permits and the establishment of registration districts in counties, cities and counties, cities and incorporated towns, under the superintendence of the State Bureau of Vital Statistics, and prescribing the powers and duties of registrars, coroners, physicians, undertakers, sextons, and other persons in relation to such registration, and fixing penalties for the violation of this Act," approved March 18, 1905.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1256 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Bohnett, Callan, Cattell, Cronin, Cullen, Dean, Fleisher, Flint, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hans, Hawk, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilhard, Kehoe, Leeds, Lightner, Melrose, Mendenhall, Otis, O'Neill, Perine, Preston, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, and Mr. Speaker—44.

NOES—None.

Title read and approved.

Bill ordered transmitted to Senate.

Assembly Bill No. 1032—An Act to add a new section to the Political Code, to be numbered 426.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1032 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Callan, Cattell, Cronin, Cullen, Dean, Fleisher, Flint, Gibbons, Gillis, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilhard, Kehoe, Lightner, Macauley, Melrose, Mendenhall, Nelson, Otis, O'Neill, Perine, Polsley, Preston, Sackett, Schmitt, Stuckenbruck, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, and Mr Speaker—46.

NOES—None

TITLE AMENDED.

Mr. Beardslee offered the following amendment to the title:

Change the "period" in line 3 of title to a "comma", and add the following: "relating to gardeners for State Capitol grounds".

Amendment adopted.

Title as amended read and approved.

Bill ordered to reprint and transmitted to the Senate.

Assembly Bill No. 1018—An Act to amend section four hundred and fifty-six of the Political Code, relating to the office of the Treasurer of State, his deputy and assistants and the salaries of the deputy and assistants.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1018 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Bohnett, Callan, Cattell, Cronin, Dean, Flint, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Macauley, Melrose, Mendenhall, Nelson, Otis, Perine, Polsley, Preston, Sackett, Schmitt, Stuckenbruck, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, and Mr. Speaker—46.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 630—An Act entitled "An Act to amend Section 1564 of Article IV of the Political Code by increasing the allowance of money for conducting separate teachers' institutes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 630 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Bohnett, Callan, Cattell, Cronin, Dean, Flint, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, Melrose, Mendenhall, Nelson, Otis, Perine, Polsley, Preston, Pugh, Rutherford, Sackett, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wyllie, and Mr. Speaker—46.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1042—An Act to add to the Penal Code of the State of California a new section, to be numbered 587*d*, to prevent trespassing upon railroad locomotives, tenders, cars, and trains.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1042 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Bohnett, Callan, Cattell, Cronin, Dean, Flint, Gillis, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Juilliard, Leeds, Lightner, Macauley, Maher, Melrose, Mendenhall, Nelson, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Rutherford, Sackett, Stuckenbruck, Transue, Wagner, Webber, Wheelan, Wyllie, and Mr. Speaker—42.

NOES—Messrs. Gibbons, Irwin, Johnson of Placer, Kehoe, and Telfer—5

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1165—An Act to amend Section 626 of the Penal Code of the State of California, relating to the protection and preservation of game.

Bill read third time

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1165 passed by the following vote:

AYES—Messrs Barndollar, Beardslee, Beatty, Bohnett, Callan, Cattell, Coghlan, Cronin, Dean, Flint, Gillis, Griffiths, Hanlon, Hans, Hayes, Hewitt, Hinkle, Irwin, Johnson of Sacramento, Johnson of San Diego, Juilliard, Kehoe, Lightner, Macauley, Maher, Melrose, Mendenhall, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Rutherford, Sackett, Schmitt, Telfer, Transue, Webber, Wheelan, Whitney, and Wyllie—42

NOES—Messrs. Butler, Gibbons, Greer, Hawk, Holmquist, Leeds, Stuckenbruck, and Wagner—8.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1092—An Act to amend Article XXX, Section 4259, of an act entitled "An Act to repeal Title II of Part IV of the Political Code, and to add a new title II of Part IV of said Code in place thereof, relating to the establishment of a uniform system of county and township government.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1092 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Butler, Callan, Cattell, Coghlan, Cronin, Cullen, Dean, Flint, Gibbons, Gillis, Greer, Griffiths, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, Melrose, Mendenhall, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Rutherford, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wyllie, and Mr. Speaker—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

HON. H. G. CATTELL IN THE CHAIR.

At eleven o'clock and forty minutes A. M., Hon. H. G. Cattell in the chair.

WITHDRAWAL OF BILL.

Mr. Schmitt asked for, and was granted, unanimous consent to withdraw Assembly Bill No. 917.

Assembly Bill No. 917 withdrawn, and ordered stricken from the file.

Assembly Bill No. 1158—An Act to amend Section 4266 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the thirty-seventh class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1158 passed by the following vote:

AYES—Messrs Barndollar, Beardslee, Butler, Callan, Cattell, Cronin, Cullen, Flint, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Kehoe, Leeds, Macauley, Maher, Melrose, Mendenhall, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Rutherford, Sackett, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, and Wyllie—45.

NOES—Mr. Schmitt—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1223—An Act to amend Section 4302 of the Political Code.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1223 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Callen, Cattell, Cronin, Cullen, Dean, Flint, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Juilliard, Kehoe, Leeds, Maher, Melrose, Mendenhall, Otis, O'Neill, Perine, Polsley, Preston, Rutherford, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, and Wyllie—45.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1254—An Act to authorize the deposit of certain newspaper files kept in recorders' offices in free public libraries.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1254 passed by the following vote:

AYES—Messrs Barndollar, Beardslee, Beatty, Beban, Callan, Cattell, Cronin, Cullen, Dean, Flint, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Macauley, Maher, Melrose, Mendenhall, Nelson, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Rutherford, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, and Wyllie—50

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1086—An Act to amend section four thousand two hundred thirty-eight of the Political Code of the State of California, relating to the compensation of officers of counties of the ninth class.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 1086 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Beban, Callan, Cattell, Cronin Dean, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Macauley, Maher, Melrose, Mendenhall, Nelson, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Rutherford, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Wilson, and Wyllie—46

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 104—An Act to repeal three sections of the Code of Civil Procedure, numbered 953*a*, 953*b*, and 953*c*, respectively, relating to a new and alternative method for the preparation of records to be used on appeals from judgments, orders or decrees of the Superior Court to the Supreme Court or District Court of Appeal.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 104 passed by the following vote:

AYES—Messrs Barndollar, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Cronin, Cullen, Dean, Flint, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hawk, Hayes, Hewitt,

Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, Melrose, Mendenhall, Nelson, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Rutherford, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, and Young—52.
NOES—Mr. Beardslee—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 806—An Act to amend Section 2687 of the Political Code.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 806 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Bohnett, Butler, Callan, Cattell, Costar, Cronin, Cullen, Dean, Fleisher, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, Melrose, Mendenhall, Nelson, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Rutherford, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, and Young—54
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 826—An Act to amend Section 198, Code of Civil Procedure, relating to jurors.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 826 passed by the following vote:

AYES—Messrs Barndollar, Beardslee, Beatty, Beban, Butler, Callan, Cattell, Costar, Cronin, Cullen, Dean, Fleisher, Gibbons, Gillis, Greer, Griffiths Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, Melrose, Mendenhall, Nelson, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Rutherford, Sackett, Schmitt, Stuckenbruck, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, and Young—55.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1095—An Act to amend section three thousand five hundred and eighteen of the Political Code, relating to duplicates for lost certificates of purchase of State lands.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1095 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Butler, Callan, Cattell, Costar, Cronin, Cullen, Dean, Fleisher, Flint, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, Melrose, Mendenhall, Nelson, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Rutherford, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—56
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1096—An Act to amend Section 269 of the Code of Civil Procedure, relating to phonographic reporters for Superior Courts

and providing for their appointment and duties, and also providing for copies of proceedings by them in certain cases.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1096 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Costar, Cullen, Dean, Fleisher, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, Melrose, Mendenhall, Nelson, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Rutherford, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, and Mr. Speaker—54.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No 1321—An Act to amend the Civil Code of the State of California, by adding a new section thereto, to be numbered 2472, relating to appointment of agent and service of summons.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1321 passed by the following vote:

AYES—Messrs. Barndollar, Beatty, Beban, Bohnet, Butler, Callan, Cattell, Costar, Cronin, Cullen, Dean, Flint, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, Melrose, Mendenhall, Nelson, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Rutherford, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, and Mr. Speaker—55.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1020—An Act to amend "An Act to prohibit adulteration and deception in the sale of dairy products, defining the adulteration in dairy products, to establish standards of quality in dairy products, and to provide for enforcing its provisions," approved March 15, 1907.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1020 passed by the following vote:

AYES—Messrs. Barndollar, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Costar, Cronin, Cullen, Flint, Gibbons, Gillis, Greer, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, Mendenhall, Nelson, Otis, O'Neill, Perine, Polsley, Pugh, Rutherford, Sackett, Schmitt, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 945—An Act to amend An Act entitled "An Act to form agricultural districts, to provide for formation of agricultural associations therein, and for management and control of the same by the State, and to repeal all Acts and parts of Acts in conflict with this Act," approved March 31, 1897; amendment approved March 15, 1901,

by adding thereto and providing therein for a new district, to be known as Agricultural District No. 46, composed of the county of Imperial.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 945 passed by the following vote:

AYES—Messrs Barndollar, Bohnett, Callan, Cattell, Costar, Cronin, Cullen, Flint, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, Mendenhall, Nelson, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Rutherford, Sackett, Schmitt, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—50.

NOES—Mr. Stuckenbruck—1.

Title read and approved.

Bill ordered transmitted to the Senate.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON PUBLIC HEALTH AND QUARANTINE.

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1909.

MR. SPEAKER: Your Committee on Public Health and Quarantine, to whom was referred Senate Bill No. 717—An Act to amend section five of an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State for the construction of sewers and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provisions for the payment of such bonds, and the disposal of their proceeds", approved March 31, 1891, and as amended by a certain Act provided March 26, 1895—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BARNDOLLAR, Chairman.

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1909

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 676—An Act to provide for the improvement of the cereal crops of California, and appropriating money therefor—have had the same under consideration, and respectfully report the same back, and recommend that it be withdrawn, by consent of author.

BEARDSLEE, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1909.

MR SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 1054—An Act to provide for the medical treatment of indigent residents afflicted with incipient pulmonary tuberculosis; to create a fund therefor, to prescribe the duties of the State Board of Health and other public officials with relation thereto; and making an appropriation for the purposes of this Act.

Also: Assembly Bill No 1255—An Act to amend the Political Code of the State of California by adding a new section thereto, to be known and numbered as Section 415½, relating to the office of Secretary of State.

Also: Assembly Bill No 1265—An Act to amend Section 457 of the Political Code.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended.

BEARDSLEE, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1909.

MR SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 181—An Act to pay the claim of A. G Lafferty, and making an appropriation therefor.

Also: Assembly Bill No. 683—An Act to provide for the permanent support and improvement of the University of California by the levy of a rate of taxation and the creation of a fund therefor.

Also: Assembly Bill No. 1280—An Act to provide for the refurnishing of the offices of the Board of Railroad Commissioners of the State of California, and to make appropriation therefor.

Also: Assembly Bill No. 1416—An Act to amend the Political Code of the State of California by adding a new section thereto, to be known and numbered as Section 4196.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

BEARDSLEE, Chairman.

The above reported bills, with the exception of Assembly Bill No. 676, ordered on file for second reading.

Assembly Bill No. 676 withdrawn by unanimous consent.

RECESS.

At twelve o'clock and thirty minutes P. M., the Assembly was declared at recess until two o'clock P. M. of this day.

REASSEMBLED.

At two o'clock P. M., the Assembly reconvened.

Speaker Stanton in the chair.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON PUBLIC CHARITIES AND CORRECTIONS.

ASSEMBLY CHAMBER, SACRAMENTO. March 5, 1909

MR SPEAKER: Your Committee on Public Charities and Corrections, to whom was referred Senate Bill No 1075—An Act to amend an Act entitled "An Act to establish a Penal Code, approved February 14, 1872, by amending Section 1203 thereof, relating to the probation of persons arrested for crime after a plea or verdict of guilty and the suspending of the imposition or execution of sentence during the term of probation, and the disposition of such accusation after full compliance with the terms of probation—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BEATTY, Acting Chairman.

The above reported bill ordered on file for second reading.

THE LOS ANGELES DELEGATION.

ASSEMBLY CHAMBER, SACRAMENTO. March 5, 1909

MR SPEAKER: The Los Angeles Delegation, to whom was referred Assembly Bill No. 423—An Act to prohibit the sale of intoxicating liquors within a certain distance of any camp or assembly of men, numbering twenty-five or more, engaged upon the construction, repair or operation of any public work, improvement, or utility—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

LEEDS, Chairman.

Assembly Bill No. 423 taken up for consideration.

Mr. Transue moved that the Speaker appoint a select committee of one to amend the bill, as follows:

On page 1, Section 1, line 3, of the printed bill, strike out the word "outside", and insert in lieu thereof the following: "situated more than one mile outside of the limits".

Also: On page 1, Section 1, line 11, of the printed bill, after the word "established" insert the following: "or at a licensed saloon or liquor store which shall be maintained, at the time this Act takes effect, upon the same premises where a licensed saloon or liquor store shall have been established".

Also: On page 1, Section 1, line 12, of the printed bill, strike out the period after the word "men", and insert in lieu thereof the following . "or to the sale, keeping for sale, or disposal of any such liquors at any licensed winery, brewery or distillery, where the same is manufactured".

Motion carried.

The Speaker appointed Mr. Transue as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 423, with instructions, do now report that the instructions of the Assembly have been carried out.

TRANSUE, Select Committee.

Report of select committee, and amendments, adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

SENATE BILLS—THIRD-READING FILE.

Senate Bill No. 271—An Act authorizing the Controller of State to appoint an inheritance tax deputy and prescribing his duties.

Bill read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Transue moved a call of the House.

Motion carried.

Time, two o'clock and ten minutes P. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll.

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

Messrs. Barndollar, Baxter, Cattell, Cullen, Flint, Gibbons, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Holmquist, Johnson of Sacramento, Johnson of San Diego, Kehoe, Leeds, Macauley, Maher, Melrose, Mendenhall, Otis, O'Neill, Polsley, Pugh, Rutherford, Sackett, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wilson, Wyllie, and Mr. Speaker—35.

The Chief Clerk announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the House.

Messrs Irwin, Preston, Callan, Whitney, Hinkle, Beatty, Bohnett, Collier, Coghlan, Greer, Gillis, Cronin, Costar, Perine, McClellan, and Johnson of Placer were brought before the bar of the House, and on motion excused.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At two o'clock and forty minutes P. M., further proceedings under the call of the House were dispensed with, on motion of Mr. Transue.

The roll of absentees was called, and Senate Bill No. 271 refused passage by the following vote.

AYES—Messrs Barndollar, Baxter, Bohnett, Cattell, Collier, Costar, Cullen, Dean, Greer, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Johnson of Sacramento, Johnson of San Diego, Kehoe, Leeds, Macauley, McClellan, Melrose, Mendenhall, Otis, O'Neill, Pugh, Rutherford, Sackett, Stuckenbruck, Telfer, Wagner, Webber, Whitney, Wilson, Young, and Mr. Speaker—37.

NOES—Messrs. Beatty, Callan, Coghlan, Cronin, Flint, Gibbons, Gillis, Holmquist, Irwin, Johnson of Placer, Maher, Perine, Polsley, Preston, Transue, and Wyllie—16.

NOTICE OF MOTION TO RECONSIDER.

Mr. Transue gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 271 was this day refused passage.

Senate Bill No. 559—An Act to validate proceedings for the reorganization of municipal corporations taken since the passage of the Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883; and also since the passage of the Act entitled "An Act to provide for the classification of municipal corporations," approved March 3, 1883.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 559 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Bohnett, Callan, Cattell, Collier, Costar, Cronin, Dean, Flint, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Kehoe, Leeds, Macauley, Maher, McClellan, Melrose, Mendenhall, Nelson, Otis, O'Neill, Polsley, Preston, Pugh, Rutherford, Sackett, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—49

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 264—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Sections 339 and 343 thereof, relating to pawnbrokers.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No 264 finally passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beatty, Bohnett, Callan, Cattell, Collier, Costar, Cronin, Dean, Flint, Gibbons, Gillis, Griffiths, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Macauley, Maher, McClellan, Melrose, Mendenhall, Nelson, Otis, O'Neill, Polsley, Preston, Pugh, Rutherford, Sackett, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, and Mr. Speaker—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 321—An Act to amend Section 8 of an Act entitled "An Act to create a State Bureau of Criminal Identification, providing for the appointment of a director of said bureau, defining his duties, qualifications, and powers, providing for the appointment of a clerk of said bureau, and fixing his qualifications, fixing the compensation of said director and clerk, and providing for the manner of paying the same, and providing for the expense of conducting the office, approved March 20, 1905.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 321 finally passed by the following vote.

AYES—Messrs. Barndollar, Baxter, Beatty, Bohnett, Callan, Cattell, Collier, Costar, Cronin, Dean, Flint, Gillis, Greer, Griffiths, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Macauley, Maher, McClellan, Melrose, Mendenhall, Nelson, Otis, O'Neill, Polsley, Preston, Pugh, Rutherford, Sackett, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, and Mr. Speaker—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 768—An Act to regulate the production and sale of certified milk.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 768 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Bohnett, Callan, Cattell, Costar, Cronin, Cullen, Dean, Flint, Gillis, Greer, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewett, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Macauley, McClellan Melrose, Mendenhall, Nelson, Otis ONeill, Polsley, Preston, Pugh, Rutherford, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 762—An Act to amend Section 2293 of the Political Code, relative to the powers and duties of the board of trustees of the State Library.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 762 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Bohnett, Callan, Cattell, Costar, Cronin, Dean, Flint, Gibbons, Gillis, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Macauley, Maher, McClellan, Melrose, Mendenhall, Nelson, Otis, O'Neill, Polsley, Preston, Pugh, Rutherford, Stuckenbruck, Telfer, Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 64—An Act to amend Section 626*f* of the Penal Code, relating to the protection of deer.

During third reading of bill, Mr. Preston moved that the Speaker appoint a select committee of one to amend the bill, as follows:

Strike out the words "first day of August", in line 5, page 1, of printed bill, and insert in lieu thereof the words "fifteenth day of July".

Motion carried.

The Speaker appointed Mr. Preston as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1909

MR. SPEAKER: Your select committee of one, to whom was referred Senate Bill No 64, with instructions, do now report that the instructions of the Assembly have been carried out.

PRESTON, Select Committee.

Report of select committee, and amendment, adopted.

Bill ordered to reprint, reengrossment, and on file for passage.

Senate Bill No. 476—An Act to create a fish and game preservation fund and to unite the fish commission fund and the game preservation fund into a common fund to be known as fish and game preservation fund.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 476 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Bohnett, Cattell, Collier, Costar, Cronin, Dean, Flint, Gibbons, Gillis, Griffiths, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Macauley, Maher, McClellan, Melrose, Mendenhall, Otis, O'Neill, Preston, Pugh, Rutherford, Sackett, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Wylie, Young, and Mr. Speaker—44.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 890—An Act to amend Section 4233 of the Political Code of the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 890 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Bohnett, Callan, Cattell, Collier, Cronin, Dean, Flint, Gibbons, Gillis, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Maher, McClellan, Melrose, Mendenhall, Nelson, Otis, O'Neill, Polsley, Preston, Pugh, Rutherford, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Wilson, Wylie, Young, and Mr. Speaker—46.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 729—An Act to amend Section 4257 of the Political Code, relating to county and township officers of counties of the twenty-eighth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 729 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Bohnett, Callan, Cattell, Collier, Cronin, Dean, Flint, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard Kehoe, Leeds, Maher, McClellan, Melrose, Mendenhall, Nelson, Otis, O'Neill, Polsley, Preston, Pugh, Rutherford, Stuckenbruck, Telfer, Wagner, Whitney, Wilson, Wylie, Young, and Mr. Speaker—46.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Constitutional Amendment No. 44—A resolution to propose to the people of the State of California, an amendment of the Constitution of the State of California, providing for the classification by the Legislature of cities and towns by population for the purpose of regulating the business of banking, by amending Section 5, Article XII of the Constitution of the State of California.

The question being on the adoption of the Senate constitutional amendment.

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Transue moved a call of the House.

Motion carried.

Time, two o'clock and forty minutes P. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll.

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

Messrs. Barndollar, Baxter, Beatty, Bohnett, Callan, Cattell, Coghlan, Collier, Costar, Cronin, Dean, Fleisher, Flint, Gibbons, Gillis, Griffiths, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Maher, McClellan, Melrose, Mendenhall, Nelson, Otis, O'Neill, Preston, Pugh, Rech, Rutherford, Sackett, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wyllie, and Mr. Speaker—50.

The Chief Clerk announced the absentees.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At four o'clock and forty-five minutes P. M., further proceedings under the call of the House were dispensed with, on motion of Mr. Transue.

The roll of absentees was called, and Senate Constitutional Amendment No. 44 was adopted by the following vote:

AYES—Messrs Barndollar, Baxter, Beatty, Bohnett, Callan, Cattell, Coghlan, Collier, Collum, Cronin, Dean, Fleisher, Flint, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Maher, McClellan, Melrose, Mendenhall, Nelson, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Rech, Rutherford, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—58.
NOES—None.

Senate constitutional amendment ordered transmitted to the Senate.

SENATE CONSTITUTIONAL AMENDMENT NO. 44.

A resolution to propose to the people of the State of California an amendment of the Constitution of the State of California, providing for the classification by the Legislature of cities and towns by population for the purpose of regulating the business of banking, by amending section five, article twelve of the Constitution of the State of California.

The Legislature of the State of California, at its regular session, commencing the fourth day of January, nineteen hundred and nine, two thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes to the qualified electors of the State of California the following amendments to the Constitution of the State of California

First: Section five of article twelve is hereby amended to read as follows:

Section 5. The Legislature shall have no power to pass any Act granting any charter for banking purposes, but corporations or associations may be formed for such purposes under general laws, and the Legislature shall provide for the classification of cities and towns by population for the purpose of regulating the business of banking. No corporation, association, or individual shall issue or put in circulation as money anything but the lawful money of the United States

Senate Bill No. 554—An Act to add a new section to the Penal Code of the State of California, to be numbered 667, relating to punishment for second offenses.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 554 finally passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beatty, Callan, Cattell, Coghlan, Collier, Collum, Cronin, Dean, Flint, Gillis, Greer, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Maher, McClellan, Melrose, Mendenhall, Nelson, Otis, O'Neill, Polsley, Preston, Pugh, Rech, Rutherford, Sackett, Schmitt, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—52.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 555—An Act to amend Section 666 of the Penal Code of the State of California, relating to punishment for second offenses.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 555 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Bohnett, Callan, Cattell, Collier, Collum, Cronin, Dean, Flint, Gillis, Greer, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, McClellan, Melrose, Mendenhall, Nelson, Otis, O'Neill, Polsley, Preston, Rech, Rutherford, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—50

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 556—An Act to add a new section to the Penal Code of the State of California, to be numbered one thousand one hundred and ninety-two *a*, relating to the ascertainment of facts relating to the records of persons convicted of offenses punishable by imprisonment in the State prison.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 556 finally passed by the following vote:

AYES—Messrs. Barndollar, Beatty, Bohnett, Callan, Cattell, Collum, Cronin, Dean, Flint, Gillis, Greer, Hanlon, Hans, Hawk, Hayes, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Maher, McClellan, Melrose, Mendenhall, Nelson, Otis, O'Neill, Polsley, Preston, Rech, Rutherford, Sackett, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—48

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill 353—An Act to amend Section 1521 of the Political Code of the State of California, relating to the duties of the State Board of Education.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 353 finally passed by the following vote:

AYES—Messrs. Barndollar, Beatty, Bohnett, Callan, Cattell, Collum, Cullen, Dean, Fleisher, Flint, Gillis, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Maher, McClellan, Melrose, Mendenhall, Nelson, Otis, O'Neill, Polsley, Preston, Rutherford, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 648—An Act to amend Section 4253 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the twenty-fourth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 648 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Bohnett, Callan, Cattell, Collum, Cronin, Dean, Flint, Gibbons, Gillis, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist,

Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Maher, McClellan, Melrose, Mendenhall, Nelson, Otis, O'Neill, Polsley, Preston, Rutherford, Sackett, Schmitt, Stuckenbruck, Transue, Wagner, Webber, Wilson, Wyllie, Young, and Mr. Speaker—45.
NOES—Mr. Whitney—1

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 222—An Act making an appropriation of two thousand five hundred dollars for restoring certain records in the office of the Clerk of the Supreme Court in the city of San Francisco.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 222 finally passed by the following vote:

AYES—Messrs. Barndollar, Beatty, Bohnett, Callan, Cattell, Collum, Cronin, Dean, Flint, Gibbons, Gillis, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Irwin, Johnson of Sacramento, Johnson of Placer, Kehoe, Leeds, Maher, McClellan, Melrose, Mendenhall, Nelson, Otis, O'Neill, Polsley, Preston, Rech, Rutherford, Sackett, Schmitt, Stuckenbruck, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—45.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 194—An Act to amend Sections 2, 3 and 4 of an Act entitled "An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation thereof," approved February 20, 1905.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 194 finally passed by the following vote:

AYES—Messrs Barndollar, Beatty, Bohnett, Callan, Cattell, Collum, Cronin, Dean, Flint, Gibbons, Gillis, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Maher, McClellan, Melrose, Mendenhall, Nelson, Otis, O'Neill, Polsley, Preston, Rech, Rutherford, Sackett, Schmitt, Stuckenbruck, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—47
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 747—An Act to provide for the union of two or more secondary school districts, the filing of a petition with the county superintendent of schools to submit the question of uniting union secondary school districts and calling for an election therefor, and the canvassing of the votes cast at said election.

During third reading of bill, Mr. Sackett moved that the Speaker appoint a select committee of one to amend the bill, as follows:

Strike out of line 1, Section 5, page 2, of printed bill, the letters "dis", and insert in lieu thereof the word "district".

Also: Strike out of line 3, Section 6, page 3, of printed bill, the word "section", and insert in lieu thereof the word "Act".

Motion carried.

The Speaker appointed Mr. Sackett as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1909.

MR. SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 747, with instructions, do now report that the instructions of the Assembly have been carried out.

SACKETT, Select Committee.

Report of select committee, and amendments, adopted.

Bill ordered to reprint, reengrossment, and on file for passage.

SECOND-READING FILE.

Assembly Bill No. 1265—An Act to amend Section 457 of the Political Code.

Mr. Greer moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Assembly Bill No. 1265 considered.

During second reading of bill, the following amendment was submitted by the committee:

In line 4, Section 1, of the printed bill, strike out the word "fifty", and insert in lieu thereof the word "twenty"

Amendment adopted.

Mr. Greer moved that the committee do now rise and report in favor of the passage of the bill, as amended.

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1909

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 1265, and do now report the same back, and recommend that it do pass as amended.

STANTON, Chairman

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 1255—An Act to amend the Political Code of the State of California by adding a new section thereto, to be known and numbered as Section 515½, relating to the office of the Secretary of State.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Assembly Bill No. 1255 considered.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Strike out of title the figures, "415½", and insert in lieu thereof the following, "415a."

Amendment adopted.

AMENDMENT No. 2.

Insert after the enacting clause the following:
"SECTION 1. A new section, to be known and numbered as Section 415*a*, is hereby added to the Political Code, to read as follows:".

Amendment adopted.

AMENDMENT No. 3.

On page 1, Section 1, line 1, strike out the words "Section 1", and insert in lieu thereof "415*a*".

Amendment adopted.

AMENDMENT No. 4.

On page 1, Section 1, line 5, insert after the word "duty" a comma and the following words: "under the direction of the Secretary of State".

Amendment adopted.

AMENDMENT No. 5.

On page 1, Section 2, line 1, strike out the words and figures "Sec. 2." and connect the sentences.

Amendment adopted.

AMENDMENT No. 6.

On page 1, Section 3, line 1, strike out the figure "3", and insert in lieu thereof the figure "2"

Amendment adopted.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill, as amended.

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 1255—and do now report the same back, and recommend that it do pass as amended.

STANTON, Chairman.

Bill read second time, and ordered to reprint, and engrossment.

BILL TRANSFERRED ON FILE.

On motion of Mr. Bohnett, Assembly Bill No. 661 was transferred from the file of Code bills, and placed on the regular third-reading file.

THIRD-READING FILE—(RESUMED).

Assembly Bill No. 1253—An Act to authorize the State of California to release and convey to the United States such portions of the sixteenth and thirty-sixth sections of land contained in the Cleveland National Forest Reserve, formerly San Jacinto Forest Reserve (and referred to in that certain Act entitled "An Act to authorize the settlement of an existing controversy between the United States of America and the State of California, and making an appropriation to carry out the provisions of said Act," approved March 21, 1907, as may remain after the settlement

referred to in said Act has been consummated, for the purpose of reimbursing the United States for lands surrendered to it by the State, and which said lands so surrendered were thereafter sold and patented by said State.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1253 passed by the following vote:

AYES—Messrs. Barndollar, Beatty, Bohnett, Callan, Cattell, Collum, Cronin, Dean, Flint, Gibbons, Gillis, Greer, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Maher, McClellan, Melrose, Mendenhall, Nelson, Otis, O'Neill, Polsley, Preston, Pugh, Rutherford, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, and Young—46.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

HON. JOHN W. PRESTON IN THE CHAIR.

At three o'clock and twenty-five minutes P. M., Hon. John W. Preston in the chair.

Assembly Bill No. 1403—An Act to add four new sections to the Political Code of the State of California, relating to preparing a State budget.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1403 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Bohnett, Callan, Cattell, Collier, Collum, Dean, Flint Gibbons, Gillis, Greer, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, McClellan, Nelson, Otis, O'Neill, Polsley, Preston, Stuckenbruck, Telfer. Transue. Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—42.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

LEAVES OF ABSENCE.

On motion, leave of absence was granted to Mr. Beatty for Saturday, March 6, 1909, and to Mr. Schmitt for Saturday afternoon of the same day.

Assembly Bill No. 1261—An Act to amend section twelve of an Act entitled "An Act to establish police courts in the cities of the first and one-half class, to fix their jurisdiction and to provide for officers of said courts and fix the compensation of certain officers thereof," approved March 5, 1901, relating to the imprisonment of persons convicted in police courts of cities of the first and one half-class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1261 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Bohnett, Callan, Cattell, Collum, Cronin, Flint, Gibbons, Greer, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Maher, McClellan, Nelson, Otis, O Neill, Polsley, Preston, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Wilson, Wyllie, Young, and Mr. Speaker—44.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1408—An Act to amend section five hundred and thirteen of the Political Code of the State of California, relating to the salary of the Superintendent of Public Instruction.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1408 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Bohnett, Callan, Cattell, Coghlan, Collum, Cronin, Flint, Gibbons, Gillis, Greer, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Maher, McClellan, Nelson, Polsley, Preston, Pugh, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, and Mr. Speaker—42.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1353—An Act to amend an Act which became effective February 26, 1901, entitled "An Act to provide for local improvements upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities, such Act to be known as "The Local Improvement Act of 1901," by adding thereto a new section to be numbered 20*a*.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1353 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Bohnett, Callan, Cattell, Collum, Cronin, Flint, Gibbons, Greer, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, McClellan, Nelson, Otis, O'Neill, Polsley, Preston, Pugh, Rech, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, and Mr. Speaker—42.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

RESOLUTION.

The following resolution was offered:

By Mr. Johnson of Sacramento: Assembly Joint Resolution No. 10—Relative to the exclusion of Asiatics.

Resolution received, ordered to print, and referred to Committee on Federal Relations.

SPEAKER IN THE CHAIR.

At four o'clock and forty minutes P. M., Speaker Stanton in the chair.

REQUEST FOR PERMISSION TO INTRODUCE A BILL.

Mr. Beardslee moved the suspension of the rules, and that he be allowed to present a request for permission to introduce a bill.

The motion was unanimously carried, and the rules declared suspended.

The following petition, asking permission to introduce a bill, was presented:

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1909.

MR. SPEAKER: We ask permission to introduce the accompanying bill, the title of which reads as follows, viz: "An Act making appropriations for the support of the government of the State of California for the sixty-first and sixty-second fiscal years."

COMMITTEE ON WAYS AND MEANS,
BEARDSLEE, Chairman.

Above petition referred to Committee on Introduction of bills.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read·

ON INTRODUCTION OF BILLS.

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1909

MR. SPEAKER: Your Committee on Introduction of Bills, to whom was referred the following bill, herewith return the same with the recommendation that the author be permitted to introduce it. The number of said bill is as follows:

Assembly Bill No. 1445—An Act making appropriations for the support of the government of the State of California for the sixty-first and sixty-second fiscal years.

LEEDS, Chairman.

Mr. Leeds moved the adoption of the report.

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr Beardslee moved a call of the House.

Motion carried.

Time, four o'clock and fifty-five minutes P. M.

The Speaker directed the Sergeant-at-Arms to close the doors

The doors were closed, and the Chief Clerk was directed to call the roll.

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

Messrs. Barndollar, Baxter, Beardslee, Beatty, Bohnett, Callan, Cattell, Coghlan, Collier, Collum, Cronin, Dean, Flint, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Maher, McClellan, Melrose, Mendenhall, Nelson, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Rech, Rutherford, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—58

The Chief Clerk announced the absentees.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the House.

Messrs. Fleisher and Odom were brought before the bar of House, and on motion excused.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At five o'clock and twenty-five minutes P. M., further proceedings under the call of the House was dispensed with, on motion of Mr. Beardslee.

The roll of absentees was called, and the report adopted by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Bohnett, Callan, Cattell, Coghlan, Collier, Collum, Cronin, Dean, Fleisher, Flint, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Maher, McClellan, Melrose, Mendenhall, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Rech, Rutherford, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr Speaker—60.

NOES—None.

INTRODUCTION OF BILL.

The above bill was introduced, read first time, and ordered on file without reference.

SPECIAL ORDER SET.

On motion of Mr. Beardslee, the consideration of Assembly Bill No. 1445 was made a special order for Monday, March 8, 1909, at three o'clock and thirty minutes P. M

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON PUBLIC CHARITIES AND CORRECTIONS

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1909.

MR SPEAKER: Your Committee on Public Charities and Corrections, to whom was referred Assembly Bill No. 39—An Act to add two new sections to the Penal Code of the State of California, to be known as Sections 1168 and 1169.

Also: Assembly Bill No 41—An Act to provide for the classification, segregation, grading, reward, and punishment of persons confined in State prisons and reformatory institutions.

Also: Assembly Bill No 1348—An Act to permit asexualization of inmates of the State hospitals and the California Home for the Care and Training of Feeble-Minded Children.

Have had the same under consideration, and respectfully report the same back, and recommend that they be withdrawn by consent of the author.

COLLIER, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1909.

MR. SPEAKER: Your Committee on Public Charities and Corrections, to whom was referred Senate Bill No. 473—An Act relating to commitments to the State school at Whittier—passed without recommendation to the Committee on State Prisons and Reformatory Institutions.

Also: Assembly Bill No 589—An Act to revise the law relating to persons convicted of crime—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended, and re-referred to Committee on State Prisons and Reformatory Institutions

COLLIER, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1909.

MR SPEAKER Your Committee on Public Charities and Corrections, to whom was referred Assembly Bill No 1352—An Act to empower the State Board of Charities and Corrections to prepare statistics

Also: Senate Bill No. 12—An Act to authorize the establishment of the California State Trades and Training School for dependent children and half orphans.

Have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and be re-referred to the Committee on Ways and Means.

COLLIER, Chairman.

ON LIVE STOCK, DAIRIES, AND DAIRY PRODUCTS

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1909.

MR. SPEAKER Your Committee on Live Stock, Dairies, and Dairy Products, to whom was referred Senate Bill No. 886—An Act to insure the better education of practitioners of veterinary medicine—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

McCLELLAN, Chairman.

The above reported bills, with the exception of Assembly Bills Nos. 39, 41, and 1348, ordered on file for second reading.

Assembly Bills Nos. 39, 41, and 1348 withdrawn by unanimous consent

Assembly Bills Nos 473 and 589 referred to Committee on State Prisons and Reformatory Institutions.

Assembly Bill No. 1352 and Senate Bill No. 12 referred to Committee on Ways and Means.

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1909.

MR SPEAKER. Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Assembly Bill No. 1237—An Act to amend Section 4244 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the fifteenth class, and their deputies

Assembly Bill No. 811—An Act to amend sections four hundred and thirty-nine and four hundred and forty of the Political Code, relating to the employees in the Controller's office, and the salaries paid to such employees.

Assembly Bill No. 804—An Act to restrict the herding of live stock

Assembly Bill No. 564—An Act to provide for the issuance and sale of State bonds to create a fund for the construction by the Board of State Harbor Commissioners for the bay of San Diego of a seawall, wharves, piers, state railroad, spurs, betterments, and appurtenances in the county of San Diego; to create a sinking fund for the payment of said bonds; to define the duties of State officers in relation thereto; to make an appropriation of one thousand dollars for the expense of printing said bonds, and to provide for the submission of this Act to a vote of the people.

Assembly Bill No. 749—An Act providing for the construction and furnishing of a cottage for female patients at the Southern California State Hospital at Patton, and to make appropriation for the same.

Assembly Bill No. 211—An Act making an appropriation for the erection and construction of a dairy barn on the grounds of the Mendocino State Hospital.

Assembly Bill No. 210—An Act authorizing and directing the board of managers of the Mendocino State Hospital to purchase laundry machinery for the said hospital, and making an appropriation therefor.

Assembly Bill No. 207—An Act authorizing and directing the board of managers of the Mendocino State Hospital to erect and construct an addition to the main kitchen at said hospital; to construct in conjunction with said kitchen, a dining-room for kitchen help; to purchase a new kitchen range, steam table, and other necessary kitchen furniture; to enlarge the cold storage rooms at said hospital, and making an appropriation therefor.

Assembly Bill No. 973—An Act making an appropriation for repairing and furnishing the dormitory buildings at the California Polytechnic School.

Assembly Bill No. 972—An Act making an appropriation for the purchase and installation of a refrigerating plant and other creamery equipment for the California Polytechnic School.

Assembly Bill No. 971—An Act making an appropriation for the construction and equipment of poultry houses at the California Polytechnic School.

Assembly Bill No. 965—An Act making an appropriation for the construction and furnishing of a dining hall at the California Polytechnic School.

Assembly Bill No. 962—An Act making an appropriation for the purchase of equipment for shops and laboratories at the California Polytechnic School.

Assembly Bill No. 1056—An Act to make an additional appropriation for the purpose of carrying out the provisions of an Act entitled "An Act to provide for the erection, equipping and furnishing of two receiving cottages, one for males and one for females, and a hydrotherapeutic building in connection therewith, with all necessary equipment and furnishings, at the Southern California State Hospital, and to make appropriations for the same," approved March 11, 1907.

Assembly Bill No. 1360—An Act to prevent the sale of thread of cotton, linen, and silk, where such is not labeled as to its correct yardage and weight.

Assembly Bill No. 1273—An Act to provide for the disincorporation and discontinuance of fire districts where the same become wholly or partly within the corporate limits of a town or city incorporated subsequently to the organization thereof, and providing for the disposal of the property of such districts.

Assembly Bill No. 698—An Act to amend Section 472 and Section 475 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the duties of the Attorney General, providing for an assistant, a chief deputy, deputies, clerks, phonographic reporter, and stenographers in the Attorney General's office, and fixing their salaries.

Assembly Bill No. 936—An Act adding a new section to the Penal Code, to be known as Section 1231, relating to application to the State Board of Health by a person condemned to death for a physical examination, and for their recommendation to the Governor that such person is physically fit for medical treatment, tests or experiments in the interest of science, and providing for their recommendation in such matter and the reprieving of such person.

Assembly Bill No. 1145—An Act to amend Section 3495 of the Political Code of the State of California, relating to school lands belonging to the State and the affidavit on applications to purchase the same.

Assembly Bill No. 815—An Act to amend section twelve hundred and thirty-eight of the Code of Civil Procedure, relating to the purposes for which the right of eminent domain may be exercised.

Assembly Bill No. 1431—An Act to allow unincorporated towns and villages to establish, equip and maintain public libraries; to provide for the formation, government and operation of library districts; the acquisition of property thereby; the calling and holding of elections in such districts; the assessment, collection, custody and disbursement of taxes therein; and to create boards of library trustees.

Assembly Bill No. 670—An Act to amend Section 1617 of Article VII of the Political Code, relating to and defining the powers and duties of trustees of school districts and of boards of education in cities by changing the provisions of certain sections, by adding new sections and by renumbering certain sections.

Assembly Constitutional Amendment No. 17—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California amending Section 3 of Article IX of said Constitution, relating to the election of Superintendent of Schools

YOUNG, Chairman.

The above reported bills ordered on file for third reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1909.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly reëngrossed:

Assembly Bill No. 642—An Act to prevent false and incorrect representations and advertisements concerning articles offered for sale, and prescribing a punishment for the violation thereof.

Assembly Bill No. 26—An Act to amend Sections 3, 4, 5, 6, 7, 11, 13, 14, and 16 of an Act entitled "An Act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California State Board of Pharmacy," approved March 20, 1905, and amended March 21, 1907.

Assembly Bill No. 638—An Act to amend Section 261 of the Penal Code of the State of California, defining the crime of rape.

Assembly Bill No. 639—An Act governing and regulating plumbing, providing a State Plumbing Board, local boards of examiners, and a State Inspector of Plumbing, and defining their duties, fixing their compensation, and providing a special fund, and providing for the licensing of plumbers.

YOUNG, Chairman.

ADJOURNMENT.

At five o'clock and thirty minutes P. M. on motion of Mr. Johnson of Sacramento, the Assembly was declared adjourned.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL., Saturday, March 6, 1909

At nine o'clock and thirty minutes A. M., pursuant to adjournment, the Assembly was called to order.

Hon. P. A. Stanton, Speaker of the Assembly, in the chair.

The roll was called.

CALL OF THE HOUSE.

There being no quorum present, Mr. Transue moved a call of the House.

Motion carried.

Time, nine o'clock and thirty-five minutes A. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll.

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

Messrs. Barndollar, Bohnett, Callan, Cattell, Collier, Collum, Fleisher, Flint, Gibbons, Gillis, Hanlon, Hans, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Kehoe, McClellan, Melrose, Mendenhall, Nelson, Otis, O'Neill, Perine, Preston, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Young, and Mr. Speaker—39.

The Chief Clerk announced the absentees.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At nine o'clock and fifty minutes A. M., further proceedings under the call of the House were dispensed with, on motion of Mr. Transue.

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

Messrs Barndollar, Bohnett, Callan, Cattell, Collier, Collum, Cronin, Cullen, Fleisher, Flint, Gibbons, Gillis, Hanlon, Hans, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Kehoe, Leeds, McClellan, Melrose, Mendenhall, Nelson, Otis, O'Neill, Perine, Preston, Rutherford, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Young, and Mr. Speaker—43

Quorum present.

LEAVES OF ABSENCE.

On motion, leave of absence for the day was granted to Messrs. Maher, Baxter, Webber, Wyatt, and Flavelle.

PRAYER.

Prayer was offered by the Chaplain, Rev. Seren N. Marsh.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Schmitt, its further reading was dispensed with.

PETITION.

The following petition was presented:

By Mr. Johnson of Placer:

To the Senate and Assembly of the State of California

The board of supervisors of the county of El Dorado respectfully petitions your honorable bodies, and represents as follows:

That the State of California now owns the highway known as the "Lake Tahoe Wagon Road," commencing at a point about three miles easterly of the city of Placerville, in El Dorado County, and running thence easterly to the eastern boundary of California at Lake Tahoe, a distance of about fifty-eight miles; that said road is an important highway, not only because it traverses a country of great scenic beauty and grandeur, but it is also a direct route from the Capitol of this State and the Sacramento and San Joaquin valleys to the southern Nevada mines and other portions of the State of Nevada, and the travel by teams and automobiles is very extensive and is increasing each year, that a model road is now in course of construction, and nearing completion, from the city of Sacramento to the town of Folsom; that to accommodate the said travel, and to provide better facilities therefor, the said state highway ought to be extended from its present western terminus to said town of Folsom, that such extension is of State importance, and is a matter of urgency, that bills providing for the construction of such extension of said state highway have been introduced and are now pending before you

The said board of supervisors therefore respectfully asks your favorable consideration of said bills, and that you provide for the construction of said proposed extension of said state highway.

STATE OF CALIFORNIA, County of El Dorado } ss.

I, Ted C. Atwood, county clerk and ex officio clerk of the Superior Court, in and for the county of El Dorado, State of California, do hereby certify that I have compared the foregoing copy of minutes, board of supervisors of El Dorado County, California, with the original of the same in my office, and that the same is a correct transcript therefrom and of the whole of said original as the same appears on file now in my office.

In witness whereof, I have hereunto set my hand and affixed the seal of the superior court aforesaid, this fourth day of March, A. D. 1909.

[SEAL] TED C. ATWOOD, Clerk.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1909.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 22—An Act to amend Section 800 of the Penal Code, concerning the limita-

tion of actions for a felony—report the same back, with one amendment, and recommend that it do pass as amended

Also. Assembly Bill No 221—An Act to amend Section 925 of the Penal Code of the State of California, relating to grand juries, when and from whom they may ask advice and who may be present at the sessions of grand juries—report the same back, with two amendments, and recommend that it do pass as amended

Also· Assembly Bill No. 222—An Act to amend Section 988 of the Penal Code, relating to the arraignment of defendants—report the same back, with one amendment, and recommend that it do pass as amended

Also· Assembly Bill No. 223—An Act to amend Section 995 of the Penal Code, relating to motion to set aside indictments, etc.—report the same back with two amendments, and recommend that it do pass as amended.

Also: Assembly Bill No 950—An Act to amend Section 286 of the Penal Code of the State of California, relating to crime against nature—report the same back, with two amendments, and recommend that it do pass as amended.

Also· Senate Bill No 625—An Act to amend Sections 4, 14, and 19 of an Act entitled "An Act to establish a tax on gifts, legacies, inheritances bequests, devises, successions and transfers, to provide for its collection and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act and for suits to quiet title against claims of lien arising hereunder; to repeal an Act entitled "An Act to establish a tax on collaterals, inheritances, bequests, and devises, to provide for the collection and to direct the disposition of its proceeds," approved March 23, 1893, and all amendments thereto, and all Acts and parts of Acts in conflict with this Act," approved March 20, 1905, and to add a new section thereto, to be known and numbered as Section 14½—report the same back, with three amendments, and recommend that it do pass as amended

Also· Senate Bill No 631—An Act to amend Section 594 of the Civil Code, relating to the formation of corporations for purposes other than profit—report the same back, with one amendment, and recommend that it do pass as amended.

JOHNSON OF SACRAMENTO, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1909.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Senate Bill No. 853—An Act to amend the Penal Code of California by adding a new section thereto, to be numbered 532*a*, relating to spurious secret societies.

Also· Senate Bill No. 957—An Act to amend section four thousand and five *c* of the Political Code of the State of California, relating to population of counties

Also· Senate Bill No. 958—An Act to amend section four thousand and six of the Political Code of the State of California, relating to the classification of counties and creating a new class, to be known as the thirty-sixth and one-half class.

Also Senate Bill No 959—An Act to amend section four thousand and seven of the Political Code of the State of California, relating to the classification of counties.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

JOHNSON OF SACRAMENTO, Chairman

The above reported bills ordered on file for second reading.

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1909

MR SPEAKER· Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed·

Assembly Bill No 781—An Act to authorize the local boards of managers of the several State Hospitals for the insane and homes for the feeble-minded of the State of California to employ regularly ordained ministers and priests to visit and perform spiritual duties and ministrations to the inmates of said State hospitals and homes for the feeble-minded, and to provide for their compensation

Assembly Bill No. 1063—An Act making an appropriation for furnishing the manor house at the California Home for the Care and Training of Feeble-Minded Children, at Eldridge, California.

Assembly Bill No. 669—An Act to provide for the reappropriation of the unexpended balance of money appropriated by an Act entitled "An Act making an appropriation to pay certain claims against the California Home for the Care and Training of Feeble-Minded Children," approved March 7, 1905.

Assembly Bill No 595—An Act making an appropriation for the purpose of enlarging the power house at the California Home for the Care and Training of Feeble-Minded Children, and for the purchase and installation therein of two steam boilers and necessary tools and machinery

Assembly Bill No 130—An Act authorizing and directing the board of managers of the California Home for the Care and Training of Feeble-Minded Children to purchase and install laundry machinery at the California Home for the Care and Training of Feeble-Minded Children, and making an appropriation therefor.

Assembly Bill No. 127—An Act authorizing and directing the board of managers of the California Home for the Care and Training of Feeble-Minded Children to erect, construct, and equip a pavilion to be used as a gymnasium for boys at the California Home for Feeble-Minded Children, and making an appropriation therefor.

Assembly Bill No. 132—An Act making an appropriation for the completion of repairs to the manor house at the California Home for the Care and Training of Feeble-Minded Children.

Assembly Bill No. 131—An Act authorizing and directing the board of managers of the California Home for the Care and Training of Feeble-Minded Children to develop the water supply at the California Home for the Care and Training of Feeble-Minded Children, and making an appropriation therefor

Assembly Bill No. 968—An Act making an appropriation for the construction of a cottage for employees at the California Polytechnic School.

Assembly Bill No. 969—An Act making an appropriation for the development of water supply and an irrigation system at the California Polytechnic School

Assembly Bill No. 970—An Act making an appropriation for the construction of a sewer system at the California Polytechnic School

YOUNG, Chairman

The above reported bills ordered on file for third reading

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1909

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly reëngrossed

Assembly Bill No. 71—An Act to repeal an Act entitled "An Act to create the office of commissioner of transportation, and to define its powers and duties; to fix the maximum charges for transporting passengers and freights on certain railroads, and to prevent extortion and unjust discrimination thereon," approved April 1, 1878, and also to repeal an Act entitled "An Act to organize and define the powers of the Board of Railroad Commissioners," approved April 15, 1880, and to provide for the organization of the Board of Railroad Commissioners, define its powers and duties, and the powers and duties of railroad and transportation companies, their officers, agents, and employees, and to define offenses by shippers and railroad and transportation companies, their officers, agents, and employees, and other persons, and providing penalties for such offenses.

Assembly Bill No. 1112—An Act to amend an Act entitled "An Act to add a new title to Part III of the Penal Code, to be known as Title I thereof, relating to the government and management of State prisons," approved March 18, 1907, by amending Sections 1572, 1574, 1577, 1578, and 1582 of the Penal Code, relating to the government and management of State prisons.

Assembly Bill No. 632—An Act to amend Sections 1713 and 1714 of Article XIII of the Political Code in regard to the apportionment of school library funds.

Assembly Bill No. 179—An Act to provide for the appointment of a bake-shop inspector and deputies, to provide for their compensation and to define their powers and duties relating to the inspection of bake shops and bakeries.

Assembly Bill No. 1142—An Act to amend Section 4246 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the seventeenth class.

Assembly Bill No. 1025—An Act to amend Section 4261 of the Political Code, relating to salaries and fees of officers in counties of the thirty-second class.

Assembly Bill No. 785—An Act to provide for the transfer to the State of California by owners of patented lands therein of the right to preserve and protect wild game on such patented lands; to define the duties of the State Board of Fish Commissioners in relation to the control of such rights, and to declare the hunting of wild game within the exterior boundaries of the land to which such right attaches a misdemeanor, approved March 21, 1907.

Assembly Bill No. 735—An Act to amend Section 1576*a* of the Political Code of the State of California, relating to clerks of school districts

Assembly Bill No. 709—An Act to amend Section 4234 of the Political Code of the State of California, relating to the compensation of officers of counties of the fifth class and their assistants and deputies.

YOUNG, Chairman.

BILL CONSIDERED—(OUT OF ORDER).

By unanimous consent, Assembly Bill No 22 was taken up for consideration.

Assembly Bill No. 22—An Act to amend Section 800 of the Penal Code, concerning the limitation of actions for a felony.

During second reading of bill, the following amendment was submitted by the committee:

Strike out all after the words "An Act", in the first line of the title, and insert in lieu thereof as follows:

To repeal an Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for appointment of the members of said commission, to be known as "The Commissioners for the Revision and Reform of the Law," and to prescribe their powers and duties; and to authorize the appointment of a secretary and stenographer therefor; and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor, approved March 28, 1895, and all Acts amendatory thereof, and supplemental thereto.

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. An Act entitled "An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for appointment of the members of said commission, to be known as 'The Commissioners for the Revision and Reform of the Law,' and to prescribe their powers and duties; and to authorize the appointment of a secretary and stenographer therefor, and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor," approved March 28, 1895, and all Acts amendatory thereof and supplemental thereto, are hereby repealed.

SEC. 2. This Act shall take effect immediately"

Amendment adopted

Bill read second time, and ordered to reprint and engrossment.

WITHDRAWAL OF ASSEMBLY JOINT RESOLUTION.

Mr Johnson of Sacramento asked for, and was granted, unanimous consent to withdraw Assembly Joint Resolution No. 10

Assembly Joint Resolution No. 10 withdrawn and ordered stricken from the file.

REQUEST FOR PERMISSION TO INTRODUCE AN ASSEMBLY JOINT RESOLUTION.

The following petition, asking permission to introduce an Assembly joint resolution, was presented.

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1909.

MR SPEAKER: I ask permission to introduce the accompanying Assembly Joint Resolution, the title of which reads as follows, viz Assembly Joint Resolution No. 10 —Relative to exclusion of Asiatics

JOHNSON,
Member Seventeenth District.

Petition referred to Committee on Introduction of Bills.

SPECIAL ORDER RESET.

On motion of Mr. Transue, the reconsideration of the vote on Senate Bill No. 271 was made a special order for Monday, March 8, 1909.

SPECIAL FILE—THIRD READING.

Assembly Bill No. 1056—An Act to make an additional appropriation for the purposes of carrying out the provisions of an Act entitled "An Act to provide for the erection, equipping, and furnishing of two receiving cottages, one for males and one for females, and a hydrotherapeutic building in connection therewith, with all necessary equip-

ment and furnishings at the Southern California State Hospital, and to make appropriations for the same," approved March 11, 1907.

Bill read third time

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1056 passed by the following vote:

AYES—Messrs. Barndollar, Bohnett, Callan, Cattell, Collier, Collum, Cronin, Fleisher, Flint, Gibbons, Gillis, Griffiths, Hanlon, Hans, Hayes, Hewitt, Irwin, Johnson of Sacramento, Johnson of Placer, Kehoe, Leeds, McClellan, Melrose, Mendenhall, Nelson, Otis, O'Neill, Perine, Polsley, Preston, Rutherford, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Young, and Mr. Speaker—42.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 962—An Act making an appropriation for the purchase of equipment for shops and laboratories at the California Polytechnic School.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 962 passed by the following vote:

AYES—Messrs Barndollar, Bohnett, Callan, Cattell, Collier, Collum, Cronin, Fleisher, Flint, Gibbons, Gillis, Greer, Griffiths, Hans, Hayes, Hewitt, Irwin, Johnson of Sacramento, Johnson of Placer, Kehoe, Leeds, McClellan, Melrose, Mendenhall, Nelson, Otis, O'Neill, Perine, Polsley, Preston, Rutherford, Sackett Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Young, and Mr Speaker—42

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 965—An Act making an appropriation for the construction and furnishing of a dining hall at the California Polytechnic School.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 965 passed by the following vote:

AYES—Messrs. Barndollar, Bohnett, Callan, Cattell, Collier, Collum, Cullen, Fleisher, Flint, Gibbons, Gillis, Greer, Griffiths, Hans, Hayes, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Kehoe, McClellan, Melrose, Mendenhall, Nelson, Otis, O'Neill, Perine, Polsley, Rutherford, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr Speaker—42

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No 971—An Act making an appropriation for the construction and equipment of poultry houses at the California Polytechnic School.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 971 passed by the following vote:

AYES—Messrs. Barndollar Bohnett, Callan, Cattell, Collier, Collum, Cronin, Fleisher, Flint, Gibbons, Gillis, Griffiths, Hans Hayes, Hewitt, Holmquist, Irwin,

Johnson of Sacramento, Johnson of Placer, Kehoe, McClellan, Melrose, Mendenhall, Nelson, Otis, O'Neill, Perine, Polsley, Preston, Rutherford, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr Speaker—42

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate

SPEAKER PRO TEM IN THE CHAIR.

At ten o'clock and ten minutes A. M. Speaker pro tem. Perine in the chair

Assembly Bill No. 972—An Act making an appropriation for the purchase and installation of a refrigerating plant and other creamery equipment for the California Polytechnic School

Bill read third time

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 972 passed by the following vote:

AYES—Messrs. Barndollar, Bohnett, Callan, Cattell, Collier, Collum, Cronin, Fleisher, Flint, Gibbons, Gillis, Griffiths, Hans, Hayes Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Kehoe, Leeds, McClellan, Melrose, Mendenhall, Nelson, Otis, O'Neill, Perine, Polsley, Rutherford, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young and Mr Speaker—42.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No 973—An Act making an appropriation for repairing and furnishing the dormitory buildings at the California Polytechnic School.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Assembly Bill No 973 passed by the following vote:

AYES—Messrs. Barndollar, Bohnett, Callan, Cattell, Collier, Collum, Cronin, Fleisher, Flint Gibbons, Gillis, Griffiths Hans, Hayes, Hewitt Holmquest, Irwin, Johnson of Sacramento, Johnson of Placer, Kehoe, Leeds, McClellan, Melrose Mendenhall, Nelson, Otis, O'Neill, Perine, Polsley, Preston, Rutherford, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wyllie, Young, and Mr. Speaker—42.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 207—An Act authorizing and directing the board of managers of the Mendocino State Hospital to erect and construct an addition to the main kitchen at the said hospital; to construct in conjunction with said kitchen a dining-room for the kitchen help; to purchase a new kitchen range, steam-table and other necessary kitchen furniture; to enlarge the cold-storage rooms at said hospital, and making an appropriation therefor

Bill read third time.

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 207 passed by the following vote:

AYES—Messrs. Barndollar, Bohnett, Callan, Cattell, Collier, Collum, Cronin, Fleisher, Flint, Gibbons, Gillis, Griffiths, Hans, Hayes, Hewitt, Holmquist, Irwin,

Johnson of Sacramento, Johnson of Placer, Kehoe, Leeds, McClellan, Melrose, Mendenhall, Nelson, Otis, O'Neill, Perine, Polsley, Preston, Rutherford, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—43.

NOES—None.

Title read and approved

Bill ordered transmitted to the Senate

Assembly Bill No. 210—An Act authorizing and directing the board of managers of the Mendocino State Hospital to purchase laundry machinery for the said hospital, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 210 passed by the following vote:

AYES—Messrs. Barndollar, Bohnett, Callan, Cattell, Collier, Collum, Cronin, Fleisher, Flint, Gibbons, Gillis, Greer, Griffiths, Hans, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Kehoe, Leeds, McClellan, Melrose, Mendenhall, Nelson, Otis, O'Neill, Perine, Polsley, Preston, Rutherford, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—43.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 211—An Act making an appropriation for the erection and construction of a dairy barn on the grounds of the Mendocino State Hospital.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No 211 passed by the following vote:

AYES—Messrs Barndollar, Bohnett, Callan, Cattell, Collier, Collum, Cronin, Fleisher, Flint, Gibbons, Gillis, Greer, Griffiths, Hans, Hayes, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Kehoe, Leeds, McClellan, Melrose, Mendenhall, Nelson, Otis, O'Neill, Perine, Polsley, Preston, Rutherford, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wyllie, Young, and Mr. Speaker—43.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 749—An Act to provide for the construction and furnishing of a cottage for female patients at the Southern California Hospital at Patton, and to make an appropriation for the same

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 749 passed by the following vote:

AYES—Messrs Barndollar, Bohnett, Callan, Cattell, Collier, Collum, Cronin, Fleisher, Flint, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hans, Hayes, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Kehoe, Leeds, McClellan, Melrose, Mendenhall, Nelson, Otis, O'Neill, Perine, Polsley, Preston, Rutherford, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr Speaker—44.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 564—An Act to provide for the issuance and sale of State bonds to create a fund for the construction by the Board of

State Harbor Commissioners for the bay of San Diego of a seawall, wharves, piers, state railroad, spurs, betterments, and appurtenances in the county of San Diego, to create a sinking fund for the payment of said bonds; to define the duties of State officers in relation thereto; to make an appropriation of one thousand dollars for the expense of printing said bonds, and to provide for the submission of this Act to a vote of the people.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 564 passed by the following vote:

AYES—Messrs. Barndollar, Bohnett, Callan, Cattell, Collier, Collum, Cronin, Fleisher, Flint, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hans, Hayes, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Kehoe, Leeds, McClellan, Melrose, Mendenhall, Nelson, Otis, O'Neill, Perine, Polsley, Preston, Rutherford, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—45.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SPECIAL FILE—SECOND READING

Committee Substitute "B" for Assembly Bill No. 1014—An Act providing for the construction of additional houses for the use of officers, guards, and employees at the State prison at Folsom, and to make an appropriation therefor.

Committee Substitute for Assembly Bill No 1015—An Act providing for the construction and furnishing of a residence at the State prison at Folsom for the warden, and making an appropriation therefor.

Committee Substitute "A" for Assembly Bill No. 1014—An Act providing for the repairing of the buildings at the State prison at Folsom, and making an appropriation therefor.

Committee Substitute "B" for Assembly Bill No. 828—An Act providing for construction of cottages for the use of guards and employees at the State prison at San Quentin, and to make an appropriation therefor.

Assembly Bill No. 1280—An Act to provide for the refurnishing of the offices of the Board of Railroad Commissioners of the State of California, and to make appropriation therefor.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bills

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Perine in the chair.

Committee Substitute "B" for Assembly Bill No. 1014, Committee Substitute for Assembly Bill No. 1015, Committee Substitute "A" for Assembly Bill No. 1014, Committee Substitute "B" for Assembly Bill No 828, and Assembly Bill No. 1280 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bills

Motion carried.

IN ASSEMBLY.

Speaker pro tem. Perine in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1909

GENTLEMEN: The Committee of the Whole have had under consideration Committee Substitute "B" for Assembly Bill No. 1014, Committee Substitute for Assembly Bill No. 1015, Committee Substitute "A" for Assembly Bill No 1014, Committee Substitute for Assembly Bill No 828, and Assembly Bill No 1280, and do now report the same back, and recommend that they do pass.

PERINE, Chairman

Bills read second time, and ordered to engrossment.

THIRD-READING FILE.

Assembly Bill No. 642—An Act to prevent false and incorrect representations and advertisements concerning articles offered for sale, and prescribing a punishment of the violation thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 642 passed by the following vote:

AYES—Messrs. Barndollar, Bohnett, Callan, Cattell, Collier, Collum, Cronin, Fleisher, Flint, Gibbons, Gillis, Greer, Griffiths, Hans, Hayes, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Melrose, Mendenhall, Nelson, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Rech, Rutherford, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr Speaker—45.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 639—An Act governing and regulating plumbing, providing a State plumbing board, local boards of examiners, and State inspector of plumbing, and defining their duties and providing for the licensing of plumbers

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 639 passed by the following vote:

AYES—Messrs. Barndollar, Bohnett, Callan, Cattell, Collier, Collum, Cronin, Fleisher, Flint Gibbons, Gillis, Greer, Griffiths, Hanlon, Hans, Hayes, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, McClellan, Mendenhall, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Rech, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—45.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate

Assembly Bill No. 26—An Act to amend Sections 3, 4, 5, 6, 7, 11, 13, 14, and 16 of an Act entitled "An Act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof, and for the appointment of a board to be known as

the California State Board of Pharmacy," approved March 20, 1905, and amended March 21, 1907.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 26 passed by the following vote:

AYES—Messrs Barndollar, Bohnett, Callan, Cattell, Collier, Collum, Cronin, Fleisher, Flint, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hans, Hayes, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds McClellan, Melrose, Mendenhall, Nelson, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wylie, Young, and Mr Speaker—46

NOES—None.

Title read and approved

Bill ordered transmitted to the Senate.

Assembly Bill No. 1431—An Act to allow unincorporated towns and villages to establish, equip, and maintain public libraries; to provide for the formation, government, and operation of library districts; the acquisition of property thereby; the calling and holding of elections in such districts; the assessment, collection, custody, and disbursement of taxes therein; and to create boards of library trustees.

Bill read third time.

The question being on the passage of the bill.

The roll was called and Assembly Bill No. 1431 passed by the following vote:

AYES—Messrs Barndollar, Bohnett, Callan, Cattell, Collier, Collum, Cronin, Fleisher, Flint, Gibbons, Gillis, Griffiths, Hanlon, Hans, Hayes, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, McClellan, Melrose, Mendenhall, Nelson, Otis, O'Neill, Perine, Polsley, Preston, Rech, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr Speaker—45.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1145—An Act to amend Section 3495 of the Political Code of the State of California, relating to school lands belonging to the State, and the affidavit on application to purchase the same.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No 1145 passed by the following vote:

AYES—Messrs Barndollar, Bohnett, Callan, Cattell, Collier, Collum, Fleisher, Flint Gibbons, Gillis, Greer, Griffiths, Hans, Hayes, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, McClellan, Melrose, Mendenhall, Nelson, Otis, O'Neill, Perine, Polsley, Rech, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr Speaker—44.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SPECIAL FILE—THIRD READING—(RESUMED).

Assembly Bill No. 1112—An Act to amend an Act entitled "An Act to add a new title to Part III of the Penal Code, to be known as Title I

thereof, relating to the government and management of State prisons," approved March 18, 1907, by amending Sections 1572, 1574, 1577, 1578, and 1582 of the Penal Code, relating to the government and management of State prisons.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1112 passed by the following vote:

AYES—Messrs. Barndollar, Bohnett, Callan, Cattell, Collier, Collum, Fleisher, Flint, Gibbons, Gillis, Greer, Griffiths, Hans, Hayes, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, McClellan, Melrose, Mendenhall, Nelson, Otis, O'Neill, Perine, Polsley, Preston, Rech, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Wilson, Wyllie, Young, and Mr. Speaker—43.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 968—An Act making an appropriation for the construction of cottages for employees at the California Polytechnic School.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 968 passed by the following vote:

AYES—Messrs. Barndollar, Bohnett, Callan, Cattell, Collier, Collum, Cronin, Fleisher, Flint, Gibbons, Gillis, Griffiths, Hans, Hayes, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, McClellan, Melrose, Mendenhall, Nelson, Otis, O'Neill, Perine, Preston, Pulcifer, Rech, Rutherford, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Wilson, Wyllie, Young, and Mr. Speaker—44.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 969—An Act making an appropriation for the development of water supply and an irrigation system at the California Polytechnic School.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 969 passed by the following vote:

AYES—Messrs. Barndollar, Bohnett, Callan, Cattell, Collum, Cronin, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hans, Hayes, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, McClellan, Melrose, Mendenhall, Nelson, Otis, O'Neill, Perine, Polsley, Preston, Rech, Rutherford, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Wilson, Wyllie, Young, and Mr. Speaker—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 970—An Act making an appropriation for the construction of a sewer system at the California Polytechnic School.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 970 passed by the following vote:

AYES—Messrs. Barndollar, Bohnett, Callan, Cattell, Collier, Collum, Cronin, Fleisher, Flint, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hans, Hayes, Hewitt,

Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, McClellan, Melrose, Mendenhall, Nelson, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Rech, Rutherford, Sackett, Schmitt, Telfer, Transue, Wagner, Wilson, Wyllie, Young, and Mr. Speaker—46.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 131—An Act authorizing and directing the board of managers of the California Home for the Care and Training of Feeble-Minded Children to develop the water supply at the California Home for the Care and Training of Feeble-Minded Children, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 131 passed by the following vote:

AYES—Messrs Barndollar, Bohnett, Callan, Cattell, Cronin, Fleisher, Flint, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hans, Hayes, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, McClellan, Melrose, Mendenhall, Nelson, Otis, O'Neill, Perine, Polsley, Rech, Rutherford, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Wilson, Young, and Mr. Speaker—43.
NOES—Mr. Preston—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 132—An Act making an appropriation for the completion of repairs to the manor house at the California Home for the Care and Training of Feeble-Minded Children.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 132 passed by the following vote:

AYES—Messrs Barndollar, Bohnett, Callan, Cattell, Collum, Cronin, Fleisher, Flint, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hans, Hayes, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, McClellan, Melrose, Mendenhall, Nelson, Otis, Perine, Polsley, Preston, Rech, Rutherford, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Wilson, Wyllie, Young, and Mr. Speaker—45
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate

Assembly Bill No. 127—An Act authorizing and directing the board of managers of the California Home for the Care and Training of Feeble-Minded Children to erect, construct, and equip a pavilion to be used as a gymnasium for boys at the California Home for Feeble-Minded Children, and making an appropriation therefor

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 127 passed by the following vote:

AYES—Messrs Barndollar, Bohnett, Callan, Cattell, Collier, Collum, Cronin, Fleisher, Flint, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hans, Hayes, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, McClellan, Melrose, Mendenhall, Nelson, Otis, O'Neill, Perine, Preston, Pugh,

Rech, Rutherford, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Whelan, Wilson, Wyllie, Young, and Mr. Speaker—46.
NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 130—An Act authorizing and directing the board of managers of the California Home for the Care and Training of Feeble-Minded Children to purchase and install laundry machinery at the California Home for the Care and Training of Feeble-Minded Children, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 130 passed by the following vote:

AYES—Messrs. Barndollar, Bohnett, Callan, Cattell, Collier, Collum, Cronin, Fleisher, Flint, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hans, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Juilliard, Kehoe, Leeds, McClellan, Melrose, Mendenhall, Nelson, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Rech, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Wyllie, Young, and Mr. Speaker—46.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 595—An Act making an appropriation for the purpose of enlarging the power house at the California Home for the Care and Training of Feeble-Minded Children, and for the purchase and installation therein of two steam boilers, and necessary tools and machinery.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 595 passed by the following vote:

AYES—Messrs. Barndollar, Bohnett, Callan, Cattell, Collier, Collum, Cronin, Fleisher, Flint, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hans, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Juilliard, Kehoe, Leeds, McClellan, Melrose, Mendenhall, Nelson, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Rech, Rutherford, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Wilson, Wyllie, Young, and Mr. Speaker—48.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 669—An Act to provide for the re-appropriation of the unexpended balance of money appropriated by an Act entitled "An Act making an appropriation to pay certain claims against the California Home for the Care and Training of Feeble-Minded Children," approved March 7, 1905.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 669 passed by the following vote:

AYES—Messrs. Barndollar, Bohnett, Callan, Cattell, Collier, Cronin, Fleisher, Flint, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hans, Hayes, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, McClellan, Melrose, Mendenhall, Nelson, Otis, Perine, Polsley, Preston, Pugh,

Rech, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Wilson, Wyllie, Young, and Mr. Speaker—45.
NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No 781—An Act to authorize the local boards of managers of the several State hospitals for the insane and homes for the feeble-minded of the State of California to employ regularly ordained ministers and priests to visit and perform spiritual duties and ministrations to the inmates of said State hospitals and homes for the feeble-minded, and to provide for their compensation

Bill read third time

The question being on the passage of the bill.

The roll was called, and Assembly Bill No 781 passed by the following vote:

AYES—Messrs Barndollar, Bohnett, Callan, Cattell, Collier, Collum, Cronin, Flint, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hans, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, McClellan, Melrose, Mendenhall, Nelson, Otis, O'Neill, Perine, Polsley, Pugh, Rech, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Wilson, Wyllie, Young, and Mr Speaker—46
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No 1063—An Act making an appropriation for furnishing the manor house at the California Home for the Care and Training of Feeble-Minded Children at Eldridge, California

Bill read third time

The question being on the passage of the bill.

The roll was called, and Assembly Bill No 1063 passed by the following vote:

AYES—Messrs Barndollar, Bohnett, Callan, Cattell, Collier, Collum, Cronin, Flint, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hans, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, McClellan, Melrose, Mendenhall, Nelson, Otis, O'Neill, Perine Polsley, Pugh, Rech, Sackett, Schmitt, Telfer, Transue, Wagner, Wilson, Wyllie, Young, and Mr Speaker—44
NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

THIRD-READING FILE—(RESUMED).

Assembly Bill No. 709—An Act to amend Section 4234 of the Political Code of the State of California, relating to the compensation of officers of counties of the fifth class, and their assistants and deputies.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 709 passed by the following vote:

AYES—Messrs Barndollar, Bohnett, Callan, Cattell, Collier, Collum, Cronin, Fleisher, Flint, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hans, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Melrose, Mendenhall, Nelson, Otis, Perine, Polsley,

Pugh, Rech, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Wilson, Wyllie, Young, and Mr. Speaker—43.
NOES—None.

Title read and approved.
Bill ordered transmitted to the Senate

MOTION.

On motion of Mr. Greer, Assembly Bill No. 7, which was recalled from Senate for examination, was ordered returned to the Senate

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1909.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following correctly engrossed:

Assembly Constitutional Amendment No. 16—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Article IX of said Constitution, by adding new sections, to be numbered 14, 15, and 16 respectively, relating to the schools, their government and their taxation.

YOUNG, Chairman.

The above Assembly constitutional amendment ordered on file for adoption.

ASSEMBLY CONSTITUTIONAL AMENDMENT CONSIDERED—(OUT OF ORDER).

On motion of Mr. Sackett Assembly Constitutional Amendment No. 16 was taken up for consideration.

Assembly Constitutional Amendment No. 16—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Article IX of said Constitution by adding new sections, to be numbered 14, 15, and 16, respectively, relating to the schools, their government, and their taxation.

During consideration of Assembly constitutional amendment, the following amendment was submitted by Mr. Sackett:

Strike out of line 19, page 2, of printed bill, the word "elected", and insert in lieu thereof the word "selected".

Amendment adopted.

Assembly constitutional amendment ordered to reprint, with rush order, and engrossment.

ON WAYS AND MEANS

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1909

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 178—An Act to provide for the building, equipping, and furnishing of an armory to be used for the National Guard and National Guard purposes, in the city of Los Angeles, and to make an appropriation for the same.

Also Assembly Bill No. 1005—An Act to fix the salaries of the State Forester, Deputy Forester, and Assistant Forester.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended

BEARDSLEE, Chairman.

The above reported bills ordered on file for second reading.

CONSIDERATION OF BILLS—(OUT OF ORDER).

On motion of Mr. Transue, Assembly Bills Nos. 178 and 1005 were taken up for consideration.

Assembly Bill No. 178—An Act to provide for the building, equipping and furnishing of an armory to be used for the National Guard and National Guard purposes, in the city of Los Angeles, and to make an appropriation for the same.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Perine in the chair.

Assembly Bill No. 178 considered.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In line 1, Section 1, of the printed bill, strike out the word "fifty".

Amendment adopted.

AMENDMENT No. 2.

In line 2, Section 1, of the printed bill, strike out the figures "($150,000)."

Amendment adopted.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill as amended.

Motion carried.

IN ASSEMBLY.

Speaker pro tem. Perine in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 178, and do now report the same back, and recommend that it do pass as amended

PERINE, Chairman.

Bill read second time, and ordered to reprint, with rush order, and engrossment.

Assembly Bill No. 1005—An Act to fix the salaries of the State Forester, Deputy Forester, and Assistant Forester.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Perine in the chair.

Assembly Bill No. 1005 considered.

During second reading of bill, the following amendment was submitted by the committee:

Strike out all of section one, of the printed bill, and insert in lieu thereof the following: "Section 1. The salary of the State Forester shall be three thousand

dollars per annum, that of each of two assistant foresters sixteen hundred dollars per annum, all such salaries to be paid as the salaries of other State officers are paid"

Amendment adopted.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill as amended.

Motion carried.

IN ASSEMBLY.

Speaker pro tem. Perine in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read.

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1909

GENTLEMEN—The Committee of the Whole have had under consideration Assembly Bill No 1005, and do now report the same back, and recommend that it do pass as amended

PERINE, Chairman

Bill read second time, and ordered to reprint, with rush order, and engrossment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1909

MR SPEAKER—Your Committee on Ways and Means, to whom was referred Assembly Bill No 1027—An Act to appropriate the sum of ten thousand dollars, for the purpose of partly changing the line of road and making permanent culverts on the Sonora and Mono road, a state highway.

Also Assembly Bill No 1377—An Act appropriating money to pay the claim of Russell-Vail Engineering Company, Roebling Construction Company, James Campbell, Palm Iron Works, Bryan Elevator Company, A Merle Company, Columbus Marble Company against the State of California

Have had the same under consideration, and respectfully report the same back, and recommend that they be withdrawn by authors

BEARDSLEE, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1909.

MR. SPEAKER—Your Committee on Ways and Means, to whom was referred Assembly Bill No. 610—An Act authorizing and directing the Board of State Capitol Commissioners to erect a monument in Capitol Park, in the city of Sacramento, to the valor and patriotism of the volunteer Union soldiers and sailors who enlisted from the State of California during the civil war from 1861 to 1865, and making an appropriation therefor

Also Assembly Bill No. 838—An Act to appropriate one thousand dollars for the erection of a monument in St. Mary's Cemetery, in the city of Oakland, county of Alameda, State of California, to the memory of Honorable John J Burke, and appointing a commission to carry out the provisions thereof.

Also Assembly Bill No 1013—An Act authorizing the State Board of Prison Directors to provide for assisting discharged prisoners to secure employment, and making an appropriation for the purpose of the Act.

Also Assembly Bill No. 1081—An Act to appropriate money for the payment of the claim of George W. Bush

Also Assembly Bill No 1143—An Act to appropriate forty-four dollars to pay the claim of W S Kingsbury.

Also Assembly Bill No 1440—An Act making an appropriation for the maintenance and improvement of the buildings of the Mission of St Francis de Solano, situated at Sonora, California

Also Assembly Bill No. 1433—An Act appropriating money to pay the claim of the Bryan Elevator Company against the State of California.

Also Assembly Bill No. 1434—An Act appropriating money to pay the claim of the Roebling Construction Company against the State of California

Also Assembly Bill No. 1435—An Act appropriating money to pay the claim of James Campbell against the State of California

Also Assembly Bill No. 1436—An Act appropriating money to pay the claim of the Russell-Vail Engineering Company against the State of California.

Also Assembly Bill No. 1437—An Act appropriating money to pay the claim of the Columbia Marble Company against the State of California.

Also Assembly Bill No 1438—An Act appropriating money to pay the claim of A. Merle & Company against the State of California.

Also: Assembly Bill No. 1439—An Act appropriating money to pay the claim of the Palm Iron Works against the State of California.

Also Senate Bill No. 38—An Act authorizing the regents of the University of California to hold farmers' institutes, and making appropriation therefor

Also: Senate Bill No 221—An Act making an appropriation to pay the deficiency in the appropriation for postage and contingent expenses of the Clerk of the Supreme Court for the fifty-ninth and sixtieth fiscal years.

Also: Senate Bill No. 516—An Act to provide for the reappropriation of the unexpended balance of money appropriated by an Act entitled "An Act making an appropriation to pay certain claims against the California Home for the Care and Training of Feeble-Minded Children," approved March 7, 1905.

Also Senate Bill No. 585—An Act to amend Sections 654, 684, and 685 of the Political Code, relating to the Board of Examiners.

Also Senate Bill No. 588—An Act to provide for the reforestation, the cutting of fire lanes and fire trails on the San Bernardino Forest Reserve, and to make an appropriation therefor

Also: Committee Substitutes "A" and "B" for Senate Bill No 772—An Act providing for the construction of additional houses for the use of the officers, guards, and employees at the State prison at Folsom, and making an appropriation therefor.

Also: Senate Bill No 774—An Act providing for the construction and furnishing of a residence at the State prison at Folsom, and making an appropriation therefor

Also Senate Bill No 831—An Act to appropriate the sum of ten thousand dollars for the purpose of partly changing the line of road and making permanent culverts on the Sonora and Mono roads a state highway

Also Committee Substitutes "A" and "B" for Senate Bill No 882—An Act providing for the construction of cottages for the use of guards and employees at the State prison at San Quentin, and making an appropriation therefor.

Also: Senate Bill No. 898—An Act to provide for the purchase of portraits of Governor James N. Gillett and Lieutenant-Governor Warren R. Porter by the State Board of Examiners, and to appropriate money therefor

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass

BEARDSLEE, Chairman

The above reported bills, with the exception of 1377, ordered on file for second reading

Committee substitutes for Assembly Bills Nos 772 and 882 adopted

Assembly Bill No. 1377 withdrawn by unanimous consent.

ON ELECTION LAWS

ASSEMBLY CHAMBER, SACRAMENTO, March 6 1909.

MR SPEAKER: The majority of your Committee on Election Laws, to whom was referred Senate Bill No 3—An Act to provide for the direct nomination of candidates for public office, by electors, political parties and organizations of electors without conventions, at elections to be known and designated as primary elections, determining the tests and conditions upon which electors, political parties and organizations of electors may participate in any such primary election, and establishing the rates of compensation for primary election officers serving at such primary elections; providing for the organization of political parties, the promulgation of their platforms, providing for conventions of political parties and prescribing the manner of electing delegates thereto and the nomination by political parties of candidates for Presidential Electors, and providing the method whereby the electors of political parties may express their choice at such primary elections for United States Senator—have had the same under consideration, and respectfully report the same back, with the following amendments, and recommend that it do pass as amended.

LEEDS, Chairman

The above reported bill ordered on file for second reading.

ASSEMBLY COMMITTEE AMENDMENTS TO SENATE BILL NO. 3, SUBMITTED BY A MAJORITY OF THE COMMITTEE.

AMENDMENT No. 1.

On page 2, Section 2, of the printed bill, strike out all of lines 7, 8, and 9 and insert in lieu thereof the following: "Party candidates for the office of United States Senator shall have their names placed on the official primary election ballots of their respective parties in the manner herein provided for State officers, *provided, however*, that the vote for candidates for United States Senators shall be an advisory vote for the purpose of ascertaining the sentiment of the voters in the respective Senatorial and Assembly districts, in the respective parties"

AMENDMENT No 2.

On pages 6 and 7, of the printed bill, strike out all of lines 106 to 136 inclusive.

AMENDMENT No 3.

On page 7, Section 5, line 138, of the printed bill, strike out the words "or for United States Senator".

AMENDMENT No 4.

On page 7, Section 5, line 142, of the printed bill, after the word "State." insert the following "The petition of a candidate for United States Senator shall be signed by the candidate himself."

AMENDMENT No. 5

On page 23, Section 23, line 41, of the printed bill, after the word "thereof" strike out the period, and insert in lieu thereof the following: "showing the vote cast for said officer in each party in each Assembly and Senatorial district."

AMENDMENT No 6

On page 23, Section 23, line 47, of the printed bill, after the word "Legislature" strike out the following: ", together with his official certificates", and insert in lieu thereof a "period", also strike out all of lines 48, 49, and 50.

AMENDMENT No. 7.

On page 4, Section 5, after line 33, of the printed bill, insert the following. "To this paper shall be annexed a certificate by the candidate named in said nomination paper in substantially the following form:

STATE OF CALIFORNIA, } ss
County of .. . . }

I, the undersigned, the candidate named in the said nomination paper, do solemnly affirm that I will accept the said nomination as a....., and that I hereby pledge myself as a....., to abide by and carry into effect in spirit as well as letter the platform to be adopted by the State and county convention of the .. ..party to be held this year

Signed. .. ..
Residence. ....

Dated this. .... day of . .. .. .190..."

AMENDMENT No. 8

On page 1, of the printed bill, strike out all of title after the words "An Act", and insert in lieu thereof the following "to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator."

AMENDMENT No. 9.

On page 25, Section 24, line 38, of the printed bill, insert after the word "campaign" the following: "In any county the county committee shall be selected by the county convention".

AMENDMENT No. 10.

On page 25, Section 24, line 49, of the printed bill, strike out the word "posted", and insert in lieu thereof the word "pasted"

AMENDMENT No. 11.

On page 25 Section 24, lines 52-55 of the printed bill, after the word "county" strike out the period, and insert the word "convention".

AMENDMENT No 12.

On page 27, Section 27, line 18, of the printed bill, strike out the words "justice or judge of the superior".

AMENDMENT No. 13

On page 27, Section 28, lines 5 and 6, of the printed bill, strike out the words "justice or judge of the superior"

AMENDMENT No. 14.

On page 14, Section 12, line 100, of the printed bill, strike out the words "county committeemen", and insert in lieu thereof the following "delegates to county conventions"

MINORITY REPORT

MR SPEAKER The undersigned member of the Assembly Committee on Election Laws, being a minority of said committee, who have had under consideration Senate

Bill No. 3, as the same passed the Senate and was reported to the Assembly by Senate message, beg leave to report as follows.

We are unable to agree with the majority of said committee inasmuch as the majority report changes the policy of said bill, making the vote upon candidates for United States Senator advisory by Assembly and Senatorial districts, and striking from the bill the pledges provided for candidates respectively for the Senate and Assembly. We favor the retention of the provisions for United States Senator according to the original draft of the bill, as the same passed the Senate, and therefore respectfully recommend to the Assembly that said Senate Bill No. 3 as the same passed the Senate do pass the Assembly, with the following amendments, and we further recommend that the report of the majority be amended by substituting the minority report for said majority report.

HINKLE.

MINORITY AMENDMENTS.

Amend the title by striking out after the words "An Act" all the remainder of the title, and inserting in lieu thereof the following: "To provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator".

Also. On page 25, Section 24, line 38, of the printed bill, insert after the word "campaign" the following: "In any county the county committee shall be selected by the county convention."

Also. On page 25, Section 24, line 69, of the printed bill, strike out the word "posted", and insert in lieu thereof the word "pasted".

Also. On page 25, Section 24, lines 52-55, of the printed bill, after the word "county" insert the word "convention".

Also On page 27, Section 27, line 18, of the printed bill, strike out the words "justice or judge of the superior."

Also On page 27, Section 28, lines 5 and 6, of the printed bill, strike out the words "justice or judge of the superior"

Also On page 14, Section 12, line 100, of the printed bill, strike out the words "county committeeman", and insert in lieu thereof the following: "delegates to county convention"

Also On page 11, Section 12, line 12, of the printed bill, insert after the word "election", at the end of the line, a period.

Also On page 28, Section 31, line 6, of the printed bill, strike out the word "promises", and insert in lieu thereof the word "promised".

Also: On page 9, Section 7, line 8, of the printed bill, strike out the word "officer", and insert in lieu thereof the word "office".

ON REVENUE AND TAXATION

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1909.

MR SPEAKER. Your Committee on Revenue and Taxation, to whom was referred Assembly Bill No 1243—An Act to amend Sections 3746 and 3756 of the Political Code of the State of California, relating to the publication of notice by the tax collector, and to the penalty on delinquent taxes—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

MELROSE, Chairman

The above reported bill ordered on file for second reading.

ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1909.

MR SPEAKER: Your Committee on Education, to whom was referred Senate Bill No 904—An Act to add a nw section to the Political Code of California, to be numbered 1622*a*, relating to apportionment of school funds—report the same back, with amendments, and recommend that it pass as amended.

Also Senate Bill No. 471—An Act to amend section sixteen hundred and seventeen of the Political Code of the State of California, relating to the general powers of boards of trustees and of education—report the same back, with amendments, and recommend that it pass as amended

Also: Senate Bill No. 1133—An Act to add a new section to the Political Code, to be known as Section 1665*a*, providing for the establishment and maintenance in cities of the first class of one or more public schools called cosmopolitan schools, in which shall be taught the French, Italian, and German languages in connection with the English branches—report the same back, with one amendment, and recommend that it pass as amended.

Also Committee Substitute for Senate Bill No. 630—An Act to regulate the issue of bonds of school districts in cities of the fifth class, and school districts partly within and partly without such cities of the fifth class—report the same back, and recommend that it do pass

Also: Senate Concurrent Resolution No. 11—Relative to the appointment of President Lincoln Monument Commission—report the same back, and recommend that it be adopted.

SACKETT, Chairman

The above reported bills ordered on file for second reading

ON REVISION AND REFORM OF LAWS

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1909.

MR. SPEAKER: Your Committee on Revision and Reform of Laws, to whom was referred Senate Bill No. 805—An Act to amend Section 602 of the Penal Code, relating to willful trespass—have had the same under consideration and respectfully report the same back, and recommend that it do pass, and that the same be placed on the General File.

RECH, Chairman

The above reported bill ordered on file for second reading.

ON OIL INDUSTRIES AND OIL MINING INTERESTS

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1909

MR. SPEAKER: Your Committee on Oil Industries and Oil Mining Interests, to whom was referred Assembly Bill No 940—An Act to prevent injury to oil, gas or petroleum bearing strata or formations, by the penetration or infiltration of water therein—have had the same under consideration, and respectfully report the same back, with a substitute therefor, and recommend that the substitute do pass

HOLMQUIST, Chairman

Committee Substitute for Assembly Bill No. 940 read, adopted, and ordered on file for second reading.

ON PUBLIC MORALS.

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1909

MR. SPEAKER: Your Committee on Public Morals, to whom was referred Assembly Bill No. 1398—An Act to prohibit any person from treating another to beer, whiskey, wine or intoxicating liquor of any kind whatever—have had the same under consideration, and respectfully report the same back, with one amendment, and recommend that it do pass as amended.

GRIFFITHS Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1909

MR. SPEAKER: Your Committee on Public Morals, to whom was referred Assembly Bill No. 1398—An Act to prohibit any person from treating another to beer, whiskey, wine or intoxicating liquor of any kind whatever—we, the members of the Committee on Public Morals, unite in making this report.

Dated, Sacramento, March 6, 1909

WILSON
GRIFFITHS
CATTELL
MENDENHALL
YOUNG
PERINE
FLEISHER

Have had the same under consideration and respectfully report the same back, with a substitute, and recommend that the substitute do pass.

GRIFFITHS, Chairman

The above reported bills ordered on file for second reading

CONSIDERATION OF BILL—(OUT OF ORDER).

On motion, Assembly Bill No. 1398 was taken up for consideration

Assembly Bill No 1398—An Act to prohibit any person from treating another to beer, whiskey, wine, or intoxicating liquor of any kind whatever.

During second reading of bill, the following amendment was submitted by the committee:

On page 1, of the printed bill, strike out all after the words "An Act", and insert in lieu thereof the following:

To add a new section to the Penal Code of California, to be numbered 653e relating to treating to intoxicating liquors

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

SECTION 1. A new section is hereby added to the Penal Code of California, to be numbered six hundred fifty-three e, and to read as follows:

653e. Every person who treats to or furnishes to another person without compensation any wine, beer, whiskey, or intoxicating liquor of any kind in any public saloon or bar room, is guilty of a misdemeanor.

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment

Also:

ASSEMBLY CHAMBER, SACRAMENTO March 6, 1909.

MR. SPEAKER: Your Committee on Public Morals, to whom was referred Senate Bill No. 990—An Act fixing a bounty on coyote scalps—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and that it be re-referred to the Committee on Ways and Means.

GRIFFITHS, Chairman.

The above reported bill ordered on file for second reading, and referred to Committee on Ways and Means.

THIRD-READING FILE—(RESUMED).

Assembly Bill No. 670—An Act to amend Section 1617 of Article VII of the Political Code, relating to and defining the powers and duties of trustees of school districts and of boards of education in cities by changing the provisions of certain sections, by adding new sections, and by renumbering certain sections

During third reading of bill, Mr. Sackett moved that the Speaker appoint a select committee of one to amend the bill as follows:

Amend by striking out of line 44, of printed bill, the words "schools for" after the word "of".

Also: By striking out of line 67, of printed bill, the word "five", and inserting in lieu thereof the following: "four".

Also: By striking out of line 84, of printed bill, the word "five" and inserting in lieu thereof the following "four".

Also: By striking out of line 87, of printed bill, the word "five", and inserting in lieu thereof the following "four"

Motion carried.

The Speaker appointed Mr. Sackett as such select committee

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read.

ASSEMBLY CHAMBER, SACRAMENTO March 6, 1909

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 670, with instructions, do now report that the instructions of the Assembly have been carried out.

SACKETT, Select Committee

Report of select committee, and amendments, adopted

Bill ordered to reprint, reengrossment, and on file for passage

SPEAKER IN THE CHAIR.

At twelve o'clock and ten minutes P. M., Speaker Stanton in the chair

Assembly Bill No. 1025—An Act to amend Section 4261 of the Political Code, relating to salaries and fees of officers in counties of the thirty-second class.

Mr. Holmquist moved that the Speaker appoint a select committee of one to amend the bill, as follows:

By striking out of Section 1, line 23, of printed bill, the words "one thousand", and inserting in lieu thereof the following: "eight hundred"

Also: By striking out of Section 1, line 52, of printed bill, the words "said superintendent of".

Also: By striking out of Section 1, of printed bill, all of lines 53, 54, 55, 56, and 56*a*.

Motion carried.

The Speaker appointed Mr. Holmquist as such select committee.

REPORT OF SELECT COMMITTEE

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1909.

MR SPEAKER Your select committee of one, to whom was referred Assembly Bill No. 1025, with instructions, do now report that the instructions of the Asembly have been carried out

HOLMQUIST, Select Committee

Report of select committee, and amendments, adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No 408—An Act to amend Section 171 of the Code of Civil Procedure of this State, relating to the practice of law by judges or county clerks.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 408 passed by the following vote:

AYES—Messrs. Barndollar, Bohnett, Callan, Cattell, Collier, Collum, Cronin, Fleisher, Flint, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hans, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Melrose, Mendenhall, Nelson, Otis, Perine, Polsley, Preston, Pugh, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Wilson, Wyllie, Young, and Mr. Speaker—42.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate

NOTICE OF MOTION TO RECONSIDER.

Mr. Stuckenbruck gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 639 was this day passed.

THIRD-READING FILE—(RESUMED).

Assembly Bill No. 1335—An Act forbidding the manufacture or sale of falsely or spuriously stamped articles of merchandise made of gold or silver or their alloys, and prescribing a penalty therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1335 passed by the following vote:

AYES—Messrs Barndollar, Bohnett, Callan, Cattell, Collier, Collum, Cronin, Fleisher, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hans, Hayes, Hewitt, Hinkle,

Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Juilliard, Kehoe, McClellan, Melrose, Mendenhall, Nelson, Otis, Perine, Polsley, Preston, Pugh, Rutherford, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Wilson, Wyllie, Young, and Mr Speaker—43

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1358—An Act to amend Section 1444 of the Code of Civil Procedure, relating to appraisement of estates and pay of appraisers.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 1358 passed by the following vote:

AYES—Messrs Barndollar, Bohnett, Callan, Cattell, Collier, Collum, Cronin, Fleisher, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, McClellan, Melrose, Mendenhall, Nelson, Otis, Perine, Polsley, Preston, Pugh, Rech, Rutherford, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr Speaker—45

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No 1419—An Act authorizing suits against the State concerning certain real property, and regulating the procedure therein.

Bill read third time

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 1419 passed by the following vote:

AYES—Messrs Barndollar, Bohnett, Callan, Cattell, Collier, Collum, Cronin, Fleisher, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, McClellan, Melrose, Mendenhall, Nelson, Otis, Perine, Polsley, Preston, Pugh, Rech, Rutherford Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—45.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate

Assembly Bill No. 1360—An Act to prevent the sale of thread of cotton, linen, and silk, where such is not labeled as to its correct yardage and weight.

Bill read third time and passed on file

Assembly Bill No. 1102—An Act to amend Section 1696 of the Political Code of the State of California, relating to the duties of teachers

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1102 passed by the following vote:

AYES—Messrs Barndollar, Beardslee, Bohnett, Callan, Cattell, Collier, Collum, Cronin, Fleisher, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hans, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Kehoe, McClellan, Melrose, Mendenhall, Nelson, Otis, Perine Polsley, Preston, Pugh, Rech, Rutherford, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson Wyllie, Young, and Mr. Speaker—46

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate

REQUEST FOR PERMISSION TO INTRODUCE BILL.

The following petition, asking permission to introduce a bill, was presented:

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1909

MR. SPEAKER: I ask permission to introduce the accompanying bill the title of which reads as follows, viz: "An Act appropriating money to provide and equip quarters for the Hastings College of the Law."

BEARDSLEE
Member Twenty-third District

Petition referred to Committee on Introduction of Bills.

RECESS.

At twelve o'clock and thirty minutes P. M., the Assembly was declared at recess until two o'clock P. M. of this day.

REASSEMBLED.

At two o'clock P. M., the Assembly reconvened.
Speaker P. A. Stanton in the chair.

RESOLUTION.

The following resolution was offered:
By Mr. Transue.

ASSEMBLY CONCURRENT RESOLUTION No. 17

WHEREAS, The Alaska-Yukon-Pacific Exposition is intended to commemorate an event of great importance in the history of the United States, and more particularly of the entire Pacific coast; and

WHEREAS, It is fit and proper that the State of California shall be officially represented in the exercises incidental to the formal opening of such exposition in the city of Seattle, Washington, June 1, 1909, therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring, That, as part of such celebration, the Lieutenant-Governor shall appoint seven members of the Senate, and the Speaker of the Assembly shall name a like number of members of the Assembly, who, with the Governor, the Lieutenant-Governor, the President pro tem. of the Senate, and the Speaker and Speaker pro tem. of the Assembly, shall represent the State of California at the time and place and the occasion mentioned.

Resolved, That, for the purposes aforesaid the sum of five thousand dollars is hereby appropriated, one half from the contingent fund of the Senate, and one half from the contingent fund of the Assembly, the same to be expended under the supervision and direction of the select committee authorized.

The Controller is hereby directed to draw his warrants in the sum of five thousand dollars, one half from the contingent fund of the Senate, payable to the President of the Senate, and one half from the contingent fund of the Assembly, payable to the Speaker of the Assembly, and the Treasurer is hereby directed to pay the same.

Assembly concurrent resolution read.

Mr. Transue moved the adoption of the resolution.

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

AYES—Messrs. Barndollar, Bohnett, Callan, Cattell, Coghlan, Collier, Collum, Cronin, Dean, Fleisher, Flint, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hans, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Leeds, McClellan, Melrose, Mendenhall, Nelson, Perine, Preston, Pugh, Rech, Rutherford, Sackett, Transue, Wagner, Wheelan, Wilson and Mr. Speaker—42.

NOES—Messrs. Kehoe, Polsley, Stuckenbruck, Telfer, Whitney, and Wyllie—6.

Assembly Concurrent Resolution No. 17 ordered transmitted to the Senate.

SENATE BILLS—THIRD-READING FILE

Senate Bill No. 510—An Act to purchase from the heirs of William Cogswell, deceased, two paintings, one of ex-President Abraham Lincoln, and the other of ex-President William McKinley, the same to be hung in the State Capitol building, and to appropriate the sum of two thousand dollars therefor

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No 510 finally passed by the following vote:

AYES—Messrs Barndollar, Bohnett, Callan, Cattell, Collier, Collum, Cronin, Dean, Fleisher, Flint, Gibbons, Gillis, Hanlon, Hans, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, McClellan, Melrose, Mendenhall, Nelson, Perine, Polsley, Preston, Pugh, Rech, Rutherford, Sackett, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson Wyllie, and Mr. Speaker—45

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 183—An Act to amend Sections 784, 788, and 789 of the Code of Civil Procedure, relating to actions for the partition of real property

Bill referred to Committee on Ways and Means.

Senate Bill No 843—An Act providing for vacations for certain employees of the State.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 843 finally passed by the following vote.

AYES—Messrs. Barndollar, Bohnett, Callan, Cattell, Coghlan, Collier, Collum, Cronin, Dean Fleisher, Flint, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hans, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Melrose, Mendenhall, Nelson, Perine, Polsley, Preston, Pugh, Rech, Rutherford, Sackett, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, and Mr. Speaker—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 956—An Act to add a new section to the Penal Code of the State of California, to be known and numbered as Section 308*b*, relating to the use of text-books in public schools

Bill read third time, and passed on file.

Senate Bill No 292—An Act to amend section sixteen hundred and sixty-five of the Political Code, relative to the course of study in the public schools in the State of California.

Bill read third time, and passed on file

THIRD-READING FILE—(RESUMED).

Assembly Bill No. 1414—An Act to amend an Act entitled "An Act to amend an Act to allow incorporated towns and villages to equip and maintain a fire department, and to assess and collect taxes from time to time for such purpose, and to create a board of fire commissioners," approved March 4, 1881, amended March 6, 1899

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1414 passed by the following vote:

AYES—Messrs. Barndollar, Bohnett, Callan, Cattell, Coghlan, Collier, Cronin, Dean, Fleisher, Flint, Gibbons, Gillis, Griffiths, Hanlon, Hans, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, McClellan, Melrose, Mendenhall, Nelson, Otis, Perine, Polsley, Rech, Rutherford, Sackett, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—46

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1233—An Act to amend Section 4265 of the Political Code of the State of California, relating to the compensation of officers of counties of the thirty-sixth class and their deputies and assistants.

During third reading of bill, Mr. Polsley moved that the Speaker appoint a select committee of one to amend the bill, as follows:

On page 2, Section 1, line 17, of the printed bill, strike out period, and insert in lieu thereof a semicolon and the following words: "and there is hereby allowed to the assessor two deputies who shall be employed not to exceed four months in each year and shall receive a salary of one hundred dollars per month each during the time so employed."

Also: On page 2, Section 1, line 18, of the printed bill, strike out the word "twenty-five", and insert in lieu thereof the word "twenty-four".

Also: On page 2, Section 1, line 19, of the printed bill, strike out the period, and insert in lieu thereof a semicolon and the following words: "and there is hereby allowed to the district attorney one deputy to be appointed by him who shall receive a salary of nine hundred dollars per annum."

Motion carried.

The Speaker appointed Mr. Polsley as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1909

MR SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 1233, with instructions, do now report that the instructions of the Assembly have been carried out.

POLSLEY, Select Committee.

Report of select committee, and amendments, adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No 811—An Act to amend sections four hundred and thirty-nine and four hundred and forty of the Political Code, relating to the employees in the Controller's office and the salaries paid to such employees.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 811 passed by the following vote:

AYES—Messrs Barndollar, Bohnett, Callan, Cattell, Coghlan, Collier, Collum, Cronin, Dean, Fleisher, Flint, Gillis, Greer, Griffiths, Hanlon, Hans, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Kehoe, Leeds, McClellan, Melrose, Mendenhall, Nelson, Otis, Perine Polsley, Rech, Rutherford, Sackett, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Wyllie, Young, and Mr. Speaker—44.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1216—An Act to amend section one thousand six hundred and ninety-nine of the Code of Civil Procedure, relating to settlements of accounts of trustees after distribution of estates and compensation of trustees.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1216 passed by the following vote:

AYES—Messrs. Barndollar, Bohnett, Callan, Cattell, Coghlan, Collier, Collum, Cronin, Dean, Fleisher, Flint, Gillis, Greer, Griffiths, Hanlon, Hans, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Kehoe, Leeds, McClellan, Melrose, Mendenhall, Nelson, Otis, Perine, Polsley, Rech, Rutherford, Sackett, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wyllie, and Mr. Speaker—44.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 804—An Act to restrict the herding of sheep.

Bill read third time, and passed on file.

Assembly Bill No. 1424—An Act to aid in the carrying out of the provisions of an Act entitled "An Act to provide for the gathering, compiling, printing, and distribution of statistics and information regarding the Japanese of the State, and making an appropriation therefor," making it the duty of certain officers to keep certain records and furnish such statistics and information

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No 1424 passed by the following vote:

AYES—Messrs Barndollar, Bohnett, Callan, Cattell, Coghlan, Collier, Collum, Cronin, Dean, Fleisher, Gillis, Greer, Griffiths, Hanlon, Hans, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Kehoe, Leeds, McClellan, Melrose, Mendenhall, Nelson, Otis, Perine, Polsley, Pugh, Rech, Rutherford, Sackett, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, and Mr. Speaker—45

NOES—None.

Title read and approved

Bill ordered transmitted to the Senate.

Assembly Bill No 1237—An Act to amend Section 4244 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the fifteenth class, and their deputies

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1237 passed by the following vote:

AYES—Messrs. Barndollar, Bohnett, Callan, Cattell, Coghlan, Collier, Collum, Cronin, Dean, Fleisher, Flint, Gillis, Greer, Griffiths, Hanlon, Hans, Hayes, Hewitt Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Kehoe, Leeds, McClellan, Melrose, Mendenhall, Nelson, Otis, Perine, Polsley, Pugh, Rech, Rutherford, Sackett, Stuckenbruck, Telfer, Transue, Wagner Wheelan, Whitney, Wilson, Wyllie, and Mr Speaker—46

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate

Assembly Bill No. 954—An Act to provide for the inspection of institutions receiving moneys from the State

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 954 passed by the following vote:

AYES—Messrs Barndollar, Bohnett, Callan, Cattell, Coghlan, Collier, Collum, Cronin, Dean, Flint, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hans, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer Kehoe, Leeds, McClellan, Melrose, Mendenhall, Nelson, Otis, Perine, Rech, Rutherford, Sackett, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie and Mr. Speaker—44

NOES—None

TITLE AMENDED

Mr Otis offered the following amendment to the title:

Insert after the word "of", in title, the following "private"

Amendment adopted.

Title, as amended, read and approved.

Bill ordered to reprint,and transmitted to the Senate

WITHDRAWAL OF BILLS.

Mr Johnson of Sacramento asked for, and was granted, unanimous consent to withdraw Assembly Bill No. 587.

Assembly Bill No. 587 withdrawn, and ordered stricken from the file.

Mr. Leeds asked for, and was granted, unanimous consent to withdraw Assembly Bill No. 929

Assembly Bill No. 929 withdrawn, and ordered stricken from the file

Mr Mendenhall asked for, and was granted, unanimous consent to withdraw Assembly Bills Nos. 1118, 1117, and 1137.

Assembly Bills Nos. 1118, 1117, and 1137 withdrawn, and ordered stricken from the file.

Mr. Rech asked for, and was granted, unanimous consent to withdraw Assembly Bills Nos. 371 and 372.

Assembly Bills Nos. 371 and 372 withdrawn, and ordered stricken from the file.

THIRD-READING FILE—(RESUMED).

Assembly Bill No. 661—An Act to amend Section 717 of the Civil Code of the State of California, relating to the time that agricultural lands may be leased for agricultural or horticultural purposes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No 661 passed by the following vote:

AYES—Messrs. Barndollar, Bohnett, Callan, Cattell, Coghlan, Collier, Collum, Cronin, Gillis, Greer, Griffiths, Hanlon, Hans, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Kehoe, Leeds, McClellan, Melrose, Mendenhall, Nelson, Otis, Perine, Rech, Rutherford, Sackett, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—42.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

RESOLUTIONS.

The following resolutions were offered:

By Mr. Transue:

Resolved, That the State Controller be, and he hereby is, directed to draw his warrant on the contingent fund of the Assembly in the sum of seventeen dollars in favor of Henry E. Sleeper, and the State Treasurer is hereby directed to pay the same, said amount being for the payment of the bills attached hereto:

SACRAMENTO, CAL., March 4, 1909.

To HENRY E. SLEEPER, *Dr.*
Chief Clerk, State Assembly.

Jan. 6—No. 5674		$2 75
13—No. 5756		4 00
18—No. 5816		2 75
20—No. 5830		50
25—No. 5889		50
Feb. 20—No. 6135		1 50
23—No. 6155		5 00
Total		$17 00

Resolution read, and referred to Committee on Contingent Expenses and Accounts.

Also:

Resolved, That the State Controller be, and he hereby is, directed to draw his warrant on the contingent fund of the Assembly in the sum of $843.75, in favor of H. S Crocker Co., and the State Treasurer is hereby directed to pay the same, said amount being for the payment of the bills attached hereto.

SACRAMENTO, CAL, February 24, 1909.

To H. S. CROCKER COMPANY. *Dr.*

Jan. 23—65 copies Roberts' rules of orders, cloth, at 75c	$48 75
Feb. 24—10 copies Roberts' rules of orders	7 50
24—10 copies Roberts' rules of orders	7 50
6—1 set Statutes of California, 1871-2 to 1907, inclusive.	110 00
Jan. 18—6 sets Kerr's Codes, 7 volumes, at $55.00	330 00
Feb. 6—1 set California reports; 153 volumes annotated edition,	340 00
	$843 75

Resolution read, and referred to Committee on Contingent Expenses and Accounts.

Also:

Resolved, That the State Controller be, and he hereby is, directed to draw his warrant on the contingent fund of the Assembly in the sum of $52.86, in favor of The Western Union Telegraph Company, and the State Treasurer is hereby directed to pay the same, said amount being for the payment of the bills attached hereto.

SACRAMENTO, CAL., January, 1909.

To THE WESTERN UNION TELEGRAPH COMPANY, *Dr.*

Jan. 18—To Perkins, Washington (D. C.)	$10 17
19—To Englebright, Washington (D. C.)	9 68
21—To Needham, Washington (D. C.	23 61
30—To Gerdes, San Francisco	37
Feb. 27—To Flint, Washington (D. C.)	6 25
Mar. —To Judge Superiod Court, Santa Barbara (Stanton)	1 39
—To District Attorney, Santa Barbara (Stanton)	1 39
	$52 86

Resolution read, and referred to Committee on Contingent Expenses and Accounts.

Assembly Bill No. 1331—An Act to amend an Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and

for the appointment of a board of medical examiners in the matter of said regulations, by amending Section 16.

During third reading of bill, Mr. Johnson of San Diego moved that the Speaker appoint a select committee of one to amend the bill, as follows:

Amend the title, in line 5, after the word "said" by striking out the following words: "Regulations, by amending section", and inserting in lieu thereof, the following words and figures: "regulation, by amending Sections 1, 6, and 16."

Also: Insert immediately after the enacting clause, the following two paragraphs:

SECTION 1. Section one of said Act is hereby amended so as to read as follows:

Section 1. The Governor shall appoint a board of medical examiners to be known as the Board of Medical Examiners of the State of California, consisting of eleven members. Such appointments shall be made as follows: Five members from the school or system commonly known and designated as the regular or allopathic, two members from the homeopathic school or system, two members from the electic school or system, and two members from the osteopathic school or system. Said members of the medical profession at the time of such appointment shall have been residents of the State of California and citizens of the United States and practicing the principles of medicine in accordance with the system or school from which they are appointed for at least five years next preceding their appointment; all vacancies shall be filled by appointment from the school or system in which the vacancy occurs. The appointment of each member shall be for a term of two years, and until his successor is appointed and qualified; *provided, however*, that no professor, instructor, or other person in any manner connected with or financially interested in any college or school of medicine, or surgery, or osteopathy shall be appointed a member of said board. It shall require the affirmative vote of seven members of said board to carry any motion or resolution, to adopt any rule, or pass any measure or to authorize the issuance of any certificate as in this Act provided.

Also

SEC. 2. Section six (6) of said Act is hereby amended to read as follows:

Section 6. Three forms of certificates shall be issued by said board under the seal thereof and signed by the president and the secretary. First, a certificate authorizing the holder thereof to practice medicine and surgery; second, a certificate authorizing the holder thereof to practice osteopathy; third, a certificate authorizing the holder thereof to practice any other system or mode of treating the sick or afflicted not referred to in this section.

In order to procure a certificate to practice medicine and surgery, the applicant for such certificate must file with said board at least two weeks prior to a regular meeting thereof, satisfactory testimonials of good moral character, and a diploma issued by some legally chartered medical school, the requirements of which shall have been at the time of granting such diploma in no particular less than those prescribed by the Association of American Medical Colleges for that year, or a satisfactory evidence of having possessed such diploma, and he must also file with said diploma an application sworn to before some person authorized to administer oaths, and attested by the hand and seal of such officer, if he have a seal, stating that he is the person named in said diploma, that he is the lawful holder thereof, and that the same was procured in the regular course of instruction and examination, without fraud or misrepresentation. The said application shall be made upon a blank furnished by said board, and it shall contain such information concerning the medical instruction and the preliminary education of the applicant as said board may by rule provide.

Applicants who have failed to meet the above requirements must be rejected. Applicants for a certificate to practice osteopathy shall be subject to the above regulations, except that in place of the diploma hereinbefore referred to, they shall be required to file a diploma from a legally chartered college of osteopathy, having a course of instruction of at least twenty months, requiring actual attendance, and after 1908 of three years of nine months each, and including the studies examined upon under this Act. Applicants for a certificate to practice any other system or mode of treatment not in this Act referred to, shall be subject to the above regulations, except that in place of the diplomas hereinbefore referred to they shall be required to file a diploma from a legally chartered college of the system or mode of treatment which the applicant claims or intends to follow.

In addition to the requirements above set forth, all applicants for a certificate must be personally examined by said board as to their qualifications. The examination shall be conducted in the English language, shall be practical in character and designed to discover the applicant's fitness to practice his profession, and shall be, in whole or in part, in writing on the following fundamental subjects, to wit: Anatomy, histology, gynecology, pathology, bacteriology, chemistry, and toxicology, physiology, obstetrics, general diagonsis, hygiene. Examinations in each subject shall consist of not less than ten questions, answers to which shall be marked upon a scale of zero to ten. But all applicants must obtain not less than a general average of seventy-five per cent, and not less than sixty per cent in any one subject; *provided*, that applicants who can show at least ten years of reputable practice shall be granted a credit of

five per cent upon the general average, and five per cent additional for each subsequent ten years of such practice; *and provided further*, that any applicant obtaining seventy-five per cent each, in a majority of subjects, shall be subsequently reëxamined in those subjects only in which he failed and without additional fee.

The examination papers shall form a part of the records of the board and shall be kept on file by the secretary for a period of one year after each examination. In said examination the applicant shall be known and designated by number only, and the name attached to the number shall be kept secret until after the board has finally voted upon the application. The secretary of the board shall in no instance participate as an examiner in any examination held by the board.

Also: In line 1, of the printed bill, after the first word "Section" strike out the figure "1", and insert the figure "3".

Also: On page 2, after the word "medical", in each of the lines 38 and printed bill, insert the words "or osteopathic"

Motion carried

The Speaker appointed Mr. Johnson of San Diego as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1909.

MR SPEAKER: Your select committee of one, to whom was referred Assembly Bil No. 1331, with instructions, do now report that the instructions of the Assembly have been carried out.

JOHNSON OF SAN DIEGO, Select Committee.

Report of select committee, and amendments, adopted.

Bill ordered to reprint, reengrossment, and on file for passage.

SECOND-READING FILE.

Assembly Bill No. 135—An Act to amend an Act entitled "An Act directing the Commissioner of the Bureau of Labor Statistics to collect certain statistics and present them in biennial reports, and making it the duty of certain officers to furnish such statistics in compliance with the provisions of this Act," approved March 18, 1905.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Perine in the chair.

Assembly Bill No. 135 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker pro tem. Perine in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 135, and do now report the same back, and recommend that it do pass.

PERINE, Chairman.

Bill read second time, and ordered to engrossment

NOTICE OF MOTION TO RECONSIDER.

Mr. Kehoe gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 811 was this day passed.

Assembly Bill No. 181—An Act to pay the claim of A. G. Lafferty, and making an appropriation therefor.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Perine in the chair.

Assembly Bill No. 181 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker pro tem. Perine in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 181, and do now report the same back, and recommend that it do pass.

PERINE, Chairman.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 1054—An Act to provide for medical treatment of indigent residents afflicted with incipient pulmonary tuberculosis; to create a fund therefor; to prescribe the duties of the State Board of Health and other public officials with relation thereto; and making an appropriation for the purposes of this Act.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Strike out all of the title after the semicolon on line 3, and insert in lieu thereof the following: "and to prescribe the duties of the State Board of Health and other public officials with relation thereto."

Amendment adopted.

AMENDMENT No. 2.

On page 2, line 45 of the printed bill, strike out the word "state", and insert in lieu thereof the word "county".

Amendment adopted.

AMENDMENT No. 3.

In lines 18 and 19, of Section 3, of the printed bill, strike out the words "superintendent of the county hospital", and insert in lieu thereof the words "county physician".

Amendment adopted.

AMENDMENT No. 4.

In line 23, Section 3, of the printed bill, before the word "if" insert the following: "The State Board of Health shall make bacteriological examinations under this Act whenever demanded by the county physician or county health officer".

Amendment adopted.

AMENDMENT No. 5.

In lines 3 and 4, of Section 5, of the printed bill, strike out the words "the secretary of the State Board of Heath", and insert in lieu thereof the following: "the board of supervisors of each county from which patients have been received".

Amendment adopted.

AMENDMENT No. 6.

In line 4, Section 5, of the printed bill, strike out the word "bill", and insert in lieu thereof the word "claim".

Amendment adopted.

AMENDMENT No. 7.

In line 5, Section 5, of the printed bill, insert after the word "patients" the following: "from such county".

Amendment adopted.

AMENDMENT No. 8.

In line 6, Section 5, of the printed bill, strike out the word "and".

Amendment adopted.

AMENDMENT No. 9.

In line 7, Section 5, of the printed bill, strike out the words "county of residence".

Amendment adopted.

AMENDMENT No. 10.

Strike out all of Section 5 after the period following the word "institution", in line 8, and insert in lieu thereof the following: "It shall be the duty of the board of supervisors to audit and allow such claim in the manner provided by law, and to order a warrant drawn for the amount thereof in favor of such institutions. It shall be the duty of the county auditor to draw such warrant, and of the county treasurer to pay the same."

Amendment adopted.

AMENDMENT No. 11.

Amend Section 7, of the printed bill, by inserting after the comma on line 12 the following: "at the expense of such county".

Amendment adopted.

AMENDMENT No. 12.

Amend the bill by striking out the whole of Section 4 and the whole of Section 6.

Amendment adopted.

AMENDMENT No. 13.

In line 1, of Section 5, of the printed bill, strike out the figure "5", and insert in lieu thereof the figure "4".

Amendment adopted

AMENDMENT No. 14.

In line 1, Section 7, of the printed bill, strike out the figure "7", and insert in lieu thereof the figure "5".

Amendment adopted.

AMENDMENT No. 15.

In line 1, Section 8, of the printed bill, strike out the figure "8", and insert in lieu thereof the figure "6".

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 1444—An Act to add a new section to the Political Code, relating to the sale of tide lands of the State.

During second reading of bill, the following amendment was submitted by the committee:

On page 2, Section 1, line 28, of the printed bill, after the word "States" strike out the period and insert a comma, and the following. "*provided*, nothing herein contained shall in any way affect the right of any person to purchase any tide land where, prior to the passage hereof, such person had sought to purchase the same and it had been held by any court of competent jurisdiction, that such person was entitled to purchase

the land so sought to be purchased; *provided, further*, that such judgment has, or shall hereafter become final.

"Nothing in this section shall be construed as a recognition that prior to the passage hereof the tide lands by this section withheld from sale have been offered for sale by the State."

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 1011—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and regulating the procedure to be followed for the annexation of additional territory to municipal corporations.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 2, Section 1, line 47, of printed bill, after the word "petition" insert the following: "If, however, said board of supervisors shall deny said petition, in whole or in part, said board shall, upon the request of said council, board of trustees or other legislative body of said municipal corporation, expressed by resolution passed at any regular meeting or at any special meeting of said council, board of trustees or other legislative body of said municipal corporation, duly called therefor, held at least three (3) months prior to the time of holding the next general election in said county wherein said territory is situated, submit to the voters of said county, at said election, the proposition whether or not said petition shall be granted as presented to, and denied in whole or in part by, said board of supervisors, as far as affects said territory in said county, and the ballots used upon said election shall contain the words, 'For annexation of outside territory by the municipality of————————' (naming it) and 'Against annexation of outside territory by the municipality of————————' (naming it) The clerk of said county shall certify to said board of supervisors the result of said election, giving the votes respectively cast for and against said proposition; and if the majority of all the ballots cast in said county at said general election are in favor of said annexation, the said board of supervisors shall at its next regular meeting rescind its former action taken upon said petition and grant the same as far as it affects said territory in said county."

Amendment adopted.

AMENDMENT No. 2.

On page 2, Section 1, line 50, of printed bill, after the word "modified" insert the following: "or if after said petition shall have been denied by said board the same shall have received a majority of all the ballots cast in said county at said general election as hereinbefore provided,"

Amendment adopted.

AMENDMENT No. 3.

On page 3, Section 1, line 56, of printed bill, after the word "supervisors" insert the following: "or as defined in said petition, if submitted at said general election,"

Amendment adopted.

AMENDMENT No. 4.

On page 3, Section 1, line 72, of printed bill, strike out the words "by said board of supervisors," and insert in lieu thereof the words "as aforesaid".

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 939—An Act for the regulation of the practice of medicine, surgery, and obstetrics, osteopathy, and other systems or modes of treating sick or afflicted human beings in the State of California, fixing the standard of preliminary education of students before entering upon the study of medicine, surgery, or obstetrics, osteopathy, or other modes of treating sick or afflicted human beings, the mode of the examination of matriculants, and by whom, the number of hours required in attendance at colleges, schools, or universities before receiving a diploma, standard of colleges, schools, and universities teaching

the same, and for the appointment of a Board of Medical Examiners in the matter of said regulation.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 2, Section 2, line 9, of the printed bill, after the word "that" insert the word "he"

Amendment adopted.

AMENDMENT No. 2.

On page 4, Section 5, line 3, of the printed bill, strike out the word "his", and insert in lieu thereof the word "their".

Amendment adopted.

AMENDMENT No. 3.

On page 4, Section 8, line 2, of the printed bill, after the word "medicine" strike out the words "or any of the branches thereof".

Amendment adopted.

AMENDMENT No. 4.

On page 5, Section 8, line 28, of the printed bill, after the word "obstetrics" omit the remaining thirteen words of the sentence

Amendment adopted.

AMENDMENT No. 5.

On page 5, Section 8, line 32, of the printed bill, after "A. B." insert a comma.

Amendment adopted.

AMENDMENT No. 6.

On page 7, Section 9, line 9, of the printed bill, after the word "medicine" omit the words "in accordance with the system to which the college, school or university belongs".

Amendment adopted.

AMENDMENT No. 7.

On page 7, Section 9, line 37, of the printed bill, change the spelling of the word "years", so that it will read "year's".

Amendment adopted.

AMENDMENT No. 8.

On page 7, Section 9, line 42, of the printed bill, strike out the word "four", and insert in lieu thereof the word "three".

Amendment adopted.

AMENDMENT No. 9.

On page 7, Section 9, line 42, of the printed bill, strike out the figures "32", and insert in lieu thereof the figures "36".

Amendment adopted.

AMENDMENT No 10.

On page 7, Section 9, line 43, of the printed bill, strike out the word "four", and insert in lieu thereof the word "three".

Amendment adopted.

AMENDMENT No. 11.

On page 8, Section 9, line 45, of the printed bill, strike out the word "herein" and insert in lieu thereof the word "hereinafter".

Amendment adopted.

AMENDMENT No. 12

On page 8, Section 9, line 46, of the printed bill, after the word "Sec.", strike out the figures "11", and insert in lieu thereof the figures "10".

Amendment adopted.

AMENDMENT No. 13.

On page 8, Section 10, line 9, of the printed bill, after the word "medicine" insert a comma.

Amendment adopted.

AMENDMENT No. 14.

On page 8, Section 10, line 29, of the printed bill, strike out the word "four", and insert in lieu thereof the words "not less than three".

Amendment adopted.

AMENDMENT No. 15.

On page 8, Section 10, line 30, of the printed bill, strike out the word "eight", and insert in lieu thereof the word "nine".

Amendment adopted.

AMENDMENT No 16.

On page 9, Section 10, line 38, of the printed bill, omit the sentence beginning "A license" and ending with the word "surgery", and insert in lieu thereof: "A certificate to practice osteopathy shall permit the holder thereof to practice the teachings of his school of practice."

Amendment adopted.

AMENDMENT No 17.

On page 9, Section 10, line 48, of the printed bill, strike out the word "four", and insert in lieu thereof the words "not less than three".

Amendment adopted.

AMENDMENT No. 18.

On page 9, Section 10, line 48, of the printed bill, after the word "of" strike out the word "eight", and insert in lieu thereof the word "nine".

Amendment adopted.

AMENDMENT No. 19.

On page 9, Section 10, line 67, of the printed bill, after the word "medical" strike out the word "jurisdiction", and insert in lieu thereof the word "jurisprudence".

Amendment adopted.

AMENDMENT No 20.

On page 9, Section 10, line 68, of the printed bill, strike out the word "bathology", and insert in lieu thereof the word "pathology".

Amendment adopted.

AMENDMENT No. 21.

On page 10, Section 10, line 75, of the printed bill, strike out the word "may", and insert in lieu thereof the word 'shall".

Amendment adopted.

AMENDMENT No. 22.

On page 10, Section 10, line 95, of the printed bill, after the word "present" insert the words "in the room where such examination is being held".

Amendment adopted.

AMENDMENT No. 23.

On page 13, Section 15, line 72, of the printed bill, strike out the word "hereinafter", and insert in lieu thereof the word "hereinbefore".

Amendment adopted.

AMENDMENT No 24.

On page 14, Section 15, line 94, of the printed bill, after the word "procuring", at the end of said line, insert the word "an".

Amendment adopted.

AMENDMENT No 25.

On page 14, Section 15, line 96, of the printed bill, strike out the words "wilfully betraying", and insert in lieu thereof the words "wilful betrayal of".

Amendment adopted.

AMENDMENT No. 26.

On page 14, Section 15, line 101, of the printed bill, after the words "public or", insert the word "to".

Amendment adopted.

AMENDMENT No. 27.

On page 14, Section 15, line 102, of the printed bill, strike out the words "and so", and insert in lieu thereof the word "or".

Amendment adopted.

AMENDMENT No. 28.

On page 15, Section 16, line 7, of the printed bill, strike out the words "to other", and insert the word "the" in lieu thereof.

Amendment adopted.

AMENDMENT No. 29.

On page 15, Section 18, line 3, of the printed bill, strike out the word "obstetics", and insert in lieu thereof the word "obstetrics"

Amendment adopted.

AMENDMENT No 30.

On page 15, Section 18, line 6, of the printed bill, after the word "stockholders", strike out the word "or", and insert in lieu thereof the word "of".

Amendment adopted.

AMENDMENT No 31.

On page 15, Section 18, line 10, of the printed bill, strike out the word "or", and insert in lieu thereof the word "of".

Amendment adopted.

AMENDMENT No 32.

On page 16, Section 19, line 9, of the printed bill, after the word "beings", strike out the words "or the suggestion, recommendation".

Amendment adopted.

AMENDMENT No. 33.

On page 18, Section 23, line 2, of the printed bill, after the word "by" insert the following: "An Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation, approved March fourteenth, nineteen hundred and seven, which took effect on the first day of May, nineteen hundred and seven".

Amendment adopted.

AMENDMENT No. 34.

On page 19, Section 24, line 18, of the printed bill, strike out the period at the end of said line and insert in lieu thereof the following: "*provided*, that nothing herein shall be held to apply to, or to regulate any kind of treatment by prayer."

Amendment adopted.

Bill read second time, and ordered to reprint with rush order, and engrossment.

Assembly Bill No. 1217—An Act to amend section one thousand four hundred sixty-five of the Code of Civil Procedure, relating to the setting apart of property exempt from execution for use of the family.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 1218—An Act to amend section one thousand seven hundred twenty-three of the Code of Civil Procedure, relating to the disposition of life estates and homestead property on owner's death in certain cases.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 1219—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as number one

thousand four hundred and sixty-five and one half, relating to notices to be given of petitions to set aside exempt property for the use of the family.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 1012—An Act to amend an Act entitled "An Act to provide for the alteration of the boundaries of, and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipalities, and for the districting, government, and municipal control of annexed territory," approved March 19, 1889, and regulating the procedure to be followed for the annexation of additional territory to incorporated towns and cities.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT NO. 1.

On page 3, Section 1, line 57, of the printed bill, after the word "petition" insert the following: "If, however, said board of supervisors shall deny said petition, in whole or in part, said board shall, upon the request of said council, board of trustees or other legislative body of said municipal corporation, expressed by resolution passed at any regular meeting or at any special meeting of said council, board of trustees or other legislative body of said municipal corporation, duly called therefor, held at least three (3) months prior to the time of holding the next general election in said county wherein said territory is situated, submit to the voters of said county, at said election, the proposition whether or not said petition shall be granted as presented to, and denied in whole or in part by, said board of supervisors, as far as affects said territory in said county, and the ballots used upon said election shall contain the words 'For annexation of outside territory by the municipality of ————' (naming it) and 'Against annexation of outside territory by the municipality of ————' (naming it). The clerk of said county shall certify to said board of supervisors the result of said election, giving the votes respectively cast for and against said proposition; and if the majority of all the ballots cast in said county at said general election are in favor of said annexation, the said board of supervisors shall at its next regular meeting rescind its former action taken upon said petition and grant the same, as far as it affects said territory in said county."

Amendment adopted.

AMENDMENT NO. 2.

On page 3, Section 1, line 60, of the printed bill, after the word "modified" insert the following: "or if after said petition shall have been denied by said board the same shall have received a majority of all the ballots cast in said county at said general election as hereinbefore provided,".

Amendment adopted.

AMENDMENT NO. 3.

On page 3, Section 1, line 66, of the printed bill, after the word "supervisor" insert the following: "or as defined in said petition, if submitted at said general election,".

Amendment adopted.

AMENDMENT NO. 4.

On page 3, Section 1, line 82, strike out the words "by said board of supervisors.", and insert in lieu thereof the words "as aforesaid;".

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment

Assembly Bill No. 910—An Act to amend section five of an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State for the construction of sewers and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the

determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1891, and as amended by a certain Act approved March 26, 1895.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 975—An Act making an appropriation to pay the claim of George H. P. Shaw against the State of California.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Perine in the chair.

Assembly Bill No. 975 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker pro tem. Perine in the chair.

REPORT OF COMMITTEE OF WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No 975, and do now report the same back, and recommend that it do pass

PERINE, Chairman.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 38—An Act to provide for the relief of indigent Union, Spanish-American, Philippine insurrection, and Mexican war soldiers, sailors, and marines, and the families of those deceased or indigent, and to defray funeral expenses.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 36—An Act to amend an Act entitled "An Act to provide for the classification of municipal corporations," approved March 2, 1893.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On Section 1, line 6, page 1, of the printed bill, strike out the words "two hundred thousand", and insert in lieu thereof the words "two hundred and fifty thousand".

Amendment adopted.

AMENDMENT No. 2.

On Section 1, line 8, page 1, of the printed bill, strike out the words "two hundred thousand", and insert in lieu thereof the words "two hundred and fifty thousand".

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 743—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also, to pro-

vide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 59 thereof.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In line 21, page 2, after the word "than" of printed bill insert the following: "one-half of".

Amendment adopted.

AMENDMENT No 2.

On page 2, of printed bill, strike out all of Section 2.

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 1404—An Act to amend Section 29 of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In line 17, page 2, of printed bill, after the word "district", insert the word "is".

Amendment adopted.

AMENDMENT No. 2.

In line 19, page 2, after the word "property" of printed bill insert a semicolon ";".

Amendment adopted.

AMENDMENT No 3.

In line 20, page 2, after the word "district" of printed bill insert a comma ","

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Committee Substitute for Assembly Bill No. 745—An Act to amend Section 14 of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Committee substitute adopted.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 1244—An Act to amend Section 4300*a* of the Political Code, relating to fees to be charged and collected by the county clerk.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 1410—An Act to amend section three hundred and forty of the Code of Civil Procedure, relating to the time for commencing certain actions

During second reading of bill, the following amendment was submitted by the committee:

Strike out all of Section 2 of the printed bill.

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 1411—An Act to amend Section 339 of the Code of Civil Procedure, relating to the time within which certain actions may be commenced.

During second reading of bill, the following amendment was submitted by the committee:

Strike out all of Section 2 of the printed bill.

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 1412—An Act to amend section eight hundred and sixty of the Code of Civil Procedure, relating to demurrer or answer to amend pleadings in the justice courts.

During second reading of bill, the following amendment was submitted by the committee:

Strike out the word "three", in line 5, Section 1, page 1, of the printed bill, and insert in lieu thereof the word "five".

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 1264—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 1203 thereof, relating to the probation of persons arrested for crime after a plea or verdict of guilty, and the suspending of the imposition or execution of sentence during the term of probation, and the disposition of such accusation after full compliance with the terms of probation.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 1427—An Act to legalize, confirm, and validate tax deeds made to the State of California for delinquent taxes, and deeds made to purchasers of property sold under and in pursuance of the provisions of sections three thousand eight hundred and ninety-seven and three thousand eight hundred and ninety-eight of the Political Code.

During second reading of bill, the following amendment was submitted by the committee:

Strike out the word "when" in line 2, Section 1, of the printed bill, and insert in lieu thereof the word "where".

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 1426—An Act providing for the disposition of civil or criminal actions or proceedings in which bills of exceptions or statements on motion for new trial have been lost or destroyed by conflagration, or other public calamity.

Bill read second time, and ordered to engrossment.

SPECIAL FILE—THIRD READING—(RESUMED).

Assembly Bill No. 683—An Act to provide for the permanent support and improvement of the University of California by the levy of a rate of taxation and the creation of a fund therefor.

During third reading of bill, Mr. Otis moved that the Speaker appoint a select committee of one to amend the bill, as follows:

In line 3, of Section 5, on page 2, of the printed bill, as already amended, strike out the word "sixth", and insert in lieu thereof the word "fourth".

Also: In line 7, of Section 5, on page 2, of the said printed bill, strike out the word "shall", and insert in lieu thereof the word "must".

Also After the word "therefor", in the title of said bill, strike out the period and insert the following: "and to repeal an Act approved February 14, 1887, entitled: "An Act to provide for the permanent support and improvement of the University of California by the levy of a rate of taxation and the creation of a fund therefor," and also, to repeal an Act approved February 27, 1897, entitled "An Act to provide additional support and maintenance, and for the acquisition of necessary property and improvements of the University of California, by the levy of a rate of taxation, and the creation of a fund therefor".

Motion carried.

The Speaker appointed Mr. Otis as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1909.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 683, with instructions, do now report that the instructions of the Assembly have been carried out.

OTIS, Select Committee.

Report of select committee, and amendments, adopted.

Bill ordered to reprint, reengrossment, and on file for passage.

SENATE BILLS—SECOND-READING FILE.

Senate Bill No. 364—An Act to amend an Act entitled "An Act to establish a School of Industry, to provide for the maintenance and management of the same, and to make an appropriation therefor," approved March 11, 1889.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Perine in the chair.

Senate Bill No. 364 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker pro tem. Perine in the chair.

REPORT OF THE COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 364, and do now report the same back, and recommend that it do pass.

PERINE, Chairman.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 832—An Act to amend Section 2712 of the Political Code of California, relating to the powers of the board of supervisors.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 685—An Act to add a new section to the Political Code of the State of California, to be numbered four thousand two hundred and forty-three *a*, relating to the compensation of jurors in counties of the fourteenth class.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 623—An Act to amend Section 607*e* of the Civil Code of the State of California, relating to the disposition to be made of certain fines, penalties, and forfeiture.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 954—An Act to amend Section 848 of the Code of Civil Procedure of California, relating to service of summons in Justices' Courts.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 330—An Act to amend Article V, Chapter VII, Title XI, Part III, of the Code of Civil Procedure of the State of California by amending Section 1577 thereof, and adding a new section thereto, to be numbered 1580, relating to the real property of decedents, minors, and incompetent persons.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Strike out the word "may", in line 28, Section 2, page 2, of the printed bill, and insert in lieu thereof the word "must".

Amendment adopted.

AMENDMENT No. 2.

Strike out the word "two", in line 31, Section 2, page 3, of the printed bill, and insert in lieu thereof the word "four".

Amendment adopted.

AMENDMENT No. 3.

After the word "county", in line 32, Section 2, page 3, of the printed bill, insert the words "if there be one, and if there is none, then in some newspaper of general circulation in the county".

Amendment adopted.

AMENDMENT No 4

After the word "postponed", in line 35, Section 2, page 3, of the printed bill, insert the words "the power to make all needful postponements being hereby vested in the court or jury"

Amendment adopted.

AMENDMENT No. 5.

Strike out the word "or" where it first occurs in line 36, Section 2, page 3, of the printed bill, and insert in lieu thereof the word "of".

Amendment adopted.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 936—An Act to amend Section 4 of an Act entitled "An Act for preventing the manufacture, sale, or transportation of adulterated, mislabeled, or misbranded foods and liquors, and regulating the traffic therein; providing penalties, establishing a state laboratory for foods, liquors, and drugs, and making an appropriation therefor," approved March 11, 1907, relating to the adulteration of foods.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 809—An Act adding a new section to the Political Code of the State of California, to be numbered Section 1584, relating to school districts.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 983—An Act validating the issuance of bonds by joint union high school districts.

Bill read second time, and ordered on file for third reading.

Senate Bill 1002—An Act to validate all bonds heretofore issued, or ordered to be issued by or on behalf of any school district, high school district, union high school district, or joint union high school district, where authority for such issuance has already been given by a vote of more than two thirds of the electors of such district.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1042—An Act to amend Section 1550 of the Political Code of the State of California, relating to salaries of deputy superintendents of schools.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 145—An Act providing for an appropriation of $1,000.00 for the purchase of books and periodicals for the Whittier State School.

Senate Bill No. 320—An Act providing for a biennial appropriation in the General Appropriation Bill for the support and maintenance of the Bureau of Criminal Identification of the State of California.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bills.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Perine in the chair.

Senate Bills Nos. 145 and 320 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bills.

Motion carried.

IN ASSEMBLY.

Speaker pro tem. Perine in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1909.

GENTLEMEN: The Commiteee of the Whole have had under consideration Senate Bills No 145 and 320, and do now report the same back, and recommend that they do pass.

PERINE, Chairman.

Bills read second time, and ordered on file for third reading.

Committee Substitute for Senate Bill No. 558—An Act to amend an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof," approved February 25, 1901.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 268—An Act to permit boards of directors of irrigation districts organized or existing under and by virtue of an Act of the Legislature entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water

for irrigation purposes," approved March 31, 1907; to provide for the payment in two installments of the assessments levied under and in accordance with the provisions of said Act.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 115—An Act to regulate the organization of fraternal insurance associations.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 717—An Act to amend section five of an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State for the construction of sewers and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1891, and as amended by a certain Act provided March 26, 1895.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1075—An Act to amend an Act entitled "An Act to establish a Penal Code, approved February 14, 1872, by amending Section 1203 thereof, relating to the probation of persons arrested for crime after a plea or verdict of guilty, and the suspending of the imposition or execution of sentence during the term of probation, and the disposition of such accusation after full compliance with the terms of probation.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 886—An Act to regulate the practice of veterinary medicine in the State of California.

During second reading of bill, the following amendment was submitted by the committee:

Amend Section 3, line 45, of the printed bill, by inserting after the period the following: "*Provided further*, that nothing in this Act shall be construed to prohibit any person from castrating or spaying any domestic animal or animals"

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Senate Constitutional Amendment No. 37—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 7, Article IX thereof, relating to boards of education.

Mr. Young moved that the Speaker appoint a select committee of one to amend the Senate constitutional amendment as follows:

Strike out of line 14, page 1, of the printed bill, the words "the Governor shall appoint", and insert in lieu thereof the following: "by the affirmative vote of the Governor, the Superintendent of Public Instruction, and at least two of the other ex officio members of the State Board of Education, there shall be appointed four additional members of the State Board of Education, as follows"

Also: Strike out of lines 21 and 22, page 2, of the printed bill, the comma after the word "county" and the words "as members of the State Board of Education", and insert in lieu thereof a period after the word "county".

Also: Strike out of line 30, page 2, of the printed bill, the words "by the Governor", and insert in lieu thereof the following "by the affirmative vote of the Governor, the Superintendent of Public Instruction, and at least two of the other ex officio members of the State Board of Education

Motion carried.

The Speaker appointed Mr. Young as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1909

MR. SPEAKER: Your select committee of one, to whom was referred Senate Constitutional Amendment No. 37, with instructions, do now report that the instructions of the Assembly have been carried out.

YOUNG, Select Committee.

Report of select committee and amendments adopted.

Senate constitutional amendment ordered to reprint, and on file for adoption.

ADJOURNMENT.

At four o'clock P. M., on motion of Mr. Johnson of Sacramento, the Assembly was declared adjourned until ten o'clock of Monday, March 8, 1909.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL., Monday, March 8, 1909.

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. P. A. Stanton, Speaker of the Assembly, in the chair.

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

Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Coghlan, Collier, Collum, Costar, Cronin, Dean, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, McClellan, McManus, Melrose, Mendenhall, Nelson, Odom, Otis, Perine, Polsley, Preston, Pugh, Rech, Rutherford, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Young, and Mr. Speaker—62.

Quorum present.

LEAVES OF ABSENCE.

On motion, leave of absence for the day was granted to Messrs. Feeley, Fleisher, Maher, Webber, Wyatt, and Flavelle.

PRAYER.

Prayer was offered by the Chaplain, Rev. Seren N. Marsh.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Gerdes, its further reading was dispensed with.

APPROVAL OF JOURNAL.

On motion of Mr. Transue, the Journals of Monday, March 1, Tuesday, March 2, Wednesday, March 3, Thursday, March 4, Friday, March 5, and Saturday, March 6, 1909, were approved as corrected by the Minute Clerk.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1909

MR. SPEAKER: Your Committee on Education, to whom was referred Senate Bill No 505—An Act to amend section seventeen hundred and seventy-one of the Political Code of the State of California, relative to the powers of the county board of education—report the same back, with fourteen amendments, and recommend that it do pass as amended

SACKETT, Chairman.

ON ELECTION LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1909

MR. SPEAKER. Your Committee on Election Laws, to whom was referred Senate Bill No. 466—An Act to amend section one thousand and ninety-seven of the Political Code of the State of California, relating to the registration of voters

Also. Senate Bill No. 905—An Act to amend an Act entitled "An Act creating a state commission on voting machines, defining their powers, and providing for the use at the option of indicated local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result at such elections, and providing for the punishment of all violations of the provisions of this Act," approved March 20, 1903.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass

LEEDS, Chairman.

The above reported bills ordered on file for second reading.

SENATE MESSAGES.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, March 5, 1909

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 1220—An Act relating to prosecutions under Sections 628*b*, 632, and 632½ of the Penal Code, and to define prima facie evidence thereunder.

Also: Senate Bill No 825—An Act to amend section ninety-seven of the Code of Civil Procedure, relating to salaries of the justices of peace in cities and counties.

Also: Senate Bill No. 1106—An Act to add a new section to the Political Code, to be numbered 4284*a*, relating to and fixing the compensation of grand and trial jurors in Superior courts in counties of the fifty-fifth class.

Also: Senate Bill No 1107—An Act to add a new section to the Political Code, to be numbered 4281*a*, relating to and fixing the compensation of grand and trial jurors in the superior courts in counties of the fifty-second class

Also: Senate Bill No. 1078—An Act to amend Section 1881 of the Political Code, relative to giving notice of election for issuance of school bonds

Also: Senate Bill No. 1079—An Act to amend Section 1882 of the Political Code, relative to the contents of notices of election for issuance of school bonds.

Also: Senate Bill No 58—An Act providing for the appointment of a consulting board to the Department of Engineering, to be known as the Consulting Board on Mining Débris, and authorizing such board, under the supervision and subject to the approval of the Advisory Board of the Department of Engineering, to perform certain duties relating to the retainment of mining débris, the construction of certain works necessary and incident to the retainment thereof the condemnation or purchase of lands and rights of way necessary therefor, and the operation of mining by the hydraulic process, where the same can be done without injury to any other industry.

Also: Senate Bill No 1141—An Act to amend section one thousand six hundred and ninety-nine of the Code of Civil Procedure, relating to settlement of accounts of trustees after distribution of estates and compensation of trustees.

Also: Senate Bill No. 1140—An Act to amend section one thousand four hundred sixty-five of the Code of Civil Procedure, relating to the setting apart of property exempt from execution for the use of the family.

Also: Senate Bill No. 999—An Act to add a new section to the Political Code of the State of California, to be known as Section 3495*a*, and relating to applications to purchase State lands, and requiring a deposit of money to accompany the application, and providing for the filing of additional applications.

Also: Senate Bill No 1000—An Act to amend Section 3495 of the Political Code of the State of California, relating to school lands belonging to the State, and the affidavit on applications to purchase the same.

Also: Senate Bill No 1001—An Act to amend Section 3498 of the Political Code of the State of California, relating to approvals of applications for State lands.

Also Senate Bill No. 1142—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as 1465½, relating to notices to be given of petitions to set aside exempt property for the use of the family.

Also: Senate Bill No 1105—An Act to amend Section 322 of the Civil Code of the State of California, relating to liability of stockholders.

Also: Senate Bill No. 775—An Act to amend Section 2319 of the Political Code of the State of California, relating to the office of the State Commissioner of Horticulture, the powers and duties of said Commissioner and the salaries, duties and qualifications of his appointees.

Also: Senate Bill No. 593—An Act to amend Section 472 and Section 475 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the duties of the Attorney General, providing for an assistant, a chief deputy, deputies, clerks, phonographic reporter and stenographers in the Attorney General's office, and fixing their salaries.

Also: Senate Bill No. 689—An Act to amend Sections 439 and 440 of the Political Code, relating to the employees in the Controller's office and the salaries paid to such employees.

Also: Senate Bill No 808—An Act to amend section four hundred fifty-six of the Political Code, relating to the office of the Treasurer of State, his deputy and assistants and the salaries of the deputy and assistants

Also: Senate Bill No. 977—An Act to amend Section 2302 of the Political Code, relating to the salary of the State Librarian.

Also: Senate Bill No. 1217—An Act to amend Section 739 of the Political Code of the State of California.

Also: Senate Bill No 584—An Act to amend sections four hundred and eighty-four, four hundred and eighty-five, four hundred and eighty-six and five hundred of the Political Code, relating to the salary of the Surveyor General and the salaries of appointees in the office of the Surveyor General and Registrar of the State Land Office, and to repeal all laws in conflict therewith

Also Senate Bill No 586—An Act to amend Section 384 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, and to add a new section thereto, to be numbered 387, relating to the powers of the Governor, his salary and salaries of certain appointees

Also: Committee Substitute for Senate Bill No. 26—An Act to insure the better education of practitioners of naturopathy, and to regulate the practice of naturopathy in the State of California, providing penalties for the violation thereof.

Also: Senate Bill No 1100—An Act restricting the powers of board of supervisors in the matter of imposing licenses upon the business of raising, grazing, herding and pasturing sheep.

Also. Senate Bill No 539—An Act to appropriate the sum of one hundred and one thousand three hundred and fourteen dollars ($101,314.00) for the use and benefit of the University of California, and specifying the duties of the Controller and State Treasurer in relation thereto

Also: Senate Bill No. 101—An Act to provide for the maintenance and operating expenses of the forestry station at Santa Monica, Los Angeles County, and making an appropriation therefor.

Also: Senate Bill No. 651—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as Section 1046a, relating to the filing of papers nunc pro tunc under order of court, in actions brought under the provisions of any statute for the establishment and quieting of title to real property in case of loss or destruction of public records.

Also: Senate Bill No 1207—An Act providing for the government of consolidated swamp land, levee, or reclamation districts.

Also: Senate Bill No 1060—An Act to provide for the disincorporation and discontinuance of fire districts where the same become wholly or partly within the corporate limits of a town or city, incorporated subsequently to the organization thereof, and providing for the disposal of the property of such districts.

Also: Senate Bill No. 242—An Act to provide for the survey, location and construction of a state highway from the town of Mariposa, through Bear Creek, Missouri Gulch, and Stockton Creek to the Yosemite Valley Railroad at Bear Creek Station, in Mariposa County, California, and making an appropriation therefor.

Also: Assembly Bill No 830—An Act to amend Sections 415 and 420 of the Political Code, all relating to the office of the Secretary of State.

Also: Assembly Bill No 756—An Act to amend Section 755 of the Political Code, relating to the salary of the Clerk of the Supreme Court.

Also: Asembly Bill No. 1103—An Act to amend Section 652 of the Civil Code of the State of California, relating to the consolidation of colleges and institutions of higher education

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Senate Bill No. 1220 read first time, and referred to Committee on Judiciary.

Senate Bill No. 825 read first time and referred to Committee on Judiciary.

Senate Bill No. 1106 read first time, and referred to Committee on Judiciary.

Senate Bill No. 1107 read first time, and referred to Committee on Judiciary.

Senate Bill No. 1078 read first time, and referred to Committee on Education.

Senate Bill No. 1079 read first time, and referred to Committee on Education.

Senate Bill No. 58 read first time, and referred to Committee on Mines and Mining Interests.

Senate Bill No. 1141 read first time, and referred to Committee on Judiciary.

Senate Bill No. 1140 read first time, and referred to Committee on Judiciary.

Senate Bill No. 999 read first time, and referred to Committee on Public Lands and Forestry.

Senate Bill No. 1000 read first time, and referred to Committee on Public Lands and Forestry.

Senate Bill No. 1001 read first time, and referred to Committee on Public Lands and Forestry.

Senate Bill No. 1142 read first time, and referred to Committee on Judiciary.

Senate Bill No. 1105 read first time, and referred to Committee on Judiciary.

Senate Bill No. 775 read first time, and referred to Committee on Agriculture.

Senate Bill No. 593 read first time, and referred to Committee on Judiciary.

Senate Bill No. 689 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 808 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 977 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 1217 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 584 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 586 read first time, and referred to Committee on Ways and Means.

Committee Substitute for Senate Bill No. 26 read first time, and referred to Committee on Medical and Dental Laws.

Senate Bill No 1100 read first time, and referred to Committee on Revenue and Taxation.

Senate Bill No. 539 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 101 read first time, and referred to Committee on Public Lands and Forestry.

Senate Bill No. 651 read first time, and referred to Committee on Judiciary.

Senate Bill No. 1207 read first time, and referred to Committee on Swamp and Overflowed Lands and Levees and River Improvements and Drainage.

Senate Bill No. 1060 read first time, and referred to Committee on Municipal Corporations.

Senate Bill No. 242 read first time, and referred to Committee on Roads and Highways.

Also:

SENATE CHAMBER, SACRAMENTO, March 5, 1909

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 794—An Act to amend Section 2552 of the Political Code, *relating to salaries of officers of the Board of State Harbor Commissioners.*

Also: Assembly Bill No. 1123—An Act to amend Section 417 of the Political Code of the State of California, relating to the salary of the Secretary of State.

Also: Assembly Bill No 1084—An Act to amend section four thousand and five of *the Political Code of the State of California, relating to the population of counties.*

Also. Assembly Bill No. 977—An Act to add a new section to title sixteen of part four of division first of the Civil Code, to be numbered six hundred and forty-eight *a*, relating to the formation of building and loan associations.

Also: Assembly Bill No 978—*An Act to amend section six hundred and forty-eight* of the Civil Code, relating to building and loan associations.

Also: Assembly Bill No. 924—An Act making an appropriation to pay the claim of August Vollmer against the State of California.

Also. Assembly Bill No. 776—*An Act to amend Section 3700 of the Political Code,* relating to salaries of the members of the State Board of Equalization

Also: Assembly Bill No 974—An Act providing for the dissemination of knowledge among the people of California as to the best means of preventing the spread of tuberculosis, and making an appropriation therefor

Also: Assembly Bill No 958—An Act appropriating the sum of one thousand dollars for the purpose of installing a plant for distilling water, in connection with the ice-making plant at the Veterans' Home of California, located at Yountville, Napa County.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary

The above Assembly bills ordered to enrollment.

RESOLUTION.

The following resolution was offered:

By Mr. Otis:

Resolved, That the State Printer be and he is hereby directed to have the 300 copies of each and all the chapters of the thirty-eighth session, heretofore ordered by resolution, printed and delivered on or before the 10th day of April, 1909, to the Chief Clerk, who shall arrange the same in sets, to be expressed, charges prepaid, to the members of the Assembly. For the purpose of defraying the expense of sorting, packing, and paying the expressage the State Controller is hereby directed to draw his warrant on the *contingent* fund of the Assembly in the sum of $125.00 in favor of Clio Lloyd, Chief Clerk and the Treasurer is directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses and Accounts.

SPECIAL ORDER RESET.

On motion of Mr. Transue, the reconsideration of the vote on Senate Bill No. 271 was made a special order for Tuesday, March 9, 1909.

RECONSIDERATION.

In compliance with his notice given on a previous day, Mr. Stuckenbruck moved that the vote whereby Assembly Bill No. 639 was passed be reconsidered.

The roll was called, and the same was refused reconsideration by the following vote:

AYES—Messrs Cronin, Gillis, Irwin, Johnson of Placer, Kehoe, Mendenhall, Polsley, Stuckenbruck, Whitney, and Wyllie—10.

NOES—Messrs Barndollar, Baxter, Black, Butler, Callan, Cattell, Collum, Costar Cullen, Dean, Flint, Gerdes, Gibbons, Greer, Griffiths, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Johnson of Sacramento, Johnson of San Diego, Leeds, Macauley, McManus, Melrose, Nelson, Odom, Otis, Perine, Pugh, Rech, Rutherford, Sackett, Schmitt, Telfer, Transue, Wagner, Wheelan, and Mr. Speaker—42

Bill ordered transmitted to the Senate.

SPECIAL FILE—(THIRD READING).

Assembly Constitutional Amendment No. 17— A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Section 3 of Article IX of said Constitution, relating to the election of superintendent of schools.

Assembly constitutional amendment read.

The question being on the adoption of the Assembly constitutional amendment.

The roll was called, and Assembly Constitutional Amendment No. 17 refused adoption by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Butler, Callan, Cattell, Collier, Collum, Costar, Dean, Flint, Gerdes, Gibbons, Greer, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Leeds, McClellan, McManus, Melrose, Mendenhall, Odom, Rutherford, Schmitt, Telfer, Transue, Wagner, Wheelan, Whitney, Wyllie, Young, and Mr. Speaker—40.

NOES—Messrs. Beban, Cronin, Cullen, Gillis, Hopkins, Irwin, Juilliard, Kehoe, Macauley, Otis, Perine, Polsley, Preston, Pugh, Rech, Sackett, Stuckenbruck, and Wilson—18

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1909.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bill correctly engrossed:

Assembly Bill No. 1265—An Act to amend section four hundred and fifty-seven of the Political Code

YOUNG, Chairman

The above reported bill ordered on file for third reading.

THIRD-READING FILE.

Assembly Bill No. 638—An Act to amend Section 261 of the Penal Code of the State of California, defining the crime of rape.

IN EXECUTIVE SESSION.

On motion of Mr. McManus, the Assembly went into executive session for the purpose of considering the bill.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 638 refused passage by the following vote:

AYES—Messrs. Barndollar, Bohnett, Callan, Cattell, Collier, Collum, Costar, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of San Diego, Kehoe, Melrose, Otis, Perine, Polsley, Rutherford, Sackett, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Wilson, Wyllie, and Young—34.

NOES—Baxter, Beatty, Beban, Black, Butler, Coghlan, Cronin, Cullen, Dean, Flint, Gerdes, Hopkins, Irwin, Johnson of Sacramento, Johnston of Contra Costa, Juilliard, Leeds, Macauley, McClellan, McManus, Nelson, Odom, Preston, Pugh, Schmitt, Wheelan, and Mr. Speaker—27.

NOTICE OF MOTION TO RECONSIDER.

Mr. Johnson of Sacramento gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 638 was this day refused passage.

RECESS.

At twelve o'clock and thirty minutes P. M., the Assembly was declared at recess until two o'clock P. M. of this day.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.
Speaker pro tem. Geo. M. Perine in the chair.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON COMMON CARRIERS.

ASSEMBLY CHAMBER, SACRAMENTO March 8, 1909.

MR. SPEAKER: Your Committee on Common Carriers, to whom was referred Assembly Bill No. 317—An Act to promote the safety of employees and travelers upon railroads by compelling common carriers by railroads to properly man their trains—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it do pass as amended.

PERINE, Chairman

The above reported bill ordered on file for second reading.

SENATE BILLS—THIRD-READING FILE.

Senate Concurrent Resolution No. 11—Relative to appointment of a President Lincoln Monument Commission.

Resolution read, adopted, and ordered transmitted to the Senate.

SENATE CONCURRENT RESOLUTION No. 11.

Relative to the appointment of President Lincoln Monument Commission.

Resolved by the Senate of the State of California, the Assembly concurring, That the Lieutenant-Governor shall appoint two members of the Senate, and the Speaker of the Assembly shall appoint two members of the Assembly, and the Governor of the State of California shall appoint a citizen of the State of California, to act in conjunction with the trustees of the President Lincoln Monumental League, or their successors, who, at present, are W. W. Stone, James D. Phelan, Horace Davis, E. B. Pond and C Mason Kinne, as follows (1) For the purpose of selecting a site, together with plans, specifications and models for a memorial monument of Abraham Lincoln, and estimates and bids therefor, the sum total of all costs, charges and expenses, estimates and bids to be not more than one hundred thousand dollars, of which sum, fifty thousand dollars shall be hereafter contributed by said President Lincoln Monumental League, (2) For the purpose of determining, and reporting to the Legislature of the State of California, the advisability of the erection within the State of California of a President Abraham Lincoln memorial monument, as hereinabove set forth, and the appropriation by the Legislature of fifty thousand dollars as a contribution therefor. There shall be no cost, charge, or expense, or liability upon the State of California, from, or by reason of, any of the above matters or proceedings herein provided for.

Senate Bill No. 364—An Act to amend an Act entitled "An Act to establish a school of industry, to provide for the maintenance and management of the same, and to make an appropriation therefor," approved March 11, 1889.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 364 finally passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beban, Callan, Cattell, Cogswell, Collier, Collum, Dean, Gerdes, Gibbons, Gillis, Hanlon, Hans, Hawk Hayes, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Macauley, McClellan, McManus, Melrose, Mendenhall, Odom, Perine, Polsley, Sackett, Silver, Stuckenbruck, Telfer, Wagner, Wheelan, Whitney, Wilson, Wyllie, and Young—43.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 685—An Act to add a new section to the Political Code of the State of California, to be numbered four thousand two hundred and forty-three *a*, relating to the compensation of jurors in counties of the fourteenth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 685 finally passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beban, Black, Bohnett, Callan, Cattell, Cogswell, Collier, Collum, Costar, Dean, Gerdes, Gibbons, Gillis, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Macauley, McClellan, McManus, Melrose, Mendenhall, Odom, Otis, Perine, Polsley, Sackett, Silver, Telfer, Wagner, Wheelan, Whitney, Wilson, Wyllie, and Young—47

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 954—An Act to amend Section 848 of the Code of Civil Procedure of California, relating to service of summons in Justices' Courts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 954 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beban, Black, Bohnett, Callan, Cattell, Cogswell, Collier, Collum, Dean, Flint, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Macauley, McClellan, McManus, Melrose, Mendenhall, Odom, Otis, Perine, Polsley, Sackett, Silver Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, and Young—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No 936—An Act to amend Section 4 of an Act entitled "An Act for preventing the manufacture, sale, or transportation of adulterated, mislabeled, or misbranded foods and liquors and regulating the traffic therein; providing penalties, establishing a state laboratory for foods, liquors, and drugs, and making an appropriation therefor," approved March 11, 1907, relating to the adulteration of foods.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 936 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Cullum, Costar, Dean, Gillis, Greer, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, McCauley, McManus, Melrose, Mendenhall, Nelson, Odom, Otis, Perine, Polsley, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, and Young—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 832—An Act to amend Section 2712 of the Political Code of California, relating to the powers of the board of supervisors

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 832 finally passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Collum, Costar, Dean. Gillis, Griffiths, Hanlon, Hans, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, McClellan, McManus, Melrose, Mendenhall, Odom, Otis, Perine, Polsley, Sackett, Silver, Stuckenbruck, Wagner, Wheelan, Whitney, Wilson, and Wyllie—47.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 983—An Act validating the issuance of bonds by joint union high school districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate bill No. 983 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Collum, Costar, Cronin, Dean, Gillis, Griffiths, Hanlon, Hans, Hawk, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego. Johnson of Placer, Juilliard, Kehoe, Leeds, Macauley, McClellan, Melrose, Mendenhall, Nelson, Odom, Otis, Perine. Polsley, Sackett, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, and Young—49.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1002—An Act to validate all bonds heretofore issued, or ordered to be issued by or on behalf of any school district, high school district, union high school district, or joint union high school district, where authority for such issuance has already been given by a vote of more than two thirds of the electors of such district.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1002 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Collum, Costar, Cronin, Dean, Gillis, Hanlon, Hans, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, McClellan, McManus, Melrose, Mendenhall, Nelson, Odom, Otis, Perine, Polsley, Sackett, Telfer, Transue, Wagner, Wheelan, Wilson, Wyllie, and Young—45
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1042—An Act to amend Section 1550 of the Political Code of the State of of California, relating to salaries of deputy superintendents of schools.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1042 finally passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Cattell, Cogswell, Collier, Collum, Costar, Cronin, Dean, Gillis, Greer, Griffiths, Hanlon, Hans, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Macauley, McClellan, McManus, Melrose, Mendenhall, Odom, Otis, Perine, Polsley, Rutherford, Sackett, Telfer, Transue, Wagner, Whitney, Wilson, Wyllie, and Young—48.
NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 320—An Act providing for a biennial appropriation in the General Appropriation Bill for the support and maintenance of the Bureau of Criminal Identification of the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 320 finally passed by the following vote:

AYES—Messrs Baxter, Beatty, Beban, Black, Butler, Cattell, Cogswell, Collier, Collum, Costar, Cronin, Dean, Gillis, Greer, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Macauley, McClellan, Melrose, Mendenhall, Nelson, Odom, Otis, Perine, Polsley, Rutherford, Sackett, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wyllie, and Young—47

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Committee Substitute for Senate Bill No. 558—An Act to amend an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction or completion thereof," approved February 25, 1901.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Senate Bill No. 558 finally passed by the following vote:

AYES—Messrs Beardslee, Beatty, Beban, Black, Cattell, Cogswell, Collier, Collum, Costar, Cronin, Dean, Gillis, Greer, Griffiths, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Macauley, McClellan, Melrose, Mendenhall, Nelson, Odom, Perine, Polsley, Rutherford, Sackett, Transue, Wagner, Wheelan, Whitney, Wyllie, and Young—43.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 115—An Act to regulate the organization of fraternal insurance associations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 115 finally passed by the following vote:

AYES—Messrs Beardslee, Beatty, Black, Bohnett, Callan, Cattell, Cogswell, Collier, Collum, Cronin, Cullen, Dean, Greer, Griffiths, Hanlon, Hans, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Macauley, McClellan, McManus, Melrose, Odom, Perine, Polsley, Rutherford, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Wyllie, and Young—43

NOES—Mr Mendenhall—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1075—An Act to amend an Act entitled "An Act to establish a Penal Code," approved Frebruary 14, 1872, by amending Section 1203 thereof, relating to the probation of persons arrested for crime after a plea or verdict of guilty, and the suspending of the imposition or execution of sentence during the term of probation, and the disposition of such accusation after full compliance with the terms of probation.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1075 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Black, Bohnett, Callan, Cattell, Cogswell, Collum, Cronin, Gerdes, Gillis, Greer, Griffiths, Hanlon, Hans, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, McManus, Melrose, Mendenhall, Nelson, Odom, Otis, Perine, Polsley, Pugh, Rutherford, Sackett, Silver, Stuckenbruck, Transue, Wagner, Whitney, Wilson, Wyllie, and Young—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 717—An Act to amend section five of an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State for the construction of sewers and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1891, and as amended by a certain Act provided March 26, 1895.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 717 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Black, Bohnett, Callan, Cattell, Cogswell, Collum, Cronin, Gerdes, Gillis, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, McManus, Melrose, Mendenhall, Nelson, Odom, Perine, Polsley, Pugh, Rutherford, Sackett, Silver, Stuckenbruck, Transue, Wagner, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SPEAKER IN THE CHAIR.

At three o'clock P. M., Speaker Stanton in the chair.

Senate Bill No. 956—An Act to add a new section to the Penal Code of the State of California, to be known and numbered as Section 308*b*, relating to the use of text-books in public schools.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 956 finally passed by the following vote:

AYES—Messrs Baxter, Beardslee, Beatty, Bohnett, Callan, Cattell, Cogswell, Collier, Collum, Dean, Flint, Gerdes, Gibbons, Hammon, Hanlon, Hawk, Hewitt, Holmquist, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Kehoe, Leeds, McManus, Melrose, Mendenhall, Nelson, Odom, Otis, Perine, Preston, Pugh, Rutherford, Sackett, Telfer, Transue, Wagner, Wheelan, Whitney, Wyllie, Young, and Mr Speaker—42

NOES—Messrs Beban, Black, Coghlan, Cronin, Cullen, Gillis, Griffiths, Hayes, Hopkins, Irwin, Johnson of Placer, Juilliard, Macauley, McClellan, Polsley, Rech, Silver, Stuckenbruck, and Wilson—19.

TITLE AMENDED.

Mr. Sackett offered the following amendment to the title:

Strike out of lines 3 and 4 of title the words "relating to the use of text-books in the public schools", and insert in lieu thereof the following: "providing that any principal, teacher, employee or school officer of any elementary or secondary school

who refuses to use the text-books prescribed by the proper authority for use in the elementary or secondary schools under his charge, or who causes any pupil to purchase any supplementary book or books for said pupil's use in the schools, or who refuses or willfully neglects to make such reports as are required by law, is guilty of a misdemeanor, and prescribing a penalty therefor".

Amendment adopted.

Title, as amended, read and approved.

Bill ordered to reprint, and transmitted to the Senate.

SPECIAL ORDER RESET.

On motion of Mr. Otis, the reconsideration of the vote on Committee Substitute for Assembly Bills Nos. 64, 65, and 66 was made a special order for Tuesday, March 9, 1909, at eleven o'clock A. M.

CASE OF URGENCY.

The following resolution was offered:

By Mr. Beardslee.

Resolved, That Assembly Bill No. 1445 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage

Mr. Beardslee moved the adoption of the resolution.

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

AYES—Messrs. Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Cronin, Cullen, Dean, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Haulon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, McClellan, McManus, Melrose, Mendenhall, Nelson, Odom, Otis, Perine, Preston, Pugh, Rutherford, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr Speaker—62.

NOES—Mr. Polsley—1.

Assembly Bill No. 1445—An Act making an appropriation for the support of the government of the State of California for the sixty-first and sixty second fiscal years.

Mr. Beardslee moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Assembly Bill No. 1445 considered.

During second reading of bill, the following amendment was submitted by Mr. Preston:

Strike out the words "For Fish Commissioner For support and maintenance of State hatcheries, forty thousand dollars", found in lines 1, 2, and 3, near the top of page 23.

Amendment lost.

Mr. Beardslee moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1909

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 1445, and do now report the same back, and recommend that it do pass.

STANTON, Chairman

Bill read second time, considered engrossed, and ordered on file for third reading.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1445 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Bobnett, Butler, Callan, Cattell, Coghlan, Collier, Collum, Costar, Cronin, Cullen, Drew, Flint, Gerdes, Gibbons, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Macauley, McClellan, McManus, Melrose, Mendenhall, Nelson, Odom, Otis, Perine, Polsley, Preston, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Wilson, Young, and Mr Speaker—60.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

RESOLUTION.

The following resolution was offered:

By Mr. Transue:

Resolved, That the Sergeant-at-Arms be, and he is hereby directed to procure for each member of the Assembly two Keystone binders for the filing of Assembly and Senate amended bills, and the Controller is authorized to draw his warrant on the contingent fund of the Assembly for the amount of two hundred and forty ($240.00) dollars in payment of the same, and the Treasurer is hereby authorized to pay the same

Resolution read, and referred to Committee on Contingent Expenses and Accounts.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON INTRODUCTION OF BILLS.

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1909

MR. SPEAKER: Your Committee on Introduction of Bills, to whom was referred the following bill:

By Mr Beardslee: An Act appropriating money to provide and equip quarters for the Hastings College of the Law—have had the same under consideration, and respectfully report the same back, and recommend that permission be granted the author to introduce it

LEEDS, Chairman.

Mr. Leeds moved the adoption of the report.

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

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Bobnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Drew, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, McClellan, McManus, Melrose, Mendenhall, Nelson, Odom, Otis, Perine, Polsley, Preston, Rech, Rutherford, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—60

Noes—None

INTRODUCTION OF BILL.

The following bill was introduced and referred, as indicated:

By Mr. Beardslee: Assembly Bill No. 1446—An Act appropriating money to provide and equip quarters for the Hasting College of the Law.

Bill read first time, ordered to print with rush order, and referred to Committee on Ways and Means

ON REVENUE AND TAXATION.

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1909

MR. SPEAKER: Your Committee on Revenue and Taxation, to whom was referred Senate Bill No. 1100—An Act restricting the powers of boards of supervisors in the matter of imposing licenses upon the business of raising, grazing, herding, and pasturing sheep—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

MELROSE, Chairman.

The above reported bill ordered on file for second reading.

BILLS CONSIDERED—(OUT OF ORDER).

Senate Bill No. 226—An Act to authorize and direct the Board of State Harbor Commissioners to institute condemnation proceedings against certain property north of India Basin, and extending to Islais Creek, in the city and county of San Francisco, and extending the jurisdiction of said board over the same, and providing for the payment of judgments from the proceeds of bonds issued and sold under the provisions of an Act entitled "An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners of a necessary area for a tidal basin, for wharves, docks, piers, harbors, and appurtenances, in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of State officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for the submission of this Act to a vote of the people."

Bill read second time, and ordered on file for third reading.

Senate Bill No. 227—An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners of a necessary area for a tidal basin, for wharves, docks, piers, harbors, and appurtenances, in the city and county of San Francisco; to create a sinking fund for the payment of said bonds, and defining the duties of State officers in relation thereto, making an appropriation of one thousand dollars for expense of printing said bonds, and providing for the submission of this Act to a vote of the people.

Bill read second time, and ordered on file for third reading.

SPECIAL ORDER SET.

On motion of Mr. Beatty the, consideration of Senate Bills Nos. 226 and 227 was made a special order for Wednesday, March 10, 1909, at 2 o'clock P. M.

RE-REFERENCE OF BILL.

On motion of Mr. Johnson of Sacramento, Senate Bill No. 33 was recalled from the Committee on Judiciary and referred to Committee on Ways and Means.

THIRD READING OF BILL—(OUT OF ORDER).

Assembly Bill No. 1265—An Act to amend Section 457 of the Political Code.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1265 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Collum, Costar, Cronin, Cullen Drew, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, McClellan, McManus, Melrose, Mendenhall, Nelson, Odom Otis, Perine, Polsley, Preston, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer Transue, Wagner, Whitney, Wyllie, Young, and Mr Speaker—59.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO March 8, 1909

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Assembly Bill No 215—An Act to provide for the construction of storm drains and the completion of storm drains on the grounds of the Southern California State Hospital at Patton, and to make appropriation for the same

Assembly Bill No 214—An Act to provide for the construction and furnishing of a one-story bungalow for the use of the first assistant physician at the Southern California State Hospital at Patton, and to make appropriation for the same

Assembly Bill No. 212—An Act providing for the enlarging and reroofing of the laundry building at the Southern California State Hospital at Patton, and providing for additional machinery and remodeling, and making an appropriation for the same.

Assembly Bill No. 216—An Act to provide for the construction and furnishing of a second story upon that structure at the Southern California State Hospital at Patton, called and known as "The congregate dining-room," and to make appropriation for the same.

Assembly Bill No 83—An Act to establish and maintain a state hygienic laboratory for bacteriological and chemical analysis, for the use of the State Board of Health; providing for the appointment of a director thereof, and assistants; making an appropriation therefor, and prescribing the duties of the State Controller and State Treasurer in relation thereto; and repealing an Act entitled "An Act to establish and maintain a state hygienic laboratory for bacteriological and chemical analysis for the use of the State Board of Health, providing for the appointment of a director thereof and assistants, making an appropriation therefor, and prescribing the duties of the State Controller and State Treasurer in relation thereto," approved March 18, 1905.

Assembly Bill No. 1224—An Act to amend Section 4500*a* of the Political Code.

Assembly Bill No 1339—An Act providing for submitting to the electors the question of calling a convention to revise the Constitution of the State of California.

Assembly Bill No. 1246—An Act to amend Subdivision 30 of Section 4041 of the Political Code of the State of California

Assembly Bill No 1049—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 329, relating to the use of slot machines

Assembly Bill No. 1029—An Act to add a new section to the Penal Code, to be numbered Section 413½, relating to sparring exhibitions and prize fights.

Assembly Bill No 1286—An Act to add a new section to the Code of Civil Procedure of California, to be known as section nine hundred and seventy-eight*a*, relating to the undertaking on appeal from judgments of justices' or police courts.

Assembly Bill No. 1232—An Act to amend Section 60 of the Civil Code.

Assembly Bill No 281—An Act to amend Section 784 of the Code of Civil Procedure, relating to sales in actions in partition.

Assembly Bill No. 1037—An Act to amend section two hundred and thirteen of the Penal Code of the State of California, and to add a new section thereto, to be numbered two hundred and twelve*a*, relating to the crime of robbery and its punishment

Assembly Bill No 1429—An Act to amend section four thousand two hundred and seventy-one of the Political Code, relating to the compensation of officers of counties of the forty-second class

Assembly Bill No. 1245—An Act to amend Section 1 of an Act entitled "An Act to establish law libraries," approved March 1, 1891, amended March 1, 1907, and relating to the creation of a law library fund.

Assembly Bill No. 1315—An Act restricting the powers of boards of supervisors in the matter of imposing licenses upon the business of raising, grazing, herding and pasturing sheep.

Assembly Bill No. 1343—An Act to amend Section 10 of an Act entitled "An Act to establish a school for the discipline, education, reformation and protection of juvenile delinquents, in the State or California, to be known as the Whittier State School," approved March 11, 1889, and amended March 23, 1893, and March 7, 1905, and February 7, 1907, all relating to the said Whittier State School

Assembly Bill No. 1428—An Act to prevent the destruction of wild game within the boundaries of the Pinnacles Forest Reserve and Pinnacles National Monument, in the counties of San Benito and Monterey, in the State of California.

Assembly Bill No. 1110—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by adding thereto a new section to be numbered 19½, providing for the completion of sidewalks in any block where a portion of the same has been constructed.

Assembly Bill No. 1367—An Act authorizing district agricultural associations organized under the laws of the State of California, to lease lands owned, managed or controlled, in trust or otherwise, to municipal corporations in which such lands are situated, and repealing all Acts and parts of Acts in conflict herewith

Assembly Bill No. 663—An Act to add a new section to the Penal Code of the State of California, to be numbered one thousand one hundred ninety-two *a*, relating to the ascertainment of facts relating to the records of persons convicted of offenses punishable by imprisonment in the State prison.

Committee Substitute for Assembly Bill No. 30—An Act to authorize James Touhey to bring suit against the State of California.

Committee Substitute for Assembly Bill No. 1351—An Act to create a drainage district to be called Yolo Basin Drainage District, to promote drainage therein, and to provide for the management and control of said drainage district.

Assembly Bill No. 1354—An Act to provide for separate sewer districts within municipalities.

Assembly Bill No. 1334—An Act to provide for the acquisition by municipalities of land for public park or public playground purposes by condemnation, and for the establishment of assessment districts and the assessment of property therein to pay the expense of acquiring such land.

Assembly Bill No. 1384—An Act to amend section one thousand four hundred sixty-five of the Code of Civil Procedure, relating to the setting apart of property exempt from execution for the use of the family.

Assembly Bill No. 1383—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as number one thousand four hundred sixty-five and one half, relating to notices to be given of petitions to set aside exempt property for the use of the family.

Assembly Bill No. 1381—An Act to amend Section 2021 of the Code of Civil Procedure, relating to the taking by deposition of the testimony of witnesses in the State.

Assembly Bill No. 1441—An Act to repeal an Act entitled "An Act to provide for the accomplishment of the work of the direct improvement of the navigation of the Sacramento, San Joaquin and Feather rivers, of the State of California, as recommended in the special report of the California Débris Commission, dated June 30, 1907, and made jointly by Brigadier General A. Mackenzie, Chief of Engineers, C. H. McKinstry, Major, Corps of Engineers, and Thomas H. Jackson, Captain, Corps of Engineers, of the United States Army, and printed with the annual report of the Chief of Engineers of the United States Army, for the fiscal year ending June 30, 1907, and making an appropriation for such work," approved February 12, 1909

Committee Substitute for Assembly Bill No. 1136—An Act to amend Sections 22 and 57 of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, and to add two new sections thereto

Assembly Bill No. 1274—An Act for the protection and propagation of shrimps

Assembly Bill No. 829—An Act to amend Section 15 of an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889," relating to moneys received by the wardens thereof

Assembly Bill No. 1379—An Act to amend section six hundred and ninety of the Code of Civil Procedure, relating to property exempt from execution.

Assembly Bill No. 759—An Act to amend section seven hundred and fifty-one of the Political Code, relating to deputies of the Clerk of the Supreme Court.

Assembly Bill No. 762—An Act to provide for the reforestation, the cutting of fire lanes and fire trails on the San Bernardino Forest Reserve, and to make an appropriation therefor.

Assembly Bill No. 1330—An Act to amend an Act entitled "An Act to prevent deception in the manufacture and sale of butter and cheese, to secure its enforcement, and to appropriate money therefor," approved March 4, 1897, by amending section seventeen of said Act.

Assembly Bill No. 1313—An Act providing for topographic surveys and investigations of the water resources of the State, and making an appropriation therefor.

YOUNG, Chairman.

The above reported bills ordered on file for third reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1909.

MR SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled:

Assembly Bill No 441—An Act to add a new section to the Code of Civil Procedure, to be numbered section one hundred and three and one half, authorizing city justices in cities and towns of the third class to appoint a clerk

Assembly Bill No 75—An Act to add a new section to the Penal Code, to be numbered 271*b*, making it a misdemeanor for any person who shall fail to endeavor in good faith to earn or otherwise provide, when able to do so, money with which to pay, or who fails to pay, whenever and so far as able, any allowance made by the court, and directed to be paid by him to the wife for her support, or for the maintenance of any minor child or children of the marriage in any action of divorce, during the pendency of the action, at the final hearing, or at any time thereafter, and providing a penalty for such failure

Assembly Bill No. 168—An Act to repeal section two thousand and forty-two and two thousand and forty-three of the Political Code of California, relating to the National Guard.

Assembly Bill No. 200—An Act to amend Section 591 of the Penal Code of the State of California

Assembly Bill No. 284—An Act to add a new section to the Political Code, to be numbered 1671*b*, relating to enlarging, reconstructing or replacing county secondary schools or increasing the capacity and accommodations thereof, and levying of a special tax for such purposes

Assembly Bill No 446—An Act to amend Section 8 of an Act entitled "An Act to create a State Bureau of Criminal Identification, providing for the appointment of a director of said bureau, defining his duties, qualifications and powers, providing for the appointment of a clerk of said bureau, and fixing his qualifications, fixing the compensation of said director and clerk, providing for the manner of paying the same, and providing for the expense of conducting the office," approved March 20, 1905.

Assembly Bill No. 569—An Act to amend Section 3335 of the Political Code of the State of California, concerning the formation of fire companies.

Assembly Bill No. 576—An Act to amend Section 1312 of the Code of Civil Procedure, relating to contesting the probate of wills.

Assembly Bill No. 722—An Act to amend an Act entitled "An Act to regulate the practice of optometry and for the appointment of a board of examiners in the matter of said regulation," approved March 20, 1903, by amending sections one, two, five, eight, eleven, twelve, thirteen, fifteen, and sixteen thereof

Assembly Bill No. 723—An Act to amend Section 3546 of the Political Code of the State of California, relating to what must be contained in the statement by the Register of State Lands to the district attorney.

Assembly Bill No 935—An Act to amend Section 4268 of the Political Code of California, relating to salaries and compensation of officers and jurors in counties of the thirty-ninth class.

Assembly Bill No. 1030—An Act to amend Section 528 of the Political Code, relating to the printing of the Journals and Appendices of the Senate and Assembly.

And were presented to the Governor March eighth, at two o'clock P. M.

YOUNG, Chairman

POINT OF ORDER.

Mr. Juilliard rose to the following point of order:

That in referring Committee Substitute for Senate Joint Resolutions Nos. 6, 7, 11, and 17 to a select committee the Speaker acted contrary to the standing rules of the Assembly, and that the resolution should be re-referred.

POINT OF ORDER NOT WELL TAKEN.

The Speaker ruled the point of order not well taken.

Mr. Juilliard appealed from the decision of the chair.

POINT OF ORDER.

Mr. Leeds rose to the following point of order:

That the proper time to ask for a re-reference of a bill was during the time for motions and resolutions.

POINT WELL TAKEN.

The Speaker ruled the point of order well taken.

ADJOURNMENT.

At five o'clock and fifteen minutes P. M., on motion of Mr. Transue, the Assembly was declared adjourned until ten o'clock of Tuesday, March 9, 1909.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL.,
Tuesday, March 9, 1909.

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon P. A. Stanton, Speaker of the Assembly, in the chair.

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

Messrs Barndollar, Baxter, Beardslee, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Caswell, Collier, Costar, Cronin, Cullen, Drew, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Pulcifer, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—64

Quorum present.

LEAVES OF ABSENCE.

On motion, leave of absence for the day was granted to Messrs. Fleisher, Webber, Wyatt, and Flavelle.

PRAYER.

Prayer was offered by the Chaplain, Rev. Seren N. Marsh.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. O'Neill, its further reading was dispensed with.

PETITIONS.

The following petitions were presented:

By Mr Johnson of Sacramento:

SACRAMENTO, CAL., March 8, 1909.

To the Hon Speaker of the Assembly of California.

DEAR SIR: As an official representative of a legal political party, representing 29,000 citizens and voters of this State, I hereby petition your honorable body, the Assembly, for the use of the Assembly Chamber Tuesday evening, March 9th, from eight o'clock

to ten o'clock P. M., my object being to deliver an address, reviewing the objections of those I represent to the passage of the Direct Primary Law, now pending.

I have been informed by the Chairman of the Committee on Election Laws that the bill aforesaid has been reported out by the committee, and that the committee is not likely to have another meeting; therefore, I urge a consideration of my petition, in order that the Assembly and the public may have a fair statement of the objections against said primary law by such a large part of the citizenry of this State.

Yours truly,

J. B. BELAWMER,
State Organizer of Socialist Party of California.

Petition read, and, on motion of Mr. Johnson of Sacramento, the request was granted.

By Mr. Speaker:

WHEREAS, The viticultural interests of this State rank as the fourth largest industry therein created; and

WHEREAS, Table grapes, raisins and wine can be produced as cheaply, in as large quantity, and of the best quality on lands unsuitable for any other purpose; and

WHEREAS, Large tracts of such lands, heretofore assessed at a nominal figure of $1.25 per acre, are now planted to vines which have increased the assessed valuation from this insignificant sum to $100.00 and more per acre, thus bringing a largely increased revenue to the State; and

WHEREAS, There are now over 250,000 acres in vines in this State, most of said acres being practically useless for other purposes; and

WHEREAS, Efforts are now being made to create a sentiment, which, if allowed to go unchecked, would result in the depreciation of the value of the properties already improved, and practically wipe out the result of years of labor and the investment of nearly $125,000,000, and work a great injury to the people of the State of California; now, therefore, be it

Resolved, By this, the State Board of Agriculture, that we strongly recommend the encouragement of the viticultural industry in this State, and that we look with positive disfavor upon the enactment of any legislation, either by the Federal Government or State Legislature, or by any counties of this State, that would discourage this most important industry, which is destined, if encouraged and fostered, to be the greatest industry of the State; and further be it

Resolved, That the secretary of this board be instructed to transmit copies of these resolutions to the honorable, the President of the Senate of the Legislature of this State, and the honorable, the Speaker of the Assembly of the Legislature of this State, with the request that earnest consideration be given thereto by the members of the Legislature of this State.

CALIFORNIA STATE BOARD OF AGRICULTURE.
H. A. JASTRO, President.

Attest:

J. A. FILCHER, Secretary.

Petition read, and ordered printed in the Journal.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON FRUIT AND VINE INTERESTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1909.

MR. SPEAKER: Your Committee on Fruit and Vine Interests, to whom was referred Senate Bill No. 347—An Act to provide for experiment and research work in viticulture—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and be re-referred to Committee on Ways and Means.

WHITNEY, Chairman

ON PUBLIC LANDS AND FORESTRY.

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1909.

MR. SPEAKER: Your Committee on Public Lands and Forestry, to whom was referred Senate Bill No 842—An Act to amend Article I, of Chapter I, of Title VIII, of Part III of the Political Code, relating to State school land.

Also: Senate Bill No. 967—An Act to amend Section 3518 of the Political Code, relating to duplicates for lost certificates of purchase of State lands.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

FLINT, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1909

MR SPEAKER: Your Committee on Public Lands and Forestry, to whom was referred Assembly Bill No 1028—An Act authorizing and directing the Surveyor General to select lands under the laws of the United States, in lieu of any sixteenth and thirty-sixth sections included within any reservation of public lands, providing for necessary additional employees of the Surveyor General's office, and the fees and procedure for effecting the exchanges—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass, and that further consideration be indefinitely postponed

FLINT, Chairman.

ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1909.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Senate Bill No. 944—An Act to amend Section 4246 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the seventeenth class—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

HANS, Chairman.

ALAMEDA DELEGATION.

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1909.

MR SPEAKER: The Alameda Delegation, to whom was referred Committee Substitute for Assembly Bill No 1365—An Act to amend section four thousand two hundred and thirty-two of the Political Code of the State of California, relating to salaries and fees of officers in counties of the third class—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

HANS, Chairman.

ON UNIVERSITIES.

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1909.

MR SPEAKER: Your Committee on Universities, to whom was referred Senate Bill No. 538—An Act to provide for the permanent support and improvement of the University of California, by the levy of a rate of taxation and the creation of a fund therefor—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it do pass as amended.

SCHMITT, Chairman.

ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1909.

MR. SPEAKER. Your Committee on Education, to whom was referred Senate Bill No. 1079—An Act to amend Section 1882 of the Political Code, relating to the contents of notices of elections for issuance of school bonds.

Also: Senate Bill No. 1078—An Act to amend Section 1881 of the Political Code, relative to giving notice of election for issuance of school bonds.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass

SACKETT, Chairman

ON CLAIMS.

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1909.

MR. SPEAKER: Your Committee on Claims, to whom was referred Assembly Bill No 814—An Act making an appropriation to pay the claim of Lauretta Campbell against the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and be re-referred to Committee on Ways and Means

CULLEN, Chairman.

ON CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1909.

MR. SPEAKER: Your Committee on Corporations, to whom was referred Senate Bill No 185—An Act requiring persons, corporations, receivers, or trustees operating lines of railway to furnish cars for shipment of freight upon written application from shippers of freight, and providing a penalty and damages to be paid by such persons, corporations, receivers, or trustees to shippers for failure to do so, and providing a penalty and damages to be paid to persons, corporations, receivers, or trustees operating such railway lines by the applicant or shipper for failure to load or unload cars so furnished—have had the same under consideration, and respectfully report the same back, with two amendments, and recommend that it do pass as amended.

BEATTY, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1909.

MR SPEAKER Your Committee on Corporations, to whom was referred Senate Bill No. 919—An Act to add to the Penal Code of the State of California a new section, to be

numbered 587*a*, prohibiting unauthorized persons from manufacturing, tampering, or interfering with railroad appliances, and prescribing punishment for violation of such prohibition—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

BEATTY, Chairman

ON FISH AND GAME

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1909

MR. SPEAKER: Your Committee on Fish and Game, to whom was referred Senate Bill No. 837—An Act to add a new section to the Penal Code of California, to be numbered 632*b*, relating to fishing with salmon roe or steelhead roe as bait—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

COSTAR, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1909

MR SPEAKER: Your Committee on Fish and Game, to whom was referred Senate Bill No 741—An Act to regulate and license the hunting of wild birds and animals, and the fishing for and catching with hook and line of protected fish, and to provide revenue therefrom for game and fish preservation and restoration—have had the same under consideration, and respectfully report the same back, with two amendments and recommend that it do pass as amended.

COSTAR, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1909.

MR SPEAKER: Your Committee on Fish and Game, to whom was referred Assembly Bill No. 571—An Act to amend section six hundred and thirty-two of the Penal Code, relating to the closed season for certain fish—have had the same under consideration, and respectfully report the same back, with one amendment, and recommend that it do pass as amended.

COSTAR, Chairman

The above reported bills, with the exception of Assembly Bill No. 571, ordered on file for second reading.

Senate Bill No. 347 and Assembly Bill No. 814 referred to Committee on Ways and Means.

CONSIDERATION OF BILL—(OUT OF ORDER).

On motion of Mr. Preston, Assembly Bill No. 571 was taken up for consideration.

Assembly Bill No. 571—An Act to amend Section 632 of the Penal Code, relating to the closed season for certain fish.

During second reading of bill, the following amendment was submitted by the committee:

On page 1, of the printed bill, strike out all after the words "An Act", and insert in lieu thereof the following:

"To prevent the taking of fish by means of weirs, dams, nets, traps, or seines, in certain tide water on the coast of Mendocino County."

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

SECTION 1. Any person who in the tidewater of the Noyo, Big Ten-Mile, Garcia, Navarro, or Gualala rivers in Mendocino County, shall use any weir, dam, net, trap, or seine, of any description for the purpose of catching fish, or who shall in any of said tide water, take any fish of any kind from any weir, dam, net, trap, or seine, is guilty of a misdemeanor, and is punishable by a fine of not less than ten nor more than fifty dollars, or by imprisonment in the county jail of said county, not less than five days nor more than twenty-five days, or by both such fine and imprisonment

SEC. 2. In the construction and meaning of this Act the limits of tide water in the Noyo River shall be deemed to extend from its mouth to the mouth of the South Fork thereof; in the Big River from the mouth thereof to the Laguna; in the Ten-Mile River from the mouth thereof to the Soda Spring, in the Garcia River from the mouth thereof to the mouth of the North Fork thereof, in the Navarro River from the mouth thereof to Barton Gulch; in the Gualala River from the mouth thereof to the mouth of the North Fork thereof

SEC. 3. This Act shall take effect immediately."

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1909.

MR SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 1065—An Act appropriating money to pay the claim of H. C Muddox, Chris Totten and R. W. Simonds against the State of California.

Also: Senate Bill No 1238—An Act to prohibit the wanton, wasteful and unnecessary cutting and destruction of small trees and chapparal growing upon private uncultivated land in this State situated upon the mountains and catchment basins from which cities, towns, and communities receive their water supply, and to regulate the business of lumbering and cutting such trees and chaparral upon said lands, and to provide for the appointment of inspectors for said lands and making an appropriation to provide for the expenses in connection therewith.

Also: Senate Bill No 95—An Act appropriating the sum of twelve thousand one hundred and fifty-five dollars ($12,155.00) to provide certain improvements to the plant and grounds of the Industrial Home of Mechanical Trades for the Adult Blind

Also: Senate Bill No 584—An Act to amend sections four hundred and eighty-four, four hundred and eighty-five, four hundred and eighty-six, and five hundred of the Political Code, relating to the salary of the Surveyor General and the salaries of appointees in the office of Surveyor General and Register of the State Land Office, and to repeal all laws in conflict therewith.

Also: Senate Bill No 689—An Act to amend Sections 439 and 440 of the Political Code, relating to the employees in the Controller's office and the salaries paid to such employees

Also: Senate Bill No. 691—An Act authorizing the State Treasurer to purchase a bond filing case and making an appropriation therefor

Also: Senate Bill No 808—An Act to amend section four hundred fifty-six of the Political Code, relating to the office of the Treasurer of State, his deputy and assistants and the salaries of the deputy and assistants

Also. Senate Bill No 990—An Act fixing a bounty on coyote scalps

Also: Senate Bill No. 977—An Act to amend Section 2302 of the Political Code, relating to the salary of the State Librarian

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

BEARDSLEE, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1909

MR SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 12—An Act to authorize the establishment of the California State Trades and Training School for dependent orphans, half orphans, abandoned children, and children committed by court and placed under guardianship of the Board of Trustees, the appointment of a Board of Trustees, the purchase of a site, the preparation of plans and specifications for grounds and buildings, and to make the necessary appropriation therefor.

Also: Senate Bill No. 1217—An Act to amend Section 739 of the Political Code of the State of California.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended

BEARDSLEE, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1909

MR. SPEAKER. Your Committee on Ways and Means, to whom was referred Assembly Bill No. 142—An Act to authorize the establishment of the California State Trades and Training School for dependent orphans, half-orphans, abandoned children, and children committed by court and placed under guardianship by the board of trustees, the purchase of a site, the preparation of plans and specifications for grounds and buildings, and to make the necessary appropriation therefor

Also. Assembly Bill No 143—An Act authorizing and directing the board of managers of the Agnews State Hospital to continue the reconstruction work at said hospital, and making an appropriation therefor

Also: Assembly Bill No. 206—An Act appropriating the sum of twelve thousand one hundred and fifty-five dollars to provide certain improvements to the plant and grounds of the Industrial Home of Mechanical Trades for the Adult Blind, at Oakland, California.

Have had the same under consideration, and respectfully report the same back, and recommend that they be withdrawn.

BEARDSLEE, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1909

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No 844—An Act providing for the purchase of a site for an armory and State arsenal for the national guard at the city and county of San Francisco, California, providing for

the appointment of a commission to select and purchase said site, and providing for the erection of an armory and arsenal on said site and for the maintenance of the same, and appropriating money therefor—have had the same under consideration, and respectfully report the same back, and recommend that the committee substitute be adopted.

BEARDSLEE, Chairman.

The above reported bills, except Assembly Bills Nos. 142, 143, and 206, and Committee Substitute for Assembly Bill No 844, ordered on file for second reading.

Assembly Bills Nos. 142, 143, and 206 withdrawn by unanimous consent.

CONSIDERATION OF BILL—(OUT OF ORDER).

On motion of Mr. Transue, Committee Substitute for Assembly Bill No 844 was taken up for consideration.

Assembly Bill No. 844—An Act to provide a site for an armory for the National Guard in the city and county of San Francisco, and making available and appropriating certain moneys for purchase of said site, and the erection, equipment, completion, and furnishing of said armory.

Committee substitute adopted.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Committee Substitute for Assembly Bill No. 844 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration committee substitute for Assembly Bill No. 844—and do now report the same back, and recommend that it do pass

STANTON, Chairman.

Bill read second time, and ordered to engrossment.

RE-REFERENCE OF BILLS.

On motion of Mr. Transue, Senate Bill No. 775 was recalled from the Committee on Agriculture and referred to Committee on Ways and Means.

MESSAGES FROM THE GOVERNOR.

The following messages from the Governor were taken up and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 8, 1909

To the Assembly of the State of California

I have the honor to inform your honorable body that I have approved

Assembly Bill No. 390—An Act to amend Sections 2136, 2137, 2138, 2140, 2141, 2142, 2145, 2153, 2154, 2161, 2163, 2167*a*, 2168, 2170, 2171, 2172, 2176, 2177, 2179, 2180, 2187, 2189, 2192, 2193,

and 2195 of the Political Code, relating to the powers and duties of the State Commission in Lunacy, to the government and management of State hospitals for the insane and other incompetent persons, and to the care, custody, apprehension, commitment, and maintenance of insane and other incompetent persons

Also: Assembly Bill No 316—An Act to repeal an Act entitled "An Act concerning common schools in the city of Placerville," approved April 1, 1864.

Also: Assembly Bill No. 314—An Act to repeal an Act entitled "An Act supplementary to and amendatory of an Act entitled 'An Act concerning common schools in the city of Placerville,' approved April first, eighteen hundred and sixty-four, to provide ways and means for building, furnishing, and repairing school houses in said city, and for other purposes," approved March 16, 1874.

Also: Assembly Bill No. 145—An Act to amend Section 1876 of the Political Code of the State of California, referring to contracts by school trustees.

Also: Assembly Bill No. 618—An Act to amend Sections 3921 and 3923 of the Political Code, relating to and defining the boundaries of Sierra and Nevada counties.

JAMES N. GILLETT, Governor.

Also·

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 8, 1909.

To the Assembly of the State of California.

I have the honor to return herewith Assembly Bill No. 657 entitled "An Act to provide for the transfer from the general fund of the State treasury to the San Francisco harbor improvement fund of the sum of twenty-two thousand nine hundred and thirty-seven dollars and forty-five cents, to reimburse said San Francisco harbor improvement fund for the costs of publishing the 'Second San Francisco Seawall Act' and the "India Basin Act," and directing the State Comptroller and State Treasurer to make such transfer," without my approval, for the following reasons·

The bill provides that the State Comptroller and State Treasurer are hereby directed to transfer, etc. We have no officer in this State known as the "State Comptroller."

A second objection to the bill is based upon the fact that the bill provides for reimbursing the San Francisco harbor improvement fund for the costs of publication of the second San Francisco Seawall Act and the India Basin Act prior to the submission of the Acts to the people of the State of California for their ratification at the general election on November 9, 1908. The election at which such Acts were submitted was held on November 3d. The bill in its present form would be ineffective.

J. N. GILLETT, Governor

The question being put, "Shall the bill become a law notwithstanding the veto of the Governor?"

The roll was called, and the question lost by the following vote:

AYES—None.

NOES—Messrs. Barndollar, Beardslee, Beatty, Butler, Callan, Cattell, Cogswell, Collier, Collum, Costar, Cronin, Dean, Drew, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Leeds, Lightner, Macauley, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Preston, Pulcifer, Rutherford, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—58

SENATE MESSAGES.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO. March 8, 1909.

MR SPEAKER. I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 132—An Act to amend sections two thousand nine hundred eighty-one and two thousand nine hundred eighty-two of the Political Code, relating to the State Board of Health.

Also:

Senate Bill No 769—An Act to amend section two hundred and eighty-seven of the Code of Civil Procedure, relating to removal or suspensions of attorneys and counselors at law.

Also· Senate Bill No 1146—An Act to prevent the propagation of disease through contamination of the atmosphere by gases or fumes arising from crematories for the disposition of garbage, ashes, offal, and other refuse matter, and to prescribe penalties

Also Senate Bill No. 1179—An Act to amend an Act entitled "An Act to prevent deception in the manufacture and sale of butter and cheese, to secure its enforcement, and to appropriate money therefor," approved March 4, 1897, by amending section seventeen of said Act.

Also Senate Bill No 485—An Act to provide for the issuance and sale of State bonds to create a fund for the construction by the Board of State Harbor Commissioners of wharves, piers, state railroad, spurs, betterments, and seawall appurtenances in the city and county of San Francisco; to create a sinking fund for the payment of said bonds, to define the duties of State officers in relation thereto; to make an appropria-

tion of one thousand dollars for the expense of printing said bonds, and to provide for the submission of this Act to a vote of the people

Also: Senate Bill No. 1055—An Act to provide for the refurnishing of the offices of the Board of Railroad Commissioners of the State of California, and to make an appropriation therefor.

Also: Senate Bill No 925—An Act to appropriate money for the payment of the claim of George W. Bush.

Also: Senate Bill No 1003—An Act appropriating forty-four dollars to pay the claim of W. S Kingsbury

Also: Senate Bill No. 283—An Act to provide equipment for the State pathological laboratory at Whittier, and making an appropriation therefor.

Also Senate Bill No. 284—An Act to provide for the continuation of investigations on the culture and utilization of eucalyptus trees by the University of California, and making an appropriation therefor.

Also: Senate Bill No 896—An Act making an appropriation for furnishing the manor house at the California Home for the Care and Training of Feeble-Minded Children, at Eldridge, California

Also: Senate Bill No 910—An Act to provide for the completion of the cottages at Mendocino State Hospital, now in progress of erection under the provisions of an Act entitled "An Act to provide for the erection of a cottage on the lands of the Mendocino State Hospital, and to appropriate money therefor," approved March 22, 1907, and for the equipment of the same with apparatus for the treatment of acute cases by hydrotherapy, electricity, and all other modern methods, and to make an appropriation therefor.

Also. Senate Bill No 1017—An Act to appropriate the sum of two thousand five hundred thirty-six and seventy-six one-hundredths dollars, to pay the claim of the Aetna Life Insurance Company of Hartford, Connecticut, against the State of California

Also: Senate Bill No. 1018—An Act to appropriate the sum of $1,762.79 to pay the claim of the Germania Life Insurance Company of New York against the State of California

Also: Senate Bill No 1019—An Act to appropriate the sum of $800.95 to pay the claim of the Bankers' Life Association, of Des Moines, Iowa, against the State of California.

Also. Senate Bill No 1020—An Act to appropriate the sum of one thousand five hundred thirty-one and ninety-one one-hundredths dollars to pay the claim of the Prudential Insurance Company of America against the State of California

Also: Senate Bill No 1021—An Act to appropriate the sum of two hundred twenty-two and eighty-five one-hundredths dollars to pay the claim of the Northwestern National Life Insurance Company against the State of California

Also: Senate Bill No. 1022—An Act to appropriate the sum of three thousand four hundred sixty-two and eleven one-hundredths dollars to pay the claim of the New England Mutual Life Insurance Company against the State of California

Also: Senate Bill No 1023—An Act to appropriate the sum of three hundred forty-nine and sixty one-hundredths dollars to pay the claim of Minnesota Mutual Life Insurance Company against the State of California.

Also: Senate Bill No 1026—An Act to appropriate the sum of sixty and sixty one-hundredths dollars to pay the claim of the Security Mutual Life Insurance Company against the State of California

Also: Senate Bill No 1130—An Act appropriating money to pay the claim of the United States Fidelity and Guaranty Company against the State of California.

Also: Senate Bill No 1024—An Act to appropriate the sum of $903 72 to pay the claim of the Massachusetts Mutual Life Insurance Company of Springfield against the State of California

Also: Senate Bill No 1025—An Act to appropriate the sum of $1100 30 to pay the claim of the Life Association of America against the State of California

Also: Assembly Bill No 809—An Act to provide for the wiring of hospital buildings and other buildings in and about the grounds of the Stockton State Hospital, together with the installation of a telephone system in said buildings, consisting of all necessary equipments and fixtures, and making an appropriation therefor.

LEWIS A. HILBORN, Secretary of Senate
By J. W KAVANAGH, Assistant Secretary

Senate Bill No. 132 read first time, and referred to Committee on Public Health and Quarantine.

Senate Bill No. 769 read first time, and referred to Committee on Judiciary

Senate Bill No. 1146 read first time, and referred to Committee on Public Health and Quarantine.

Senate Bill No. 1179 read first time, and referred to Committee on Public Health and Quarantine.

Senate Bill No. 485 read first time, and referred to Committee on Ways and Means.

Senate Bill No 1055 read first time, and referred to Committee on Ways and Means

Senate Bill No. 925 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 1003 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 283 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 284 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 896 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 910 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 1017 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 1018 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 1019 read first time, and referred to Committee on Ways and Means.

Senate Bill No 1020 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 1021 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 1022 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 1023 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 1024 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 1025 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 1026 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 1130 read first time, and referred to Committee on Ways and Means.

Assembly Bill No. 809 ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 8, 1909.

MR SPEAKER: I am directed to inform your honorable body that the Senate amended, and on this day passed, Assembly Bill No. 577—An Act to amend Section 135 of the Civil Code, relating to interlocutory divorce judgments—and respectfully request your honorable body to concur in said amendments.

LEWIS A. HILBORN, Secretary of Senate
By J. W. KAVANAGH, Assistant Secretary

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 577?"

On page 1, line 3, strike out the word "Section".
Also: On page 1, strike out all of "Section 2".

The roll was called, and Senate amendments to Assembly Bill No. 577 were concurred in by the following vote:

AYES—Messrs Barndollar, Beardslee, Beatty, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Collum, Costar, Cronin, Dean, Drew, Flint, Gibbons, Gillis, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacra-

mento, Johnson of Placer, Juilliard, Leeds, Lightner, Melrose, Mendenhall, Moore, Otis, O'Neill, Perine, Polsley, Preston, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Young, and Mr Speaker—52
NOES—None

Bill ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 8, 1909

MR SPEAKER I am directed to inform your honorable body that the Senate on this day refused to concur in Assembly amendments to Senate Bill No. 559—An Act to validate proceedings for the reorganization of municipal corporations taken since the passage of the Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and also since the passage of the Act entitled "An Act to provide for the classification of municipal corporations," approved March 3, 1883—and respectfully request that your honorable body recede from said amendments.

LEWIS A. HILBORN, Secretary of Senate.
By J W. KAVANAGH, Assistant Secretary

The question being put: "Shall the Assembly recede from the following Assembly amendment to Senate Bill No 559?"

Strike out of line 11, page two, all after and including the word "provided", in said line 11, to the end of Section "1", and insert (.) period.

The roll was called, and Assembly amendment to Senate Bill No. 559 was receded from by the following vote:

AYES—Messrs. Barndollar, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Dean, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of San Diego, Johnson of Placer, Juilliard, Leeds, Lightner, Maher, McClellan, Mendenhall, Moore, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pulcifer, Rech, Rutherford, Sackett, Stuckenbruck, Telfer, Transue, Wilson, Young, and Mr. Speaker—51.
NOES—Messrs. Johnson of Sacramento and Whitney—2.

Bill ordered transmitted to the Senate.

Also:

SENATE CHAMBER, SACRAMENTO, March 8, 1909

MR SPEAKER. I am directed to inform your honorable body that the Senate on this day refused passage to Assembly Bill No. 171—An Act to repeal an Act entitled "An Act to furnish arms for the use of military academies in the State"

LEWIS A. HILBORN, Secretary of Senate.
By J W KAVANAGH, Assistant Secretary.

REQUEST FOR PERMISSION TO INTRODUCE BILL.

The following petition to introduce a bill was presented:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1909

MR. SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows, viz: "An Act to amend Section 1764 of the Code of Civil Procedure of the State of California, relating to appointment of guardians of insane and incompetent persons"

JOHNSON,
Member Seventeenth District.

Petition referred to Committee on Introduction of Bills.

RECONSIDERATION.

In compliance with his notice given on a previous day, Mr. Johnson of Sacramento moved that the vote whereby Assembly Bill No. 638 was refused passage be reconsidered.

The roll was called, and the same was reconsidered by the following vote:

AYES—Messrs. Barndollar, Beban, Bohnett, Callan, Cattell, Cogswell, Collier, Costar, Drew, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Juilliard, Kehoe, Lightner, Macauley, Mendenhall,

Moore, Mott, Nelson, Otis, O'Neill, Perine, Polsley, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Wilson, Wyllie, and Young—47.

NOES—Messrs Beatty, Butler, Collum, Cronin, Flint, Hanlon, Irwin, Johnson of San Diego, Johnson of Placer. Leeds, Maher, Odom, Preston, and Mr. Speaker—14.

RE-REFERENCE OF BILL.

On motion of Mr. Johnson of Sacramento, Assembly Bill No. 638 was re-referred to Committee on Judiciary.

CONSIDERATION OF BILL—(OUT OF ORDER).

Assembly Bill No 317—An Act to promote the safety of employees and travelers upon railroads by compelling common carriers by railroad to properly man their trains.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 1, Section 1, line 2, after the word "California," insert the following: "operating more than four trains each way per day of twenty-four hours on any main track or line of railroad within this State."

Amendment adopted.

AMENDMENT No. 2.

On page 1, Section 1, line 3, after the word "train", insert the following: "propelled or drawn by steam locomotive".

Amendment adopted.

AMENDMENT No. 3.

On page 1, Section 1. line 8, after the word "four", insert the following: "passenger coaches or".

Amendment adopted.

AMENDMENT No 4.

On same page, same section, same line, after the word "four", where it appears the second time, insert the following: "passenger coaches or".

Amendment adopted.

AMENDMENT No. 5.

On page 1, Section 1, line 9, after the word "two", insert the word "brakemen" instead of "brakeman".

Amendment adopted.

AMENDMENT No. 6.

On page 1, Section 2, line 2, after the word "train", insert the following: "propelled or drawn by steam locomotive".

Amendment adopted.

AMENDMENT No. 7

On page 2, Sec. 3, line 2, after the word "any", insert the following: "mixed trains or other".

Amendment adopted.

AMENDMENT No. 8.

On page 2, Sec. 3, line 2, after the word "trains" where it appears the second time, insert the following: "propelled or drawn by steam locomotive".

Amendment adopted.

AMENDMENT No. 9.

On page 2, Sec. 4, line 2, after the word "a", insert the following: "steam".

Amendment adopted.

AMENDMENT No. 10

On page 2, Sec 4, line 3, after the word "a", insert the following: "steam"

Amendment adopted.

AMENDMENT No 11.

On page 2, Section 4, line 4, after the word "a", insert the following: "steam"

Amendment adopted.

AMENDMENT No. 12.

On page 2, Section 4, line 11, after the word "of" insert the word "steam"

Amendment adopted

AMENDMENT No 13

On page 2, Section 4, line 12, after the word "of", insert the following: "steam".

Amendment adopted.

AMENDMENT No 14

On page 2, Section 4, line 14, after the word "on", insert the word "steam"

Amendment adopted.

AMENDMENT No. 15.

On page 3, insert the following section:

"Sec 7 Nothing in this Act contained shall apply to the operation of any train by common carriers during times of strikes or walkouts, participated in by any of the hereinbefore mentioned employees of such common carrier"

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment

SPECIAL ORDER.

The hour of eleven o'clock A. M. having arrived, the special order heretofore set for this hour was taken up for consideration.

Assembly Constitutional Amendment No. 19—Proposed amendments to Article II of the Constitution, relative to the framing of county government Acts

The question being on the adoption of the Assembly constitutional amendment.

The roll was called, and Assembly Constitutional Amendment No. 19 refused adoption by the following vote:

AYES—Messrs. Bohnett, Callan, Cattell, Cogswell, Costar, Drew, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Maher, McClellan, Mendenhall, Moore, Odom, Otis, Polsley, Sackett, Silver, Struckenbruck, Telfer, Wagner, Whitney, Wilson, Wyllie, and Young—36.

NOES—Messrs Barndollar, Beardslee, Beban, Black, Butler, Collier, Collum, Cronin, Cullen, Dean, Hammon, Hanlon, Hans, Irwin, Johnston of Contra Costa, Leeds, Lightner, Macauley, McManus, Mott, Nelson, O'Neill, Perine, Pugh, Pulcifer, Rech, Rutherford, Schmitt, Transue, and Mr Speaker—30

RECONSIDERATION.

In compliance with his notice given on a previous day, Mr. Pulcifer moved that the vote whereby Committee Substitute for Assembly Bills Nos 64, 65, and 66 was refused passage be reconsidered.

The roll was called, and the same was reconsidered by the following vote:

AYES—Messrs Barndollar, Beardslee, Beatty, Bohnett, Callan, Cattell, Cogswell, Costar, Cronin, Gibbons, Gillis, Griffiths, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Juilliard, Kehoe, Leeds, Melrose, Mendenhall, Nelson, Odom, Otis,

Polsley, Preston, Rech, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Wilson, Wyllie, and Young—41

NOES—Messrs. Beban, Black, Butler, Collier, Collum, Cullen, Drew, Flint, Gerdes, Greer, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Lightner, Macauley, Maher, McManus, Moore, Mott, O'Neill, Perine, Pugh, Rutherford, and Mr. Speaker—25.

The question being on the passage of the bill.

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Otis moved a call of the House.

Motion carried.

Time, eleven o'clock and fifty-five minutes A. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll.

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

Messrs. Barndollar, Baxter, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Collum, Costar, Cullen, Drew, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Lightner, Macanley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr Speaker—67

The Chief Clerk announced the absentees.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At twelve o'clock M., further proceedings under the call of the House were dispensed with, on motion of Mr Otis.

The roll of absentees was called, and Committee Substitute for Assembly Bills No. 64, 65, and 66 passed by the following vote:

AYES—Messrs Barndollar, Beatty, Bohnett, Callan, Cattell, Cogswell, Costar, Cronin, Gillis, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of San Diego, Juilliard, Kehoe, Leeds, Melrose, Mendenhall, Nelson, Odom, Otis, Polsley, Preston, Pulcifer, Rech, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Wilson, Wyllie, and Young—42

NOES—Messrs Behan, Black, Butler, Collier, Collum, Cullen, Drew, Flint, Gerdes, Gibbons, Greer, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Lightner, Macauley, Maher, McClellan, McManus, Moore, Mott, O'Neill, Perine, Pugh, Rutherford, Wheelan, and Mr Speaker—28

Title read and approved.

Bill ordered transmitted to the Senate

SPECIAL FILE—THIRD READING.

Assembly Bill No. 216—An Act to provide for the construction and furnishing of a second story upon that structure at the Southern California State Hospital at Patton, called and known as "the congregate dining-room," and to make appropriation for the same.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No 216 passed by the following vote

AYES—Messrs. Barndollar, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Collum, Costar, Cullen, Drew, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, John-

son of Placer, Johnston of Contra Costa, Kehoe, Leeds, Macauley, Maher, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wyllie, Young, and Mr. Speaker—57.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 83—An Act to establish and maintain a State hygienic laboratory for bacteriological and chemical analysis, for the use of the State Board of Health; providing for the appointment of a director thereof, and assistants; making an appropriation therefor and prescribing the duties of the State Controller and the State Treasurer in relation thereto, and repealing an Act entitled "An Act to establish and maintain a state hygienic laboratory for bacteriological and chemical analysis for the use of the State Board of Health, providing for the appointment of a director thereof, and assistants; making an appropriation therefor, and prescribing the duties of the State Controller and State Treasurer in relation thereto," approved March 18, 1905.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 83 passed by the following vote:

AYES—Messrs. Barndollar, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Collum, Costar, Cronin, Drew, Flint, Gerdes, Gibbons, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, Perine, Polsley, Pugh, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—59.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

CONSIDERATION OF BILL—(OUT OF ORDER).

Committee Substitute for Assembly Bill No. 940—An Act to prevent injury to oil, gas, or petroleum bearing strata or formations by the penetration or infiltration of water therein.

Bill read second time, and ordered to engrossment.

SPECIAL ORDER SET.

On motion of Mr. Odom, the consideration of Committee Substitute for Assembly Bill No. 940 was made a special order for Wednesday, March 10, 1909, at three o'clock and thirty minutes P. M.

SPECIAL FILE—THIRD-READING—(RESUMED).

Assembly Bill No. 212—An Act to provide for the enlargement and re-roofing at Patton, and providing for additional machinery and remodeling, and making appropriations for the same.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 212 passed by the following vote:

AYES—Messrs. Barndollar, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Drew, Flint, Gerdes, Gibbons,

Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Kehoe, Leeds, Macauley, Maher, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, and Mr. Speaker—62.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 214—An Act to provide for the construction and furnishing of a one-story bungalow for the use of the first assistant physician at the Southern California State Hospital at Patton, and to make appropriation for the same.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 214 passed by the following vote:

AYES—Messrs Barndollar, Beatty, Black, Bohnett, Butler, Cattell, Cogswell, Collum, Costar, Cronin, Cullen, Drew, Flint, Gerdes, Gibbons, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Kehoe, Leeds, Lichtner, Macauley, Maher, McClellan, Melrose, Mendenhall, Moore, Nelson, Odom, O'Neill, Perine, Preston, Pugh, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, and Mr. Speaker—59.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 215—An Act to provide for the construction of storm drains, and the completion of storm drains on the grounds of the Southern California State Hospital at Patton, and to make appropriation for the same.

Bill read third time

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 215 passed by the following vote:

AYES—Messrs Barndollar, Beatty, Beban, Black, Bohnett, Callan, Cattell, Collier, Collum, Costar, Cronin, Drew, Gerdes, Gibbons, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Kehoe, Leeds, Macauley, Maher, McManus, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue Wagner, Wilson, and Mr. Speaker—54.

NOES—None.

Title read and approved

Bill ordered transmitted to the Senate.

WITHDRAWAL OF BILL.

Mr. Sackett asked for, and was granted, unanimous consent to withdraw Assembly Bill No. 632.

Assembly Bill No. 632 withdrawn, and ordered stricken from the file.

THIRD-READING FILE.

Assembly Bill No. 785—An Act amending an Act to provide for the transfer to the State of California by owners of patented lands therein of the right to preserve and protect wild game on such patented lands; to define the duties of the State Board of Fish Commissioners in rela-

tion to the control of such rights, and to declare the hunting of wild game within the exterior boundaries of the land to which such right attaches a misdemeanor, approved March 21, 1907.

During third reading of bill, Mr. Stuckenbruck moved that the Speaker appoint a select committee of one to amend the bill, as follows:

After the word "acres", in line 9*b*, insert the following: "when said land is enclosed by a fence approved by the board of supervisors of the county in which such land is situated,".

Motion lost.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 785 passed by the following vote:

AYES—Messrs. Barndollar, Beban, Black, Bohnett, Callan, Cattell, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Dean, Drew, Flint, Gerdes, Gibbons, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Kehoe, Leeds, Maher, Melrose, Mott, Nelson, Otis, Perine, Preston, Pugh, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Transue, Wagner, Whitney, Young, and Mr. Speaker—52.

NOES—Messrs. Greer, Mendenhall, Polsley, and Telfer—4.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 735—An Act to amend Section 1575*a* of the Political Code of the State of California, relating to clerks of school districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 735 passed by the following vote:

AYES—Messrs. Barndollar, Beban, Black, Bohnett, Callan, Cattell, Cogswell, Collier, Cronin, Cullen, Drew, Flint, Gerdes, Greer, Griffiths, Hammon, Hanlon, Hans, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—52.

NOES—Mr. Kehoe—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1142—An Act to amend Section 4246 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the seventeenth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1142 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beban, Black, Bohnett, Callan, Cattell, Cogswell, Collier, Collum, Cronin, Cullen, Drew, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Maher, Melrose, Mendenhall, Moore, Odom, Otis, Perine, Preston, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—56.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate

SPECIAL ORDER SET.

On motion of Mr. Leeds, the consideration of Senate Bill No. 3 was made a special order for Tuesday, March 9, 1909, at two o'clock and thirty minutes P. M.

RECESS.

At twelve o'clock and thirty minutes P. M., the Assembly was declared at recess until two o'clock P. M. of this day.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened Speaker P. A. Stanton in the chair.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON STATE PRISONS AND REFORMATORY INSTITUTIONS.

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1909.

MR SPEAKER: Your Committee on State Prisons and Reformatory Institutions, to whom was referred Assembly Bill No. 1139—An Act to provide for the parole of prisoners confined in county jails and city prisons, and authorizing and empowering boards of supervisors and the governing bodies of municipalities to make rules and regulations in relation thereto—have had the same under consideration, and respectfully report the same back, with committee substitute, and recommend that committee substitute do pass.

HAMMON, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1909.

MR. SPEAKER: Your Committee on State Prisons and Reformatory Institutions, to whom was referred Senate Bill No. 721—An Act to amend Section 1584 of the Penal Code of the State of California, relating to moneys received or collected by the wardens of San Quentin prison and of Folsom prison, and the disposition thereof.

Also, Senate Bill No. 473—An Act to amend an Act entitled "An Act relating to commitments to the State School at Whittier and to the Preston School of Industry; fixing the authority to examine and commit to such schools with the superior court judges of the county, and fixing the responsibility from which commitments are made to the State for maintenance of the persons committed therefrom; providing for the manner of payment thereof and fixing the responsibility of the parents to the counties from which their children are committed," approved March 26, 1895.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

HAMMON, Chairman.

ON IRRIGATION.

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1909

MR. SPEAKER: Your Committee on Irrigation, to whom was referred Assembly Bill No. 1338—An Act entitled "An Act to add a new section to the Civil Code, to be known and numbered as Section 1423, relating to appropriations of water by irrigation districts and other municipal corporations"—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

WAGNER, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1909.

MR. SPEAKER: Your Committee on Irrigation, to whom was referred Senate Bill No. 229—An Act to establish and support a Bureau of Immigration—have had the same under consideration, and respectfully report the same back, and recommend that it be re-referred to the Committee on Immigration.

WAGNER, Chairman.

The above reported bills, with the exception of Senate Bill No. 229, ordered on file for second reading.

Committee Substitute for Assembly Bill No. 1339 adopted.

Senate Bill No. 229 referred to Committee on Immigration.

ON ENGROSSMENT AND ENROLLMENT

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1909

MR SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed.

Assembly Bill No. 609—An Act to amend Section 636 of the Penal Code of the State of California, relating to the protection and preservation of fish.

Assembly Bill No. 213—An Act providing for the construction and furnishing of a cottage for female patients at the Southern California State Hospital at Patton, and making an appropriation for the same

Assembly Bill No. 963—An Act making an appropriation for the erection of a combined power and lighting plant, with a mechanical and electrical laboratory, at the California Polytechnic School.

Assembly Bill No. 960—An Act providing for certain necessary repairs to the buildings and equipment of the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Assembly Bill No. 82—An Act authorizing and directing the State Board of Health to construct, furnish and equip, on lands of the University of California, at Berkeley, a building to be occupied and used by the State Laboratory for the analysis and examination of foods and drugs, appropriating the sum of $10,000.00 therefor, and authorizing and directing the State Controller to draw his warrant for the said sum and the State Treasurer to pay the same

Assembly Bill No. 957—An Act to provide for certain necessary improvement to the grounds and appurtenances of the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Assembly Bill No. 92—An Act to provide for the construction of an additional building at the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Assembly Bill No. 90—An Act making an appropriation for the construction of an addition to the hospital at the Veterans' Home of California, located at Yountville, Napa County, including a ward for the care and treatment of tuberculous patients

Assembly Bill No. 290—An Act to amend section twelve hundred and sixty-five of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to homesteads and exemptions.

Assembly Bill No. 1369—An Act authorizing property owners or their grantees or assignees to sue the State of California for damages done to real property situated at Wood Island, county of Sacramento, by reason of the construction and maintenance of jetties in the Sacramento River known as Newtown Jetties, making an appropriation therefor and repealing an Act entitled "An Act to authorize the Lauritzen Company of San Francisco, a corporation, to sue the State of California," approved March 23, 1907.

Assembly Bill No. 289—An Act to amend section seven hundred and eighty-nine of an Act entitled "An Act to establish a Civil Code," approved March 21 1872, relating to termination of estates.

Assembly Bill No. 128—An Act authorizing and directing the board of managers of the California Home for the Care and Training of Feeble-Minded Children to enlarge and repair the hospital building at the California Home for the Care and Training of Feeble-Minded Children, and making an appropriation therefor.

Assembly Bill No 596—An Act making an appropriation for the erection and construction of a building at the California Home for the Care and Training of Feeble-Minded Children, as an addition to the present kitchen, to be used for the accommodation of a cold-storage and ice plant; for the purchase and installation in said building of a cold-storage and ice plant; for repairs to the present kitchen at said home, and for the purchase and installation in said kitchen of necessary kitchen ranges and cooking utensils

Assembly Bill No 273—An Act to amend section six hundred and ninety-two of the Code of Civil Procedure, relating to the notice of sale of property on execution.

Assembly Bill No 635—An Act authorizing and directing the board of managers of the Agnews State Hospital to continue the work of replacing and reconstructing and reequipping for the accommodation and treating of patients' buildings destroyed April 18, 1906, to appropriate the sum of two hundred fifteen thousand dollars therefor, to direct the manner of expenditure thereof, to remove restriction upon the per capita cost, and authorizing and directing the State Controller to draw his warrant for the said sum, and the State Treasurer to pay the same

Assembly Bill No 1280—An Act to amend Sections 4, 6, 8, 9, 10, 11, 12, 14, 16, and 33 of an Act entitled "An Act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places, within municipalities for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expenses of such improvement," approved March 24, 1903, and to provide for the continuance of proceedings and actions for improvements under said Act commenced prior to and pending at the time of the taking effect of this Act

Assembly Bill No. 1316—An Act to amend Sections 2 and 3 of an Act entitled "An Act relating to estrays, providing for taking them up and giving a lien on

them for all damages, costs and expenses incurred by reason of taking them up, and repealing all other Acts, or parts of Acts now in force, relating to estrays," approved March 23, 1901

Assembly Bill No 964—An Act making an appropriation for the construction and equipment of barns at the California Polytechnic School.

Assembly Bill No. 1072—An Act making an appropriation of one thousand seven hundred and twenty-five dollars ($1,725.00), to be applied to the cost of building concrete curb and gutter along the boundary of the grounds of the State Normal School at San Jose, and defining the duties of the Controller and Treasurer in reference thereto

Committee Substitute "B" for Assembly Bill No. 828—An Act providing for construction of cottages for the use of guards and employees at the State prison at San Quentin, and to make an appropriation therefor.

Committee Substitute "B" for Assembly Bill No. 1014—An Act providing for the construction of additional houses for the use of officers, guards, and employees at the State prison at Folsom, and to make an appropriation therefor.

Committee Substitute for Assembly Bill No 1015—An Act providing for the construction and furnishing of a residence at the State prison at Folsom for the warden, and making an appropriation therefor.

Committee Substitute "A" for Assembly Bill No. 1014—An Act providing for the repairing of the buildings at the State prison at Folsom, and making an appropriation therefor.

Assembly Bill No. 1280—An Act to provide for the refurnishing of the offices of the Board of Railroad Commissioners of the State of California, and to make an appropriation therefor.

YOUNG, Chairman.

The above reported bills ordered on file for third reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1909.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly reengrossed:

Assembly Bill No. 767—An Act to amend Section 425 of the Political Code of the State of California.

Assembly Bill No. 423—An Act to prohibit the sale of intoxicating liquors within a certain distance of any camp or assembly of men, numbering twenty-five or more, engaged upon the construction, repair or operation of any public work, improvement, or utility.

YOUNG, Chairman.

SENATE BILLS—THIRD-READING FILE

Senate Bill No. 269—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 35 thereof.

Bill read third time.

The question being on the passage of the bill

SPECIAL ORDER.

The hour of two o'clock and thirty minutes P. M. having arrived, Senate Bill No. 269 was passed on file as unfinished business, and the special order hertofore set for this hour taken up for consideration

Senate Bill No. 3—An Act to provide for the direct nomination of candidates for public office, by electors, political parties, and organizations of electors without conventions, at elections to be known and designated as primary elections, determining the tests and conditions upon which electors, political parties, and organizations of electors may participate in any such primary, and establishing the rates of compensation for primary election officers serving at such primary elections, providing for the organization of political parties and the promulgation

of their platforms, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator.

During second reading of bill, Mr. Leeds moved that the amendments submitted in the majority report of the Committee on Election Laws be considered.

Mr. Hewitt moved, as an amendment to the motion, that the amendments submitted in the minority report of the Committee on Election Laws be considered.

POINT OF ORDER.

Mr. Johnson of Sacramento rose to the following point of order: That neither report should be considered, but that the amendments should be considered as amendments only.

POINT OF ORDER WELL TAKEN.

The Speaker ruled the point of order well taken.

Amendments submitted by majority of committee were taken up, as follows:

AMENDMENT No. 1.

On page 2, Section 2, of the printed bill, strike out all of lines 7, 8, and 9, and insert in lieu thereof the following: "Party candidates for the office of United States Senator shall have their names placed on the official primary election ballots of their respective parties in the manner herein provided for State officers; *provided, however*, that the vote for candidates for United States Senators shall be an advisory vote for the purpose of ascertaining the sentiment of the voters in the respective Senatorial and Assembly districts, in the respective parties."

AMENDMENT No. 2.

On pages 6 and 7, of the printed bill, strike out all of lines 106 to 136, inclusive

AMENDMENT No 3.

On page 7, Section 5, line 138, of the printed bill, strike out the words "or for United States Senator".

AMENDMENT No. 4.

On page 7, Section 5, line 142, of the printed bill, after the word "State." insert the following: "The petition of a candidate for United States Senator shall be signed by the candidate himself."

AMENDMENT No. 5.

On page 23, Section 23, line 41, of the printed bill, after the word "thereof" strike out the period, and insert in lieu thereof the following, 'showing the vote cast for said officer in each party in each Assembly and Senatorial district."

AMENDMENT No. 6.

On page 23, Section 23, line 47, of the printed bill, after the word "Legislature" strike out the following: ", together with his official certificates", and insert in lieu thereof a "period"; also strike out all of lines 48, 49, and 50.

The question being upon the adoption of amendments Nos. 1, 2, 3, 4, 5, and 6.

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

AYES—Messrs Barndollar, Beatty, Beban, Black, Butler, Coghlan, Collier, Collum, Cronin, Cullen, Feeley, Greer, Hammon, Hanlon, Hans, Hawk, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Leeds, Lightner, Macauley, McClellan, McManus, Melrose, Mott, Nelson, O'Neill, Perine, Pugh, Pulcifer, Rech, Rutherford, Schmitt, Transue, Wagner, Wheelan, and Mr. Speaker—38.

NOES—Messrs Beardslee, Bohnett, Callan, Cattell, Cogswell, Costar, Dean, Drew, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Placer, Juilliard, Kehoe, Maher, Mendenhall, Moore, Odom, Otis, Polsley, Preston, Sackett, Silver, Stuckenbruck, Telfer, Whitney, Wilson, Wyllie, and Young—36.

AMENDMENT No. 7.

On page 4, Section 5, after line 33, of the printed bill, insert the following. "To this paper shall be annexed a certificate by the candidate named in said nomination paper in substantially the following form:

STATE OF CALIFORNIA, } ss.
County of ..... }

I, the undersigned, the candidate named in the said nomination paper, do solemnly affirm that I will accept the said nomination as a..... ....., and that I hereby pledge myself as a ....., to abide by and carry into effect in spirit as well as letter the platform to be adopted by the state and county convention of the ..... party to be held this year.

Signed, ...
Residence, ...

Dated this ..... day of ..... 190..."

The question being on the adoption of the amendment.

The roll was called, and Amendment No. 7 refused adoption by the following vote:

AYES—Messrs Barndollar, Beban, Black, Cullen, Feeley, Greer, Hawk, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Leeds, Macauley, McClellan, McManus, Mott, Nelson, O'Neill, Perine, Pugh, Rech, Rutherford, Silver, Transue, Wagner, Wheelan, and Mr. Speaker—26.

NOES—Messrs. Beatty, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Costar, Cronin, Drew, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hanlon, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Placer, Juilliard, Kehoe, Maher, Melrose, Mendenhall, Moore, Odom, Otis, Polsley, Preston, Pulcifer, Sackett, Schmitt, Stuckenbruck, Telfer, Whitney, Wilson, Wyllie, and Young—42.

AMENDMENT No. 8

On page 1, of the printed bill, strike out all of title after the words "An Act", and insert in lieu thereof the following. "to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator."

Amendment adopted.

AMENDMENT No. 9

On page 25, Section 24, line 38, of the printed bill, insert after the word "campaign" the following: "In any county the county committee shall be selected by the county convention".

Amendment adopted.

AMENDMENT No. 10.

On page 25, Section 24, line 49, of the printed bill, strike out the word "posted", and insert in lieu thereof the word "pasted."

Amendment adopted.

AMENDMENT No. 11.

On page 25, Section 24, line 52-55 of the printed bill, after the word "county" strike out the period, and insert the word convention".

Amendment adopted.

AMENDMENT No. 12.

On page 27, Section 27, line 18, of the printed bill, strike out the words "justice or judge of the superior".

Amendment adopted.

AMENDMENT No. 13.

On page 27, Section 28, lines 5 and 6, of the printed bill, strike out the words "justice or judge of the superior."

Amendment adopted.

AMENDMENT No. 14.

On page 14, Section 12, line 100, of the printed bill, strike out the words "county committeemen", and insert in lieu thereof the following, "delegates to county conventions".

Amendment adopted.

The following amendments were submitted by the minority:

AMENDMENT No. 15.

On page 11, Section 12, line 12, of the printed bill, insert after the word "election", at the end of the line, a period.

Amendment adopted.

AMENDMENT No. 16.

On page 28, Section 31, line 6, of the printed bill, strike out the word "promises", and insert in lieu thereof the word "promised".

Amendment adopted.

AMENDMENT No 17.

On page 9, Section 7, line 8, of the printed bill, strike out the word "officer", and insert in lieu thereof the word "office".

Amendment adopted.

The following amendment was submitted by Mr. Johnson of Sacramento:

After line 33, of Section 5, page 4, of the printed bill, insert as follows, viz: "To this paper shall be annexed a certificate by the candidate named in said nomination paper in substantially the following form

STATE OF CALIFORNIA,)
County of ....) ss.

I, the undersigned, the candidate named in the said nomination paper, do solemnly affirm that I accept the said nomination as a ....., and that I hereby pledge myself as a ..... to abide by and carry into effect in spirit as well as letter the principles enunciated by the last state convention of the ..... party held in California, and by the last national convention of the ..... party.

Signed, ...
Residence, ...

Dated this ..... day of ....., 19..."

The question being on the adoption of the amendment.

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

AYES—Messrs Barndollar, Beardslee, Beatty, Beban, Black, Butler, Coghlan, Collum, Cronin, Cullen, Feeley, Flint, Greer, Hammon, Hanlon, Hans, Hawk, Hayes, Johnson of Sacramento, Leeds, Macauley, McClellan, McManus, Moore, Mott, Nelson, Perine, Pugh, Rech, Rutherford, Sackett, Schmitt, Silver, Transue, Wagner, Wheelan, and Mr. Speaker—37.

NOES—Messrs. Bohnett, Cattell, Cogswell Costar, Dean, Drew, Gerdes, Gibbons, Gillis, Griffiths, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Placer, Juilliard, Kehoe, Maher, Melrose, Mendenhall, Odom, Otis, Polsley, Preston, Pulcifer, Stuckenbruck, Telfer, Whitney, Wilson, Wyllie, and Young—31.

Bill read second time, and ordered to reprint with rush order, and engrossment.

SPECIAL ORDER SET.

On motion of Mr. Leeds the consideration of Senate Bill No. 3 was made a special order for Thursday, March 11, 1909, at two o'clock P. M.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON CONSTITUTIONAL AMENDMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1909.

MR. SPEAKER: Your Committee on Constitutional Amendments, to whom was referred Assembly Constitutional Amendment No. 5—Relative to text-books—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

COGHLAN, Chairman.

The above reported Assembly constitutional amendment ordered on file for adoption.

NOTICES OF MOTION TO RECONSIDER CONTINUED.

On motion of Mr. Leeds all notices of motion to reconsider were continued until the next legislative day.

ADJOURNMENT.

At five o'clock and forty-five minutes P. M., on motion of Mr. Transue, the Assembly was declared adjourned until ten o'clock A. M. of Wednesday, March 10, 1909.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL.,
Wednesday, March 10, 1909.

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. P. A. Stanton, Speaker of the Assembly, in the chair.

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

Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Costar, Cronin, Dean, Drew, Feeley, Fleisher, Flint, Geides, Gibbons, Gillis, Griffiths, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—71.

Quorum present.

LEAVE OF ABSENCE.

On motion, leave of absence for the day was granted to Messrs. Hopkins, Webber, Wyatt, and Flavelle.

PRAYER.

Prayer was offered by the Rev. E. R. Dille, ex-Chaplain of the Assembly.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Barndollar, its further reading was dispensed with.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1909.

MR SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled:

Assembly Bill No. 1160—An Act authorizing the State Surveyor General to furnish his office and vault therein, and making an appropriation therefor.

Assembly Joint Resolution No. 9—Relating to Federal improvement of Newport Bay, in Orange County

Assembly Bill No 825—An Act to amend Section 4277 of the Political Code, relating to salaries and fees of officers of counties of the forty-eighth class

Assembly Bill No. 726—An Act to add a new section to the Penal Code of California, to be known as Section 537c, and relating to the unlawful use of horses and vehicles by the owner, manager, and proprietors of livery and feed stables and persons pasturing stock, and providing the punishment for the violation thereof

Assembly Bill No. 240—An Act to provide for the consolidation of municipal corporations.

Assembly Bill No 846—An Act to amend section twelve hundred and thirteen of the Civil Code of the State of California, relating to the recording of conveyances of real property, and providing for the recording of certified copies of such conveyances in cases where the same have been recorded in a wrong county.

Assembly Bill No. 173—An Act authorizing the State Veterinarian to employ during the balance of the sixtieth, and throughout the sixty-first and sixty-second fiscal years, such inspectors as he may deem necessary to inspect and supervise the dipping of sheep infected with the disease known as scabies; providing for the compensation and expenses of said inspectors, and making an appropriation therefor

Assembly Bill No. 442—An Act to amend "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities, approved March 18, 1885, by adding thereto a new section numbered 56, providing for the doing of sidewalk work by cities in the absence of bidders for doing the same.

Assembly Bill No. 445—An Act regulating the hours of employment in underground mines and in smelting and reduction works.

Assembly Bill No 671—An Act to prevent the formation and prohibit the existence of secret, oath-bound fraternities in the public schools.

Assembly Bill No 733—An Act to amend an Act entitled "An Act to provide for the planting, maintenance, and care of shade trees upon the streets, lanes, alleys courts and places within municipalities and of hedges upon the lines thereof; also for the eradication of certain weeds within the city limits," approved March 11, 1895.

Committee Substitute for Assembly Bill No. 753—An Act authorizing the State Board of Prison Directors to fix the price, terms and conditions of sale at which jute bags should be sold for the State, providing for the prosecution and punishment for offenses under the same, and repealing certain Acts

Assembly Bill No 842—An Act to amend section ten of an act entitled "An Act to create and administer a public school teachers' annuity and retirement fund in the several counties, and cities and counties of the State," approved March 26, 1895, and amended March 29, 1897, and amended March 23, 1901, and amended March 20, 1903.

Assembly Bill No. 1111—An Act to authorize and empower the State Board of Prison Directors to insure jute and jute goods against either fire or marine loss and to pay the cost of such insurance from the revolving fund for the purchase of jute.

Assembly Concurrent Resolution No 4—Approving certain amendments to the charter of the city of Grass Valley, adopted by the electors of said city at a special election held on the 8th day of October, A D. 1908.

Assembly Bill No. 68—An Act to amend section one of an Act entitled "An Act requiring the wardens of the State prisons of California to furnish the sheriffs of California and the bureau of identification with certain information concerning convicts within thirty days after receiving said convicts, and providing for payment of the expense incurred thereby," approved March 20, 1905, to include chiefs of police of regularly constituted police departments of incorporated cities and towns among those to whom such information shall be furnished

And were presented to the Governor March ninth, at two o'clock P M.

YOUNG, Chairman.

ON PUBLIC LANDS AND FORESTRY

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1909..

MR SPEAKER: Your Committee on Public Lands and Forestry, to whom was referred Senate Bill No 186—An Act to amend Section 3494 of the Political Code of the State of California, relating to the price and terms of sale of school lands—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

FLINT, Chairman.

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1909

MR SPEAKER. Your Committee on Judiciary, to whom was referred Senate Bill No. 1220—An Act relating to prosecutions under Sections 628*b*, 632 and 632½ of the Penal Code, and to define prima facie evidence thereunder—have had the same under consideration and respectfully report the same back, without recommendation.

JOHNSON OF SACRAMENTO, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1909

MR SPEAKER Your Committee on Judiciary, to whom was referred Senate Bill No 133—An Act to amend sections eleven hundred eighty-three, eleven hundred eighty-four, eleven hundred eighty-five, eleven hundred eighty-six, eleven hundred eighty-seven, eleven hundred ninety, eleven hundred ninety-two, and eleven hundred ninety-four of the Code of Civil Procedure of the State of California, and to add two new sections thereto, to be numbered section "twelve hundred *a*," and "section twelve hundred three *b*," and to repeal section eleven hundred eighty-eight of said Code, all relating to mechanics' liens—have had the same under consideration, and respectfully report the same back, with a majority report, and recommend that it do pass, and a minority report that it do not pass

JOHNSON OF SACRAMENTO, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1909.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 1206—An Act to amend Sections 1068 and 1069 of the Code of Civil Procedure, relating to the writ of review—report the same back, with two amendments, and recommend that it do pass as amended.

JOHNSON OF SACRAMENTO, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1909.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Senate Bill No. 819—An Act to amend Section 928 of the Penal Code of the State of California, relating to the duties of the grand juries—report the same back, with three amendments, and recommend that it do pass as amended

Also: Senate Bill No 838—An Act to amend Section 3785 of the Political Code, relating to the issuance of tax deeds for property sold for delinquent taxes—report the same back, with one amendment, and recommend that it do pass as amended

JOHNSON OF SACRAMENTO, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1909

MR SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 1258—An Act to amend sections thirty-four hundred and forty-six, thirty-four hundred and fifty, thirty-four hundred and fifty-two, thirty-four hundred and fifty-three, thirty-four hundred and fifty-four, thirty-four hundred and fifty-five, thirty-four hundred and fifty-six, thirty-four hundred and fifty-nine, thirty-four hundred and sixty-three, thirty-four hundred and sixty-four, thirty-four hundred and sixty-seven, thirty-four hundred and seventy, thirty-four hundred and seventy-one, thirty-four hundred and seventy-four, thirty-four hundred and seventy-six, thirty-four hundred and eighty-one, thirty-four hundred and ninety-one, of the Political Code of the State of California, relating to reclamation districts—have had the same under consideration, and respectfully report the same back, with one amendment, and recommend that it do pass as amended.

JOHNSON OF SACRAMENTO, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1909.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No 226—An Act to amend an Act entitled "An Act authorizing the judges of the superior court in all counties, and cities and counties, having a population of 200,000 or over, to appoint a secretary."

Also: Assembly Bill No 840—An Act to amend an Act entitled "An Act to regulate the practice of architecture," approved March 23, 1901.

Also: Assembly Bill No 1417—An Act to legalize bonds to be issued and sold by municipalities where the authority for such issuance has already been given by a vote of more than two thirds of the electors of such municipality.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

JOHNSON OF SACRAMENTO, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1909

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 944—An Act amending Section 1068 and Section 1074 of the Code of Civil Procedure, relating to writs of review—report the same back, with a majority report that it do pass, and a minority report that it do not pass.

JOHNSON OF SACRAMENTO, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1909.

MR SPEAKER: Your Committee on Judiciary, to whom was referred Senate Bill No. 651—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as Section 1046*a*, relating to the filing of papers nunc pro tunc under order of court, in actions brought under the provisions of any statute for the establishment and quieting of title to real property in case of loss or destruction of public records.

Also: Senate Bill No. 924—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known and numbered Section 526*a*, relating to actions by taxpayers against officers and agents of any county, town, city or city and county in said State

Also: Senate Bill No. 968—An Act to amend Section 269 of the Code of Civil Procedure, relating to phonographic reporters for superior courts and providing for their appointment and duties, and also providing for copies of proceedings by them in certain cases.

Also: Senate Bill No. 970—An Act to amend sections nineteen hundred and eighty-six and nineteen hundred and ninety-one of the Code of Civil Procedure, both relating to subpœna

Also: Senate Bill No. 1140—An Act to amend section one thousand four hundred sixty-five of the Code of Civil Procedure, relating to the setting apart of property exempt from execution for the use of the family

Also: Senate Bill No. 1141—An Act to amend section one thousand six hundred and ninety-nine of the Code of Civil Procedure, relating to settlement of accounts of trustees after distribution of estates and compensation of trustees.

Also: Senate Bill No. 1142—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as 1465½, relating to notices to be given of petitions to set aside exempt property for the use of the family.

Also: Senate Bill No. 1143—An Act to amend Section 1723 of the Code of Civil Procedure, relating to the dispositions of life estates and homestead property on owner's death in certain cases

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass

JOHNSON OF SACRAMENTO, Chairman.

ON FEDERAL RELATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1909.

MR SPEAKER: Your Committee on Federal Relations, to whom was referred Assembly Concurrent Resolution No. 14—Relative to polygamy—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

MOTT, Chairman.

ON MEDICAL AND DENTAL LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1909.

MR. SPEAKER: Your Committee on Medical and Dental Laws, to whom was referred Senate Bill No. 26—An Act to amend section sixteen of an Act entitled "An Act for the regulation of practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulations," approved March 14, 1907—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

SILVER, Chairman.

ON FISH AND GAME.

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1909.

MR SPEAKER: Your Committee on Fish and Game, to whom was referred Assembly Bill No. 433—An Act to repeal an Act, approved March 13, 1907, entitled "An Act to regulate and license the hunting of game birds and animals and to provide revenue therefrom for a game preservation and restoration and to make appropriation for the purpose of carrying out the object of this Act.

Also: Assembly Bill No. 643—An Act to amend Chapter 433 of the Statutes of California, in regard to game preserves.

Also: Assembly Bill No. 725—An Act to amend Section 642 of the Political Code of the State of California, relative to the duties of the Fish Commissioners

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

COSTAR, Chairman.

ON REVISION AND REFORM OF LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1909.

MR. SPEAKER: Your Committee on Revision and Reform of Laws, to whom was referred Assembly Bill No. 695—An Act to amend "An Act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force relating to estrays," approved March 23, 1901, by adding a new section thereto, to be known as section nine *a*, relating to appointment of poundkeepers outside of incorporated cities—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

RECH, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1909.

MR. SPEAKER: Your Committee on Revision and Reform of Laws, to whom was referred Senate Bill No. 1059—An Act to amend Sections 2 and 3 of an Act entitled 'An Act relating to estrays, providing for taking them up, and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other Acts, or parts of Acts, now in force, relating to estrays, approved March 23, 1901—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

RECH, Chairman.

ON AGRICULTURE

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1909

MR SPEAKER: Your Committee on Agriculture, to whom was referred Assembly Bill No. 1097—An Act to amend an Act entitled "An Act to prevent the propagation by the production of seed of that certain plant known as Sorghum halepense, otherwise known as Johnson grass"; also that certain plant known as convolvulus, otherwise known as "morning-glory"—have had the same under consideration, and respectfully report back, with a committee substitute, and recommend that it do pass.

COGSWELL, Chairman.

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1909.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 628—An Act to appropriate money for promoting the study of agriculture in elementary and secondary schools

Also: Assembly Bill No. 675—An Act providing for investigations of plant diseases and pests, and making an appropriation therefor.

Also: Assembly Bill No. 1247—An Act to amend Section 6 of an Act entitled "An Act to regulate and license the hunting of game birds and animals and to provide revenue therefrom, for game preservation and restoration, and to make appropriation for the purpose of carrying out the object of this Act," approved March 13, 1907.

Also: Assembly Bill No. 1446—An Act appropriating money to provide and equip quarters for the Hastings College of the Law.

Also: Senate Bill No 283—An Act to provide equipment for the State Pathological Laboratory at Whittier, and making an appropriation therefor.

Also: Senate Bill No 284—An Act to provide for the continuation of investigations on the culture and utilization of eucalyptus trees by the University of California, and making an appropriation therefor.

Also: Senate Bill No 347—An Act to provide for experiment and research work in viticulture, directing publication of the results of experiments and investigations, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer in relation thereto.

Also: Senate Bill No 539—An Act to appropriate the sum of one hundred and one thousand three hundred and fourteen dollars ($101,314 00) for the use and benefit of the University of California, and specifying the duties of the Controller and Treasurer of State in relation thereto.

Also: Senate Bill No. 638—An Act to provide for the purchase of farm machinery, tools, wagons, and harness for the University Farm and Agricultural School at Davis, and appropriating money therefor

Also: Senate Bill No. 757—An Act appropriating money for metal shelving, record cases, fixtures and other accessories for the use of the Clerk of the Supreme Court.

Also: Senate Bill No 775—An Act to amend Section 2319 of the Political Code of the State of California, relating to the office of the State Commissioner of Horticulture, the powers and duties of said Commissioner and the salaries, duties and qualifications of his appointees

Also: Senate Bill No. 896—An Act making an appropriation for furnishing the manor house at the California Home for the Care and Training of Feeble-Minded Children, at Eldridge, California.

Also: Senate Bill No. 910—An Act to provide for the completion of the cottage at Mendocino State Hospital, now in progress of erection under the provisions of an Act

entitled "An Act to provide for the erection of a cottage on the lands of the Mendocino State Hospital, and to appropriate money therefor," approved March 22, 1907, and for the equipment of the same with apparatus for the treatment of acute cases by hydrotherapy, electricity, and all other modern methods, and to make an appropriation therefor.

Also: Senate Bill No. 912—An Act to provide for the expenses of operating and conducting the University Farm and School of Agriculture thereon to June 30, 1909, and appropriating money therefor.

Also: Senate Bill No. 925—An Act to appropriate money for the payment of the claim of Geo. W. Bush.

Also: Senate Bill No. 993—An Act to appropriate the sum of twenty thousand dollars for the general improvement of Lake Tahoe wagon road, and for constructing, erecting, and operating a sprinkling plant and appurtenances thereon.

Also: Senate Bill No. 1003—Appropriating forty-four dollars to pay the claim of W. S. Kingsbury.

Also: Senate Bill No. 1055—An Act to provide for the refurnishing of the offices of the Board of Railroad Commissioners of the State of California, and to make an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

BEARDSLEE, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1909

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No 1116—An Act to promote education regarding the laws of nature, governing the parents during reproduction, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, without recommendation.

BEARDSLEE, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1909.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 133—An Act to amend Sections 1 and 2 of an Act entitled "An Act to provide for the regulation of fires on, and the protection and management of public and private forest lands within the State of California, creating a State Board of Forestry and certain officers, subordinate to said board, prescribing the duties of such officers, creating a forestry fund, and appropriating the moneys in said fund, and defining and providing for the punishment of certain offenses for violations of the provisions of this Act, and making an appropriation therefor," approved March 18, 1905, providing for the appointment of a State Board of Forestry, and the appointment of a State Forester, and relating to their duties and term of office—have had the same under consideration, and respectfully report the same back, and recommend that it be re-referred to Committee on Judiciary.

BEARDSLEE, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1909.

MR SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No 680—An Act to appropriate the sum of one hundred and one thousand three hundred and fourteen dollars ($101,314.00) for the use and benefit of the University of California, and specifying the duties of the Controller and Treasurer of the State in relation thereto

Also: Assembly Bill No. 746—An Act to provide for the purchase of farm machinery, tools, wagons, and harness for the University Farm and Agricultural School at Davis, and appropriating money therefor.

Also: Assembly Bill No. 758—An Act appropriating money for metal shelving, record cases, fixtures, and other accessories for the use of the Clerk of the Supreme Court.

Also: Assembly Bill No 778—An Act to provide for the purchase of live stock for and for the use of the University Farm and Agricultural School at Davis, and appropriating money therefor

Also: Assembly Bill No. 1053—An Act to provide for the expenses of operating and conducting the University Farm and School of Agriculture thereon to June 30, 1909, and appropriating money therefor.

Also: Assembly Bill No 1129—An Act to appropriate the sum of twenty thousand dollars for the general improvement of Lake Tahoe wagon road, and for constructing, erecting, and operating a sprinkling plant and appurtenances thereon

Have had the same under consideration, and respectfully report the same back, and recommend that they be withdrawn, being identical with Senate Bills Nos 539, 638, 757, 670, 912, and 993, respectively.

BEARDSLEE, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1909.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 678—An Act making an appropriation of fifteen thousand dollars for viticultural investigation—have had the same under consideration, and respectfully report the same back, and recommend that it be withdrawn by the author.

BEARDSLEE, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1909

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 485—An Act to provide for the issuance and sale of State bonds to create a fund for the construction by the Board of State Harbor Commissioners of wharves, piers, State railroad, spurs, betterments, and seawall appurtenances in the city and county of San Francisco; to create a sinking fund for the payment of said bonds, to define the duties of State officers in relation thereto, to make an appropriation of one thousand dollars for the expense of printing said bonds; and to provide for the submission of this Act to a vote of the people.

Also: Senate Bill No 670—An Act to provide for the purchase of live stock for and for the use of the University Farm and Agricultural School at Davis, and appropriating money therefor.

Also: Senate Bill No 1130—An Act appropriating money to pay the claim of the United States Fidelity and Guaranty Company against the State of California.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended

BEARDSLEE, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1909.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 1017—An Act to appropriate the sum of two thousand five hundred thirty-six and seventy-six one-hundredths dollars, to pay the claim of the Ætna Life Insurance Company, of Hartford, Connecticut, against the State of California

Also: Senate Bill No. 1018—An Act to appropriate the sum of $1,762.79 to pay the claim of the Germania Life Insurance Company of New York against the State of California.

Also: Senate Bill No 1019—An Act to appropriate the sum of $800.95 to pay the claim of the Bankers' Life Association of Des Moines, Iowa, against the State of California.

Also: Senate Bill No. 1020—An Act to appropriate the sum of one thousand five hundred thirty-one and ninety-one one-hundredths dollars to pay the claim of the Prudential Insurance Company of America against the State of California

Also: Senate Bill No 1021—An Act to appropriate the sum of two hundred twenty-two and eighty-five one-hundredths dollars to pay the claim of the Northwestern National Life Insurance Company against the State of California

Also: Senate Bill No. 1022—An Act to appropriate the sum of three thousand four hundred and sixty-two and eleven one-hundredths dollars to pay the claim of the New England Mutual Life Insurance Company against the State of California.

Also: Senate Bill No. 1023—An Act to appropriate the sum of three hundred forty-nine and sixty one-hundredths dollars to pay the claim of Minnesota Mutual Life Insurance Company against the State of California.

Also: Senate Bill No 1024—An Act to appropriate the sum of $903.72 to pay the claim of the Massachusetts Mutual Life Insurance Company of Springfield against the State of California.

Also: Senate Bill No. 1025—An act to appropriate the sum of $1100 30 to pay the claim of the Life Association of America against the State of California.

Also: Senate Bill No 1026—An Act to appropriate the sum of sixty and sixty one-hundredths dollars to pay the claim of the Security Mutual Life Insurance Company against the State of California

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass; and author requested to withdraw Assembly Bills Nos. 1177, 1176, 1175, 1174, 1173, 1172, 1171, 1170, 1169, 1168, being identical with above-numbered Senate Bills.

BEARDSLEE, Chairman

The above reported bills, with the exception of Assembly Bills Nos. 680, 746, 758, 778, 1053, 1129, 678, 1177, 1176, 1175, 1174, 1173, 1172, 1171, 1170, 1169, 1168, and 133 ordered on file for second reading.

Assembly Bills Nos. 746, 758, 778, 1053, 1129, 678, 1177, 1176, 1175, 1174, 1173, 1172, 1171, 1170, 1169, and 1168 withdrawn by unanimous consent.

Assembly Bill No. 133 re-referred to Committee on Judiciary.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senate Bill No. 838—An Act to amend Section 3785 of the Political Code, relating to the issuance of tax deeds for property sold for delinquent taxes.

During second reading of bill, the following amendment was submitted by the committee:

Strike out the word "hights", in line 47, Section 1, page 2, of the printed bill, and insert in lieu thereof the word "rights".

Amendment adopted.

Bill read second time, and ordered to reprint and on file for third reading.

ON CONTINGENT EXPENSES AND ACCOUNTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1909.

MR SPEAKER: Your Committee on Contingent Expenses and Accounts, to whom was referred the resolution by Mr. Otis, relative to printing of chapters, have considered the same, and report it back, with certain changes, as follows:

Resolved, That the State Printer be and he is hereby directed to have 300 copies of each and all the chapters of the thirty-eighth session of the Legislature printed and delivered in sets to the Chief Clerk, within one week after all the bills receiving the Governor's approval shall have been signed by him. The Chief Clerk is hereby directed to express said chapters to the members, charges prepaid, and for defraying the expense of the same the State Controller is hereby directed to draw his warrant in favor of Clio Lloyd, Chief Clerk, on the contingent fund of the Assembly in the sum of one hundred fifty dollars, and the State Treasurer is hereby directed to pay the same—and recommend that it be adopted

TELFER, Chairman.

Mr. Telfer moved the adoption of the report and resolution.

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

AYES—Messrs. Barndollar, Baxter, Beatty, Bohnett, Callan, Cattell, Cogswell, Costar, Cronin, Dean, Drew, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Nelson, Odom, O'Neill, Perine, Polsley, Preston, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Whitney, Wyllie, Young, and Mr. Speaker—55.

NOES—None.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1909.

MR SPEAKER: Your Committee on Contingent Expenses and Accounts, to whom was referred the following resolution:

Resolved, That the Sergeant-at-Arms be and he is hereby directed to procure for each member of the Assembly two Keystone binders for the filing of Assembly and Senate amended bills, and the Controller is authorized to draw his warrant on the contingent fund of the Assembly for the amount of two hundred and forty ($240.00) dollars in payment of the same, and the Treasurer is hereby authorized to pay the same—have had the same under consideration, and respectfully report the same back and recommend that it be adopted.

TELFER, Chairman

Mr. Telfer moved the adoption of the report and resolution.

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

AYES—Messrs. Barndollar, Baxter, Beatty, Bohnett, Callan, Cattell, Cogswell, Costar, Cronin, Drew, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Leeds, Lightner, Macauley, Maher, McClellan, Mendenhall, Moore, Mott, Odom, Otis, O'Neill, Perine, Polsley, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck Telfer, Transue, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—54.

NOES—None.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was taken up and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 10, 1909.

To the Assembly of the State of California:

I have the honor to inform your honorable body that I have approved:

Assembly Bill No. 56—An Act appropriating one thousand dollars for the purchase of books and periodicals for the Whittier State School.

Also Assembly Bill No. 11—An Act providing for the registration of the purchasers of pistols, and providing for the punishment of dealers neglecting to register such purchasers.

Also Assembly Bill No. 184—An Act to amend an Act entitled "An Act to provide for the establishment and quieting of title to real property in case of the loss or destruction of public records," approved June 16, 1906.

Also: Assembly Bill No. 296—An Act to amend Section 4250 of the Political Code of the State of California, relating to the compensation and expenses of officers in counties of the twenty-first class.

Also Assembly Bill No. 123—An Act to amend the Penal Code of California, by adding a new section thereto, to be numbered two hundred and seventy *c*, relating to the support of indigent parents.

Also: Assembly Bill No. 831—An Act making an appropriation to pay for the rental and janitor service of quarters for the Second District Court of Appeal.

Also Assembly Bill No. 626—An Act to provide for the improvement of the cereal crops of California, and appropriate money therefor.

Also: Assembly Bill No. 848—An Act to provide for the gathering, compiling, printing, and distribution of statistics and information regarding the Japanese of the State, and making an appropriation therefor.

Also Assembly Bill No. 647—An Act to amend Section 4280 of the Political Code, relating to salaries and fees of officers of counties of the fifty-first class.

Also: Assembly Bill No. 710—An Act authorizing the payment of assessments levied in Reclamation District No. 791, to be made to the county treasurer of the county of Sacramento.

Also: Assembly Bill No. 607—An Act to amend section three thousand and seventy-five of the Political Code of the State of California, relating to the office of the State Registrar of the Bureau of Vital Statistics and the State Board of Health, and providing for deputies, clerks and assistants and their compensation.

Also: Assembly Bill No. 373—An Act to add two new sections to the Political Code, to be numbered 3196*a* and 3196*b*, relating to the protection of farm names.

Also: Assembly Bill No. 440—An Act to amend Section 4237 of the Political Code of the State of California, relating to the compensation of county and township officers of counties of the eighth class, and to the number, appointment, and salaries of their assistants and deputies.

I also wish to inform your honorable body that Assembly Bill No. 67 became a law on February twenty-seventh, without my approval.

J. N. GILLETT, Governor.

SENATE MESSAGES.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, March 9, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 387—An Act to provide for the continuation of the construction of the highway known as King's River Highway, to declare it a state highway, and to make an appropriation therefor.

Also: Assembly Bill No. 69—An Act to make an appropriation for the location, survey, and construction of a state highway from Emigrant Gap, Placer County, in an easterly direction through what is known as Truckee Pass, to the west end of Donner Lake, in Nevada County.

Also: Assembly Bill No. 151—An Act making an appropriation to pay the deficiency in the appropriation for postage and contingent expenses of the Clerk of the Supreme Court for the fifty-ninth and sixtieth fiscal years.

Also: Assembly Bill No. 1007—An Act to amend Section 4251 of the Political Code of the State of California, concerning salaries and fees of officers in counties of the twenty-second class.

LEWIS A. HILBORN, Secretary of Senate
By J. W. KAVANAGH, Assistant Secretary.

Bills ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 9, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day refused passage to Assembly Bill No. 61—An Act to amend Section 67 of the Code of Civil Procedure of the State of California, relating to the number of Superior Court judges, and providing for the appointment of four additional Superior Court judges in and for the city and county of San Francisco, and providing for their compensation

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 8, 1909

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 349—An Act making an appropriation for the investigation of agricultural and horticultural problems and conditions in Imperial Valley, providing for the establishment in said county of a branch agricultural experiment station for the purpose of prosecuting said work.

LEWIS A HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 9, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed, as cases of urgency, Senate Bill No 1243—An Act to amend section two hundred eighty *b* of the Code of Civil Procedure of California.

Also: Senate Bill No 1245—An Act to amend section four hundred and nine and four hundred and ten of the Political Code of California, relating to the distribution of statutes, journals, reports of State officers and commissions and reports of the Supreme and Appellate Courts.

Also: Senate Bill No. 1246—An Act to amend section fifteen hundred and seventy-nine of the Code of Civil Procedure, relating to and authorizing executors, administrators and guardians to make leases of the real estate of decedents.

LEWIS A. HILBORN, Secretary of Senate
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 9, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 249—An Act to add a new section to Chapter VIII of Title II of Part III of the Political Code, to be known as Section 1197*a*, and providing for the arrangement of judicial candidates on the ballot without designation of party affiliations

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary

Also:

SENATE CHAMBER, SACRAMENTO, March 9, 1909.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No 917—An Act to add a new section to the Penal Code of the State of California, to be numbered 587*c*, to prevent the evading or attempting to evade payment of fare upon railroads.

Also: Senate Bill No 885—An Act to amend Section 1230 of the Political Code, relating to grounds of challenge at elections.

Also: Senate Bill No. 840—An Act to make an additional appropriation for the continuation of the location, surveying and construction of a state highway from a point known as the Mount Pleasant ranch, on the road between Quincy and Marysville, thence in a southeasterly direction by Eureka to Downieville, Sierra County, California.

Also: Senate Bill No. 19—An Act relating to high schools, and providing for their support by the State of California.

Also: Senate Bill No 1088—An Act to amend Section 5 and Section 10 of an Act entitled "To provide for the formation of protection districts in the various counties of this State, for the improvement and rectification of the channels of innavigable streams and water courses, for the prevention of the overflow thereof, by widening, deepening, and straightening and otherwise improving the same, and to authorize the boards of supervisors to levy and collect assessments from the property benefitted to pay the expenses of the same," approved March 27, 1895, enlarging the discretion of boards of supervisors concerning such districts and improvements, and to include in said districts territory situated within municipal corporations

Also: Senate Bill No. 773—An Act authorizing the State Board of Prison Directors to provide for assisting discharged prisoners to secure employment, and making an appropriation for the purpose of the Act

Also: Senate Bill No 103—An Act providing a plan and system whereby certain duties now performed by officers of cities in and about the taxation and assessment of property may be imposed upon and performed by county and State officers, and making county officers in certain cases ex officio officers of cities.

Also: Senate Bill No. 446—An Act making an appropriation for the purpose of enlarging the power-house at the California Home for the Care and Training of Feeble-Minded Children, and for the purchase and installation therein of two steam boilers, and necessary tools and machinery.

Also: Senate Bill No 102—An Act making an appropriation for the completion of repairs to the manor house at the California Home for the Care and Training of Feeble-Minded Children

Also: Senate Bill No 997—An Act to add a new section to the Civil Code of the State of California, to be known as section number 69*a*, relating to the certificate of registry of marriage.

Also: Senate Bill No. 756—An Act to amend Section 751 of the Political Code, relating to deputies to the Clerk of the Supreme Court.

Also: Senate Bill No. 1228—An Act to authorize municipal corporations to issue bonds, for the purpose of investing the proceeds arising from the sale thereof in other bonds issued for public improvements

Also: Senate Bill No. 590—An Act to amend Section 425 of the Political Code of the State of California.

Also: Senate Bill No. 996—An Act to amend Section 3076 of the Political Code.

Also: Senate Bill No. 314—An Act to amend Section 4267 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the thirty-eighth class, by adding a new subdivision thereto relating to the duties and compensation of official reporters, to be known as Subdivision 17 of said section.

Also: Senate Bill No. 998—An Act to provide for the incorporation, organization and management of municipal water districts

Also: Committee Substitute for Senate Bill No. 813—An Act to insure the better training and qualification of persons operating motor vehicles on public highways, and to regulate the occupation of operating motor vehicles on public highways, and providing penalties for the violation thereof.

Also: Senate Bill No 1138—An Act to amend Section 4236 of the Political Code, relating to county and township officers of counties of the seventh class.

Also: Senate Bill No. 344—An Act to amend Sections 1 and 3 of an Act entitled "An Act to create a fund to be known as the United States forest reserve fund, and to provide for the payment out of such fund to the treasuries of the several counties entitled thereto of certain moneys received from the Government of the United States, and also to regulate the manner of expenditure by the counties of the moneys so paid," approved March 18, 1907.

Also: Senate Bill No. 725—An Act to amend section one of an Act to provide for the transfer to the State of California by owners of patented lands therein of the right to preserve and protect wild game on such patented lands; to define the duties of the State Board of Fish Commissioners in relation to the control of such rights, and to declare the hunting of wild game within the exterior boundaries of the land to which right attaches a misdemeanor, approved March 21, 1907

Also: Senate Bill No 1174—An Act to provide for the improvement of public streets, lanes, alleys, courts, and places in municipalities, in cases where any damage to private property would result from such improvements, and for the assessment of the costs, damages, and expenses thereof upon the property benefited thereby

Also: Senate Bill No. 108—An Act making an appropriation for fencing at the California Home for the Care and Training of Feeble-Minded Children.

Also: Senate Bill No. 465—An Act to provide for the construction of a section of seawall on the bay of San Diego, reclaiming tide lands, and making an appropriation therefor.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Senate Bill No. 349 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 1243 read first time, and ordered on file without reference.

Senate Bill No. 1245 read first time, and ordered on file without reference.

Senate Bill No. 1246 read first time, and ordered on file without reference.

Senate Bill No. 249 read first time, and referred to Committee on Election Laws.

Senate Bill No. 917 read first time, and referred to Committee on Common Carriers.

Senate Bill No. 885 read first time, and referred to Committee on Election Laws.

Senate Bill No. 840 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 10 read first time, and referred to Committee on Education.

Senate Bill No. 1088 read first time, and referred to Committee on Swamp and Overflowed Lands and Levees and River Improvements and Drainage.

Senate Bill No. 773 read first time, and referred to Committee on Public Charities and Corrections.

Senate Bill No. 103 read first time, and referred to Committee on Revenue and Taxation.

Senate Bill No. 446 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 102 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 997 read first time, and referred to Committee on Judiciary.

Senate Bill No. 756 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 1228 read first time, and referred to Committee on Municipal Corporations.

Senate Bill No 590 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 996 read first time, and referred to Committee on Judiciary.

Senate Bill No. 314 read first time, and referred to Committee on County and Township Governments.

Senate Bill No. 998 read first time, and referred to Committee on Municipal Corporations.

Committee Substitute for Senate Bill No. 813 read first time, and referred to Committee on Roads and Highways.

Senate Bill No. 1138 read first time, and referred to Committee on County and Township Governments.

Senate Bill No. 344 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 725 read first time, and referred to Committee on Fish and Game.

Senate Bill No. 1174 read first time, and referred to Committee on Municipal Corporations

Senate Bill No. 108 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 465 read first time, and referred to Committee on Ways and Means.

Also:

SENATE CHAMBER, SACRAMENTO, March 9, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate amended, and on this day passed as amended, Assembly Bill No. 1114—An Act to provide for the formation, organization, and government of storm-water districts, for the purpose of protecting the land therein from damage from storm-water and from the waters of any innavigable stream, water course, canyon or wash, for the construction of the necessary works of protection by said district, and for the levying of taxes and assessments to pay for the cost of constructing, repairing, and maintaining such improvements.

Also: Assembly Bill No. 193—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section to said Penal Code,

to be known and numbered as Section 403¾, relating to and furnishing or erecting of unsafe or improper scaffolding or mechanical contrivances.

And respectfully request your honorable body to concur in said amendments

LEWIS A. HILBORN, Secretary of Senate
By J. W. KAVANAGH, Assistant Secretary.

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 1114?"

On page 3, Section 2, line 23, strike out the word "best", and insert in lieu thereof the word "last".

Also: On page 3, Section 2, line 23, after the word "be" insert in lieu thereof the word "not".

Also: Strike out all of line 8, Section 16, after the word "installments", and all of lines 9, 10, 11, and 12 of said section of the printed bill, and insert in lieu thereof the following: "not exceeding ten. When the board has adopted the report and determined the number of equal annual installments in which such assessment shall be raised"

Also:

Strike out the part of lines 18 and 19, of Section 16, of the printed bill from and including the word "sum", in line 18, to and including the word "continue", in line 19, and insert in lieu thereof the following, "number of equal annual installments in which such assessment is to be raised".

Also:

Insert in line 24, of Section 16, of the printed bill, before the words "shall constitute" the words: "the total amount assessed against each parcel of land".

And:

Strike out of line 27, of Section 16, of the printed bill, the comma following the word "year", and all the words thereafter in lines 27, 28, and 29 of said section to the period in said line 29, and insert in lieu thereof a semicolon, and after the semicolon the following: "*provided*, that any or all subsequent installments of the assessment or any parcel of land may, at the option of any person desiring to pay the same, be paid at any time, after the first installment becomes due and payable".

The roll was called, and Senate amendments to Assembly Bill No. 1114 were concurred in by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Black, Bohnett, Butler, Cattell, Cogswell, Costar, Cronin, Dean, Drew, Gibbons, Gillis, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnston of Contra Costa, Kehoe, Leeds, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Rech, Rutherford, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—56.

NOES—None

Bill ordered to enrollment.

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 193?"

By striking out the title, and inserting in lieu thereof the following: "To amend Section 402c of the Penal Code, relating to an Act to establish and support a Bureau of Labor Statistics"

Also:

After the enacting clause insert the following: "Section 1. Section 402c of the Penal Code is hereby amended to read as follows:".

Also:

By striking out of Section 1, line 3, the figures "403¾", and inserting in lieu thereof the following: "402c".

Also:

By striking out of Section 1, line 10, the figures "12", and insert in lieu thereof the following: "twelve".

And:

By striking out after the word "statistics", and inserting in lieu thereof the following: "approved March 3, 1883, approved February 20, 1901."

The roll was called, and Senate amendments to Assembly Bill No. 193 were concurred in by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Black, Butler, Cogswell, Costar, Cronin, Dean, Drew, Gibbons, Gillis, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes,

Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnston of Contra Costa, Leeds, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pulcifer, Rech, Rutherford, Sackett, Silver, Stuckenbruck, Telfer, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—55.

NOES—None.

Bill ordered to enrollment.

RESOLUTION.

The following resolution was offered:

By Mr. Hammon:

Resolved, That leave is hereby granted to the Committee on State Prisons and Reformatory Institutions to visit the State prison at Folsom, on Saturday, March 13, 1909, such visit being necessary to enable said committee to act with prudence and intelligence upon bills referred thereto, and be it further

Resolved, That each member of said committee is hereby granted leave to visit said prison on said date.

Resolution read, and referred to Committee on Rules and Regulations.

SPECIAL FILE—THIRD READING.

Assembly Bill No. 82—An Act authorizing and directing the State Board of Health to construct, furnish, and equip, on lands of the University of California, at Berkeley, a building to be occupied and used by the state laboratory for the analysis and examination of foods and drugs; appropriating the sum of $10,000 therefor; and authorizing and directing the State Controller to draw his warrant for the said sum, and the State Treasurer to pay the same.

Bill read third time.

The question being on the passage of the bill.

The roll was called and Assembly Bill No. 82 passed by the following vote:

AYES—Messrs. Barndoller, Beardslee, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Cogswell Collier, Costar, Cronin, Dean, Drew, Fleisher, Gerdes, Gibbons, Greer, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Kehoe, Leeds, Macauley, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Odom, O'Neill, Perine, Preston, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—56.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 213—An Act providing for the construction and furnishing of a cottage for female patients at the Southern California State Hospital at Patton, and to make appropriation for the same.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 213 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Cogswell, Costar, Cronin, Dean, Drew, Feeley, Fleisher, Gerdes, Gibbons, Greer, Hanlon, Hans, Hawk, Hayes, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Kehoe, Leeds, Macauley, Maher, McManus, Mendenhall Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Preston, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr Speaker—57.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 963—An Act making an appropriation for the erection of a combined power and lighting plant, with a mechanical and electrical laboratory, at the California Polytechnic School.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 963 passed by the following vote:

AYES—Messrs Barndollar, Beatty, Bohnett, Butler, Callan, Cattell, Cogswell, Costar, Cronin, Dean, Drew, Feeley, Fleisher, Flint, Gerdes, Gibbons, Griffiths, Hammon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Kehoe, Leeds, Macauley, Maher, Melrose, Mendenhall, Moore, Odom, Otis, O'Neill, Perine, Preston, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—53.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 964—An Act making an appropriation for the construction and equipment of barns at the California Polytechnic School.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 964 passed by the following vote:

AYES—Messrs. Barndollar, Beatty, Beban, Black, Bohnett, Butler, Cattell, Cogswell, Costar, Cronin, Dean, Drew, Feeley, Fleisher, Gerdes, Gibbons, Griffiths, Hammon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Kehoe, Leeds, Macauley, Maher, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Preston, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Wilson, Wyllie, Young, and Mr Speaker—54.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No 90—An Act making an appropriation for the construction of an addition to the hospital at the Veterans' Home of California, located at Yountville, Napa County, including a ward for the care and treatment of tuberculosis patients.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 90 passed by the following vote:

AYES—Messrs. Barndollar, Beatty, Black, Bohnett, Butler, Callan, Cattell, Costar, Cronin, Dean, Drew, Feeley, Fleisher, Gerdes, Gibbons, Griffiths, Hammon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Kehoe, Leeds, Macauley, Maher, Melrose, Mendenhall, Moore, Mott, Odom, Otis, O'Neill, Perine, Preston, Pugh, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—57.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 92—An Act to provide for the construction of an additional building at the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 92 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Costar, Cronin, Dean, Drew, Feeley, Flint, Gerdes, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, Maher, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Pulcifer, Sackett, Silver, Telfer, Transue, Wagner, Wheelan, Whitney, Wyllie, and Mr. Speaker—56.
NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 957—An Act to provide for certain necessary improvement to the grounds and appurtenances of the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 957 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Black, Bohnett, Butler, Callan, Cattell, Costar, Cronin, Cullen, Dean, Drew, Feeley, Fleisher, Flint, Gerdes, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Polsley, Preston, Rutherford, Sackett, Silver, Telfer Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, and Mr Speaker—58.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 960—An Act providing for certain necessary repairs to the building and equipment of the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 960 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Butler Callan, Cattell, Collier, Costar, Cronin, Cullen, Dean, Drew, Feeley, Fleisher, Flint Gerdes, Gibbons, Griffiths, Hammon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner Melrose, Mendenhall, Moore, Nelson, Odom, Otis, Perine, Polsley, Preston, Pugh, Rech, Rutherford, Sackett, Telfer, Transue, Wagner, Whitney, and Mr. Speaker—54
NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 128—An Act authorizing and directing the board of managers of the California Home for the Care and Training of Feeble-Minded Children to enlarge and repair the hospital building at the California Home for the Care and Training of Feeble-Minded Children, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 128 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Black, Bohnett, Butler, Callan, Cattell, Collier, Collum, Costar, Cronin, Dean, Drew, Feeley, Fleisher, Flint, Gerdes

Gibbons, Griffiths, Hammon, Hanlon, Hans, Hawk, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe Leeds, Lightner, Macauley, Maher, Mendenhall, Moore, Mott, Otis, Perine, Polsley Pugh, Rech, Rutherford, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wagner Wheelan, Whitney, Wilson, Wyllie, and Mr Speaker—57.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate

Assembly Bill No. 596—An Act making an appropriation for the erection and construction of a building at the California Home for the Care and Training of Feeble-Minded Children, as an addition to the present kitchen, to be used for the accommodation of a cold storage and ice plant; for the purchase and installation in the said building of a cold storage and ice plant; for repairs to the present kitchen at said home, and for the purchase and installation in said kitchen of necessary kitchen ranges and cooking utensils.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No 596 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cogswell, Colher, Collum, Costar, Cronin, Dean, Drew, Feeley, Fleisher, Flint, Gerdes, Gibbons, Greer, Griffiths, Hammon, Hans, Hawk, Hayes, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McManus, Mendenhall, Moore, Nelson, Odom, Otis, O'Neill, Perine, Pugh, Rech, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, and Mr Speaker—60.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 635—An Act authorizing and directing the board of managers of the Agnews State Hospital to continue the work of replacing and reconstructing and reequipping for the accomodation and treating of patients, buildings destroyed April 18, 1906. to appropriate the sum of three hundred seventy-five thousand dollars therefor. to direct the manner of expenditure thereof, to remove restriction upon the per capita cost, and authorizing and directing the State Controller to draw his warrant for the said sum, and the State Treasurer to pay the same.

Bill read third time

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 635 passed by the following vote:

AYES— Messrs. Barndollar, Beardslee, Beatty, Bohnett, Butler, Callan, Cattell, Cogswell, Collum, Cronin, Dean, Drew, Feeley, Fleisher, Flint, Gerdes, Gibbons Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McManus, Mendenhall, Moore, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Rech, Rutherford, Sackett, Silver, Stuckenbruck, Telfer, Wagner, Wheelan, Whitney, Wilson, Wyllie, and Mr Speaker—59

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate

Assembly Bill No. 1072—An Act making an appropriation of one thousand seven hundred and twenty-five dollars ($1,725) to be applied to the cost of building concrete curb and gutter along the boundary of

the grounds of the State Normal School at San Jose, and defining the duties of the Controller and Treasurer in reference thereto.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1072 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beban, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Collum, Cronin, Dean, Drew, Feeley, Fleisher, Flint, Gibbons, Gillis, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Maher, McManus, Mendenhall, Moore, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, and Mr. Speaker—60.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

WITHDRAWAL OF BILL.

Mr. Otis asked for, and was granted, unanimous consent to withdraw Assembly Bill No. 1279.

Assembly Bill No. 1279 withdrawn, and ordered stricken from the file.

THIRD-READING FILE.

Assembly Bill No. 273—An Act to amend Section 692 of the Code of Civil Procedure, relating to the notice of sale of property on execution.

Bill read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 273 refused passage by the following vote:

AYES—Messrs Beban, Black, Butler, Callan, Coghlan, Collier, Collum, Cullen, Dean, Fleisher, Gerdes, Gibbons, Hinkle, Irwin, Johnson of Placer, Johnston of Contra Costa, Juilliard, Macauley, Maher, McClellan, Mott, Nelson, Odom, O'Neill, Perine, Polsley, Preston, Pugh, Rutherford, Sackett, Schmitt, Stuckenbruck, Wagner, Wheelan, Wilson, and Wyllie—36

NOES—Messrs. Barndollar, Beardslee, Cattell, Cogswell, Costar, Cronin, Drew, Flint, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Holmquist, Johnson of Sacramento, Kehoe, Leeds, Melrose, Mendenhall, Moore, Otis, Rech, Silver, Telfer, Transue, Whitney, Young, and Mr. Speaker—30.

Assembly Bill No. 423—An Act to prohibit the sale of intoxicating liquors within a certain distance of any camp or assembly of men, numbering twenty-five or more, engaged upon the construction, repair, or operation of any public work, improvement or utility.

Bill read third time.

The question being on the passage of the bill.

HOUR OF RECESS EXTENDED.

On motion of Mr. Transue, the hour of recess was extended for ten minutes.

CONSIDERATION OF BILL EXTENDED.

On motion of Mr. Greer, consideration of Assembly Bill No. 423 was extended until two o'clock P. M. of this day.

RECESS

At twelve o'clock and forty minutes P. M., the Assembly was declared at recess until two o'clock P. M. of this day.

REASSEMBLED.

At two o'clock P. M., the Assembly reconvened.
Speaker P. A. Stanton in the chair.

CONSIDERATION OF BILL—(CONTINUED).

During third reading of bill, Mr. Transue moved that the Speaker appoint a select committee of one to amend the bill, as follows:

On page 2, Section 1, line 18, of the printed bill as amended, strike out the word "licensed" before the word "winery".
Also: On page 2, Section 1, line 18, of the printed bill as amended, insert the word "licensed" after the word "winery".

Roll call was regularly demanded.
The roll was called, and motion carried by the following vote:

AYES—Messrs. Barndollar, Beban, Bohnett, Callan, Cattell, Cogswell, Collier, Costar, Drew, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Melrose, Mendenhall, Odom, Otis, Perine, Polsley, Pulcifer, Rech, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Whitney, Wilson, Wyllie, Young, and Mr Speaker—47.
NOES—Messrs Baxter, Beatty, Black, Butler, Collum, Cronin, Dean, Greer, Hans, Irwin, Johnston of Contra Costa, Lightner, Macauley, Maher, McClellan, Moore, Mott, Nelson, O'Neill, Preston, and Wheelan—21.

The Speaker appointed Mr. Transue as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1909.

MR. SPEAKER. Your select committee of one, to whom was referred Assembly Bill No. 423, with instructions, do now report that the instructions of the Assembly have been carried out.

TRANSUE, Select Committee.

Report of Select Committee and amendments adopted.
Bill ordered to reprint, reëngrossment, and on file for passage.

SENATE MESSAGE.

The following message from the Senate was received and read:

SENATE CHAMBER, SACRAMENTO, March 10, 1909

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day adopted Senate Constitutional Amendment No. 1—Relative to the separation of State and county taxes.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Senate Constitutional Amendment No. 1 read, and referred to Committee on Revenue and Taxation.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1909

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:
Committee Substitute for Assembly Bill No 940—An Act to prevent injury to oil, gas or petroleum-bearing strata, or formations by the penetration or infiltration of water therein.

Also:

ASSEMBLY CHAMBER SACRAMENTO, March 10, 1909

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly reengrossed

Assembly Bill No. 1355—An Act to amend Section 4275 of the Political Code of the State of California, relating to the compensation of officers of counties of the forty-sixth class

Assembly Bill No 1356—An Act to amend Section 4270 of the Political Code of the State of California, relating to the compensation of officers of counties of the forty-first class.

Assembly Bill No 1284—An Act validating the title to lands selected by the State in lieu of surveyed school sections situated within the exterior boundaries of national reservations created by proclamation of the President of the United States and vesting the title of the State to such surveyed school sections in the United States.

Assembly Constitutional Amendment No 16—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Article IX, of said Constitution, by adding new sections to be numbered 14, 15, and 16 respectively, relating to the schools, their government and their taxation

Assembly Bill No 1262—An Act authorizing municipal corporations to permit other municipal corporations to construct and maintain sewers, water mains, and other conduits therein, also to construct and maintain sewers, water mains, and other conduits for their joint benefit, and at their joint expense, and to make and enter into contracts for said purposes

Assembly Bill No 1386—An Act to provide for the improvement of public streets, lanes, alleys, courts, and places in municipalities, in cases where any damage to private property would result from such improvement, and for the assessment of the costs, damages and expenses thereof upon the property benefited thereby

Assembly Bill No. 135—An Act to amend an Act entitled "An Act directing the Commissioner of the Bureau of Labor Statistics to collect certain statistics, and present them in biennial reports, and making it the duty of certain officers to furnish such statistics in compliance with the provisions of this Act," approved March 18, 1905.

Assembly Bill No 181—An Act to pay the claim of A. G. Lafferty and making an appropriation therefor.

Assembly Bill No 1217—An Act to amend section one thousand four hundred sixty-five of the Code of Civil Procedure relating to the setting apart of property exempt from execution for the use of the family.

Assembly Bill No 1218—An Act to amend section one thousand seven hundred twenty-three of the Code of Civil Procedure, relating to the disposition of life estates and homestead property on owner's death in certain cases

Assembly Bill No. 1219—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as number one thousand four hundred sixty-five and one half, relating to notices to be given of petitions to set aside exempt property for the use of the family.

Assembly Bill No 910—An Act to amend section five of an Act entitled "An Act to provide for the formation, government, operation and dissolution of sanitary districts in any part of the State for the construction of sewers and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1891, and as amended by a certain Act approved March 26, 1895.

Assembly Bill No. 975—An Act making an appropriation to pay the claim of George H P Shaw against the State of California

Assembly Bill No. 38—An Act to provide for the relief of indigent Union, Spanish-American, Philippine insurrection and Mexican war soldiers, sailors and marines and the families of those deceased or indigent, and to defray funeral expenses

Committee Substitute for Assembly Bill No. 745—An Act to amend Section 14 of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897

Assembly Bill No. 1244—An Act to amend Section 4300*a* of the Political Code, relating to fees to be charged and collected by the county clerk

Assembly Bill No. 1264—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 1203 thereof, relating to the probation of persons arrested for crime after a plea or verdict of guilty and the suspending of the imposition or execution of sentence during the term of probation, and the disposition of such accusation after full compliance with the terms of probation

Assembly Bill No 1426—An Act providing for the disposition of civil or criminal actions or proceedings in which bills of exceptions or statements on motion for new trial have been lost or destroyed by conflagration, or other public calamity.

Assembly Bill No 51—An Act authorizing the regents of the University of California to hold farmers' institutes, and making appropriation therefor

Assembly Bill No 1285—An Act to amend section nine hundred and seventy-eight of the Code of Civil Procedure of California, relating to undertakings on appeal from judgments of justice's or police courts.

Assembly Bill No 1407—An Act appropriating money to pay the claim of B A. Palmer against the State of California, on account of injuries sustained while in the service of the State of California in the National Guard thereof.

Assembly Bill No. 1405—An Act to amend Section 1251 of the Code of Civil Procedure of the State of California, relating to proceedings to exercise the right of eminent domain

Assembly Bill No. 1409—An Act to amend section eight hundred and fifty of the Code of Civil Procedure, relating to notice of trial and service of notice thereof in the Justices' Court

Assembly Bill No. 921—An Act to amend Section 928 of the Penal Code, relating to the duties of the grand jury.

Assembly Bill No. 1252—An Act to amend Sections 1240 and 1241 of the Code of Civil Procedure of the State of California, relating to the taking of private property for public use

Assembly Bill No 918—An Act to amend an Act to provide for the appointment of guardians of children maintained in any orphans' home or orphan asylum in this State, approved March 23, 1893.

Assembly Bill No. 1314—An Act to authorize and empower the board of managers of the Agnews State Hospital to sell and convey a portion of real property situate in Santa Clara County, in the State of California, and belonging to said State, to the Western Distilleries

Assembly Bill No 703—An Act to amend sections three and eight of an Act entitled "An Act to insure the better education of practitioners of veterinary medicine in the State of California, to provide for the creation of a board of five members who shall act under and in accordance with the provisions of this Act, to provide for their appointment, and define their powers, duties, and compensation; to define offenses committed by acts done contrary to the provisions of this Act, and providing penalties for the violation thereof, providing for the revocation or suspension, in certain cases, of licenses issued hereunder, and to repeal an Act entitled 'An Act to regulate the practice of veterinary medicine and surgery in the State of California,' approved March 23, 1893, amended and approved March 20, 1903, and all other laws in conflict herewith," approved March 23, 1907.

Assembly Bill No 1364—An Act to amend Section 1622 of the Political Code, relating to teachers' salaries, and fixing a minimum amount to be paid.

Assembly Bill No 413—An Act to amend sections one and three of an Act entitled "An Act to create a fund to be known as the United States forest reserve fund, and to provide for the payment out of such fund to the treasuries of the several counties entitled thereto of certain moneys received from the Government of the United States, and also to regulate the manner of expenditure by the counties of the moneys so paid," approved March 18, 1907.

Assembly Bill No. 1185—An Act to amend Section 594*a* of the Political Code as to deposits of insurance companies not organized under the laws of this State.

Assembly Bill No. 424—An Act to promote education in literature, music, and the fine arts.

Assembly Bill No. 178—An Act to provide for the building, equipping, and furnishing of an armory to be used for the National Guard and National Guard purposes, in the city of Los Angeles, and to make an appropriation for the same.

Assembly Bill No. 22—An Act to repeal an Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for appointment of the members of said commission, to be known as "The Commissioners for the Revision and Reform of Law," and to prescribe their powers and duties; and to authorize the appointment of a secretary and stenographer therefor; and to provide for the compensation and expenses of said commission, secretary and stenographer, and to appropriate money therefor, approved March 28, 1895," and all Acts amendatory thereof and supplemental thereto.

YOUNG, Chairman.

The above reported bills ordered on file for third reading.

SPECIAL ORDERS.

Senate Bill No 226—An Act to authorize and direct the Board of State Harbor Commissioners to institute condemnation proceedings against certain property north of India Basin, and extending to Islais Creek, in the city and county of San Francisco, and extending the jurisdiction of said board over the same, and providing for the payment

of judgments from the proceeds of bonds issued and sold under the provisions of an Act entitled "An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners of a necessary area for a tidal basin, for wharves, docks, piers, harbors, and appurtenances, in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of State officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for the submission of this Act to a vote of the people "

Bill read second time, and amendments offered on previous day

Amendments pending.

The question being on the adoption of the following amendments

On page 2, Section 1, line 19, of printed bill, strike out the word "Kentucky", and insert in lieu thereof the word "Massachusetts".

And On page 2, Section 1, line 20, strike out the word "Kentucky", and insert in lieu thereof the following: "Massachusetts".

HON. J. P. TRANSUE IN THE CHAIR.

At two o'clock and forty minutes P. M., Hon J. P Transue in the chair.

MOTION.

Mr. Johnson of Sacramento moved that the San Francisco Delegation be granted permission to take an immediate poll as to whether or not they favor the sixty-three blocks referred to in the majority report on Senate Bill No. 226, or the forty-four blocks favored in the minority report.

Motion duly seconded

POINT OF ORDER

Mr. Preston rose to the following point of order:

That under the rules of the Assembly it would be out of order for the San Francisco Delegation to so do while the Assembly was in session.

POINT OF ORDER WELL TAKEN.

The Speaker declared the point of order well taken.

SPEAKER IN THE CHAIR.

At three o'clock and forty minutes P. M., Speaker Stanton in the chair.

The roll was called, and the amendments lost by the following vote:

AYES—Messrs Baxter, Beardslee, Beban, Black, Collier, Cullen, Dean, Feeley, Fleisher, Greer, Hammon, Hanlon, Hans, Hawk, Hayes, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Lightner, Macauley, McClellan, McManus, Mott, Odom, O'Neill, Perine, Silver, Stuckenbruck, and Wheelan—30

NOES—Messrs. Barndollar, Beatty, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collum, Costar, Cronin, Drew, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hewitt, Hinkle, Holmquist, Johnson of Placer, Juilliard, Kehoe, Leeds, Maher, Melrose, Mendenhall, Moore, Nelson, Otis, Polsley, Preston, Pugh, Rech, Rutherford, Sackett, Schmitt, Telfer, Transue, Wagner, Whitney, Wilson, Wyllie, Young, and Mr Speaker—45

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 226 finally passed by the following vote:

AYES—Messrs Barndollar, Baxter Beardslee, Beatty, Beban Black, Bohnett, Butler, Callan, Coghlan, Cogswell, Collum, Costar, Cronin, Cullen, Dean, Drew, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Rech, Rutherford, Sackett, Schmitt, Silver, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr Speaker—69.

NOES—Messrs Cattell, Collier, Feeley Johnson of San Diego, and Stuckenbruck—5.

NOTICE OF MOTION TO RECONSIDER

Mr. Black gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 226 was this day passed.

Senate Bill No. 227—An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners of a necessary area for a tidal basin, for wharves, docks, piers, harbors, and appurtenances, in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of State officers in relation thereto; making an appropriation of one thousand dollars for expense of printing said bonds, and providing for the submission of this Act to a vote of the people.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No 227 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Bohnett, Butler, Callan, Coghlan, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Dean, Drew, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist Irwin, Johnson, of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Rech, Rutherford, Sackett, Schmitt, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—64.

NOES—Messrs. Cattell, Feeley, and Stuckenbruck—3

Title read and approved.

Bill ordered transmitted to the Senate.

CONSIDERATION OF BILL—(OUT OF ORDER).

Assembly Bill No. 1024—An Act to amend Section 3 of an Act entitled "An Act to prevent the waste and flow of water from artesian wells, and prescribing penalties therefor, and defining waste and artesian wells," approved March, 1907.

During third reading of bill, Mr. Leeds moved that the Speaker appoint a select committee of one to amend the bill, as follows:

On page 2, Section 1, line 21, of the printed bill, strike out the word "purpose" and insert in lieu thereof the following: "use; *provided* such beneficial use shall not exceed one tenth of one miners' inch of water per acre, perpetual flow, but such user of water shall have the right to cumulate the said amount within any period of such year."

Also On line 16, Section 1, page 2, of the printed bill, strike out the word "ten" and insert in lieu thereof the following: "five."

Motion carried.

The Speaker appointed Mr. Leeds as such select committee

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1909

MR SPEAKER Your select committee of one, to whom was referred Assembly Bill No. 1024, with instructions, do now report that the instructions of the Assembly have been carried out.

LEEDS, Select Committee.

Report of select committee, and amendments, adopted.

Bill ordered to reprint, reengrossment, and on file for passage.

SPECIAL ORDERS—(RESUMED).

Committee Substitute for Assembly Bill No. 940—An Act to prevent injury to oil, gas, or petroleum bearing strata or formations by the penetration or infiltration of water therein

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Assembly Bill No 940 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Costar, Cronin, Cullen, Dean, Drew, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Lightner, Macauley, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Odom, Otis, Perine, Polsley, Preston, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young and Mr. Speaker—66

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senate Bill No. 185—An Act requiring persons, corporations, receivers, or trustees operating lines of railway, to furnish cars for shipment of freight upon written application from shippers of freight, and providing a penalty and damages to be paid by such persons, corporations, receivers, or trustees to shippers for failure to do so, and providing a penalty and damages to be paid to persons, corporations, receivers, or trustees operating such railway lines by the applicant or shipper for failure to load or unload cars so furnished

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No 1.

On page 3, Section 4, line 24, of the printed bill, after the period following the word "cars" insert the following: "Every such company, person, corporation, receiver or trustee shall have a lien upon any deposit made in accordance with this section for any damages or penalties accruing to it by failure to load any car or cars delivered and placed as in this Act provided."

Amendment adopted.

AMENDMENT No. 2.

On page 4, Section 5, line 26, of the printed bill, after the period following the word "cars" insert the following: "Nothing in this Act contained shall be construed to prevent any railway company, person, corporation, receiver or trustee, operating any line of railway from making and enforcing any and all necessary rules for demurrage to insure the loading and unloading of cars within twenty-four hours after delivery thereof to consignors or consignees at the usual and appropriate point of loading or unloading, *provided*, the rate or charge for demurrage so made

shall not exceed three dollars for the first day after said period of twenty-four hours for each car, and thereafter the rate or charge for demurrage shall be the sum of six dollars per day for each car as hereinabove in this section provided."

Amendment adopted.

Bill read second time, and ordered to reprint, with rush order, and on file for third reading.

Senate Bill No. 853—An Act to amend the Penal Code of California by adding a new section thereto, to be numbered 532*a*, relating to spurious secret societies.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 898—An Act to provide for the purchase of portraits of Governor James N. Gillett, and Lieutenant-Governor Warren R. Porter, by the State Board of Examiners, and to appropriate money therefor

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Senate Bill No. 898 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 898, and do now report the same back, and recommend that it do pass.

STANTON, Chairman.

Bill read second time, and ordered on file for third reading.

RECONSIDERATION.

In compliance with his notice given on a previous day, Mr. Transue moved that the vote whereby Senate Bill No. 271 was refused passage be reconsidered.

The roll was called, and the same was reconsidered by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beban, Black, Bohnett, Callan, Cattell, Coghlan, Cogswell, Collier, Costar, Cronin, Dean, Drew, Fleisher, Flint, Gerdes, Greer, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnston of Contra Costa, Juilliard, Leeds, Macauley, McManus, Melrose, Moore, Mott, Nelson, Otis, O'Neill, Perine, Pugh, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Telfer, Transue, Wagner, Whitney, Wyllie, Young, and Mr. Speaker—52.

NOES—Messrs. Beatty, Butler, Gibbons, Gillis, Irwin, Johnson of Sacramento, Johnson of Placer, Kehoe, Maher, Mendenhall, Polsley, Preston, Stuckenbruck, and Wilson—14.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 271 finally passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beban, Black, Bohnett, Callan, Cattell, Coghlan, Cogswell, Collier, Costar, Cronin, Cullen, Dean, Drew, Fleisher, Flint, Gerdes, Greer, Griffiths, Hanlon, Hans, Hayes, Hewitt, Hinkle, Holmquist, Johnston of Contra Costa, Leeds, Macauley, McManus, Melrose, Moore, Mott, Nelson, Otis, O'Neill, Perine, Pugh, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Telfer, Transue, Wagner, Wyllie, Young, and Mr. Speaker—51

NOES—Messrs. Butler, Gibbons, Gillis, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Maher, Mendenhall, Polsley, Preston, Stuckenbruck, Whitney, and Wilson—15.

Title read and approved.

Bill ordered transmitted to the Senate.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1909.

MR SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 33—An Act to establish the school of trades of the State of California in the city and county of San Francisco, and providing for the selection, location, acquisition, and purchase of a site or sites in the said city and county of San Francisco for the erection, equipment and furnishing of a building or buildings, and for the improvement of the grounds thereof, for the use and occupancy of said school of trades, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BEARDSLEE, Chairman.

Senate Bill No. 33 ordered on file for second reading.

ON UNIVERSITIES.

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1909.

MR SPEAKER: The majority of your Committee on Universities, to whom was referred Senate Bill No. 1144—An Act to add a new section to the Penal Code of California, to be known as Section 172*a*, relating to the selling, giving away, or exposing for sale of any vinous or alcoholic liquors upon or within one and one-half miles of the university grounds of any university having an enrollment of more than one thousand students, more than five hundred of whom reside or lodge upon said university grounds—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

SCHMITT, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1909

MR SPEAKER: The minority of your Committee on Universities, to whom was referred Senate Bill No. 1144—An Act to add a new section to the Penal Code of California, to be known as Section 172*a*, relating to the selling, giving away, or exposing for sale of any vinous or alcoholic liquors upon or within one and one-half miles of the university grounds of any university having an enrollment of more than one thousand students, more than five hundred of whom reside or lodge upon said university grounds—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass, and that the same be referred to the Committee on Judiciary.

SCHMITT, Chairman.

MOTION.

Mr. Schmitt moved that Senate Bill No. 1144 be referred to Committee on Judiciary.

Motion lost.

Bill ordered on file for second reading.

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1909.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bill correctly engrossed:

Assembly Bill No. 1069—An Act to amend Section 4231 of the Political Code of the State of California, relating to compensation of officers of counties of the second class, their clerks, deputies, and assistants.

YOUNG, Chairman.

The above reported bill ordered on file for third reading.

SPECIAL ORDER RESET.

On motion of Mr. Sackett, the reconsideration of the vote on Assembly Constitutional Amendment No. 17 was made a special order for Thursday, March 11, 1909.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senate Bill No. 198—An Act to amend Section 4249 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the twentieth class.

During third reading of bill, Mr. Collier moved that the Speaker appoint a select committee of one to amend the bill, as follows:

Amend by striking out of line 32, page 2, of the printed bill, after the word "treasury," the period (.), and insert in lieu thereof a comma (,) and add the following words: "and which payment shall be in full for all services including the recording of mining claims."

Also. In line 34, of page 2, of the printed bill, strike out the word "five," and insert in lieu thereof the word "seven."

Also: In line 160, page 5, of the printed bill, strike out all after the word "Commissioner," and insert in lieu thereof the following words: "he shall receive the sum of five dollars per day; *provided, however*, that no supervisor acting as such road commissioner shall in any one year receive more than the sum of five hundred dollars for such services as road commissioner."

Also. Strike out all of line 161.

Motion carried.

The Speaker appointed Mr. Collier as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1909

MR SPEAKER: Your select committee of one, to whom was referred Senate Bill No 198, with instructions, do now report that the instructions of the Assembly have been carried out

COLLIER, Select Committee.

Report of select committee, and amendments, adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

ADJOURNMENT.

At five o'clock and forty-five minutes P. M., on motion of Mr. Transue, the Assembly was declared adjourned until ten o'clock A. M. of Thursday, March 11, 1909.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL., Thursday, March 11, 1909.

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. Geo. M. Perine, Speaker pro tem. of the Assembly, in the chair.

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

Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Collum, Costar, Cullen, Drew, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Preston, Pugh, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Wilson, Wyllie, and Young—62.

Quorum present.

LEAVES OF ABSENCE.

On motion, leave of absence for the day was granted to Messrs. Hopkins, Webber, Wyatt, and Flavelle.

PRAYER.

Prayer was offered by the Chaplain, Rev. Seren N. Marsh.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Collum, its further reading was dispensed with.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1909

MR SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 133—An Act to amend Sections 1 and 2 of an Act entitled "An Act to provide for the regulation of fires on, and the protection and management of public and private forest lands within the State of California, creating a State Board of Forestry and certain officers, subordinate to said board, prescribing the duties of such officers, creating a forestry fund, and appropriating the moneys in said fund, and defining and providing for the punishment of certain offenses for violations of the provisions of this Act, and making an appropriation therefor," approved March 18, 1905, providing for the appointment of a State Board of Forestry, and the appointment of a State Forester, and relating to their duties and term of office

Also: Assembly Bill No. 1337—An Act to amend Section 3780 of the Political Code as amended by Act approved March 28, 1895, relating to the redemption of property sold for delinquent taxes.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

JOHNSON OF SACRAMENTO, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1909.

MR SPEAKER: Your Committee on Judiciary, to whom was referred Senate Bill No. 593—An Act to amend Section 472 and Section 475 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the duties of the Attorney General, providing for an assistant, a chief deputy, deputies, clerks, phonographic reporter and stenographers in the Attorney General's office and fixing their salaries—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and that it be referred to the Committee on Ways and Means.

JOHNSON OF SACRAMENTO, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1909.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Senate Bill No 980—An Act to amend Sections 653c, 653d, and 653f, of the Civil Code of the State of California, all relative to cooperative business associations—report the same back, with one amendment, and recommend that it do pass as amended.

Also: Senate Bill No. 468—An Act to add a new section to the Code of Civil Procedure, to be numbered Section 329, relating to the time for bringing suits affecting the title to real property partitioned by decree of court—report the same back, with two amendments, with a majority recommendation that it do pass as amended, and the minority recommendation that it do not pass.

JOHNSON OF SACRAMENTO, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1909.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Senate Bill No 56—An Act to amend Section 536 of the Penal Code, relating to false statements by consignees and others, and to add a new section to the Penal Code, to be numbered Section 536a, imposing certain duties upon consignees and others.

Also: Senate Bill No. 342—An Act to prevent persons from unlawfully wearing the button of any labor union of this State.

Also: Senate Bill No. 979—An Act to add a new section to the Penal Code of California, to be numbered 536a, relating to the duties of commission merchants, brokers, factors, and consignees.

Also: Senate Bill No. 1106—An Act to add a new section to the Political Code, to be numbered 4284a, relating to and fixing the compensation of grand and trial jurors in the Superior Courts in counties of the fifty-fifth class.

Also: Senate Bill No. 1107—An Act to add a new section to the Political Code, to be numbered 4281a, relating to and fixing the compensation of grand and trial jurors in the Superior Courts in counties of the fifty-second class.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

JOHNSON OF SACRAMENTO, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1909.

MR. SPEAKER: Your Committee on Judiciary, to whom was re-referred Assembly Bill No 638—An Act to amend Section 261 of the Penal Code of the State of California, defining the crime of rape—report the same back, with four amendments, and without recommendation, except that the author of the bill be permitted to amend the bill as herein set forth.

JOHNSON OF SACRAMENTO, Chairman.

The above reported bills, with the exception of Assembly Bill No. 638, ordered on file for second reading.

Assembly Bill No. 593 referred to Committee on Ways and Means.

CONSIDERATION OF BILL—(OUT OF ORDER).

Mr. Johnson of Sacramento moved that Assembly Bill No. 638 be taken up for the purpose of amendment.

Assembly Bill No. 638—An Act to amend Section 261 of the Penal Code of the State of California, defining the crime of rape.

Mr. Johnson of Sacramento moved that the Speaker appoint a select committee of one to amend the bill, as follows:

AMENDMENT No. 1.

Add to the title of the printed bill as follows: "and to amend Section 264 of the Penal Code of the State of California regarding the punishment for the crime of rape".

AMENDMENT No. 2.

Strike out the semicolon in line 21, of Section 1, page 2, of the printed bill, and insert in lieu thereof a period.

AMENDMENT No. 3.

Strike out the words "and is punishable by imprisonment in the State prison not less than one year", in lines 21 and 22, Section 1, page 2, of the printed bill

AMENDMENT NO. 4.

Add to the printed bill the following:

SEC. 2. Section 264 of the Penal Code of the State of California is hereby amended so as to read as follows:

264. Rape is punishable by imprisonment in the State prison not less than one year.

Motion carried.

The Speaker appointed Mr. Johnson of Sacramento as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1909.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 638, with instructions, do now report that the instructions of the Assembly have been carried out.

JOHNSON OF SACRAMENTO, Select Committee.

Report of select committee, and amendments, adopted.

Bill ordered to reprint, reengrossment, and on file for passage.

ON MINES AND MINING.

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1909

MR. SPEAKER: Your Committee on Mines and Mining Interests, to whom was referred Senate Bill No. 58—An Act providing for the appointment of a consulting board to the Department of Engineering, to be known as the Consulting Board on Mining Débris, and authorizing such board, under the supervision and subject to the approval of the advisory board of the Department of Engineering, to perform certain duties relating to the restrainment of mining débris, the construction of certain works necessary and incident to the restrainment thereof, the condemnation or purchase of lands and rights of way necessary therefor, and the operation of mining by the hydraulic process where the same can be done without injury to any other industry—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

RUTHERFORD, Chairman

ON INSURANCE AND INSURANCE LAWS

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1909.

MR. SPEAKER: Your Committee on Insurance Laws, to whom was referred Assembly Bill No 796—An Act to prohibit misrepresentation by life insurance companies, etc — have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

PULCIFER, Chairman.

ON PUBLIC HEALTH AND QUARANTINE.

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1909.

MR. SPEAKER: Your Committee on Public Health and Quarantine, to whom was referred Senate Bill No. 132—An Act to amend sections two thousand nine hundred eighty-one and two thousand nine hundred eighty-two of the Political Code, relating to the State Board of Health—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BARNDOLLAR, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1909

MR. SPEAKER: Your Committee on Public Health and Quarantine, to whom was referred Senate Bill No. 1179—An Act to amend an Act entitled "An Act to prevent deception in the manufacture and sale of butter and cheese, to secure its enforcement, and to appropriate money therefor," approved March 4, 1897, by amending section seventeen of said Act—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and be re-referred to the Committee on Ways and Means

BARNDOLLAR, Chairman.

ON SWAMP AND OVERFLOWED LANDS AND LEVEES AND RIVER IMPROVEMENTS AND DRAINAGE.

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1909

MR. SPEAKER: Your Committee on Swamp and Overflowed Lands and Levees and River Improvements and Drainage, to whom was referred Senate Bill No. 709—An Act legalizing the formation and organization of reclamation district number seven hundred and eighty-seven, in the county of Yolo, State of California

Also: Senate Bill No. 710—An Act legalizing the formation and organization of reclamation district number seven hundred and eighty-five, in the county of Yolo, State of California.

Also: Senate Bill No. 1207—An Act providing for the government of consolidated swamp land, levee, or reclamation districts.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

HEWITT, Chairman.

ON FISH AND GAME.

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1909.

MR. SPEAKER: Your Committee on Fish and Game, to whom was referred Senate Bill No. 904—An Act relating to the protection and preservation of fish and game—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

COSTAR, Chairman.

ON IMMIGRATION.

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1909.

MR SPEAKER: Your Committee on Immigration, to whom was referred Senate Bill No 229—An Act to establish and support a bureau of immigration—have had the same under consideration, and respectfully report the same back, and recommend that it be re-referred to the Committee on Ways and Means.

GERDES, Chairman.

ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1909.

MR SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 1212—An Act dedicating to public use for street purposes certain lands in the city of Los Angeles, owned by the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

FEELEY, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1909

MR SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 1432—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations" (approved March 13, 1883), by adding thereto thirty-four new sections, numbered 887 to 921, inclusive, so as to provide for municipal corporations of the seventh class."

Also: Senate Bill No. 378—An Act to provide for the establishment and maintenance of public museums of natural and historical objects within municipalities of the fourth, fifth, and sixth class.

Also: Senate Bill No. 998—An Act to provide for the incorporation, organization, and management of municipal water districts.

Also: Senate Bill No. 1228—An Act to authorize municipal corporations to issue bonds, for the purpose of investing the proceeds arising from the sale thereof in other bonds issued for public improvements.

Also: Senate Bill No. 754—An Act granting certain lands and salt marsh and tide lands of the State of California to the city of Oakland.

Also: Senate Bill No. 1060—An Act to provide for the disincorporation and discontinuance of fire districts where the same become wholly or partly within the corporate limits of a town or city, incorporated subsequently to the organization thereof, and providing for the disposal of the property of such districts.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

FEELEY, Chairman

ON REVENUE AND TAXATION.

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1909

MR SPEAKER: Your Committee on Revenue and Taxation, to whom was referred Senate Constitutional Amendment No 1—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California providing for the separation of State and local taxation, providing for the taxation of public service and other corporations for the benefit of the State, and to that end adding to article thirteen a new section to be numbered section fourteen, amending section ten of article thirteen, and repealing section ten of article eleven thereof, all relating to revenue and taxation—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

MELROSE, Chairman.

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1909.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 102—An Act making an appropriation for the completion of repairs to the manor house at the California Home for the Care and Training of Feeble-Minded Children.

Also: Senate Bill No. 344—An Act to amend Sections 1 and 3 of an Act entitled "An Act to create a fund to be known as the United States forest reserve fund, and to provide for the payment out of such fund to the treasuries of the several counties entitled thereto of certain moneys received from the government of the United States, and also to regulate the manner of expenditure by the counties of the moneys so paid," approved March 18, 1907.

Also: Senate Bill No. 349—An Act making an appropriation for the investigation of agricultural and horticultural problems and conditions in Imperial Valley, providing for the establishment in said county of a branch agricultural experiment station for the purpose of prosecuting said work.

Also: Senate Bill No. 668—An Act to provide for the extension of the light, heating, power, water, and sewer systems at the University Farm and Agricultural School at Davis, and appropriating money therefor.

Also: Senate Bill No 756—An Act to amend Section 751 of the Political Code, relating to deputies of the Clerk of the Supreme Court.

Also: Senate Bill No. 590—An Act to amend Section 425 of the Political Code of the State of California.

Also: Senate Bill No. 593—An Act to amend Section 472 of the Political Code, relating to the duties of the Attorney General, providing for an assistant, etc.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

BEARDSLEE, Chairman.

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1909.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No 747—An Act to provide for the construction of buildings and structures, and repairs to the same, on the University Farm at Davis, and appropriating money therefor

Also: Assembly Bill No. 779—An Act to provide for the purchase of supplies, apparatus, equipment, and furnishings of buildings, class rooms and laboratories, on the University Farm at Davis, and appropriating money therefor

Also Assembly Bill No 780—An Act to provide for the extension of the lighting, power, water, and sewer systems at the University Farm and Agricultural School at Davis, and appropriating money therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they be withdrawn.

BEARDSLEE, Chairman.

The above reported bills ordered on file for second reading.

Senate Bills Nos. 1179 and 229 referred to Committee on Ways and Means.

ON CONTINGENT EXPENSES AND ACCOUNTS

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1909.

MR SPEAKER: Your Committee on Contingent Expenses and Accounts, to whom was referred the following resolution, have had the same under consideration, and respectfully report the same back, and recommend that it be adopted, as corrected.

Resolved, That the Controller be and he is hereby authorized and directed to draw his warrant on the contingent fund of the Assembly, and the State Treasurer is hereby directed to pay the same, for the sum of $239.75 in favor of J. T. Stafford, Sergeant-at-Arms of the Assembly, same being for the payment of the following bills attached:

F. R. Pulford	$25 85
Whiskey Hill Water Company	84 00
Julia Adams	14 00
John Breuner Company	19 75
H. S. Crocker Company	21 00
H. E. Sleeper and Company	10 50
Mrs. C. Mackall	20 00
Kane, Trainor Ice Company	28 00
E. F. Frazer	10 50
D Ellis	1 50
Geo W Locke & Son	4 65
	$239 75

TELFER, Chairman.

Mr. Telfer moved the adoption of the report and resolution.

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

AYES—Messrs. Barndollar, Baxter, Beatty, Callan, Cattell, Collum, Costar, Cronin, Dean, Drew, Feeley, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hans, Hawk, Hayes,

Hewitt, Hinkle, Holmquist, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Lightner, Macauley, Maher, Melrose, Mendenhall, Moore, Mott, Odom, Otis, O'Neill, Perine, Preston, Rech, Sackett, Schmitt, Stuckenbruck, Transue, Wagner, Whitney, Wilson, and Young—48

NOES—None.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1909

MR. SPEAKER: Your Committee on Contingent Expenses and Accounts, to whom was referred the following resolutions, have had the same under consideration, and respectfully report the same back, and recommend that they be adopted.

By Mr. Transue:

Resolved, That the State Controller be, and he hereby is, directed to draw his warrant on the contingent fund of the Assembly in the sum of seventeen dollars in favor of Henry E. Sleeper, and the State Treasurer is hereby directed to pay the same, said amount being for the payment of the bills attached hereto:

To HENRY E. SLEEPER, *Dr.*
Chief Clerk, State Assembly.

Jan.	6—No. 5674	$2 75
	13—No. 5756	4 00
	18—No. 5816	2 75
	20—No. 5830	50
	25—No. 5889	50
Feb.	20—No. 6135	1 50
	23—No. 6155	5 00
	Total	$17 00

Also:

Resolved, That the State Controller be, and he hereby is, directed to draw his warrant on the contingent fund of the Assembly in the sum of $843 75, in favor of H. S. Crocker Co., and the State Treasurer is hereby directed to pay the same, said amount being for the payment of the bills attached hereto:

SACRAMENTO, CAL., February 24, 1909.

To H. S. CROCKER COMPANY, *Dr.*

Jan.	23—65 copies Roberts' rules of order, cloth, at 75c	$48 75
Feb.	24—10 copies Roberts' rules of order	7 50
	24—10 copies Roberts' rules of order	7 50
	6—1 set Statutes of California, 1871-2 to 1907, inclusive	110 00
Jan.	18—6 sets Kerr's Codes, 7 volumes, at $55.00	330 00
Feb.	6—1 set California reports, 153 volumes annotated, edition	340 00
		$843 75

Also:

Resolved, That the State Controller be, and he hereby is, directed to draw his warrant on the contingent fund of the Assembly in the sum of $52 86, in favor of The Western Union Telegraph Company, and the State Treasurer is hereby directed to pay the same, said amount being for the payment of the bills attached hereto.

SACRAMENTO, CAL., January, 1909.

To THE WESTERN UNION TELEGRAPH COMPANY, *Dr.*

Jan.	18—To Perkins, Washington (D. C.)	$10 17
	19—To Englebright, Washington (D. C.)	9 68
	21—To Needham, Washington (D. C.)	23 61
	30—To Gerdes, San Francisco	37
Feb.	27—To Flint, Washington (D. C.)	6 25
Mar.	—To Judge Superior Court, Santa Barbara (Stanton)	1 39
	To District Attorney, Santa Barbara (Stanton)	1 39
		$52 86

TELFER, Chairman

Mr. Telfer moved the adoption of the report and Resolution No. 1.

The roll was called, and the report and Resolution No. 1 adopted by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Bohnett, Butler, Callan, Cattell, Collum, Drew, Feeley, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Holmquist, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Lightner, Maher, Melrose, Mendenhall, Moore, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pulcifer, Rech, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Wilson, and Young—49.

NOES—None

Mr. Telfer moved the adoption of Resolution No. 2.

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

AYES—Messrs. Barndollar, Baxter, Beardslee, Bohnett, Butler, Callan, Cattell, Collum, Cronin, Dean, Drew, Feeley, Fleisher, Flint, Gerdes, Gillis, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Lightner, Macauley, Maher, Melrose, Mendenhall, Moore, Mott, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pulcifer, Rech, Sackett, Schmitt, Silver, Telfer, Transue, Wagner, Whitney, Wilson, Young, and Mr. Speaker—53.

NOES—None.

Mr. Telfer moved the adoption of Resolution No. 3.

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

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Bohnett, Butler, Callan, Cattell, Collum, Cronin, Dean, Drew, Feeley, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Lightner, Macauley, Maher, Mendenhall, Moore, Mott, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pulcifer, Rech, Rutherford, Sackett Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Wilson, Young, and Mr. Speaker—56.

NOES—None.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1909

MR. SPEAKER: Your select committee of one, to whom was referred Committee Substitute for Senate Joint Resolutions Nos. 6, 7, 11, and 17, have had the same under consideration, and respectfully report the same back, and recommend that same be referred to Committee on Federal Relations.

STANTON, Select Committee.

Committee Substitute for Senate Joint Resolutions Nos. 6, 7, 11 and 17 referred to Committee on Federal Relations.

WITHDRAWAL OF BILL.

Mr. Rech asked for, and was granted, unanimous consent to withdraw Assembly Bill No. 1057.

Assembly Bill No. 1057 withdrawn, and ordered stricken from the file.

RE-REFERENCE OF BILL.

On motion of Mr. Butler Senate Bill No. 773 was recalled from the Committee on Public Charities and Corrections, and referred to Committee on Ways and Means.

WITHDRAWAL OF BILL.

Mr. Baxter asked for and was granted unanimous consent to withdraw Assembly Bill No. 1027.

Assembly Bill No. 1027 withdrawn, and ordered stricken from the file.

SPEAKER IN THE CHAIR.

At ten o'clock and thirty minutes A. M., Speaker Stanton in the chair.

SECOND-READING FILE.

Assembly Bill No. 675—An Act providing for investigations of plant diseases and pests, and making an appropriation therefor.

Assembly Bill No 1238—An Act to prohibit the wanton, wasteful, and unnecessary cutting and destruction of small trees and chaparral

growing upon private uncultivated land in this State situated upon the mountains and catchment basins from which cities, towns, and communities receive their water supply, and to regulate the business of lumbering and cutting such trees and chaparral upon said lands, and to provide for the appointment of inspectors for said lands, and making an appropriation to provide for the expenses in connection therewith.

Assembly Bill No. 1116—An Act to promote education regarding the laws of nature, governing the parents during reproduction, and making an appropriation therefor.

Assembly Bill No. 1081—An Act to appropriate money for the payment of the claim of George W. Bush.

Assembly Bill No. 1143—An Act to appropriate forty-four dollars to pay the claim of W. S. Kingsbury.

Assembly Bill No. 1013—An Act authorizing the State Board of Prison Directors to provide for assisting discharged prisoners to secure employment, and making an appropriation for the purpose of the Act.

Assembly Bill No. 1247—An Act to amend Section 6 of an Act entitled "An Act to regulate and license the hunting of game birds and animals, and to provide revenue therefrom, for game preservation and restoration, and to make appropriation for the purpose of carrying out the object of this Act," approved March 13, 1907.

Assembly Bill No. 1416—An Act to amend the Political Code of the State of California by adding a new section thereto, to be known and numbered as Section 419*b*.

Assembly Bill No. 610—An Act authorizing and directing the Board of State Capitol Commissioners to erect a monument in Capitol Park in the city of Sacramento, to the valor and patriotism of the volunteer Union soldiers and sailors who enlisted from the State of California during the civil war from 1861 to 1865, and making an appropriation therefor.

Assembly Bill No. 838—An Act to appropriate one thousand dollars for the erection of a monument in St. Mary's Cemetery, in the city of Oakland, county of Alameda, State of California, to the memory of Honorable John J. Burke, and appointing a commission to carry out the provisions therefor.

Assembly Bill No. 1440—An Act making an appropriation for the maintenance and improvement of the buildings of the Mission of St. Francis de Solano, situated at Sonora, California.

Assembly Bill No. 1433—An Act appropriating money to pay the claim of the Bryan Elevator Company against the State of California.

Assembly Bill No. 1434—An Act appropriating money to pay the claim of the Roebling Construction Company against the State of California.

Assembly Bill No. 1435—An Act appropriating money to pay the claim of James Campbell against the State of California.

Assembly Bill No. 1436—An Act appropriating money to pay the claim of the Russell-Vail Engineering Company against the State of California.

Assembly Bill No. 1437—An Act appropriating money to pay the claim of the Columbia Marble Company against the State of California.

Assembly Bill No. 1438—An Act appropriating money to pay the claim of A. Merle & Company against the State of California.

Assembly Bill No. 1439—An Act appropriating money to pay the claim of the Palm Iron Works against the State of California.

Assembly Bill No. 1065—An Act appropriating money to pay the claim of H. C. Muddox, Chris. Totten, and R. W. Simonds against the State of California.

Mr. Beardslee moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bills.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Assembly Bills Nos. 675, 1238, 1116, 1081, 1143, 1013, 1247, 1416, 610, 838, 1440, 1433, 1434, 1435, 1436, 1437, 1438, 1439, and 1065, considered.

Mr. Beardslee moved that the committee do now rise and report in favor of the passage of the bills.

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bills Nos. 675, 1238, 1116, 1081, 1143, 1013, 1247, 1416, 610, 838, 1440, 1433, 1434, 1435, 1436, 1437, 1438, 1439, and 1065, and do now report the same back, and recommend that they do pass.

STANTON, Chairman.

Bills read second time, and ordered to engrossment.

Assembly Bill No. 628—An Act to appropriate money for promoting the study of agriculture in elementary and secondary schools.

Mr. Beardslee moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Assembly Bill No. 628 considered.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out of line 1, Section 1, of printed bill, the word "four", and inserting in lieu thereof the word "two".

Mr Beardslee moved that the committee do now rise and report in favor of the passage of the bill, as amended.

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1909

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 628, and do now report the same back, and recommend that it do pass as amended.

STANTON, Chairman.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 1393—An Act to amend Section 540 of the Code of Civil Procedure of the State of California, relating to whom the writ must be directed and what it shall contain.

During second reading of bill, the following amendment was submitted by the committee:

Strike out the words and figure "Section 1. Section", in line 1, page 1, of the printed bill, and insert in lieu thereof the following:

SECTION 1. Section 540 of the Code of Civil Procedure is hereby amended to read as follows:

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 1395—An Act to amend Section 868 of the Code of Civil Procedure of the State of California, relating to writ of attachment; the officers to whom the writ may be addressed; the substance of, and the undertaking upon attachment.

During second reading of bill, the following amendment was submitted by the committee:

Strike out the words and figure "Section 1. Section", in line 1, Section 1, page 1, of the printed bill, and insert in lieu thereof the following:

SECTION 1. Section 868 of the Code of Civil Procedure is hereby amended to read as follows:

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 1283—An Act to add a new section to the Political Code, to be known as Section 1665*a*, providing for the establishment and maintenance in cities of the first class of one or more public schools called cosmopolitan schools, in which shall be taught the French, Italian, and German languages in connection with the English branches.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 949—An Act to amend Section 1 of an Act entitled "An Act to provide for the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipalities, and for the districting, government, and municipal control of annexed territory," approved March 19, 1889.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 1153—An Act to provide for the incorporation, organization, and management of municipal water districts.

Bill read second time, and ordered to engrossment.

Committee Substitute for Assembly Bill No. 1365—An Act to amend Section 4232 of the Political Code of the State of California, relating to salaries of officers in counties of the third class.

Substitute adopted.

During second reading of bill, the following amendments were submitted by Mr. Mott:

Amend by inserting in Section 8, page 7, line 41, the following: "*and provided further*, that the assessor, before employing any additional assistants, shall file with the board of supervisors a statement showing in detail the additional assistance necessary, and the services to be performed by the persons to be employed in performing such additional services, and shall have received permission to employ such additional assistants by said board of supervisors".

Amendment lost.

Also:

Insert in Section 8, page 8, line 45, after the word "shall" the following: "not."
Also: After the word "shall", on line 46, insert the following: "not".

Amendment lost.

WITHDRAWAL OF BILLS.

Mr. Hans asked for, and was granted, unanimous consent to withdraw Assembly Bill No. 937.

Assembly Bill No. 937 withdrawn, and ordered stricken from the file.

Mr. Maher asked for, and was granted, unanimous consent to withdraw Assembly Bill No. 1271.

Assembly Bill No. 1271 withdrawn, and ordered stricken from the file.

Assembly Bill No. 282—An Act to amend Section 775 of the Code of Civil Procedure, relating to sales in actions in partition.

During second reading of bill, the following amendment was submitted by the committee:

Strike out all after the enacting clause, and insert as follows:

SECTION 1. Section 775 of the Code of Civil Procedure is hereby amended to read as follows:

775 All sales of real property made by referees under this chapter must be made at public auction to the highest bidder, upon notice given in the manner required for the sale of real property on execution, unless in the opinion of the court it would be more beneficial to the parties interested to sell the whole or some part thereof at private sale; the court may order or direct such real property, or any part thereof, to be sold at either public auction or private sale as the referee shall judge to be most beneficial to all parties interested. If sold at public auction the notice must state the terms of sale, and if the property or any part thereof is to be sold subject to a prior estate, charge or lien, that must be stated in the notice. If the sale is ordered made at either public auction or private sale, the sale at private sale shall be conducted in the manner required in private sales of real property of estates of deceased persons.

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 1416—An Act to amend the Political Code of the State of California by adding a new section thereto, to be known and numbered as Section 419*b*.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

After the word "to", in line 29, Section 1, page 2, of the printed bill, insert the words "or against".

Amendment adopted.

AMENDMENT No. 2.

Strike out all of Section 2 of the printed bill.

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

WITHDRAWAL OF BILL.

Mr. Butler asked for, and was granted, unanimous consent to withdraw Assembly Bill No. 666.

Assembly Bill No. 666 withdrawn, and ordered stricken from the file.

Assembly Bill No. 221—An Act to amend Section 925 of the Penal Code of the State of California, relating to grand juries; when and from whom they may ask advice, and who may be present at the sessions of grand juries.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In the first line on page 1 of the printed bill at the beginning of the line insert the word "Section" and the figure "1".

Amendment adopted.

AMENDMENT No. 2.

After the word "be" in line 15, of Section 1, page 1, of the printed bill, insert the words "filed with the clerk of the court within ten days after the finding of such indictment and".

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 222—An Act to amend Section 988 of the Penal Code, relating to the arraignment of defendants.

During second reading of bill, the following amendment was submitted by the committee:

Insert at the beginning of the first line of the printed bill the word and figure "Section 1".

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 223—An Act to amend Section 995 of the Penal Code, relating to motion to set aside indictments, etc.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Insert at the beginning of the first line of the printed bill the word and figure "Section 1".

Amendment adopted.

AMENDMENT No 2

Strike out the word "indicted", in line 30, Section 1, page 2 of the printed bill, and insert in lieu thereof the words "held to answer".

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 950—An Act to amend Section 286 of the Penal Code of the State of California, relating to crime against nature.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Strike out "Sec 2", in the fourth line of the printed bill, and insert in lieu thereof the figures "286".

Amendment adopted.

AMENDMENT No 2.

Strike out the words "shall be guilty of a felony and shall be imprisoned", in line 5, page 1, of the printed bill, and insert in lieu thereof "is punishable by imprisonment"

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 1243—An Act to amend Sections 3746 and 3756 of the Political Code of the State of California, relating to the publication of notice by the tax collector of the time when taxes become due, and when unpaid taxes become delinquent, and to the penalty on delinquent taxes.

Bill read second time, and ordered to engrossment.

Committee Substitute for Assembly Bill No. 1139—An Act to provide for the creation of a board of parole commissioners for each county in the State, for the paroling of prisoners confined in county jails, and authorizing and empowering such boards to make rules and regulations in relation thereto.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 1338—An Act entitled "An Act to add a new section to the Civil Code, to be known and numbered as Section 1423, relating to appropriations of water by irrigation districts and other municipal corporations.

Bill read second time, and ordered to engrossment.

Committee Substitute for Assembly Bill No. 1097—An Act to prevent the sowing, propagation, dissemination, cultivation, or maintenance of certain grasses, plants, or weeds within the State of California, and repealing all Acts and parts of Acts inconsistent with or repugnant to the provisions hereof.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 643—An Act to amend Chapter 433 of the Statutes of California in regard to game preserves.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 725—An Act to amend Section 642 of the Political Code of the State of California, relative to the duties of the Fish Commissioners.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 1258—An Act to amend sections thirty-four hundred and forty-six, thirty-four hundred and fifty, thirty-four hundred and fifty-two, thirty-four hundred and fifty-three, thirty-four hundred and fifty-four, thirty-four hundred and fifty-five, thirty-four hundred and fifty-six, thirty-four hundred and fifty-nine, thirty-four hundred and sixty-three, thirty-four hundred and sixty-four, thirty-four hundred and sixty-seven, thirty-four hundred and seventy, thirty-four hundred and seventy-one, thirty-four hundred and seventy-four, thirty-four hundred and seventy-six, thirty-four hundred and eighty-one, thirty-four hundred and ninety-one of the Political Code of the State of California, relating to reclamation districts.

During second reading of bill, the following amendment was submitted by the committee:

Strike out all after the enacting clause, and insert in lieu thereof the following:

An Act to provide for the formation, government, and control of union irrigation and reclamation districts

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

SECTION 1. Whenever one half or more of the voters residing within a proposed district of swamp, overflow, and semi-arid lands lying within this State, one third or more of which are liable to be flooded by the waters of any stream or lake, and requiring irrigation during a portion of the year, susceptible of one mode of irrigation and reclamation, desire to reclaim and irrigate the same, they may present to the board of supervisors of the county in which the lands or the greater part thereof are situated, at a regular meeting of the board, a petition setting forth that they propose to form a union irrigation and reclamation district of the same.

SEC. 2. Such petition must contain a description of the lands by legal subdivision or other boundaries, or by any subdivision shown upon a recorded map, in the county or counties in which they are situated, approximate number of acres in the proposed district, and each tract with the names (if known) of the owners thereof, and designated as unsold, any lands not reduced to private ownership.

SEC. 3. Such petition must be accompanied by the affidavit of at least three signers, showing that not less than one third of the lands are subject to overflow, and that all the lands described in the petition can either be irrigated, or reclaimed, or irrigated and reclaimed, by one mode of irrigation and reclamation

SEC. 4. Said petition must also be accompanied by a certificate of the county clerk of the proper county, showing that the names of the signers of said petition are on the last great register of the precinct or precincts in which the proposed district is situated.

SEC. 5. Such petition must be published for four weeks next preceding the hearing thereof in some newspaper published in the proposed district, or if no newspaper is published therein, then in some newspaper, having a general circulation in said district, and an affidavit of publication must be filed with said petition.

SEC. 6. If the board of supervisors find, on hearing the petition, that its statements are correct, they must make an order approving the same. If it be shown that any land has been improperly included in, or excepted from, the proposed district, they must reform the district in such respects in their order. The order of approval must be endorsed on, or attached to, the petition, and be signed by the president and attested by the clerk of the board.

SEC. 7. After the approval of the petition by the supervisors of the county in which the greater part of the district is situated, such petition must be recorded by the county recorder of said county, in a book kept for the purpose of recording papers relative to union irrigation and reclamation districts, and a certified copy thereof forwarded to the register by said recorder.

SEC. 8. All districts organized under this Act must have a State number, and the register, upon the receipt of a copy of the petition, must number the same and send the number to the county recorder of the county from which the copy came, and the recorder must number the petition upon record in like manner, and the district must thereafter be known and designated thereby.

SEC 9. The supervisors must thereafter, upon the application of ten qualified voters of the district, appoint three eligible freeholders, to act as directors until their successors are elected and qualified, and they must call an election in which there must be elected three freeholders who are resident voters in said district, and who shall constitute, when elected and qualified, the board of trustees of the district

SEC. 10 Notice of the election shall be published for at least thirty days prior thereto, in a newspaper published in the district, if any newspaper is published therein, and if not, then in some newspaper having a general circulation in the district.

SEC 11. The supervisors in each county in which said district is wholly or partially situated shall form at least one voting precinct in such district, and appoint an election board, and otherwise provide for such election in the precinct so formed.

SEC. 12. If the person so appointed fail to attend at the time and place for the election, the voters present at the time and place of opening the polls may appoint the board, or supply the place of any absent member thereof

SEC 13. Each member of the board must, before entering upon his duties, be sworn to a faithful performance thereof, by some officer authorized to administer oaths, or by any qualified elector

SEC. 14. The board of trustees must canvass the votes and issue certificates of election to the persons elected, and must place the ballots when canvassed in an envelope, and forward the same to the clerk of the board of supervisors of the county in which the district was formed

SEC. 15. Any legal qualified voter may challenge any vote, and the board of electors shall determine by oath of the parties, or otherwise, as they may think proper, whether or not the person challenged is entitled to vote, and in case of a challenge either one of the board of electors is hereby authorized to administer the oath.

SEC. 16 The polls shall be open to receive votes from 9 A M. to 5 P M. And the provisions of the general election laws of this State applicable to the elections provided for in this section are hereby made a part of this Act.

SEC 17 The trustees shall hold office for six years succeeding their election, except the first board elected under the provisions of this Act shall, after election, choose by lot one of their number to hold office for a term of two years, one for a term of four years, and one for six years, or until their successors are elected and qualified.

SEC. 18. In case of a vacancy in the board of trustees, the supervisors of the county in which the district was formed shall, by appointment, fill any vacancy until the next regular election

SEC 19. A trustee shall be elected every two years after the first election in accordance with the provisions of this Act, to hold office for a term of six years, or until his successor is duly elected and qualified; at such election other trustees necessary to fill any vacancy in the board must be elected.

SEC 20. Before entering upon their duties the trustees must subscribe to an oath before the county clerk of the county in which the district was formed that they will obey the Constitution of the United States, of the State of California, and the laws and statutes thereof, and will faithfully and diligently discharge the duties of their office, and protect the interest and property of the district

SEC. 21. When a district is situated partially in different counties the trustees must forward a copy of the petition to the clerk of the board of supervisors of each of the counties in which any portion of the district may lie, and the board to which the same is forwarded must not allow another district to be formed within such district.

SEC 22 The board of directors must keep an office at some convenient place in the district for the transaction of the business of the district, and in which must be kept the books, maps, papers, records, contracts, and all other documents or instruments pertaining to the affairs of the district; the trustees shall keep a record of all expenditures and disbursements and minutes of the meetings of the board, and the same must be open to inspection by all persons interested at all reasonable times.

SEC 23. The trustees must adopt by-laws for the government and control of the affairs of the district. The by-laws thus adopted must be approved by the supervisors of the county or counties in which the district was situated, and thereafter filed for record with the county recorder of the county in which the district was formed, and by him recorded in the book kept by him for the purpose of recording instruments and writings relative to ciénaga district.

SEC 24. The by-laws may be amended from time to time in the same manner as the original by-laws were adopted.

SEC. 25. After the by-laws are recorded the district shall be deemed organized for all purposes, and can then sue and be sued

SEC 26. The board of trustees shall have power to elect one of the members president thereof; to employ an attorney, clerk, and such other help as they may require, engineers and others to survey, plan, locate, and estimate the cost of the works necessary for the reclamation and irrigation of the lands of the district; to thereafter, at any time in its discretion, modify or change such original plan or plans, to adopt new and supplemental or additional plan or plans, when, in its judgment, the same shall have become necessary.

SEC 27 Said board shall have power to acquire, by purchase, or otherwise, necessary land, right of way, and the right to take material for construction of all works necessary for the accomplishment of this object, including drains, canals, sluices, bulkheads, water gates, levees, pipe lines, pumping plants, culverts, embankments and all other things necessary to construct, maintain, and keep in repair all work requisite and necessary to that end: and to do all other acts and things necessary or required for the reclamation and irrigation of the lands embraced in the district.

SEC. 28. Whenever in their judgment it becomes necessary the trustees may in the name of the district, or the president thereof acting in their behalf, may proceed under the provisions of Title Seven, Part Three, of the Code of Civil Procedure for the condemnation of any lands, or material needed by the district, for right of way or for other purposes pertaining to the construction, maintenance, or repair of the works of the district, whether said land or material is outside of or within the limits of the district, and the title of said land whether acquired by condemnation or otherwise, shall become vested in the district

SEC. 29. All work necessary for the irrigation and reclamation of the lands of the district, must be executed under the direction of, and in the manner prescribed by, the board of trustees

SEC. 30 Whenever the trustees find that the surveys of the lands within the district made by the authority of the United States Land Office are incomplete, or inaccurate, they shall cause their engineer to survey and map the boundaries of the district, and all property lines embraced therein; and after said map has been approved by the supervisors and the county surveyor of the county or counties in which said district is situated, it shall be recorded in the office of the county recorder, in the map book of said county or counties, and shall thereafter for all purposes provided by law become the official map of said district, and the lands embraced therein, subject to amendment or change, in the same manner as the original map was prepared and adopted.

SEC. 31. The trustees can, by provision of the by-laws, allow the water supplied by the district to be used for domestic power, irrigation, and other purposes; and they shall adopt rules and charges for the use and distribution of the same which will become effective when approved by the board of supervisors of the county in which the district was formed

SEC. 32. The trustees shall draw all warrants upon the funds of the district, either in money or bonds; after the warrants are approved by the board of supervisors of the county in which the district was formed they are to be presented to the treasurer of said county, and if not paid upon presentation such endorsement must be made thereon, and they must be registered and bear interest from the date of presentation; and no warrant shall be an indebtedness against the district until it has been approved by the board of supervisors of said county

SEC 33. The trustees must at the end of each month pay all money received by them for the district, from the sale of water, material, or from other sources, into the treasury of the county in which the district was formed, and by the treasurer placed to the credit of the district.

SEC. 34. The several members of the board shall each be entitled to receive, for actual and necessary services performed and for expenses incurred by them, respectively, for and in the interests of the district, such compensation as the board may determine to be just and reasonable, for which warrants of the district may be drawn and paid in the same manner, and out of the same funds, as other warrants of the district; after they have been approved by the board of supervisors of the county in which the district was formed

SEC. 35. The board of trustees must report to the board of supervisors of the county or counties in which the district is situated, such original plan or plans of the work; and every such new, supplemental, or additional plan, if any, together with the estimates of the cost of the work necessary for the reclamation and irrigation of the lands in the district, in pursuance of such plan or plans, together, also, with the estimates of the incidental expense, of superintendence, repairs, and costs of collection of assessments, and such other expense necessary to the construction of said work.

SEC 36. The board of supervisors of the county in which the district was formed must appoint three commissioners, disinterested persons, residents of the county in which the district, or some part thereof, is situated, who must view and assess upon the property within the district, a charge proportionate to the whole expense, and to the benefits of which will result in such works, and estimated in lawful money of the United States

SEC. 37. The commissioners must make a list of the charges assessed against each piece of taxable property in the district, and if there be any error or mistake in the description of the same or in the name of the owner, or if there is any other error or mistake in any other respect the commissioners shall amend or correct the same at any time, either before or after the list has been filed with the clerk of the board of supervisors of the county in which the district was formed.

SEC. 38 The list must contain:

1 A description of the land by legal subdivisions, or otherwise, as shown upon the official map of the district.

2 The number of acres in each tract.

3 The names of the owners of each tract, if known; and if unknown, that fact.

4 Whether or not said land can be irrigated with the works of the district as constructed, or under construction.

5 Description of all other taxable property, as shown upon the books of the assessor of the county in which the property is situated

6 The amount charged against each piece of property so listed by the commissioners

SEC 39 The list so made must be filed with the clerk of the board of supervisors of the county in which the district was formed, and a copy thereof certified to by the commissioners must be filed with the clerk of the board of supervisors of any other county, in which a part of the district is situated

SEC 40 And a certified copy of the list must also be filed with the assessor and tax collector of each county in which the district, or a part thereof, is situated

SEC. 41. And such lists and assessments must be made and filed as provided in this Act between the 1st day of March and the 15th day of April of each year

SEC 42 The commissioners so appointed shall receive their actual expenses and compensation for their work, not to exceed five dollars per day for the time necessary to complete the work, and warrants for such charges shall be drawn against the district, and paid the same as other warrants of such district.

SEC. 43. If the original assessment is insufficient to provide for the complete reclamation and irrigation of the land in the district, or if further assessments are from time to time required to provide for the protection, maintenance, and repair of the works of the district, the trustees must present to the board of supervisors of the county in which the district was formed, a statement of the supplemental or other work done or to be done and its estimated cost, and such board of supervisors must make an order, directing the commissioners who made the original assessment or other commissioners to be named in such order, to assess the amount of such estimated cost as a charge upon the property within the district, which assessment must be made, listed, filed and collected, in the same manner as the original assessment

SEC. 44 In any action to determine the validity and effect of any assessment made by said commissioners, the list duly executed by said commissioners or a certified copy thereof, shall be prima facie evidence of matters therein contained, and that said commissioners were duly appointed and qualified, as required by law, and that they did view and assess upon the lands and other property set forth in said list, the charges therein contained, and that said charges are in proportion to the whole expense and benefits of which will result from the works of reclamation and irrigation for which said assessment is so levied.

SEC. 45 The commissioners appointed by the board shall hold office only for the purpose of making the assessment designated by the board of supervisors in their order of appointment, and they shall give a bond of one thousand dollars each for the faithful performance of their duties, which bond must be approved by a superior judge of the county in which the district was formed.

SEC. 46. When the list of the assessment provided for in this Act, or a certified copy thereof, shall be filed with the clerk of the county or counties in which the district is situated, each purchaser who has obtained title from the State of California to his land, under the provisions of the law for the sale of swamp and overflow lands by the State of California, must receive a credit thereon of eighty per cent of the amount so paid, unless said land has previously received such credit, and less any amount properly chargeable against him, and an order to that effect made by the trustees of the district, and approved by the board of supervisors of the county in which the district was formed, must authorize the tax collector of said county to allow such credit, against the charges assessed by the commissioners.

SEC. 47 The purchaser of any tract of land which may be unsold in any cienaga district, at the date of filing the by-laws, takes the same, subject to all the provisions of such by-laws, and the charges assessed in pursuance thereof.

SEC 48 And such purchaser has all the rights and privileges enjoyed by the original petitioners, if he pays into the county treasury of the county in which the district was formed to the credit of said district, twenty per cent of the principal, one year's interest on the remaining eighty per cent of any charges assessed against

the lands so purchased and remaining unpaid, and each year thereafter shall continue to pay twenty per cent of the principal and interest on the remainder until the whole of said assessment or charges has been paid.

SEC. 49. Whenever the supervisors of any county in which any ciénaga district has been formed under the provisions of this Act, certify to the register that the works of reclamation and irrigation are in progress upon the plan, in conformity with the requirements hereinbefore provided, the payment of interest by purchasers in such districts is suspended; but if the works are not completed and accepted within five years from the date of filing the petition, the interest for the whole time must be charged and collected by the register.

SEC. 50 Whenever the trustees certify under oath to the board of supervisors of the county in which the district was formed, and show to their satisfaction that the works of reclamation and irrigation are completed, or that two dollars in money per acre has been expended on the works of reclamation and irrigation, the board of supervisors must certify such facts to the register

SEC 51. The register must thereupon forward to the county clerk of said county a statement showing the names of purchasers of lands in the district who have paid in full therefor.

SEC. 52 The revenues of said district other than that received from the sale of water, power, franchises, etc., by the trustees of the district and approved by the board of supervisors of the county in which the district was formed, must be derived from a tax levied upon the taxable property of the district, as shown by the report of the commissioners appointed for that purpose, and the board of supervisors of the county wherein said district was formed, at the time of making the levy of taxes for county purposes, must levy a tax for that year upon the taxable property in such district, and in accordance with the report of the commissioners, sufficient to pay the interest which may become due on any bonds, or other indebtedness of said district during such year, and if any portion of the principal of said bonds or other indebtedness which shall become due during such year, then also an amount sufficient such portion of such principal, and such other charges against said district necessary to maintain or construct such works and conduct its business, less the amount estimated by the trustees to be derived from the sale of water, or from other sources under control of the board of trustees.

SEC. 53 All taxes so levied shall be computed and entered on the assessment roll of the county where such property may be situated by the county auditor and collected by the tax collector, at the same time and in the same manner as State and county taxes, and when collected shall be paid into the county treasury for the use of said district.

SEC. 54 When such district is situated partially in different counties, the assessor of the county in which any portion of said district may be situated, shall, prior to the time when the board of supervisors meet to make the levy for county purposes in each year, certify to the board of supervisors of the county where such district was formed, a statement of the value of all taxable property of said district, situated in such county; and when such board of supervisors shall have determined the rate of taxation necessary to be levied upon said property, the clerk of said board of supervisors shall certify the same, under the seal of said board, to the auditor of any other county in which a portion of the district is situated, and such auditor shall thereupon compute the tax, and enter the same upon the assessment roll of said county

SEC 55 When any tax has been collected under any provisions of this Act, and placed in the treasury of any county other than the one in which said district was formed, the treasurer of such county must, within thirty days after receipt of the same, forward all money in such treasury belonging to the district to the county treasurer of the county in which the district was formed, who shall receive and receipt for the same and place such money in the treasury of such county to the credit of said district

SEC 56. No assessor, tax collector, treasurer, or clerk shall receive any fee for any services required to be performed by them under the provisions of this Act All expenses necessarily incurred in carrying out the provisions of this Act shall be paid to the board of supervisors of the county incurring the expense for the benefit of said county by warrants of the district, in the same manner as other expenses of said district

SEC 57. If the owners of lands representing more than two thirds of any body of lands within any ciénaga district formed under this Act, in which such lands have not been reclaimed and irrigated, and for which the trustees have made no provision for such reclamation and irrigation, desire to have such body of lands set over from said district, they must, in addition to the petition required for that purpose show to the board of supervisors of the county in which the district was formed, that said body of lands is capable of an independent mode of reclamation and irrigation, and that said body of land could not be reclaimed and irrigated according to the plans and specifications adopted by the board of trustees of the district and that such segregation would not endanger or delay, or otherwise interfere with, the work of irrigating and reclaiming the remainder of the district

SEC 58 For the purpose of determining the validity of any assessment made by the commissioners, the trustees of the district, or other persons interested, may

bring an action in accordance with Section 3493½ of the Political Code of California, as though said ciénaga district was formed under Section 3446 of said Code.

SEC. 59. Whenever, in the opinion of the board of trustees of any ciénaga district formed under this Act, the cost of reclamation and irrigation according to the plans thereof will be too great to be raised by assessment as provided in this Act, to be paid within one year.

SEC. 60. Said board of trustees shall order a special election to be held in said district, at some place or places designated by them, and at which said special election there shall be submitted to the voters of said district, the question of whether or not the bonds of said district shall be issued in amount necessary to construct said works of reclamation and irrigation, and which amount shall be estimated by said board of trustees and stated in the order for such election.

SEC. 61. Said election shall be called by the supervisors of the county in which the district was formed, upon the petition signed by at least two members of the board of trustees, and said election shall conform to the provisions of this Act, and the election laws of the State of California, and the question whether or not bonds of said district shall be issued in the amount named in the estimate and order of the board of trustees for reclaiming and irrigating the lands of said district shall be submitted to the voters thereof.

SEC. 62. The notice of such special election shall specify the time and place of holding such election, the amount of bonds proposed to be issued, and the names of the persons to act as the board or boards of election; the ballots shall contain the words "Bonds—Yes," and "Bonds—No."

SEC. 63. If a majority of the votes cast at such election are in favor of the bonds, the board of trustees of the district shall cause bonds in the amount stated in the order for election to be issued and placed in the custody of the treasurer of the county in which the district was formed.

SEC. 64. The treasurer of said county shall place the bonds pursuant to this Act to the credit of said district, and may at any time upon the order of the board of supervisors of such county sell any of said bonds for the best price obtainable therefor, but in no event for less than the face value of said bonds, and the accrued interest thereon. Any money derived from the sale of such bonds by said county treasurer shall be placed in the treasury to the credit of said district, and a proper record of such transaction be placed upon the books of such treasurer.

SEC. 65. Said bonds shall be of a denomination of not less than one hundred dollars, and not more than one thousand dollars each, shall be negotiable in form, signed by the board of trustees, and the chairman of the board of supervisors of said county, and attested by the clerk of said board of supervisors and the seal of such board of supervisors, shall be numbered consecutively as issued, and bear date at the time of their issue, and shall express on their face that they were issued by authority of this Act, stating its title and date of approval, and the date of election at which such issuance was authorized.

SEC. 66. The bonds shall bear interest at a rate not to exceed six per cent per annum, payable semi-annually on the first day of January and the first day of July in each year, at the office of the county treasurer of the county in which the district was formed, or some other place allowed by law, and to be approved by the board of supervisors of said county, and the superior judge or judges thereof, upon presentation of the proper coupons therefor.

SEC. 67. Coupons for such installment of interest shall be attached to said bonds, and shall be numbered, signed and attested in the same manner as the bonds.

SEC. 68. The principal of said bonds shall be paid as follows, to wit: Five per cent of the whole amount of the bonds issued, according to their consecutive numbers, shall be paid ten years from the date of their issue, at the place provided for their payment, and five per cent thereof each succeeding year thereafter until all are paid.

SEC. 69. When said bonds are issued in accordance with the provisions of this Act, they shall be deemed municipal bonds for all purposes mentioned in the Codes and statutes of this State. The principal and interest of said bonds shall be paid by revenue derived from a tax levied upon the assessable property of the district in accordance with the provisions of this Act.

SEC. 70. If any bond shall not be presented for payment when the bond becomes due it shall cease to draw interest; but if presented at such time, and not paid for the want of funds, the county treasurer shall so endorse it, and thereafter such bonds shall draw interest until paid at the rate specified therein.

SEC. 71. The board of trustees of said district may draw orders upon the county treasury of the county in which the district was formed, payable in bonds or money in proportion to the amount thereof, to pay for labor and services performed, for materials or property furnished to said district, for the purpose of constructing, repairing and maintaining the reclamation and irrigation works thereof, and the contingent expenses of said district, which order shall be approved by the board of supervisors of said county, and thereafter paid by said treasurer in the manner therein provided for, if such bonds then remaining in the treasury to the credit of the district be sufficient to pay the same.

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 840—An Act to amend an Act entitled "An Act to regulate the practice of architecture," approved March 23, 1901.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 1417—An Act to legalize bonds to be issued and sold by municipalities where the authority for such issuance has already been given by a vote of more than two thirds of the electors of such municipalities.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 944—An Act amending Section 1068 and Section 1074 of the Code of Civil Procedure, relating to writs of review.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 1206—An Act to amend Sections 1068 and 1069 of the Code of Civil Procedure, relating to the writ of review.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Strike out the words "When and by what courts granted ", in line 3, Section 1, of the printed bill.

Amendment adopted.

AMENDMENT No. 2.

Strike out the words "Application for, how made.", in line 3, Section 2, page 2, of the printed bill.

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

SPECIAL FILE—THIRD READING.

Assembly Bill No. 178—An Act to provide for the building, equipping, and furnishing of an armory to be used for the National Guard purposes, in the city of Los Angeles, and to make an appropriation for the same.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 178 passed by the following vote:

AYES—Messrs. Barndollar, Beatty, Bohnett, Butler, Callan, Cattell, Cogswell, Collum, Costar, Dean, Drew, Feeley, Flint, Gerdes, Gillis, Greer, Griffiths, Hanlon, Hans, Hawk, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilhard, Kehoe, McClellan, Melrose, Mendenhall, Moore, Mott, Odom, Otis, Perine, Polsley, Preston, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr Speaker—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ROADS AND HIGHWAYS.

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1909

MR SPEAKER: Your Committee on Roads and Highways, to whom was referred Assembly Bill No 1150—An Act to amend an Act entitled "An Act to provide for the formation of boulevard districts and the construction, maintenance, and use of boulevards and defining the term 'boulevard,' approved March 22 1905, by amending Sections 2, 6, 7, 8, and 9, in relation to the issuing of bonds and by amending Section 11,

thereof, in relation to gifts and donations, and by amending Section 12 thereof, in relation to reconstruction of county roads and public highways within boulevard districts.

Also: Assembly Bill No. 1270—An Act to amend Section 2802 of the Political Code of the State of California, relating to toll roads

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

GREER, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1909.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 982—An Act to make an appropriation to locate, survey, and obtain an estimate of cost of a highway from Happy Camp, Siskiyou County, along the Klamath and Trinity rivers to Hoopa Valley, Humboldt County, and also from a point along said route up the Salmon River to Black Bear—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and be re-referred to Committee on Ways and Means.

GREER, Chairman.

The above reported bills ordered on file for second reading.

Assembly Bill No. 982 referred to Committee on Ways and Means.

HON. J. P. TRANSUE IN THE CHAIR.

At eleven o'clock and thirty-five minutes A. M., Hon. J. P. Transue in the chair.

THIRD-READING FILE.

Assembly Bill No 815—An Act to amend Section 1238 of the Code of Civil Procedure, relating to the purpose for which the right of eminent domain may be exercised.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 815 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Black, Bohnett, Callan, Cattell, Cogswell, Collum, Costar, Dean, Drew, Feeley, Flint, Gerdes, Griffiths, Hanlon, Hans, Hawk, Hewitt, Hinkle, Holmquist, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Odom, Otis, Perine, Polsley, Preston, Pulcifer, Rutherford, Sackett, Schmitt, Silver, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, and Young—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 936—An Act adding a new section to the Penal Code, to be known as Section 1231, relating to application to the State Board of Health by a person condemned to death for a physical examination, and for their recommendation to the Governor that such person is physically fit for medical treatment, tests or experiments in the interest of science, and providing for their recommendation in such matter and the reprieving of such person.

During third reading of bill, Mr. Hawk moved that the Speaker appoint a select committee of one to amend the bill as follows:

Amend by striking out on page 2, line 18, of the printed bill, the words "medical treatment".

Also: On line 21, strike out the word "treatment".

Also: On line 30, strike out the words "medical treatment"

Also: Ending on line 32, and beginning on line 33, strike out the word "treatment".

Also: On fifth line of the title of the printed bill, strike out the words "medical treatment".

Motion carried.

The Speaker appointed Mr. Hawk as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1909

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 936, with instructions, do now report that the instructions of the Assembly have been carried out.

HAWK, Select Committee.

Report of select committee, and amendments, adopted.

Bill ordered to reprint, reengrossment, and on file for passage.

WITHDRAWAL OF BILL.

Mr. Maher asked for, and was granted, unanimous consent to withdraw Assembly Bill No. 1155.

Assembly Bill No. 1155 withdrawn, and ordered stricken from the file.

Assembly Bill No. 1282—An Act to add a new section to the Penal Code of the State of California, to be known and numbered Section 402*e*.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1282 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Black, Butler, Callan, Cattell, Cogswell, Costar, Cronin, Cullen, Dean, Drew, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Macauley, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Preston, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wheelan, Whitney, Wilson, and Wyllie—54.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1004—An Act to authorize the Governor to accept on behalf of the State the grant of certain lands in Butte County.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1004 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collum, Cronin, Cullen, Dean, Drew, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Polsley, Preston, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Transue, Whitney, Wilson, and Wyllie—57.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1284—An Act validating the title to lands selected by the State in lieu of surveyed school sections situated within the exterior boundaries of national reservations created by proclamation of the President of the United States, and vesting the title of the State to such surveyed school sections of the United States.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1284 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beatty, Black, Bohnett, Butler, Callan Cattell, Coghlan, Cogswell, Collum, Costar, Cronin, Cullen, Dean, Drew, Fleisher, Flint, Gerdes,

Gibbons, Gillis, Greer, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, McManus, Melrose, Mendenhall, Moore, Mott, Odom, Otis, Polsley, Preston, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wheelan, Whitney, Wilson, and Wyllie—59.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

REPORT OF COMMITTEE ON FREE CONFERENCE.

The following report of Committee on Free Conference was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1909.

MR. SPEAKER: Your Committee on Free Conference, concerning Senate Joint Resolution No. 3—Relative to transportation rates, and urging our Representatives in Congress to support measure granting increased powers to the Interstate Commerce Commission—report that we have met a like committee of the Senate, consisting of Senators Sanford, Cutten, and Black, and we report that the Free Conference Committee agreed upon and recommended the adoption of the annexed amendments to said resolution

JOHNSON OF SACRAMENTO,
TRANSUE,
DREW,
Committee on Free Conference

AMENDMENT NO 1

Strike out lines 20 and 21, on page 1, and lines 22 up to and including 30, on page 2, and insert in lieu thereof the following:

WHEREAS, It is important to the people of this State that a line of steamers be established between the ports of the Pacific coast and the Isthmus of Panama, and

WHEREAS, Senator Flint and Representative McLachlan have recently introduced in Congress a bill calling for an appropriation of ten million dollars to establish a Federal line of steamers on the Pacific coast; therefore, be it

AMENDMENT NO. 2.

Strike out lines 37 to 49, inclusive, on page 2, and insert the following:

Resolved, That we recommend the speedy establishment of the line proposed in said bills introduced by Senator Flint and Representative McLachlan at as early a date as possible, in order that relief may be afforded to the manufacturers, merchants, and producers of this State, and

Mr. Drew moved the adoption of the report and amendments.

Motion carried.

SENATE MESSAGES.

The following messages from the Senate were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1909.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day passed.

Senate Bill No. 758—An Act to amend section seven hundred and fifty-six of the Political Code, relating to salaries of deputies of the Clerk of the Supreme Court.

Also Senate Bill No. 1013—An Act to amend Sections 385 and 386 of the Political Code, relating to the salaries of the Private Secretary and the Executive Secretary of the Governor.

Also: Senate Bill No. 1077—An Act to amend Section 1880 of the Political Code, relative to elections for issuance of school bonds

Also: Senate Bill No. 844—An Act to prevent persons from unlawfully using a union card

Also: Senate Bill No. 884—An Act to amend Section 2802 of the Political Code of the State of California, relating to toll roads

Also: Senate Bill No. 994—An Act to amend an Act entitled "An Act to provide for the formation of boulevard districts, and the construction, maintenance, and use of boulevards, and defining the term boulevard," approved March 22, 1905, by amending Sections 2, 6, 7, 8, and 9, in relation to the issuing of bonds, and by amending Section 11 thereof, in relation to gifts and donations, and by amending Section 12 thereof in relation to reconstruction of county roads and public highways within boulevard districts.

Also: Senate Bill No. 1061—An Act to authorize and empower the board of managers of the Agnews State Hospital to sell and convey a portion of real property situate in Santa Clara County, in the State of California, and belonging to said State, to the Western Distilling Company.

Also: Senate Bill No. 978—An Act relating to ferries across rivers and streams wholly within one county and empowering the boards of supervisors of such county to purchase, establish, and maintain ferries across such rivers or streams, and to pay the expenses thereof.

Also: Senate Bill No. 1232—An Act to legalize, confirm, and validate tax deeds made to the State of California for delinquent taxes, and deeds made to purchasers of property sold under and in pursuance of the provisions of sections three thousand eight hundred and ninety-seven and three thousand eight hundred and ninety-eight of the Political Code.

Also: Senate Bill No. 1131—An Act to amend an Act entitled "An Act to provide for the formation of protection districts in the various counties of this State, for the improvement and rectification of the channels of innavigable streams and watercourses, for the prevention of the overflow thereof, by widening, deepening, and straightening and otherwise improving the same, and to authorize the board of supervisors to levy and collect assessments from the property benefited to pay the expenses of the same," approved March 27, 1895, by adding a new section thereto, to be numbered Section 28½, relating to maintenance of protection districts.

Also: Senate Bill No. 1091—An Act to amend an Act entitled "An Act to establish police courts in cities of the second class, to fix their jurisdiction, and to provide for officers of said court, and to fix the compensation of said officers thereof," approved March 21, 1905, by repealing Section 7 thereof

Also: Senate Bill 1139—An Act to amend Section 1936 of the Code of Civil Procedure, relating to what shall constitute prima facie evidence.

Also: Senate Bill No. 928—An Act to add a new section to the Code of Civil Procedure, to be numbered Section 1019, relating to the service of pleadings and papers in actions for divorce

Also: Senate Bill No 672—An Act to amend Section 611 of the Political Code, relative to publication of statements of insurance companies

Also: Senate Bill No. 821—An Act to fix the salaries of the State Forester, Deputy Forester, and Assistant Forester

Also: Senate Bill No 1196—An Act to amend Section 1365 of the Code of Civil Procedure of California, relating to the order of persons entitled to administer upon an estate, and providing that a partner shall not be appointed administrator.

Also: Senate Bill No 1197—An Act to amend Section 1349 of the Code of Civil Procedure of California, relating to person or persons to whom letters testamentary on proved will may be issued

Also: Senate Bill No. 1156—An Act to amend Section 2 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, relating to street improvements.

Also: Committee Substitute for Senate Bill No. 359—An Act to authorize certain improvements at the California Institution for the Deaf and the Blind, in Berkeley, and making an appropriation therefor.

LEWIS A HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary

Also:

SENATE CHAMBER, SACRAMENTO, March 11, 1909

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted Senate Joint Resolution No. 19—Relative to maintaining without reduction the present tariff on lumber imported into the United States from any foreign country

LEWIS A. HILBORN, Secretary of Senate
By J. W. KAVANAGH, Assistant Secretary

Also:

SENATE CHAMBER, SACRAMENTO, March 11, 1909

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed, as a case of urgency, Senate Bill No 1065—An Act authorizing and directing the State Board of Prison Directors to make an investigation, and report to the Governor of and relating to the cost, management, and government of a reformatory institution in this State, and making an appropriation therefor.

LEWIS A HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 11, 1909

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 1211—An Act relative to estrays, and making it unlawful to allow any animal or animals to run at large upon the public highway, or to be staked or tied thereon.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Senate Bill No. 758 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 1013 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 1077 read first time, and referred to Committee on Education.

Senate Bill No. 844 read first time, and referred to Committee on Labor and Capital.

Senate Bill No. 884 read first time, and referred to Committee on Roads and Highways.

Senate Bill No. 994 read first time, and referred to Committee on Roads and Highways.

Senate Bill No. 1061 read first time, and referred to Committee on State Hospitals and Asylums.

Senate Bill No. 978 read first time, and referred to Committee on County and Township Governments.

Senate Bill No. 1232 read first time, and referred to Committee on Judiciary.

Senate Bill No. 1131 read first time, and referred to Committee on County and Township Governments.

Senate Bill No. 1091 read first time, and referred to Committee on County and Township Governments.

Senate Bill No. 1139 read first time, and referred to Committee on Judiciary.

Senate Bill No. 928 read first time, and referred to Committee on Judiciary.

Senate Bill No. 672 read first time, and referred to Committee on Insurance and Insurance Laws.

Senate Bill No. 821 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 1196 read first time, and referred to Committee on Judiciary.

Senate Bill No. 1197 read first time, and referred to Committee on Judiciary.

Senate Bill No 1156 read first time, and referred to Committee on Municipal Corporations.

Committee Substitute for Senate Bill No. 359 read first time, and referred to Committee on Ways and Means.

Senate Joint Resolution No. 14 read first time, and referred to Committee on Federal Relations.

Senate Bill No. 1065 read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Senate Bill No. 1211 read first time, and referred to Committee on Revision and Reform of Laws.

THIRD-READING FILE—(RESUMED).

Assembly Bill No. 1069—An Act to amend Section 4231 of the Political Code of the State of California, relating to salaries of officers of counties of the second class, their deputies and assistants.

During third reading of bill, Mr. Hammon moved that the Speaker appoint a select committee of one to amend the bill, as follows:

AMENDMENT No. 1.

On page 1, Sec 1, line 3, strike out the word "Section" where it occurs before "4231"

AMENDMENT No. 2.

On page 3, Sec. 1, Subsec 2, line 12, after the word "hundred", insert the words "and fifteen".

AMENDMENT No. 3.

On page 7, Sec. 1, Subsec. 5, line 53, strike out the word "four", and insert in lieu thereof the word "six".

AMENDMENT No. 4.

On page 7, Section 1, Subsection 7, line 68, strike out the word "five" where it first occurs in said line, and insert in lieu thereof the word "four".

AMENDMENT No. 5.

On page 7, Section 1, Subsection 7, line 69, strike out the word "six", and insert in lieu thereof the word "seven".

AMENDMENT No. 6.

On page 14, Section 1, Subsection 15, line 33, after the word "hundred", insert the word "dollars".

AMENDMENT No. 7.

On page 15, Section 1, Subsection 16, line 13, after the word "incurred", and before the word "in", insert the following words: "in serving any criminal process or".

Motion carried.

The Speaker appointed Mr. Hammon as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1909.

MR SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 1069, with instructions, do now report that the instructions of the Assembly have been carried out.

HAMMON, Select Committee.

Report of select committee, and amendments, adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

RECONSIDERATION.

In compliance with notice given on a previous day, Mr. Coghlan moved that the vote whereby Assembly Constitutional Amendment No 17 was refused passage be reconsidered.

The roll was called, and the same was reconsidered by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Bohnett, Butler, Callan, Cattell, Coghlan, Collum, Cronin, Dean, Drew, Fleisher, Flint, Gerdes, Gibbons, Greer, Hanlon, Hans, Hawk, Hewitt, Hinkle, Irwin, Johnson of Sacramento, Johnson of San Diego, Juilliard, Keboe, Leeds, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Otis, Rech, Rutherford, Sackett, Schmitt, Silver, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wylhe, and Young—48.

NOES—Messrs. Beban, Black, Cullen, Macauley, and Polsley—5.

The question being on the passage of the Assembly constitutional amendment.

HOUR OF RECESS EXTENDED.

At twelve o'clock and thirty minutes P. M., Mr. Sackett moved that the hour of recess be extended until Assembly Constitutional Amendment No. 17 be disposed of.

The roll was called, and Assembly Constitutional Amendment No. 17 adopted by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Butler, Callan, Cattell, Coghlan, Cogswell, Collum, Costar, Cornin, Drew, Feeley, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Hammon, Hanlon, Hans, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of

Sacramento, Johnson of Placer, Johnston of Contra Costa, Kehoe, Leeds, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Odom, Otis, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wyllie, Young, and Mr. Speaker—55

NOES—Messrs. Beban, Bohnett, Hawk, Johnson of San Diego, Juilliard, McManus, Polsley, Preston, and Wilson—9.

Assembly constitutional amendment ordered transmitted to the Senate.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 17.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Section 3 of Article IX of said Constitution, relating to the election of superintendent of schools.

The Legislature of the State of California, at its regular session, commencing on the fourth day of January, A. D. nineteen hundred and nine, two thirds of all the members elected to each of the houses of said Legislature voting in favor thereof, hereby propose that Section 3 of Article IX of the Constitution of the State of California be amended so as to read as follows:

Section 3. A superintendent of schools for each county shall be elected by the qualified electors thereof at each gubernatorial election, who in addition to such other powers and duties as may be assigned to him by general laws, shall have the sole power within the bounds established by general law to fix the minimum amount of money to be raised annually by county taxation for the support af the common schools.

In each city and county it shall be competent under any charter framed for such city and county government under this Constitution to provide for the manner in which, the times at which, and the terms for which the superintendent of schools of such city and county shall be elected or appointed and for his compensation and qualifications, *provided*, that his term of office shall not be less than four years, and that his salary shall no be decreased during that term.

RECESS.

At twelve o'clock and forty minutes P. M., the Assembly was declared at recess until two o'clock P. M. of this day.

REASSEMBLED.

At two o'clock P. M., the Assembly reconvened.
Speaker pro tem. Geo. M. Perine in the chair.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1909

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Assembly Bill No 320—An Act to amend Sections 1, 3, 8, 20, and 21 of an Act approved March 23, 1901, and entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relating to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California,' approved March 12, 1885;" to repeal Sections 13 and 24 of said Act; also to amend Sections 10, 12, 14, and 19 of said Act as amended by an Act approved March 20, 1903; also to amend Section 21½ of said Act as added thereto by said Act approved March 20, 1903; and also to amend Section 15 of said Act of March 23, 1901, as amended by an Act approved March 6, 1907; all relating to the Board of Dental Examiners of California, and the regulation of the practice of dentistry in the State of California

Assembly Bill No 1255—An Act to amend the Political Code of the State of California by adding a new section thereto, to be known and numbered as Section 415*a*, relating to the office of the Secretary of State.

Assembly Bill No. 1005—An Act to fix the salaries of the State Forester, Deputy Forester and Assistant Forester.

Assembly Bill No. 1444—An Act amending the Political Code of the State of California by adding thereto a new section to be known as Section 3443*a*, relating to the tide lands of the State and to the sale and purchase thereof

Assembly Bill No. 1398—An Act to add a new section to the Penal Code of California, to be numbered 653*e*, relating to treating to intoxicating liquors.

Assembly Bill No 1012—An Act to amend an Act entitled "An Act to provide for the alteration of the boundaries of and for the annexation of territory to incorporated towns

and cities, and for the incorporation of such annexed territory in and as a part of such municipalities, and for the districting, government and municipal control of annexed territory," approved March, 19, 1889, and regulating the procedure to be followed for the annexation of additional territory to incorporated towns and cities.

Assembly Bill No. 1427—An Act to legalize, confer, and validate tax deeds made to the State of California for delinquent taxes, and deeds made to purchasers of property, sold under and in pursuance of the provisions of section three thousand eight hundred and ninety-seven and three thousand eight hundred and ninety-eight of the Political Code.

Assembly Bill No. 743—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 59 thereof.

Assembly Bill No 1412—An Act to amend section eight hundred and sixty of the Code of Civil Procedure, relating to demurrer or answer to amended pleadings in the justice courts

Assembly Bill No 1411—An Act to amend Section 339 of the Code of Civil Procedure, relating to the time within which certain actions may be commenced.

Assembly Bill No. 36—An Act to amend an Act entitled "An Act to provide for the classification of municipal corporations," approved March 2, 1883

Assembly Bill No. 1404—An Act to amend Section 29 of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Assembly Bill No. 317—An Act to promote the safety of employees and travelers upon railroads by compelling common carriers by railroad to properly man their trains.

Committee Substitute for Assembly Bill No. 844—An Act to provide a site for an armory for the National Guard in the city and county of San Francisco, and making available and reappropriating certain moneys for the purchase of said site, and the erection, equipment, completion and furnishing of said armory.

YOUNG, Chairman

The above reported bills ordered on file for third reading

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1909.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly reëngrossed:

Assembly Bill No. 1146—An Act to add a new section to the Political Code of the State of California, to be known as Section 3495*a*, and relating to applications to purchase State lands, requiring a deposit of money to accompany the application, and providing for the filing of additional applications

Assembly Bill No. 1032—An Act to add a new section to the Political Code of the State of California, to be numbered four hundred and twenty-six, relating to gardeners for State Capitol grounds.

Assembly Bill No. 670—An Act to amend Section 1617 of Article VII of the Political Code, relating to and defining the powers and duties of trustees of school districts and of boards of education in cities by changing the provisions of certain sections, by adding new sections and by renumbering certain sections.

Assembly Bill No. 1025—An Act to amend Section 4261 of the Political Code, relating to salaries and fees of officers in counties of the thirty-second class

Assembly Bill No. 954—An Act to provide for the inspection of private institutions receiving money from the State.

Assembly Bill No. 1233—An Act to amend Section 4265 of the Political Code of the State of California, relating to the compensation of officers of counties of the thirty-sixth class and their deputies and assistants.

Assembly Bill No. 1331—An Act to amend an Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a Board of Medical Examiners in the matter of said regulation, by amending Sections 1, 6, and 16.

YOUNG, Chairman

ON COUNTY AND COUNTY BOUNDARIES

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1909.

MR. SPEAKER: Your Committee on County and County Boundaries, to whom was referred Senate Bill No. 798—An Act to amend Section 1 of an Act entitled an Act to provide for the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipalties, and for the districting, government, and municipal control of annexed territory, approved March 19, 1889—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

JOHNSON OF SAN DIEGO, Chairman.

The above reported bill ordered on file for second reading.

ON BUILDING AND LOAN ASSOCIATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1909

MR. SPEAKER: Your Committee on Building and Loan Associations, to whom was referred Senate Bill No. 982—An Act to amend Sections 3 and 11 of an Act entitled "An Act creating a Bureau of Building and Loan Supervision, providing for the appointment of administration officials therefor to be known as the building and loan commissioners; prescribing their duties, powers and compensation, providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the bureau and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting license fees necessary to meet the salaries and other expenses, providing a course of procedure where violations of law, or unsafe practices are found to exist or are reported by the commissioner to the Attorney General; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions and liens pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports, providing penalties for violations of law and orders of the commissioners; providing for succession in office, and repealing all Acts and parts of Acts in conflict herewith," approved March 21, 1905, relating to the powers and duties and salaries of the State Building and Loan Commissioners—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and that Assembly Bill No. 1113 be withdrawn, as being identical.

OTIS, Chairman

Senate Bill No. 982 ordered on file for second reading.

Assembly Bill No. 1113 withdrawn by unanimous consent.

ON FISH AND GAME.

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1909

MR. SPEAKER: Your Committee on Fish and Game, to whom was referred Senate Bill No. 763—An Act to amend Sections 628, 628*a*, 632½, 634, and 636 of the Penal Code of the State of California, all relating to the protection and preservation of fish—have had the same under consideration, and respectfully report the same back, with three amendments, and recommend that it do pass as amended.

COSTAR, Chairman.

The above reported bill ordered to second reading.

CONSIDERATION OF BILL—(OUT OF ORDER).

On motion of Mr. Leeds, Senate Bill No. 763 was taken up for consideration.

Senate Bill No. 763—An Act to amend Sections 628, 628*a*, 632½, 634, and 636 of the Penal Code of the State of California, all relating to the protection and preservation of fish.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 1, Section 1, line 3*a*, of the printed bill, strike out the word "August", and insert in lieu thereof the word "September".

Amendment adopted.

AMENDMENT No. 2.

On page 2, Section 1, line 27, of the printed bill, strike out the words "of the size prescribed by this section", and insert in lieu thereof the following "of not less than nine and one-half inches in length, measured from one extremity to the other, exclusive of legs, claws, or feelers,".

Amendment adopted.

AMENDMENT No 3.

On pages 4 and 5, Section 4, lines 35 and 36, of the printed bill, strike out the following "East Ferry, above the town of Fortuna", and insert in lieu thereof the following "the east boundary line of township three (3) north, range two (2) west, Humboldt meridian".

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

ON STATE PRISONS AND REFORMATORY INSTITUTIONS.

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1909

MR. SPEAKER: Your Committee on State Prisons and Reformatory Institutions, to whom was referred Senate Bill No. 1065—An Act authorizing and directing the State Board of Prison Directors to make an investigation and report to the Governor of and relating to the cost, management and government of a reformatory institution in this State, and making an appropriation therefor—have had the same under consideration, find it identical with Assembly Bill No. 1208, and respectfully report the same back, and recommend that it do pass and be referred to the Committee on Ways and Means.

HAMMON, Chairman.

The above reported bill ordered on file for second reading, and referred to Committee on Ways and Means.

SENATE MESSAGE.

On motion of Mr. Mott, the following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, March 11, 1909

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Concurrent Resolution No. 17—Approving certain amendments to the charter of the city of Oakland

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary

The question being on the adoption of the Senate concurrent resolution.

The roll was called, and Senate Concurrent Resolution No. 17 adopted by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Black, Cattell, Collier, Collum, Cronin, Drew, Fleisher, Flint, Gerdes, Gillis, Griffiths, Hanlon, Hawk, Hayes, Holmquist, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe Lightner, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Pulcifer, Sackett, Stuckenbruck, Transue, Wagner, Whitney, Wilson, Wyllie, and Young—46

NOES—Messrs Preston and Wheelan—2.

Senate Concurrent Resolution No. 17 ordered transmitted to the Senate.

SENATE CONCURRENT RESOLUTION NO. 17

Approving six certain amendments to the charter of the city of Oakland, in Alameda County, California, voted for and ratified by the qualified electors of said city, at a special election held therein for that purpose on the fifth day of March one thousand nine hundred and nine.

WHEREAS, The city of Oakland, in the county of Alameda, State of California, contains a population of over one hundred thousand inhabitants, and has been ever since the year eighteen hundred and eighty-nine and is now, organized and acting under a freeholders' charter, adopted under and by virtue of section eight, of article eleven of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city at an election held for that purpose in manner, form and substance as required by law, and approved by the Legislature of the State of California, and said charter has not been amended at any time less than two years; and

WHEREAS, The legislative body and authority of the city of Oakland, in Alameda County, California, that is to say, the council of the city of Oakland, did, by Ordinance No. 2833 passed and adopted by said council on the twenty-ninth day of December, one thousand nine hundred and eight and approved by the mayor of said city subsequently thereto and on the twenty-ninth day of December, one thousand nine hundred and eight, and pursuant to section eight of article eleven of Constitution of the State of California, duly propose to the qualified electors of the said city of Oakland, eight certain amendments to the charter of the said city of Oakland, and said amendments were set forth and described in said Ordinance No 2833; and

WHEREAS, Said proposed amendments were, and each of them was published in a daily newspaper, printed and published in said city, and of general circulation in said city, to wit, the "Oakland Enquirer," for twenty (20) days; and

WHEREAS, Thereafter the said council of the city of Oakland, did, by an ordinance known as number 2851 which was duly passed and adopted by said council on the fifteenth day of February one thousand nine hundred and nine, order the holding of a special election in said city of Oakland, in county of Alameda, California, on the

fifth day of March one thousand nine hundred and nine (which last named day was at least forty days after the publication of said proposed amendments for twenty days in said daily newspaper of general circulation, in said city of Oakland, to wit, the "Oakland Enquirer"), and did provide in said ordinance for the submission of said proposed amendments to the said charter, to the qualified electors of said city, for their ratification at said special election, which said ordinance was approved by the mayor of said city on the seventeenth day of February, one thousand nine hundred and nine, and was published in the manner and for the time required by law; and

WHEREAS, Said proposed amendments were submitted as aforesaid to the qualified electors of said city, at said special election previously duly called and thereafter held therein (at least forty (40) days after the publication of said proposals for twenty (20) days in a daily newspaper of general circulation in said city of Oakland, to wit, in the "Oakland Enquirer"), on the fifth day of March, one thousand nine hundred and nine; and

WHEREAS, At said special election six of said proposed amendments, to wit, amendments numbers one, two, five, six, seven, and eight were and each of them was ratified by a majority of the qualified electors of said city of Oakland, voting thereon; and

WHEREAS, The said council of the city of Oakland in county of Alameda, California, at a meeting thereof held in accordance with law, on Monday, the eighth day of March, one thousand nine hundred and nine, duly canvassed the returns of said election, and duly found, determined and declared that at said special election six of said proposed amendments, to wit, numbers one, two, five, six, seven and eight, were and each of them was ratified by a majority of the qualified electors of said city of Oakland, voting thereon; and

WHEREAS, The said amendments to said charter so ratified are in words and figures, respectively, as follows

That a new article be added to said charter the same to be known as Article XII thereof, and said article to be and read as follows:

Park Commissioners.

Section 209. All land and water parks owned or controlled by the city of Oakland and all grounds surrounding public buildings of the city of Oakland, and all parks, squares and public pleasure grounds hereafter established or acquired by the city of Oakland shall be (anything to the contrary in the charter of city of Oakland notwithstanding), unless otherwise provided in this article, under the exclusive control and management of a board of commissioners, who shall be designated as park commissioners.

Section 210. The commissioners shall be three in number and they shall be appointed by the mayor and shall receive no compensation for their services. Of those first appointed he shall appoint one for two years, one for three years and one for four years. Upon the expiration of each of said terms for which appointment is made he shall appoint for four years one person as the successor of the commissioner whose term of office expires

Section 211. The commissioners shall organize by electing one of their number president and the board may elect a secretary who is not a member of the board. The secretary so elected may receive a salary to be fixed by said board or the secretary of the board of public works may be appointed as said secretary, and when appointed he shall perform the duties of said office of secretary without compensation. The board shall establish rules and regulations for its government and for the performance of its duties and for the conduct of its officers and employees, and may require adequate bonds from all of them, except laborers, for the faithful performance of their duties, in such sums as may be fixed by it. The person elected president shall hold his office for one year, and until his successor is elected. The board must hold regular meetings at least once in two weeks and as many special meetings as it may deem proper. Two of the commissioners shall constitute a quorum for the transaction of business. All work ordered by the park commissioners or required to be done by them shall be governed as to such work and contracts therefor by the provisions of this charter governing the department of public works.

Section 212. The commissioners (anything to the contrary in the charter of the city of Oakland notwithstanding), shall have the complete and exclusive control, management and direction of the said parks, squares and grounds, and the exclusive right to erect, and to superintend the erection of buildings and structures thereon pertaining to park purposes; *provided, however*, that the board of public works, the council concurring, may erect or cause to be erected any municipal building or buildings thereon; said commissioners may employ and appoint superintendents, laborers, surveyors, gardeners, engineers, and other officers and assistants, and prescribe and fix their duties, authority and compensation. They shall have the exclusive management and disbursement of all funds legally appropriated or received from any source for the support of said parks, squares and grounds. Nothing in this section shall be so construed as to authorize the commissioners to lease any part of any of said parks, squares and grounds to any person, firm or corporation for any purpose, or to permit any person, firm or corporation to build or maintain any structure on any part of

said parks, squares or grounds; *provided, however*, the board is not inhibited from leasing for a period not greater than one year, such buildings as may be constructed by itself for the use of the public to such person, firm or corporation who shall undertake to serve such use; and in every such lease the board shall reserve the right to enter at all times into and upon the premises so leased, and shall make the condition that the building so leased shall be used for park pleasure purposes only; *provided also, however*, that the said park commissioners may lease park grounds under their control for a period greater than one year with the concurrence of the council of the city of Oakland and the board of public works; *and provided further*, that the council of the city of Oakland and the board of public works may cause to be executed for and on behalf of said city of Oakland by the mayor of said city of Oakland a lease of park grounds for exposition or convention purposes, but no such permission or lease shall be granted except such exposition or convention be of national, state or municipal importance.

Section 213. The board of park commissioners may for and on behalf of the city of Oakland, receive donations, legacies or bequests for the improvement of said parks, squares and grounds, and all moneys that may be derived from such donations, legacies or bequests shall, unless otherwise provided by the terms of such donation, legancy or bequest, be deposited in the treasury of the city of Oakland to the credit of the park fund. The same may be withdrawn therefrom and paid out in the manner as is provided for the payment of moneys legally appropriated for the support and improvement of such parks, squares and grounds

Section 214. No outdoor work of art shall become the property of the city unless such work of art shall be approved by the board; nor shall any work of art until so approved be erected or placed in or upon or allowed to extend over any park, square or grounds belonging to the city of Oakland. The term "work of art" as used herein shall apply to and include all statues, bas-reliefs, or other sculptures, monuments, fountains, arches or other structures of a permanent character intended for ornament or commemoration, and suitable for park adornment.

Said proposed Article XII as herein stated shall be and shall be known and designated as amendment number one (1) to the charter of the city of Oakland, county of Alameda, State of California.

That Section 133 of said charter of city of Oakland be amended to read as follows:

Section 133 *a*. There shall be maintained in the city of Oakland free public libraries and reading rooms, to be known as "The Oakland Free Library."

b Such public libraries and reading rooms shall be managed by a board designated as the board of library trustees, consisting of five members, to be appointed by the mayor. Such trustees shall severally hold office for three years, serving without compensation; *provided*, that the members of the first board appointed shall so classify themselves by lot that one of their number shall go out of office at the end of the current fiscal year, two at the end of the year thereafter, and the other two at the end of the two years thereafter. Men and women shall be equally eligible to such appointment; and vacancies shall be filled by appointment for the unexpired term in the same manner.

c The board of library trustees shall meet at least once a month at such times and places as they may fix by resolution Special meetings may be called at any time by the president or by three trustees, by written notice mailed to each member at least twenty-four hours before the time specified for the proposed meeting. A majority of the board shall constitute a quorum for the transaction of business. The board shall appoint one of its number president, and one secretary, who shall serve for one year and until their successors are appointed. In the absence of the president it shall select a president pro tem. The board shall cause a proper record of its proceedings to be kept, and, at the first meeting of the board of trustees it must immediately upon organization cause to be made out and filed with the State Librarian at Sacramento a certificate showing the names of the trustees and of the officers of the board chosen for the first year.

d. The board of library trustees shall have power:

First—To make and enforce all rules, regulations, and by-laws necessary for the administration, government and protection of the said Oakland Free Library, and all property belonging thereto or under its control, or that may be loaned thereto.

Second—To administer any trust declared or created for said Oakland Free Library, and receive by gift, devise, or bequest, and held in trust, or otherwise, property situated in this State or elsewhere, and where not otherwise provided, dispose of the same for the benefit of said library.

Third—To prescribe the duties and powers of the librarian, clerk and other officers and employees of the libraries and reading rooms; to determine the number and all qualifications as to residence or otherwise of all such officers and employees, and appoint the same and fix their compensation. Said officers and employees shall hold their offices or positions at the pleasure of said board.

Fourth—To purchase necessary or convenient books, journals, publications and other personal property.

Fifth—To purchase such real property, and erect or rent and equip, such building or buildings, room or rooms, as may be necessary, when in its judgment suitable buildings, or portions thereof, have not been provided by the legislative body of the city of Oakland.

Sixth—To require the Secretary of State and other State officials to furnish said library with copies of any and all reports, laws and other publications of the State not otherwise disposed of by law.

Seventh—To borrow books from, lend books to and exchange the same, with other libraries, and to allow non-residents to borrow books upon such conditions as it may prescribe

Eighth—To establish such branch libraries and reading rooms as the growth of the city may from time to time require

Ninth—To accept from donors suitable articles for museums and art galleries, and when in its judgment proper means have been provided it shall locate, erect, and equip said museums and art galleries, and manage and control the same in the manner that it manages and controls the libraries and reading rooms.

Tenth—To do and perform any and all other acts and things necessary or proper to carry out the provisions of this Section 133.

e. The legislative body of the city of Oakland shall in making the annual tax levy and as part thereof levy a tax not to exceed one mill on the dollar for the purpose of establishing and maintaining in such city free public libraries and reading rooms, and purchasing such books, journals, and other publications, purchasing and leasing such real and personal property and erecting such buildings as may be necessary therefor

f. The revenue derived from such tax, together with all money acquired by gift, devise, bequest, or otherwise, for the purposes of the library, shall be paid into the city treasury and apportioned to a fund to be designated the library fund, and be applied only to the purposes herein authorized. If such payment into the treasury should be inconsistent with the conditions of terms of any gift, devise, or bequest, the board shall provide for the safety and preservation of the same, and the application thereof to the use of the library in accordance with the terms and conditions of such gift, devise or bequest. Payments from said fund shall be made only on warrants passed in open meeting by the board, and duly certified by the president and secretary thereof.

g The Oakland Free Library shall be forever free to the inhabitants and non-resident taxpayers of the municipality, subject always to such rules, regulations and by-laws as may be made by the board of library trustees; *and provided*, that for violations of the same a person may be fined or excluded from the privileges of the library.

h. The board of library trustees may contract with the legislative bodies of neighboring municipalities or the board of supervisors of Alameda County for lending the books of the library to residents of said county or neighboring municipalities, upon a reasonable compensation to be paid by said county or neighboring municipalities.

i The title to all property acquired for the purposes of the Oakland Free Library, when not inconsistent with the terms of its acquisition, or otherwise designated, shall vest in the city of Oakland, and in the name of the municipal corporation may be sued for and defended by action at law or otherwise

j. The board of library trustees shall, on the day following the August meeting of said board in each year, make a report to the legislative body of the city of Oakland, giving the condition of the libraries and reading rooms, museums and art galleries on the thirtieth day of June preceding, together with a statement of its proceedings for the year then ended, and must immediately upon publication of such report, forward a copy thereof for filing to the State Librarian at Sacramento.

k. The council concurrently with board of public works shall have power to appropriate, and authorize the use, either in whole or in part, of any real estate belonging to the city for the purpose of erecting and maintaining a building or buildings thereon to be used for the library and reading rooms, or branches thereof, or for museums or art galleries, and may appropriate the whole or any portion of any public building belonging to the city for such use

l In the event that this said amendment to Section 133 is ratified by the legislature of State of California on or before March 31, 1909, then and in that event the term of office of any person elected or then occupying position of library trustee shall cease immediately on the expiration of March 31, 1909, and the office of library trustee shall by virtue of said ratification of this said amendment to Section 133 be deemed vacant as of time last mentioned and said vacancies in the offices of library trustees shall be filled by appointment as herein provided. In the event that persons are elected to office of library trustees at municipal election held in city of Oakland on March 8, 1909, such persons (anything to the contrary in this charter notwithstanding) shall not take office or qualify in the event that said amendment to Section 133 is ratified on or before March 31, 1909, by legislature of State of California, but the offices of library trustees shall be filled by appointment as herein provided.

This proposed amendment to said section one hundred and thirty-three (133) shall be known as Amendment Number Two (2) to the charter of the city of Oakland.

That a new subdivision to Section 31 be added to said Section 31, said new subdivision to be known as Subdivision 52, and to read as follows:

52 To provide for the construction, maintenance and use of and on the water front of the city of Oakland, wharves, docks, slips, warehouses, railroads and all

other necessary or desirable improvements; to grant franchises as now or hereafter provided by law, and also for the construction and use of wharves, docks, slips, warehouses, railroads and railroad terminals on the water front; to prescribe the number and compensation of wharfingers, agents and employees necessary to carry into effect the powers concerning the water front now possessed, or conferred upon the council of the city of Oakland or the board of public works and all powers of the city of Oakland concerning the water front; to provide for and direct the maintenance or defense of all suits or actions at law or equity or otherwise on behalf or against the city of Oakland, involving said water front of the city of Oakland, or any land, water, property, or improvements therein or the control, use, regulation, possession or title thereof, or necessary to enforce powers possessed or hereby conferred on the city of Oakland, to provide for and direct the acquisition by the city of Oakland either by purchase or condemnation of lands and improvements or lands or improvements within the limits of the city of Oakland, or adjacent thereto, necessary for the development and use of water front of the city of Oakland, and may declare such lands or premises so acquired by purchase or condemnation to be a part of the water front of the city of Oakland.

This proposed amendment to Section 31, shall be known as Amendment Number Five (5) of the charter of the city of Oakland.

That a new section be added to said charter of the city of Oakland, the said section to be known as 71*a*, and said new Section 71*a* shall read as follows

71*a*. The board of public works shall, subject to such ordinances as the council may from time to time adopt, have full power to regulate, control, operate and manage the use of the water front of the city of Oakland, and all wharves, docks, slips, warehouses, railroads and other improvements thereon; to direct and control the anchorage and dockage of vessels either within or without the limits of the city of Oakland; to collect all rents, tolls, dockage, wharfage or other charges or payments due the city for the use of the water front or any portion thereof or improvements thereon, and to enforce payment thereof by suits or actions at law or other legal means; to remove all obstructions, encroachments or structures that are unlawful or unauthorized or without warrant of law upon the water front and to employ, govern and dismiss such wharfingers, agents, and employees as may be necessary for carrying into effect the powers concerning water front now possessed by the city of Oakland or hereafter conferred upon it, or upon the council of the city of Oakland or upon the board of public works, and prescribe their number and compensation.

This proposed amendment entitled Section 71*a* shall be known as Amendment Number Six (6) of the charter of the city of Oakland.

That Section 31, Subdivision 29 of said charter of the city of Oakland be amended to read as follows:

29 It shall be the duty of the council and the council is hereby required to grant to any railroad company or corporation applying therefor, a franchise to lay and maintain tracks along any line selected by the applicant and to pass with steam railroads along, upon and across or elevated above or placed below any street or streets within that portion of the city which lies west and south of a dividing line commencing at the point where the east line of Halleck street intersects the present charter line of the city, and running thence southwardly in a straight line to the northwesterly corner of block 770; thence southwardly along the east side of Wood street to the northeasterly corner of Taylor and Wood streets, thence on a curve with a radius of three quarters of a mile to a point where said curve intersects the south line of the right of way of the Western Pacific Railroad Company, now occupied by the Southern Pacific Company, near the foot of Cypress street extended southwardly, and thence along the said line of said right of way of the Western Pacific Railroad Company until the same intersects the present eastern charter line of the city. And in case that the limits of the city be hereafter extended northwardly and eastwardly the said dividing line shall be extended northwardly to the northern limits of the city, keeping parallel with and 300 feet east of the right of way of the Northern Railway Company; and shall be extended eastwardly to the eastern limit of the city, keeping along the southerly line of said right of way of the Western Pacific Railroad Company. And the council shall, upon said portion of the city, grant equal privileges, subject to the general laws of the State of California, to all railroad companies or corporations to enter the city and operate and maintain railroads for the convenience of the public to and upon the water front of the city; and shall grant to such companies or corporations, without discrimination between them, the right to construct and maintain freight and passenger depots, engine houses, workshops, wharves, docks, slips, ferries, landing places and other terminal facilities; *provided*, that no franchise for terminal facilities upon land exceeding 1,000 feet of frontage on the water front shall be granted to any one company or corporation, or to any companies or corporations under one management and control; *provided, however*, that the council of the city of Oakland within the territory next hereinafter described may grant franchises for terminal facilities upon land exceeding one thousand feet of frontage on the water front to any person, company or corporation, or to any companies or corporations under one management or control. All that certain lot, piece and parcel of land situated in the county of Alameda, State of California, and bounded on the north by the north side of the Oakland mole and its continuation known as Long Wharf and the Oakland mole produced easterly to Pine street, as they at present exist, on the south

by a line drawn parallel to and distant 1085 feet northerly from the north line of the franchise heretofore granted by the city of Oakland to the Western Pacific Railway Company; on the west by a line passing through the western extremity of the passenger ferry slip at the end of Oakland mole and running due north and south, on the east by the western line of Pine street, and said Pine street produced southerly

This said proposed amendment to said Section 31, Subdivision 29 shall be known and described as Amendment Number Seven (7) to the charter of the city of Oakland

That Section 31, Subdivision 30 of said charter of the city of Oakland be amended to read as follows:

30 The council shall, upon the portion of the city designated in the preceding subdivision of this section, grant, subject to general laws, to all companies or corporations desiring to acquire or condemn property for public uses, equal privileges to construct and maintain wharves, docks, slips, landing places, ferries, warehouses and other properties devoted to public uses, but not upon land exceeding 1,000 feet of frontage upon the water front to any one company or corporation, or to any companies or corporations under one management and control, *provided, however*, that upon the land secondly described in the preceding subdivision of Section 31, the council of the city of Oakland may grant for said purposes franchises exceeding one thousand feet of frontage upon the water front to any person, company or corporation, or to any companies or corporations under one management or control

This proposed amendment to said Section 31, Subdivision 30 shall be known and described as Amendment Number Eight to the charter of the city of Oakland

AND WHEREAS, The said proposed amendments to the charter of the city of Oakland, so ratified as aforesaid, and as hereinbefore set forth, are now submitted to the Legislature of the State of California, for approval or rejection as a whole

STATE OF CALIFORNIA,
County of Alameda, } ss.
City of Oakland,

This is to certify that we, Frank K. Mott, mayor of the city of Oakland, and Frank R. Thompson, clerk of the city of Oakland, have compared the foregoing proposed and ratified amendments to the charter of the city of Oakland, with the original ordinance proposing such amendments and submitting the same to the qualified electors of said city of Oakland, at a special election called for that purpose, on Friday, the fifth day of March, one thousand nine hundred and nine (1909), and find that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said charter and the matters set forth therein, are and each of them is true

In witness whereof, we have hereunto set our hands and caused the corporate seal of the city of Oakland to be attached, this 9th day of March, one thousand nine hundred and nine.

(SEAL OF THE CITY OF OAKLAND.)

FRANK K. MOTT,
Mayor of the City of Oakland.
FRANK R. THOMPSON,
City Clerk of City of Oakland

Now, therefore, be it

Resolved, by the Senate of the State of California, the Assembly thereof concurring (a majority of all members elected to each house voting for the adoption of this resolution and concurring therein), That the said amendments to the said charter of said city of Oakland, hereinbefore set forth as presented and submitted to and adopted and ratified by the qualified electors of said city of Oakland, be, and the same are hereby approved as a whole, for and as amendments to and as part of the said charter of said city of Oakland

SENATE BILLS—SECOND-READING FILE.

Senate Bill No. 1133—An Act to add a new section to the Political Code, to be known as Section 1665*a*, providing for the establishment and maintenance in cities of the first class of one or more public schools called cosmopolitan schools, in which shall be taught the French, Italian, and German languages, in connection with the English branches.

On motion of Mr. Sackett, the following amendment was withdrawn:

Amend by striking out of line 4, Section 1, of printed bill, the word "shall", and inserting in lieu thereof the word "may".

Bill read second time, and ordered on file for third reading.

SPEAKER IN THE CHAIR.

At two o'clock and twenty-five minutes P. M., Speaker Stanton in the chair.

QUESTION OF PERSONAL PRIVILEGE.

Mr. Drew, rising to a question of personal privilege, spoke as follows:

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY: The Record-Union of this morning has published an article that is so maliciously false that it scarcely deserves notice, and I should not now rise to a question of personal privilege were it not for the fact that certain statements are made therein in reference to myself and Senator Cartwright which may possibly be accepted, by my silence, as containing a color of truth.

At the time the Kings-Fresno County division bill was before the Assembly two years ago, I offered an amendment submitting the question of the transfer of territory from Fresno County to Kings County to a vote of the people Mr. Maguire objected to the amendment here on the floor of the Assembly in an argument, on the ground that it would affect the validity of the proposed Act. I then stated that it was my opinion that the bill was unconstitutional and void, and that I proposed to take the question into the courts providing the bill passed. I also stated that my proposed amendment would not in any way affect its validity. I made that same statement both publicly and privately on all occasions when the bill was under consideration. At the close of the session, and immediately after the appointment of the commissioners to hold the election, I brought an injunction suit against the commissioners to prevent their holding the election. Senator Cartwright objected to this suit at the time, saying that he thought it would be better to leave it to the vote of the people and then, if Fresno County was beaten, we could take it into the courts and test the constitutionality of the Act. I replied then, and I say now, that I think such a course as that would have been unfair and unjust to the people interested, and it was upon that ground that I went ahead with the suit. The case went to the Supreme Court, and the constitutionality of the Act was upheld, as shown on page 405 of Volume 34 of the Supreme Court Decisions The holding of the election under the law was then proceeded with and resulted, after a long, hard-fought battle, in favor of Fresno County All of my acts were, and have been, open and aboveboard, not only here, but in the prosecution of the case, and I have never at any time, made any promise or obligation in any manner whatsoever, either express or implied, which I violated.

After the election, and the matter was settled, Senator Cartwright wrote me the following letter:

FRESNO, CAL., April 23, 1908

Hon. A. M. DREW, *Fresno, Cal.*

MY DEAR SIR: At the time of the commencement of the case of *Wheeler* vs *The Commissioners*, in the county division contest, I was very much opposed to any action in court tending to delay or prevent the holding of an election by people of the district, for the reason that I believed such a course would prejudice us in the minds of the people of the district, and cost us many votes However, now that the contest is past, and I have had a better opportunity to estimate the effect of the Wheeler case and the delay caused by the injunction proceedings commenced by you in that action, I have concluded that Fresno County gained more than she lost. The delay enabled us to organize our forces, and to fairly present our case to the people of the district

I make this acknowledgment for the reason that I have heretofore been strongly inclined to criticise your course.

Yours very truly,

(Signed) G. W. CARTWRIGHT

This letter was written upon careful reflection and consideration of the whole situation, and I assure you it was somewhat of a surprise that the Senator should have attempted to make political capital out of any act of mine. I will leave it to this body, and the people of the State, if I have not acted throughout this whole controversy in the best of faith.

SPECIAL ORDER.

Senate Bill No. 3—An Act to provide for the direct nomination of candidates for public office, by electors, political parties, and organizations of electors without conventions, at elections to be known and designated as primary elections, determining the tests and conditions upon which electors, political parties, and organizations of electors may participate in any such primary, and establishing the rates of compensation for primary election officers serving at such primary elections.

providing for the organization of political parties and the promulgation of their platforms, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 3 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Black, Bohnett, Callen, Cattell, Cogswell, Collier, Collum, Costar, Dean, Drew, Feeley, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Kehoe, Leeds, Lightner, Macauley, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, O'Neill, Perine, Polsley, Preston, Pulcifer, Rutherford, Sackett, Telfer, Transue, Wagner, Whitney, Wilson, Wyllie, Young, and Mr Speaker—58.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

NOTICE OF MOTION TO RECONSIDER—(BY REQUEST).

Mr. Preston gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 3 was this day passed.

QUESTION OF PERSONAL PRIVILEGE.

Mr. Johnson of Sacramento rose to a question of personal privilege, and spoke as follows:

MR. SPEAKER. For the second time in a legislative career extending over nine sessions, I rise to a question of personal privilege. I do it at the request of the Hon. Henry N Beatty of San Francisco, and further because Percy V. Long, the city attorney of San Francisco, has not acted in this matter as a man and a lawyer and a gentleman should have acted. At the session of the Judiciary Committee held last week, I do not remember the evening, at which, as I remember, seventeen members were present, among them Mr Hammon, Mr. Hanlon, Mr. Kehoe, Mr. Butler, Mr. Irwin, Mr. Beatty, and others, the amendment to the Code of Civil Procedure regarding the right of eminent domain, which bill had been introduced by Mr. Beatty for the purpose of enabling the city and county of San Francisco to acquire what is known as the Hetch Hetchy water project was brought before the Judiciary Committee to hear argument, and for it to decide in reference to the legal phase of the matter At that time I, as chairman of the Judiciary Committee, presided, as usual. The Hon. L. T Hatfield of this city addressed the committee for over forty-five minutes in opposition to the bill; Mr. Percy V. Long, the city attorney of San Francisco, addressed us for a little longer time in favor of the bill Some remarks were made by some of the members of the committee, and some discussion ensued in reference to a particular matter mentioned by Mr. Kehoe as to the meaning of the bill regarding the property to be condemned. After this I suggested, in the presence of all the members of the committee, seventeen being there, in the presence of Mr. Hatfield and Mr Long, an amendment to the bill, which I said, in my judgment, would satisfy both sides. Mr. Long promptly said that that amendment satisfied him, and with that amendment to the bill he would be perfectly satisfied. Mr. Hatfield said with that amendment to the bill he would be satisfied, although he would prefer a more detailed amendment The gentlemen of the Judiciary Committee that are here now will all bear me out in that statement "Is it correct Mr. Kehoe?" "That is correct, Mr. Johnson," Mr. Kehoe here replied. "And Mr. Beatty?" "Yes, sir," replied Mr. Beatty. "And Mr. Butler?" "Yes, sir," replied Mr. Butler. The matter was done openly, the suggestion was made openly, my amendment was stated openly, and was accepted by both sides as the solution of a very difficult problem. Then it was agreed that Mr. Long and Mr. Beatty should meet me in the morning, and the amendment should be prepared, and that then I should report the bill to the Assembly, and recommend its passage as amended. The next morning Mr. Long and Mr. Beatty came to my desk, the three of us sat down together and prepared the amendment—I believe it is in my handwriting or Mr. Beatty's. I have forgotten which (Mr. Beatty: "It is in yours"), but it was written by all three of us. And pursuant to agreement, I reported the bill to the Assembly without further convening the Judiciary Committee, and recommended its passage as amended.

Judge, then, of my surprise when I read (although I ought not to have been surprised to read anything malicious, libelous, and false in this contemptible sheet) in this paper the following ("What paper?" inquired several members "The San Francisco Call," replied Mr. Johnson). "Slips a joker in State water bill Grove L Johnson tried to nullify effect of measure, and has slipped a joker into the proposed bill to enable municipalities to acquire by condemnation the properties of water companies or other public service corporations The measure, which was designed to give San Francisco, for one thing the machinery for taking over the Spring Valley plant, even if already 'in public use,' is amended by Johnson's proposal as follows: *Provided*, that the question of necessity for the taking of the particular property shall be submitted to the court or jury and shall not be precluded by this section" That is the amendment that was adopted

Yesterday I called Mr Beatty's attention to that article, and he stated to me, like the gentleman that he is, that he would arise to a question of personal privilege and explain the matter. We were occupied with business during the afternoon and he had not the time. This morning he came to me and said that he was going to rise to a question of personal privilege in reference to the remarks made by this same newspaper in reference to Judge Cook, and that, therefore, he did not wish to make two questions of personal privilege, and asked me if I would rise to a question of privilege and make a statement of the facts of this incident, and then he would say something in regard to it. I agreed so to do. That is one reason why I rise at this time. Besides, I expected that Percy V. Long through the columns of this paper or some other, would have contradicted that lie and would have explained the situation, and I am surprised that he did not—very much surprised I make this statement now in order that you gentlemen may understand exactly the situation, and that you may know—know what I am confident you all know—that I do not slip jokers into anything, that when I fight for or against a measure I fight openly and aboveboard and in this room. I ask now as to whether my statement in regard to this matter is not actually and literally correct, Mr. Beatty?

Mr. Beatty: I wish to say that your statement of the fact is true, that it happened just as you stated.

And to all the other members of the Judiciary Committee—I have no doubt they all will say the same thing

Mr. Hammon: Absolutely every one.

Mr Hanlon: Mr Speaker, I concur in the statement and want to add just one word: Mr. Johnson, I think, failed to state that Mr. Long agreed that that amendment satisfied him and that on the next day he would be in the city, and he would see that it was inserted in the bill

Mr. Kehoe: I want to concur in the statements that have been made by Mr Johnson, and I want further to say that during that discussion City Attorney Long took the position that the amendment that he was offering to this section of the Code of Civil Procedure accomplished the very thing that this amendment was sought to accomplish. There was a difference between the members of the Judiciary Committee as to whether or not such was the fact; some of them contended that without this amendment to the section there would be injustice done to some property owners. City Attorney Long, and I supported him in the contention, took the position that by adding this amendment to this section of the Code it made no change in the law whatever by putting this language in, in other words, it would be mere surplusage, by putting it in we were adding nothing to or detracting from the section. This language that is now objected to as a joker was put in there with the consent of the entire committee and with the consent of Mr. Long.

Mr. Irwin: As a member of that Judiciary Committee who was present, I concur in the statement of Mr Johnson I don't care what anybody says about Mr Johnson—he's O. K. all the time.

Mr. Johnson: Mr. Speaker, I ask that these remarks of mine may be printed in the Journal

So ordered by the Speaker.

SENATE BILLS—THIRD-READING FILE.

Senate Bill No. 269—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 35 thereof.

During third reading of bill Mr. Drew moved that the Speaker appoint a select committee of one to amend the bill, as follows:

Beginning at the end of line 35, add as follows: "*Provided* that the provisions of this section relating to the exemption of improvements on any lands or town lots situated

within the district shall be exempt from taxation, shall not apply in any district now organized unless said provision shall be approved by a vote of a majority of resident holders of title to lands situated within the district and subject to taxation therein at a special election called for the purpose of making said provision herein applicable."

POINT OF ORDER.

Mr. Coghlan rose to the following point of order:

That debate had begun upon the final passage of the bill, and therefore it was too late to offer an amendment.

POINT OF ORDER NOT WELL TAKEN.

The Speaker ruled that the point of order was not well taken.

Motion carried.

The Speaker appointed Mr. Drew as such select committee.

REPORT OF SELECT COMMITTEES.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1909

MR. SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 269, with instructions, do now report that the instructions of the Assembly have been carried out

DREW, Select Committee.

Report of select committee, and amendment, adopted.

Bill ordered to reprint, and on file for passage.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1909.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly reengrossed:

Assembly Bill No 423—An Act to prohibit the sale of intoxicating liquors within a certain distance of any camp or assembly of men numbering twenty-five or more, engaged upon the construction, repair, or operation of any public work, improvement, or utility.

Assembly Bill No. 683—An Act to provide for the permanent support and improvement of the University of California by the levy of a rate of taxation and the creation of a fund therefor and to repeal an Act approved February 14, 1887, entitled "An Act to provide for the permanent support and improvement of the University of California by the levy of a rate of taxation and the creation of a fund therefor," and also to repeal an Act approved February 27, 1897, entitled "An Act to provide additional support and maintenance, and for the acquisition of necessary property and improvements of the University of California, by the levy of a rate of taxation, and the creation of a fund therefor."

YOUNG, Chairman.

Senate Bill No. 178—An Act to amend Section 15 of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of lands embraced within such districts, and to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Bill read third time.

The question being on the passage of the bill:

The roll was called, and Senate Bill No. 178 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Collier, Collum, Costar, Cronin, Cullen, Dean, Drew, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Holm-

quist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Maher, McClellan, McManus, Mendenhall, Moore, Otis, Perine, Polsley, Preston, Pulcifer, Rutherford, Sackett, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—61.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Constitutional Amendment No. 37—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 7, Article IX thereof, relating to boards of education.

The question being on the adoption of the Senate constitutional amendment.

During second reading of bill, the following amendment was submitted by Mr. Cronin, as amended by Mr. Johnson of Sacramento:

Strike out the words in lines 10, 11, and 12 of page 1, of the printed resolution: "and the head of the department of education, and the head of the department of education of Leland Stanford Junior University".

Motion lost.

The roll was called, and Senate Constitutional Amendment No. 37 refused adoption by the following vote:

AYES—Messrs Barndollar, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Collum, Costar, Fleisher, Flint, Gerdes, Gibbons, Gillis, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnston of Contra Costa, Kehoe, Leeds, Maher, McClellan, Melrose, Moore, Nelson, Otis, Polsley, Pulcifer, Sackett, Telfer, Transue, Wagner, Whitney, Wilson, and Young—41.

NOES—Messrs. Baxter, Beban, Cronin, Cullen, Dean, Greer, Griffiths, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Lightner, Macauley, McManus, Mendenhall, Mott, Perine, Preston, Rutherford, Silver, Stuckenbruck, Wheelan, Wyllie, and Mr. Speaker—25.

NOTICE OF MOTION TO RECONSIDER.

Mr. McManus gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Constitutional Amendment No. 37 was this day refused adoption.

Senate Bill No. 706—An Act to establish a standard form of fire insurance policy, and to prevent variations therefrom, excepting under certain stated conditions and restrictions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 706 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beban, Black, Callan, Cogswell, Collier, Collum, Cronin, Dean, Feeley, Flint, Gerdes, Gillis, Hammon, Hans, Hawk, Hayes, Hewitt, Holmquist, Irwin, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, Perine, Preston, Pulcifer, Rutherford, Sackett, Silver, Stuckenbruck, Transue, Wagner, Wheelan, Wilson, Wyllie, Young, and Mr. Speaker—48.

NOES—Messrs Cattell, Griffiths, Hanlon, Johnson of Sacramento, Johnson of Placer, and Telfer—6.

Title read and approved.

Bill ordered transmitted to the Senate.

SPECIAL FILE—THIRD READING.

Committee Substitute for Assembly Bill No. 844—An Act to provide a site for an armory for the National Guard in the city and county of

San Francisco, and making available and reappropriating certain moneys for the purchase of said site, and the erection, equipment, completion, and furnishing of said armory.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Assembly Bill No. 844 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beban, Butler, Callan, Cattell, Cogswell, Collum, Cronin, Cullen, Feeley, Fleisher, Flint, Gillis, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Otis, Perine, Preston, Pulcifer, Rutherford, Silver, Stuckenbruck, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, and Mr. Speaker—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

THIRD—READING FILE.

Assembly Bill No. 1331—An Act to amend an Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulations, by amending Section 16.

During third reading of bill, Mr. Hinkle moved that the Speaker appoint a select committee of one to amend the bill, as follows:

On page 5, Section 16, line 39, after the word "medical", insert the word "or".
Also: On page 5, Section 16, line 51, after the word "medical", insert the word "or".

Motion carried.

The Speaker appointed Mr. Hinkle as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1909.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 1331, with instructions, do now report that the instructions of the Assembly have been carried out.

HINKLE, Select Committee.

Report of select committee and amendments adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

CONSIDERATION OF BILL—(OUT OF ORDER).

Committee Substitute for Senate Bill No. 26—An Act to amend section sixteen of an Act entitled "An Act for the regulation of practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a Board of Medical Examiners in the matter of said regulation," approved March 14, 1907.

Bill read second time, and ordered on file for third reading.

THIRD-READING FILE—(RESUMED).

Assembly Bill No. 423—An Act to prohibit the sale of intoxicating liquors within a certain distance of any camp or assembly of men,

numbering twenty-five or more, engaged upon the construction, repair, or operation of any public work, improvement, or utility.

Bill read third time on a previous day.

The question being on the passage of the bill.

POINT OF ORDER.

Mr. McClellan rose to the following point of order:

That when an amended bill is under consideration, time consumed in discussing the original bill does not apply to the amended bill.

POINT OF ORDER NOT WELL TAKEN.

The Speaker ruled the point of order not well taken.

Mr. Juilliard moved that the Speaker appoint a select committee of one to amend the bill, as follows:

Strike out the word "licensed", in line 18, page 2, of the printed bill

Motion lost.

The roll was called, and Assembly Bill No. 423 passed by the following vote:

AYES—Messrs. Barndollar, Beban, Bohnett, Callan, Cattell, Cogswell, Collier, Costar, Cullen, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Hanlon, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Kehoe, Leeds, Maher, Melrose, Mendenhall, Mott, Otis, Polsley, Pulcifer, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wilson, Wyllie, Young, and Mr. Speaker—42.

NOES—Messrs. Baxter, Beardslee, Beatty, Black, Butler, Coghlan, Collum, Cronin, Dean, Fleisher, Greer, Hans, Hawk, Irwin, Johnston of Contra Costa, Juilliard, Lightner, Macauley, McClellan, Moore, Nelson, Odom, Preston, and Wheelan—24.

Title read and approved.

Bill ordered transmitted to the Senate.

NOTICE OF MOTION TO RECONSIDER.

Mr. Mott gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 423 was this day passed.

THIRD-READING FILE—(RESUMED).

Assembly Bill No. 1255—An Act to amend the Political Code of the State of California, by adding a new section thereto, to be known and numbered as Section 415½, relating to the office of the Secretary of State.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1255 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Collum, Costar, Cronin, Dean, Fleisher, Gerdes, Gillis, Greer, Griffiths, Hanlon, Hans, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Leeds, Lightner, Macauley, Maher, Melrose, Moore, Mott, Nelson, Odom, Otis, Preston, Pugh, Rutherford, Schmitt, Silver, Stuckenbruck, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie Young, and Mr. Speaker—55.

NOES—Messrs. Kehoe and Mendenhall—2.

Title read and approved.

Bill ordered transmitted to the Senate.

RESOLUTION.

The following resolution was offered:

By Mr. Mott:

Resolved, That the Controller be and he is hereby authorized and directed to draw his warrant on the contingent fund of the Assembly, and the State Treasurer is hereby directed to pay the same, for the sum of $217.70 in favor of J. T. Stafford, Sergeant-at-Arms of the Assembly, same being for the payment of the following bills attached:

Wright & Donnelly	$102 00
Henry E. Sleeper & Co.	9 00
John Breuner Company	5 00
Mrs. Macall	16 00
W F. Purnell	23 95
Pacific Telephone & Telegraph Company	61 75
	$217 70

Resolution read, and referred to Committee on Contingent Expenses and Accounts.

UNFINISHED BUSINESS.

Assembly Bill No. 326—An Act to amend an Act entitled "An Act authorizing the judges of the Superior Court in all counties, and cities and counties, having a population of 200,000 or over, to appoint a secretary."

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 226?"

On page 1, of title, line 3, strike out the word "three", and insert in lieu thereof the word "two".

Also: Insert after the enacting clause the following: "Section 1. Section one of 'An Act authorizing the judges of the Superior Court in all counties, and cities and counties, having a population of two hundred thousand inhabitants and over, to appoint a secretary', approved March 25, 1895, is hereby amended to read as follows:".

The roll was called, and Senate amendments to Assembly Bill No. 226 were concurred in by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Bohnett, Butler. Collier, Costar, Cronin, Cullen, Feeley, Fleisher, Flint, Gerdes, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Kehoe, Leeds, Lightner, Macauley, Maher, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Polsley, Preston, Pugh, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, and Mr. Speaker—54.

NOES—Mr. Otis—1.

Bill ordered to enrollment.

THIRD-READING FILE—(RESUMED).

Committee Substitute for Assembly Bill No. 320—An Act to amend Sections 1, 3, 8, 20, and 21 of an Act approved March 23, 1901, and entitled an Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relating to the same, and known as an Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, approved March 12, 1885; to repeal Sections 13 and 24 of said Act; also to amend Sections 10, 12, 14, and 19 of said Act as amended by an Act approved March 20, 1903; also to amend Section 21½ of said Act as added thereto by said Act approved March 20, 1903; and also to amend Section 15 of said Act of

March 23, 1901, as amended by an Act approved March 6, 1907, all relating to the Board of Dental Examiners of California and the regulation of the practice of dentistry in the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Assembly Bill No. 320 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Beban, Black, Bohnett, Callan, Cattell, Coghlan, Collier, Costar, Cronin, Feeley, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Keboe, Leeds, Lightner, Macauley, Maher, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, Polsley, Preston, Pugh, Rutherford, Sackett, Schmitt, Silver, Telfer, Transue, Wagner, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—57.

NOES—Mr. Mott—1.

Title read and approved.

Bill ordered transmitted to the Senate.

SPECIAL ORDER SET.

On motion of Mr. Coghlan, the consideration of Assembly Constitutional Amendment No. 16 was made a special order for Friday, March 12, 1909, at three o'clock and thirty minutes P. M.

THIRD-READING FILE—(RESUMED).

Assembly Bill No. 1313—An Act providing for topographic surveys and investigations of the water resources of the State, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1313 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Black, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Cronin, Cullen, Dean, Feeley, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Keboe, Maher, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Polsley, Preston, Pugh, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—60.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

WITHDRAWAL OF BILL.

Mr. Johnston asked for, and was granted, unanimous consent to withdraw Assembly Bill No. 1322.

Assembly Bill No. 1322 withdrawn, and ordered stricken from the file.

ADJOURNMENT.

At five o'clock and thirty minutes P. M., on motion of Mr. Johnston, the Assembly was declared adjourned until ten o'clock A. M. of Friday, March 12, 1909.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL.,
Friday, March 12, 1909.

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. P. A. Stanton, Speaker of the Assembly, in the chair.

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

Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, McClellan, Melrose, Mendendall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pulcifer, Rech, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—71.

Quorum present.

LEAVES OF ABSENCE.

On motion, leave of absence for the day was granted to Messrs. Hopkins, Webber, and Wyatt.

PRAYER.

Prayer was offered by the Chaplain, Rev. Seren N. Marsh.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Odom, its further reading was dispensed with.

RECONSIDERATION.

In compliance with notice given on a previous day, Mr. Johnson of Sacramento moved that the vote whereby Senate Bill No. 3 was passed be reconsidered.

The roll was called, and the same was refused reconsideration by the following vote:

AYES—Messrs Gibbons and Juilliard—2.

NOES—Messrs. Barndollar, Beatty, Bohnett, Butler, Callan, Cattell, Collier, Collum, Dean, Drew, Flavelle, Fleisher, Gerdes, Gillis, Griffiths, Hammon, Hanlon, Hans, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Kehoe, Leeds, Macauley, McClellan, Melrose, Mendenhall, Moore, Mott, Odom, Otis, Perine, Polsley, Preston, Pulcifer, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—53.

Bill ordered transmitted to the Senate.

RECONSIDERATION.

In compliance with notice given on a previous day, Mr. Transue moved that the vote whereby Assembly Bill No. 423 was passed be reconsidered.

The roll was called, and the same was refused reconsideration by the following vote:

AYES—Messrs. Baxter, Coghlan, Collum, Cronin, Dean, Fleisher, Greer, Johnston of Contra Costa, Juilhard, McClellan, Moore, Mott, and O'Neill—13.

NOES—Messrs. Barndollar, Beardslee, Bohnett, Callan, Cattell, Cogswell, Costar, Cullen, Drew, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Hanlon, Hawk, Hinkle, Holm-

quist, Johnson of Sacramento, Johnson of Placer, Kehoe, Leeds, Macauley, Maher, Melrose, Mendenhall, Odom, Otis, Perine, Polsley, Pulcifer, Rech, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—45.

Bill ordered transmitted to the Senate.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON INSURANCE AND INSURANCE LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1909.

MR. SPEAKER: Your Committee on Insurance and Insurance Laws, to whom was referred Assembly Bill No. 1107—An Act to prohibit discrimination of rebates on premiums for policies of insurance companies.

Also: Assembly Bill No. 1182—An Act to amend Section 623 of the Political Code, as to bonds of insurance companies.

Also: Assembly Bill No. 1189—An Act to add a new section to the Political Code of the State of California, to be known and numbered as Section 633*b*, relating to resident agents for insurance companies.

Also: Assembly Bill No. 1332—An Act to amend Section 622*a*, of the Political Code, relating to taxes on insurance premiums

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended.

PULCIFER, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1909.

MR. SPEAKER: Your Committee on Insurance and Insurance Laws, to whom was referred Assembly Bill No 1178—An Act to amend Section 605 of the Political Code as to filing fees in the Insurance Commissioner's office.

Also: Assembly Bill No. 1184—An Act to amend Section 602 of the Political Code, as to what constitutes insolvency of an insurance company

Also: Assembly Bill No. 1190—An Act to amend Sections 608 of the Political Code, as to transfers from State to Federal Court.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass

PULCIFER, Chairman.

ON REVENUE AND TAXATION.

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1909.

MR SPEAKER: Your Committee on Revenue and Taxation, to whom was referred Senate Bill No. 103—An Act providing a plan and system whereby certain duties now performed by officers of cities in and about the taxation and assessment of property may be imposed upon and performed by county and State officers, and making county officers in certain cases ex officio officers of cities—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

MELROSE, Chairman.

ON SWAMP AND OVERFLOWED LANDS AND LEVEES AND RIVER IMPROVEMENTS AND DRAINAGE.

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1909

MR. SPEAKER: Your Committee on Swamp and Overflowed Lands and Levees and River Improvements and Drainage, to whom was referred Senate Bill No. 1088—An Act to amend section five and section ten of an Act entitled, "to provide for the formation of protection districts in the various counties of this State, for the improvement and rectification of the channels of innavigable streams and water courses, for the prevention of the overflow thereof, by widening, deepening and straightening and otherwise improving the same, and to authorize the boards of supervisors to levy, and collect assessments from the property benefited to pay the expenses of the same," approved March 27, 1895, enlarging the discretion of boards of supervisors concerning such districts and improvements and to include in said districts territory situated within municipal corporations—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it do pass as amended.

HEWITT, Chairman.

ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1909

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Senate Bill No. 314—An Act to amend Section 4267 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the thirty-eighth class.

Also: Senate Bill No. 833—An Act to amend Section 4041 of the Political Code of California, relating to the general permanent powers of the board of supervisors.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

HANS, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1909.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Senate Bill No. 1138—An Act to amend section 4236 of the Political Code, relating to county and township officers of counties of the seventh class.

Also: Assembly Bill No 1022—An Act to amend Section 4236 of the Political Code, relating to county and township officers of counties or the seventh class.

Also: Assembly Bill No. 1328—An Act to amend Section 4236 of the Political Code, relating to county and township officers of counties of the seventh class

Report that Senate Bill No 1138 is the companion bill to Assembly Bill No. 1022 and Assembly Bill No. 1328. We have had these under consideration, and recommend that Senate Bill No. 1138 do pass, and that Assembly Bill No. 1022 and Assembly Bill No. 1328 be withdrawn by the author thereof.

HANS, Chairman.

ON PUBLIC MORALS.

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1909.

MR SPEAKER: Your Committee on Public Morals, to whom was referred Senate Bill No. 34—An Act to establish a State Board of Embalmers, defining the duties thereof, providing for the better protection of life and health, preventing the spread of contagious diseases, regulating the practice of embalming in connection with the care and disposition of the dead, and providing penalties for the violation thereof—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

GRIFFITHS, Chairman.

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1909.

MR SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No 154—An Act to provide for an exposition building at Los Angeles in Agricultural Park, for the use of all the counties of this State, for the purpose of maintaining permanent exhibits therein of the resources of the different counties, and to make an appropriation for the construction of said exposition building.

Also: Assembly Bill No 1008—An Act to accept from the Old Soldiers' Memorial Camp Association of Northern California and E. F. Winslow Post, No. 79, Grand Army of the Republic, Department of California and Nevada, the conveyance of and to vest title in the State of California of certain lands, buildings and furnishings thereon, at La Tour Soda Springs, Whitmore Postoffice, in Shasta County, and appropriating the sum of ten thousand dollars for the purpose of constructing cottages on said lands and for the improvement thereof, and to maintain and care for the same as and for a free rooming, camping ground, resting place and health resort for aged, indigent ex-soldiers, sailors and marines of the United States Army and Navy, and wives of such soldiers, sailors and marines, to be known as Winslow Veterans' Home, and to provide for the government thereof by the State of California.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

BEARDSLEE, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1909.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 359—An Act to authorize certain improvements at the California Institution for the Deaf and the Blind in Berkeley, and making an appropriation therefor.

Also: Senate Bill No. 637—An Act to provide for the construction of buildings and structures and repairs to the same on the University Farm at Davis, and appropriating money therefor.

Also: Senate Bill No. 669—An Act to provide for the purchase of supplies, apparatus, equipment, and furnishings of buildings, class rooms, and laboratories on the University Farm at Davis, and appropriating money therefor.

Also. Senate Bill No. 773—An Act authorizing the State Board of Prison Directors to provide for assisting discharged prisoners to secure emyloyment, and making an appropriation for the purpose of the Act

Also: Senate Bill No. 821—An Act to fix the salaries of the State Forester, Deputy Forester and Assistant Forester.

Also: Senate Bill No. 840—An Act to make an additional appropriation for the continuation of the location, survey and construction of a state highway from a point known as the "Mt Pleasant Ranch" on the road between Quincy and Marysville, thence in a southeasterly direction by Eureka to Downieville. Sierra County, California.

Also: Senate Bill No 1013—An Act to amend Sections 385 and 386 of the Political Code, relating to the salaries of the Private Secretary and the Executive Secretary of the Governor.

Also: Senate Bill No. 1065—An Act authorizing and directing the State Board of Prison Directors to make an investigation, and report to the Governor, of and relating to the cost, management and government of a reformatory institution in this State, and making an appropriation therefor.

Also: Senate Bill No. 1179—An Act to amend an Act entitled "An Act to prevent deception in the manufacture and sale of butter and cheese, to secure its enforcement, and to appropriate money therefor," approved March 4, 1897, by amending section seventeen of said Act.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

BEARDSLEE, Chairman.

The above reported bills, with the exception of Assembly Bills Nos. 1022 and 1328, ordered on file for second reading.

Assembly Bills Nos. 1022 and 1328 withdrawn by unanimous consent.

CONSIDERATION OF BILLS—(OUT OF ORDER).

On motion of Mr. Transue, the following bills were taken up for consideration:

Assembly Bill No. 154—An Act to provide for an exposition building at Los Angeles in Agricultural Park, for the use of all the counties of this State, for the purpose of maintaining permanent exhibits therein of the resources of the different counties, and to make an appropriation for the construction of said exposition building.

Assembly Bill No. 1008—An Act to accept from the Old Soldiers' Memorial Camp Association of Northern California and E. F. Winslow Post No. 79, Grand Army of the Republic, Department of California and Nevada, the conveyance of and to vest title in the State of California of certain lands, buildings and furnishings thereon, at La Tour Soda Springs, Whitmore Postoffice, in Shasta County, and appropriating the sum of ten thousand dollars for the purpose of constructing cottages on said lands and for the improvement thereof, and to maintain and care for the same as and for a free rooming, camping ground, resting place and health resort for aged, indigent ex-soldiers, sailors and marines of the United States Army and Navy, and wives of such soldiers, sailors and marines, to be known as Winslow Veterans' Home, and to provide for the government thereof by the State of California.

Senate Bill No. 359—An Act to authorize certain improvements at the California Institution for the Deaf and the Blind in Berkeley, and making an appropriation therefor.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bills.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Assembly Bills Nos. 154 and 1008 and Senate Bill No. 359 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bills.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bills Nos. 154 and 1008, and Senate Bill No 359, and do now report the same back, and recommend that they do pass.

STANTON, Chairman

Assembly Bills Nos. 154 and 1008 read second time, and ordered to engrossment.

Senate Bill No. 359 read second time, and ordered on file for third reading.

ON CONTINGENT EXPENSES AND ACCOUNTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1909.

MR. SPEAKER: Your Committee on Contingent Expenses and Accounts, to whom was referred a resolution by Mr. Mott, have had the same under consideration, and respectfully report same back, as follows: That the resolution be adopted, as follows:

Resolved, That the Controller be, and he is hereby, authorized and directed to draw his warrant on the contingent fund of the Assembly, and the State Treasurer is hereby directed to pay the same, for the sum of one hundred ninety dollars ($190 00) in favor of J. T. Stafford, Sergeant-at-Arms of the Assembly, same being for the payment of the above claims.

Approved by.

BEBAN.
PULCIFER.
NELSON

That the resolution be amended, and be adopted, as follows:

Resolved, That the Controller be and is hereby authorized and directed to draw his warrant on the contingent fund of the Assembly, and the State Treasurer is hereby directed to pay the same, for the sum of ninety-five dollars ($95.00), in favor of J. T. Stafford, Sergeant-of-Arms of the Assembly, same being for the payment of the above claims.

Approved by:

TELFER.
JOHNSON.
STUCKENBRUCK.
COSTAR.

Mr. Telfer moved the adoption of the amendment.

Motion carried, and amendment adopted.

Mr. Telfer moved the adoption of the report and amended resolution.

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

AYES—Messrs. Barndollar, Baxter, Bohnett, Callan, Cattell, Coghlan, Cogswell, Collum, Costar, Cullen, Dean, Drew, Flavelle, Fleisher, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Hanlon, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Placer, Kehoe, Leeds, Macauley, Maher, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, Perine, Polsley, Preston, Schmitt, Silver, Stuckenbruck, Telfer, Wheelan, Whitney, Wilson, Wyllie, and Mr. Speaker—48.

NOES—Messrs Greer, Johnson of Sacramento, Mott, and Pulcifer—4.

SENATE MESSAGES.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, March 11, 1909

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 782—An Act to amend sections one and two of an Act entitled "An Act to protect the owners of bottles, boxes, siphons, and kegs used in the sale of soda waters, mineral, or aerated water, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, beer, white beer, or other beverages," approved March 31, 1891, amended March 5, 1903

Also: Senate Bill No. 1009—An Act to provide for the parole of prisoners confined in county jails and city prisons, and authorizing and empowering boards of supervisors and the governing bodies of municipalities to make rules and regulations in relation thereto.

Also: Senate Bill No 888—An Act providing for the purchase of a boiler for the kitchen at the State prison at Folsom, and making an appropriation therefor.

Also: Senate Bill No. 540—An Act making an appropriation of six thousand five hundred and twenty-seven and twelve one-hundredths dollars ($6,527.12) to repay the Regents of the University of California for moneys appropriated by them to make good losses by fire and disaster, and prescribing the duties of the Controller and Treasurer of State in relation thereto.

Also Senate Bill No. 544—An Act making an appropriation of nineteen thousand dollars ($19,000.00) for the enlargement of the photographic laboratory and fireproof vault for astronomical photographs and plates at the Lick Observatory, in Santa Clara County, and for the provision of additional equipment for the Lick Observatory and for astronomical photographs

Also: Senate Bill No 278—An Act providing for the construction of the water and sewer system in California Redwood Park, and making an appropriation therefor.

LEWIS A HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 12, 1909.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 294—An Act providing for the organization of the Board of Railroad Commissioners, defining its powers and duties and the powers and duties of transportation companies, their officers and employees, and defining offenses by transportation companies, their officers, employees, and other persons, and providing penalties therefor.

LEWIS A HILBORN, Secretary of Senate.
By J W KAVANAGH, Assistant Secretary.

Senate Bill No. 782 read first time, and referred to Committee on Commissions and Public Expenditures.

Senate Bill No. 1009 read first time, and referred to Committee on Public Charities and Corrections.

Senate Bill No. 888 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 540 read first time, and referred to Committee on Ways and Means.

Senate Bill No 544 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 278 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 294 read first time, and referred to Committee on Common Carriers.

Also:

SENATE CHAMBER, SACRAMENTO, March 10, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 992—An Act to amend sections one, two, three, and four of an Act entitled "An Act to encourage and provide for a general vaccination in the State of California," approved February 20, 1889

Also: Assembly Bill No. 44—An Act to amend an Act entitled "An Act to create a firemen's relief, health, life insurance and pension fund, in the several counties, cities and counties, cities and towns of the State," approved March 20, 1905.

Also: Assembly Bill No. 827—An Act authorizing any incorporated town, city, or municipal corporation to permit the construction and maintenance of any state or county highway or boulevard over highways or streets in its incorporated limits, or any portion thereof, by the supervisors or highway commissioners of the county.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Bills ordered to enrollment.

Also:

SENATE CHAMBER. SACRAMENTO. March 11, 1909.

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 1254—An Act to authorize the deposit of certain newspaper files kept in recorder's office in free public libraries.

Also· Assembly Bill No. 1261—An Act to amend section twelve of an Act entitled "An Act to establish police courts in the cities of the first and one-half class, to fix their jurisdiction and to provide for officers of said courts and fix the compensation of certain officers thereof," approved March 5, 1901, relating to the imprisonment of persons convicted in police courts of cities of the first and one-half class.

Also· Assembly Bill No. 430—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and all amendments thereto.

Also: Assembly Bill No. 690—An Act to amend Section 515 of the Political Code, and to provide for the appointment of a statistician, a bookkeeper, and a clerk and stenographer for the Superintendent of Public Instruction, and to fix their compensation.

Also. Assembly Bill No. 1112—An Act to amend an Act entitled "An Act to add a new title to Part III of the Penal Code, to be known as Title I thereof, relating to the government and management of State prisons," approved March 18, 1907, by amending Sections 1572, 1574, 1577, 1578, and 1582 of the Penal Code, relating to the government and management of State prisons.

Also: Assembly Bill No. 54—An Act providing for an appropriation of thirty thousand dollars for the purpose of purchasing additional land for the Whittier State School.

Also: Assembly Bill No. 625—An Act to amend Section 1199 of the Political Code of the State of California, relating to printing of ballots.

Also. Assembly Bill No. 730—An Act of the board of supervisors of the county of Shasta to audit and pay the claim of George W. Bush for services as judge of the Superior Court of Shasta County.

Also: Assembly Bill No. 742—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby, of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 47 thereof.

Also· Assembly Bill No. 1066—An Act to amend sections six, seven, fifteen and seventeen, and to add a new section known as section fifteen and a half, creating a revolving fund to an Act entitled "An Act to create for the State of California a Department of Engineering, to provide for the appointment of the officers and employees thereof, defining its powers and prescribing the duties of said department, its officers and employees, to provide the compensation of such officers and employees, to make an appropriation for the salaries and other expenses for the remainder of the fifty-eighth fiscal year, and making certain acts a felony and repealing an Act entitled 'An Act creating a Commissioner of Public Works, defining his duties and powers, and fixing his compensation,'" approved February 9, 1900, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to create a Department of Highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employees thereof, and to provide for the compensation of said officers and employees, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year," approved April 1, 1897; also repealing an Act entitled "An Act providing for an auditing board to the Commissioner of Public Works, authorizing and directing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredges, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn lands and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this Act," approved March 17, 1897, and all Acts or parts of Acts amendatory thereof, also repealing an Act entitled "An Act to provide for the appointment, duties, and compensation of a Débris Commissioner, and to make an appropriation to be expended under his directions in the discharge of his duties as such commissioner," approved March 24, 1893, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to create the office of Lake Tahoe Wagon Road Commissioner, providing the term of office and compensation of such commissioner, defining his duties, and making an appropriation for the salary and expenditures provided for and authorized by this Act," approved April 1, 1897, and all Acts and parts of Acts amendatory thereof, approved March 11, 1907.

LEWIS A. HILBORN, Secretary of Senate.
By J. W KAVANAGH, Assistant Secretary

Bills ordered to enrollment

Also:

SENATE CHAMBER, SACRAMENTO, March 11, 1909

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 139—An Act to aid the enforcement of an Act entitled "An Act to enforce the educational rights of children" approved March 24, 1903

Also· Assembly Bill No. 196—An Act to provide county library systems

Also: Assembly Bill No. 1138—An Act to amend Section 1552—of the Political Code of the State of California, relating to traveling expenses of county, and city and county, superintendents.

LEWIS A. HILBORN, Secretary of Senate.
By J W. KAVANAGH, Assistant Secretary.

Bills ordered to enrollment.

Also:

SENATE CHAMBER. SACRAMENTO, March 10, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate amended, and on this day passed as amended, Assembly Bill No. 42—An Act to amend Section 758 of the Political Code, relating to the employment and compensation of the officers of the district courts of appeal.

Also: Assembly Bill No. 169—An Act to amend the Political Code of the State of California by adding two new sections thereto, to be known and designated as Section 1987 and Section 2107, both relating to the National Guard.

Also: Assembly Bill No. 302—An Act to amend Sections 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934, 1935, 1951, 1953, 1954, 1956, 1957, 1958, 1962, 1966, 1985, 2020, 2026, 2076, 2078, 2079, 2081, 2086, 2102, 2011, and 2112, all of the Political Code of the State of California, relating to the National Guard.

Also: Assembly Bill No. 650—An Act to amend Section 637*a* of the Penal Code of California, and to add thereto three new sections, to be numbered 637*b*, 637*c*, and 637*d*, all relating to protection of wild birds other than game birds, and their nests and eggs.

Also: Assembly Bill No 763—An Act to allow unincorporated towns and villages to establish, equip, and maintain systems of street lights on public highways, to provide for the formation, government, and operation of highway lighting districts; the calling and holding of elections in such districts; the assessment, collection, custody, and disbursement of taxes therein; and the creation of ex officio boards of highway lighting commissioners

Also: Assembly Bill No. 167—An Act to amend Sections 1908, 1917, and 1923 of the Political Code of California, all relating to the enrolled militia.

Also: Assembly Bill No. 444—An Act to amend Article V, Chapter VII, Title XI, Part III of the Code of Civil Procedure of the State of California, by amending Section 1577 thereof and adding a new section thereto, to be numbered 1580, relating to the real property of decedents, minors and incompetent persons.

Also: Assembly Bill No. 833—An Act to add a new section to the Penal Code, to be numbered 402*e* making it a misdemeanor for any practitioner of veterinary medicine who fails to report to the State Verterinarian certain diseases among animals.

And respectfully request your honorable body to concur in said amendments.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 10, 1909.

MR SPEAKER: I am directed to inform your honorable body that the Senate amended and on this day passed as amended, Assembly Bill No 931—An Act to amend Section 444 of the Political Code of the State of California, relating to transfers of money from one fund to another.

Also: Assembly Bill No. 956—An Act to amend Section 650 of the Civil Code of the State of California, relating to the powers of the boards of trustees for colleges and seminaries of learning.

Also: Assembly Bill No. 633—An Act entitled "An Act to amend Section 1560 of Article IV of the Political Code of California by providing for joint institutes or conventions of teachers."

Also: Assembly Bill No. 938—An Act to amend Section 1563 of the Political Code of the State of California, relating to teachers' salaries during attendance at institutes.

Also: Assembly Bill No 699—An Act to amend Section 384 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, and to add a new section thereto, to be numbered 387, relating to the powers of the Governor, his salary, and the salaries of certain appointees

And respectfully request that your honorable body concur in said amendments.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also.

SENATE CHAMBER, SACRAMENTO, March 11, 1909

MR. SPEAKER: I am directed to inform your honorable body that the Senate amended, and on this day passed as amended, Assembly Bill No. 990—An Act authorizing the construction, acquisition, maintenance, and control of a system of state highways in the State of California; specifying the work; fixing the payments to be made by counties for moneys expended therein; providing for the issuance and sale of State bonds to create a fund for the construction and acquisition of such system; creating a sinking fund for the payment of said bonds, and providing for the submission of this Act to a vote of the people.

Also Assembly Bill No. 1281—An Act to amend Section 4239 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the tenth class.

And respectfully request your honorable body to concur in said amendments.

LEWIS A. HILBORN, Secretary of Senate
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 11, 1909

MR SPEAKER: I am directed to inform your honorable body that the Senate amended, and on this day passed as amended, Assembly Bill No 1082—An Act to amend section four thousand and seven of the Political Code of the State of California, relating to the classification of counties.

Also: Assembly Bill No 274—An Act to amend an Act entitled "An Act to protect domestic live stock from contagious and infectious diseases, to provide for the appoint-

ment and duties of officials to carry into effect the provisions of this Act, and to provide an appropriation therefor," which became a law March 18, 1899, and as amended March 20, 1905, and as further amended March 23, 1907, by amending Section 1 thereof as amended March 23, 1907, Section 2 thereof as amended March 23, 1907, Section 4 thereof, Section 5 thereof, Section 6 thereof Section 7 thereof, and Section 8 thereof, and by adding a new section thereto, to be known and numbered as Section 7½, providing for additional officers and employees, and fixing their salaries.

Also: Assembly Bill No. 773—An Act to change, establish, and permanently locate the boundary lines of the county of Kings, and a portion of the south and east boundary lines of the county of Fresno.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 11, 1909.

MR SPEAKER I am directed to inform your honorable body that the Senate amended, and on this day adopted as amended, Assembly Concurrent Resolution No. 6—Relative to the provision of suitable offices in the Capitol building for the State Agricultural Society—and respectfully request your honorable body to concur in said amendments.

Also: Adopted Assembly Joint Resolution No. 7—Relative to defense of the Pacific seaboard

Also: Assembly Concurrent Resolution No. 15—Relative to fortification of San Pedro harbor.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 12, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 17—Relative to the Alaska-Yukon-Pacific Exposition.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 42?"

Insert after the title the following: "The people of the State of California, represented in Senate and Assembly, do enact as follows:".

Also: Strike out all of Sec. 2

The roll was called, and Senate amendments to Assembly Bill No. 42 were concurred in by the following vote:

AYES—Messrs Barndollar, Baxter, Bohnett, Callan, Cattell, Cogswell, Collum, Cronin, Dean, Flavelle, Fleisher, Gerdes, Gibbons, Griffiths, Hammon, Hanlon, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Leeds, Macauley, Maher, Melrose, Mendenhall, Moore, Mott, Odom, Otis, Perine, Polsley, Preston, Rech, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—50.
NOES—None.

Bill ordered to enrollment.

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 169?"

Amend Section 1, of the printed bill, by inserting after the comma following the word deserter, in line 6, the following: "except when such absence is caused by sickness, the fact of such sickness to be established by doctor's certificate."

Amend Section 2, line 20, page 3, of the printed bill, by inserting a comma after the word arsenals.

Also: Amend Section 2, line 20, page 3, of the printed bill, by striking out the following: "and superintend".

Also: Amend Section 2, page 3, of the printed bill, by striking out the period after the word "thereon", in line 23, and inserting in lieu thereof a semicolon and also the following: "*provided*, that it shall be the duty of the State Engineer to furnish the plans, estimates, and specifications for all armories and arsenals, and to superintend the erection and construction of such buildings."

The roll was called, and Senate amendments to Assembly Bill No. 169 were concurred in by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Callan, Cattell, Cogswell, Collum, Dean, Drew, Flavelle, Flint, Gerdes, Gibbons, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of

Placer, Johnston of Contra Costa, Juilliard, Leeds, Macauley, Maher, Melrose, Mendenhall, Moore, Mott, Odom, Otis, O'Neill, Perine, Polsley, Preston, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—52.

NOES—None.

Bill ordered to enrollment.

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 302?"

Amend Section 17, page 13, line 4, of the printed bill, by inserting before the word "upon" the following: "Two months previous to the expiration of the term of service of any officer, or".

Also: On page 12 strike out the whole of Section 15.

And: In the title, strike out the words and figures "one thousand nine hundred and fifty-six,".

The roll was called, and Senate amendments to Assembly Bill No. 302 were refused concurrence in by the following vote:

AYES—Mr. McClellan—1.

NOES—Messrs. Barndollar, Baxter, Beardslee, Bohnett, Callan, Cattell, Cogswell, Cronin, Drew, Feeley, Flavelle, Fleisher, Flint, Griffiths, Hammon, Hanlon, Hans, Hawk, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Leeds, Maher, Melrose, Mendenhall, Moore, Mott, Odom, Otis, Perine, Polsley, Preston, Pulcifer, Rech, Sackett, Schmitt, Silver, Stuckenbruck, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr Speaker—50.

Bill ordered transmitted to the Senate, and Senate asked to recede.

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 650?"

On line 2, of title, strike out the figures "637*c*", and insert in lieu thereof "637*f*"

Also: On page 2, Section 2, line 2, strike out the figures "637*c*", and insert in lieu thereof "637*f*,".

Also: On page 2, Section 2, line 3, strike out the figures "637*c*", and insert in lieu thereof "637*f*."

And: On page 2, Section 1, line 26, insert after the word "Act" a semicolon and the following words: "*provided further*, that nothing in this section shall prohibit the killing of meadow lark, robin, or other wild bird by the owner or tenant of any premises where such bird is found destroying berries, fruit, or crops growing on such premises, but the birds so killed shall not be shipped or sold;"

The roll was called, and Senate amendments to Assembly Bill No. 650 were concurred in by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Bohnett, Callan, Cattell, Cogswell, Collier, Cronin, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gillis, Griffiths, Hammon, Hanlon, Hans, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Polsley, Preston, Pulcifer, Rech, Sackett, Schmitt, Stuckenbruck, Transue, Wheelan, Whitney, Wyllie, Young, and Mr. Speaker—55

NOES—None.

Bill ordered to enrollment.

The question being put: "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 167?"

Strike out of Section 2, line 17, from and including the word "wherever", to and including the period on line 27.

The roll was called, and Senate amendment to Assembly Bill No. 167 was refused concurrence by the following vote:

AYES—Mr. McClellan—1.

NOES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Bohnett, Butler, Cattell, Cogswell, Collum, Costar, Cullen, Dean, Drew, Flavelle, Fleisher, Flint, Gibbons, Gillis, Griffiths, Hammon, Hanlon, Hans, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, Melrose, Mendenhall, Moore, Mott, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pulcifer, Rech, Sackett, Silver, Stuckenbruck, Transue, Wagner, Whitney, Wyllie, Young, and Mr. Speaker—56.

Bill transmitted to the Senate, and Senate asked to recede.

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 763?"

AMENDMENT No. 1.

On page 4, of printed bill, line 36, after the word "include", insert the word "in."

AMENDMENT No. 2.

On page 4, of printed bill, lines 36 and 37, strike out the words "such estimated", and insert the following: "a tax upon the taxable property within such lighting district, at the equalized value thereof for that year, sufficient to pay the".

AMENDMENT No. 3.

On page 4, printed bill, lines 40 and 41, after the word "hours", strike out the remainder of that paragraph, and insert in place thereof the words "for such lighting districts"

AMENDMENT No 4.

On page 5, printed bill, Section 12, line 2, after the word "maintained", strike out the semicolon, and insert in place thereof a comma.

AMENDMENT No 5.

On page 5, printed bill, Section 12 line 3, after the word "funds", strike out the semicolon, and insert in place thereof a comma.

AMENDMENT No 6

On page 6, printed bill, Section 15, line 5, after the word "district", insert the words "at the equalized value thereof,".

AMENDMENT No. 7.

On page 6, printed bill, strike out all of Section 16.

AMENDMENT No. 8.

On page 6, printed bill, strike out all of Section 17.

AMENDMENT No. 9.

On page 6, printed bill, Section 18 to be renumbered Section 16.

AMENDMENT No. 10.

On page 6, printed bill, Section 19, to be renumbered Section 17.

AMENDMENT No. 11

On page 7, printed bill, Section 20, to be renumbered Section 18

AMENDMENT No. 12

On page 7, printed bill, Section 21, to be renumbered Section 19

AMENDMENT No. 13.

On page 7, printed bill, Section 22, to be renumbered Section 20

The roll was called, and Senate amendments to Assembly Bill No. 763 were concurred in by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beban, Callan, Cattell, Collum, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Leeds, Maher, McClellan, Melrose, Mendenhall, Odom, Otis, Perine, Polsley, Preston, Pulcifer, Sackett, Schmitt, Silver, Stuckenbruck, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—49.

NOES—None.

Bill ordered to enrollment.

Assembly Bill No. 444 placed on file as unfinished business.

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No 833?"

Amend the title of the bill, by inserting on line 1 thereof, after the word "Code" the words "of California".

Also: On page 1, after the enacting clause, insert the following: "A new section is hereby added to the Penal Code of California, to be numbered 402*e*, and to read as follows:".

And: On page 1, line 1, strike out the word "Section", and insert in lieu thereof the following: "402*e*."

The roll was called, and Senate amendments to Assembly Bill No. 833 were concurred in by the following vote:

AYES—Messrs Barndollar, Beardslee, Beatty, Beban, Bohnett, Callan, Cattell, Cogswell, Collum, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Leeds, Macauley, McClellan, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pulcifer, Rech, Sackett, Schmitt, Stuckenbruck, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—56.
NOES—None

Bill ordered to enrollment.

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 931?"

On page 1, Section 1, line 6, strike out the word "accured", and insert in lieu thereof the word "accrued".
Also: On page 1, Section 1, line 2, after the word "Code" insert the words: "of the State of California".
Also: On page 1, strike out all of Section 2.
And Amend the title of the bill by inserting after the word "Code", on line 2 thereof, the words: "of the State of California".

The roll was called, and Senate amendments to Assembly Bill No. 931 were concurred in by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Beban, Bohnett, Callan, Cattell, Cogswell, Collum, Cronin, Cullen, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gillis, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Lightner, Macauley, Maher, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Polsley, Preston, Pulcifer, Rech, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr Speaker—60.
NOES—None.

Bill ordered to enrollment.

The question being put: "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 956?"

On page 1, line 4, of the printed bill, strike out the words "board of trustees, powers of"

The roll was called, and Senate amendment to Assembly Bill No. 956 was concurred in by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Bohnett, Callan, Cattell, Cogswell, Collier, Collum, Cronin, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gillis, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Placer, Johnston of Contra Costa, Kehoe, Lightner, Macauley, Maher, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Polsley, Preston, Pulcifer, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—58.
NOES—None

Bill ordered to enrollment.

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 633?"

On page 1, of the printed bill, amend the title by adding after the word "teachers", at the end of third line, the following: "and providing a penalty for county superintendents who fail to hold institutes".
And: On page 1, of the printed bill, line 3, strike out the word "Section" before the number "1560",

The roll was called, and Senate amendments to Assembly Bill No. 633 were concurred in by the following vote:

AYES—Messrs Barndollar, Baxter, Beatty, Beban, Butler, Callan, Cattell, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Dean, Feeley, Fleisher, Flint, Gillis, Griffiths,

Haulon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, O'Neill, Polsley, Preston, Pulcifer, Rech, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—57

NOES—None.

Bill ordered to enrollment.

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 938?"

On page 1, line 3, of the printed bill, strike out the word "Section" before the number "1563".

And: On page 2, of the printed bill, strike out all of Section 2.

The roll was called, and Senate amendments to Assembly Bill No. 938 were concurred in by the following vote:

AYES—Messrs Barndollar, Baxter, Beatty, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gibbons, Gillis, Griffiths, Hammon, Hans, Hawk, Hayes, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Leeds, Lightner, Macauley, Maher, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, O'Neill, Polsley, Preston, Pulcifer, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr Speaker—58.

NOES—None.

Bill ordered to enrollment.

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 699?"

On pages 1 and 2, Section 2, lines 5, 6, 7, 8, 9, and 10, strike out all of said lines of said section, and insert in lieu thereof the following: "an additional stenographer to serve during and immediately preceding and following the regular sessions of the Legislature, at a salary of one hundred and twenty-five dollars per month, for a period not to exceed five months for any one session of the Legislature. He may also appoint one messenger at an annual salary of fifteen hundred dollars. The salaries of such stenographer and messenger shall be payable at the same time, and in the same manner as the salaries of State officers."

Also. By striking out of Section 2, lines 4 to 9, the words: "He may also appoint an additional stenographer to serve during and immediately preceding and following the regular sessions of the Legislature, at a salary of one hundred and twenty-five dollars per month, for a period not to exceed five months for any one session of the Legislature."

And: In line 11, Section 2, strike out of the word "stenographers" the last letter, "s".

The roll was called, and Senate amendments to Assembly Bill No 699 were concurred in by the following vote:

AYES—Messrs Barndollar, Beatty, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gibbons, Gillis, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Leeds, Lightner, Macauley, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, O'Neill, Polsley, Preston, Pulcifer, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—61

NOES—None.

Bill ordered to enrollment.

Assembly Bill No. 990 placed on file as unfinished business.

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 1281?"

On page 1, Section 1, line 15, strike out the word "five", and insert in lieu thereof the word "two".

Also: On page 2, line 28, strike out the word "five", and insert in lieu thereof the word "two"

Also On page 2, line 40, strike out the word "five", and insert in lieu thereof the word "two".

Also. On page 2, line 47, strike out the word "five", and insert in lieu thereof the word "two".

Also: On page 3, line 63, strike out the word "five", and insert in lieu thereof the word "two"

Also: On page 3, line 91, strike out the word "eight", and insert in lieu thereof the word "five"

Also: On page 4, line 100, strike out the following: "two thousand seven hunded dollars per annum, and in addition thereto the board of supervisors shall allow the coroner his actual traveling expenses in the performance of his official duties within the county when called away from the county seat", and insert in lieu thereof the following "such fees as are now or may hereafter be allowed by law."

And: On page 5, line 143, strike out the word "five", and insert in lieu thereof the word "two".

The roll was called, and Senate amendments to Assembly Bill No. 1281 were concurred in by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Butler, Callan, Cattell, Collier, Collum, Costar, Cullen, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Hanlon, Hans, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Leeds, Lightner, Macauley, Maher, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, O'Neill, Perine, Polsley, Preston, Pulcifer, Rech, Sackett, Schmitt, Silver, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—59.

NOES—None.

Bill ordered to enrollment.

Assembly Bill No. 1082 placed on file as unfinished business.

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 274?"

Amend page 2, Section 1, line 17, by striking out the words "three thousand", and inserting in lieu thereof "three thousand six hundred".

Also: Amend page 4, Section 8, line 6, by striking out the words "two live stock inspectors".

Also: Amend page 4, Section 8, lines 8 and 9, by striking out the words "the salary of each live stock inspector shall be fifteen hundred dollars per annum".

Also: Amend page 4, Section 8, line 13, by striking out the words "and each live stock inspector".

And: Amend page 4, Section 8, line 15, by striking out the word "their", and inserting in lieu thereof the word "his".

The roll was called, and Senate amendments to Assembly Bill No 274 were concurred in by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Collum, Cronin, Dean, Drew, Feeley, Flavelle, Fleisher, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Hans, Hawk, Hayes, Hinkle, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Polsley, Preston, Pulcifer, Rech, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—61

NOES—None.

Bill ordered to enrollment.

Assembly Bill No. 773 placed on file as unfinished business.

The question being put: "Shall the Assembly concur in the following Senate amendment to Assembly Concurrent Resolution No. 6?"

On page 1, Section 1, line 3, strike out the words "Capitol Commissioners be, and they are", and insert in lieu thereof the following: "Superintendent of the State Capitol be and he is".

Amendment concurred in.

Assembly Concurrent Resolution No. 6 ordered to enrollment.

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Concurrent Resolution No. 15?"

ASSEMBLY JOINT RESOLUTION No. 15.

Relative to an appropriation for the fortification of San Pedro harbor at San Pedro, California.

WHEREAS, In the General Army Appropriation Bill now pending before Congress there is an item of four hundred thousand dollars for the fortifications at San Pedro harbor at San Pedro, California; be it

Resolved by the Assembly and Senate jointly, That our Senators in Congress be

instructed, and our Representatives in Congress requested, to use all honorable means necessary to retain said item in and secure the passage of such bill; be it further

Resolved, That the Chief Clerk transmit a copy hereof to each of our Representatives in Congress.

Senate amendment to Assembly Concurrent Resolution No. 15 concurred in.

Assembly Concurrent Resolution No. 15 ordered to enrollment.

Assembly Concurrent Resolution No. 17 and Assembly Joint Resolution No. 7 ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 12, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Committee Substitute for Assembly Bill No. 298—An Act to amend Section 531 of Article XII of the Political Code, relating to the duties of the Superintendent of State Printing.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary

Also:

SENATE CHAMBER, SACRAMENTO, March 11, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No 784—An Act amending Section 2349 of the Political Code, relating to certain streams and waters declared public ways.

Also: Assembly Bill No. 25—An Act to amend Section 1 of an Act entitled "An Act imposing a license tax upon itinerant vendors of drugs, nostrums, ointments, or appliances sold for the cure of diseases, injuries, or deformities," approved March 20, 1903

Also. Assembly Bill No 28—An Act to amend the title of Sections 1, 7, 8, and 9, of an Act entitled "An Act to regulate the sale of poisons in the State of California, and providing a penalty for the violation thereof," approved March 6, 1907.

Also. Assembly Bill No. 29—An Act to amend Sections 3, 6, 9, 10, 11, 12, 14, 15, 16 and 20 of an Act entitled "An Act for the prevention of the manufacture, sale, or transportation of adulterated, mislabeled, or misbranded drugs, regulating the traffic in drugs, and providing penalties for violation thereof," approved March 11, 1907

Also Assembly Bill No. 259—An Act providing for the appointment of a secretary to boards of education in incorporated cities or towns, and adding a new section to the Political Code, to be known as Section 1616*a*.

Also. Assembly Bill No 1210—An Act to amend Section 2 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, relating to street improvements

Also: Assembly Bill No. 134—An Act to amend Section 8 of an Act entitled "An Act defining the duties and liabilities of employment agents, making the violation thereof a misdemeanor, and fixing the penalties therefor," approved February 12, 1903, approved March 18, 1905.

Also: Assembly Bill No. 136—An Act to amend an Act entitled "An Act to provide for the proper sanitary condition of factories and workshops, and the preservation of the health of the employees," approved February 6, 1889.

Also: Assembly Bill No 411—An Act to add a new section to the Political Code, to be known and numbered as Section 4248*a*, relating to the restoration of certificates of birth, marriage licenses, marriage certificates, or certificates of death, or the records thereof, which may have been lost, injured, mutilated or destroyed by conflagration or other public calamity, or for the establishment or proof of births, marriages or deaths, occurring at periods when there existed no statutes in this State for the registration of the same.

Also Assembly Bill No. 1228—An Act to amend Sections 385 and 386 of the Political Code, relating to the salaries of the Private Secretary and the Executive Secretary of the Governor

Also: Assembly Bill No. 1043—An Act to add to the Penal Code of the State of California a new section, to be numbered 587*a*, prohibiting unauthorized persons from manipulating, tampering, or interfering with railroad appliances, and prescribing punishment for violation of such prohibition.

Also: Assembly Bill No. 264—An Act to amend section six of an Act entitled "An Act to establish police courts in cities of the first and one-half class, to fix their jurisdiction, and provide for officers of said courts, and to fix the compensation of certain officers thereof, approved March 5, 1901, relating to clerks in police courts in cities of the first and one-half class.

Also Assembly Bill No 651—An Act to make uniform the law of warehouse receipts.

Also: Assembly Bill No. 656—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to amend an Act entitled 'An Act to amend section six of an Act entitled 'An Act concerning the water front of the city and county of San Francisco," approved March 15, 1878, and to confer further powers upon the Board of State

Harbor Commissioners', approved March 17, 1880,' approved March 19, 1889, conferring further powers upon said Board,' approved March 26, 1895,' approved March 23, 1901,' approved March 18, 1905."

LEWIS A. HILBORN, Secretary of Senate.
By J W. KAVANAGH, Assistant Secretary

Bills ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 12, 1909

MR. SPEAKER: I am directed to inform your honorable body that the Senate amended, and on this day passed as amended, as a case of urgency, Assembly Bill No. 1445—An Act making an appropriation for the support of the State of California for the sixty-first and sixty-second fiscal years—and respectfully request your honorable body to concur in Senate amendment.

LEWIS A. HILBORN, Secretary of Senate
By J. W. KAVANAGH, Assistant Secretary.

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 1445?"

Amend Section 1, page 3, line 83, by striking out the words "filing clerk", and inserting in lieu thereof the word "messenger".

Also: On page 4, Section 1, lines 114 and 115, strike out the words 'four thousand eight', and insert in lieu thereof the words "five thousand four".

Also Section 1, page 12, line 387, strike out the word "ten", and insert in lieu thereof the word "twelve".

Also: Section 1, page 13, line 422, amend by adding after the word "dollars" the following: "exempt from section four of this Act".

Also: Section 1, page 16, line 531, strike out the word "four", and insert in lieu thereof the word "eight"

Also: Section 1, page 17, line 4, in the middle of the page, after the word "dollars" add the following: "*provided*, that not less than thirty thousand dollars shall be expended in making a practical and scientific examination of the mineral districts of California, including the oil districts, and the development, production, resources, methods of working and future possibilities of the mining and oil industries of California. Such examination to be made by competent experts experienced in California mining, and assistants, all of whom shall be appointed and their compensation fixed by the Governor."

Also: Amend Section 1, page 24, line 3, on the second line 3, after the word "Davis", by striking out the words "twenty-five thousand", and inserting in lieu thereof the words "forty-four thousand five hundred"

Also: Amend Section 1, page 24, second line 6, by striking out the word "twenty-three", and inserting in lieu thereof the word "forty".

And: Section 1, page 18, line 25, strike out the words "Home for Feeble-Minded Children", and insert in lieu thereof the words "Sonoma State Home".

The roll was called, and Senate amendments to Assembly Bill No. 1445 were concurred in by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Cronin, Cullen, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Kehoe, Leeds, Macauley, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pulcifer, Rech, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—66

NOES—None.

Bill ordered to enrollment.

RECONSIDERATION.

In compliance with his notice, given on a previous day, Mr. Johnston moved that the vote whereby Senate Constitutional Amendment No 37 was refused adoption be reconsidered.

The roll was called, and the same was reconsidered by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collum, Cronin, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hin-

kle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Odom, Otis, O'Neill, Perine, Pulcifer, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—61.
NOES—None.

During the consideration of the Senate constitutional amendment Mr. Johnston offered the following amendments:

In line 15, on page 2, of printed bill, strike out the word "two", and insert in lieu thereof the word "one".
In line 32, on page 2, of the printed bill, strike out the word "two", and insert in lieu thereof the word "one".

Amendments adopted.
Senate constitutional amendment ordered to reprint, with rush order, and on file for adoption.

SPECIAL FILE—THIRD READING.

Assembly Bill No. 1280—An Act to provide for the refurnishing of the offices of the Board of Railroad Commissioners of the State of California, and to make appropriation therefor.
Bill read third time.
The question being on the passage of the bill.
The roll was called, and Assembly Bill No. 1280 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Beban, Bohnett, Butler, Cattell, Coghlan, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Polsley, Preston, Pulcifer, Rech, Sackett, Schmitt, Transue, Wagner Whitney, Wilson, Wyllie, and Mr. Speaker—59
NOES—Mr. Gibbons—1.

Title read and approved.
Bill ordered transmitted to the Senate.

WITHDRAWAL OF BILLS.

Mr. Wilson asked for, and was granted, unanimous consent to withdraw Assembly Bills Nos. 747, 779, and 780.
Assembly Bills Nos. 747, 779, and 780 withdrawn, and ordered stricken from the file.
Mr. Cullen asked for, and was granted, unanimous consent to withdraw Assembly Bill No. 382.
Assembly Bill No. 382 withdrawn, and ordered stricken from the file.
Mr. Butler asked for, and was granted, unanimous consent to withdraw Committee Substitute "B" for Assembly Bill No. 1014, Committee Substitute for Assembly Bill No. 1015, Committee Substitute "A" for Assembly Bill No. 1014, Committee Substitute "B" for Assembly Bill No. 828, and Committee Substitute "A" for Assembly Bill No. 828.
The above Assembly bills withdrawn, and ordered stricken from the file.

SPECIAL FILE—SECOND READING.

Assembly Bill No. 1446—An Act appropriating money to provide and equip quarters for the Hastings College of the Law.
Mr. Beardslee moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.
Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Assembly Bill No. 1446 considered.

Mr. Beardslee moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No 1446, and do now report the same back, and recommend that it do pass.

STANTON, Chairman.

Bill read second time, and ordered to engrossment.

THIRD-READING FILE.

Assembly Bill No. 695—An Act to amend "An Act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force relating to estrays," approved March 23, 1901, by adding a new section thereto, to be known as section nine *a*, relating to the appointment of poundkeepers outside of incorporated cities

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 695 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collum, Costar, Cronin, Drew, Flavelle, Fleisher, Flint, Gerdes, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Macauley, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Poisley, Preston, Rech, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Wilson, Young, and Mr. Speaker—57.

NOES—Mr. Wyllie—1.

Title read and approved.

Bill ordered transmitted to the Senate.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON LABOR AND CAPITAL.

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1909.

MR. SPEAKER. Your Committee on Labor and Capital, to whom was referred Senate Bill No 844—An Act to prevent persons from unlawfully using a union card—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

NELSON, Chairman

The above reported bill ordered on file for second reading.

RESOLUTION.

The following resolution was offered:

By Mr. Drew:

Resolved, That Miss W. B. Ross be and she is hereby appointed and employed in the position of stenographer for the remainder of the session, commencing with this twelfth

day of March, 1909, at the legal per diem, to be paid out of the appropriation for the contingent expenses of the Assembly, and the State Controller is hereby authorized and directed to draw his warrants upon the said fund in favor of the said Miss W B Ross for the said per diem, and the State Treasurer is hereby authorized and directed to pay the same.

DREW,
Chairman Committee on Attachés.

We approve the above.

TRANSUE,
BEARDSLEE,
STUCKENBRUCK,
COGHLAN,
Committee.

Mr. Drew moved the adoption of the resolution.

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

AYES—Messrs. Barndollar, Baxter, Beardslee, Beban, Bohnett, Callan, Cattell, Cogswell, Collier, Costar, Cronin, Cullen, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Leeds, Lightner, Macaulay, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, Perine, Preston, Pulcifer, Rech, Sackett, Silver, Telfer, Transue, Wagner, Wheelan, Whitney, Young, and Mr. Speaker—54.

NOES—None.

RECESS.

At twelve o'clock and fifty minutes P. M., the Assembly was declared at recess until two o'clock P. M. of this day.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.

Speaker P. A. Stanton in the chair.

SENATE BILLS—SECOND READING.

Senate Bill No. 485—An Act to provide for the issuance and sale of State bonds to create a fund for the construction by the Board of State Harbor Commissioners of wharves, piers, state railroad, spurs, betterments, and seawall appurtenances in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; to define the duties of State officers in relation thereto; to make an appropriation of one thousand dollars for the expense of printing said bonds; and to provide for the submission of this Act to a vote of the people.

Mr. Perine moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Senate Bill No. 485 considered.

During second reading of bill, the following amendment was submitted by the committee:

In line 11, of the title, strike out the word "one", and insert in lieu thereof the word "five".

Amendment adopted.

Mr. Perine moved that the committee do now rise and report in favor of the passage of the bill, as amended.

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 485, and do now report the same back, and recommend that it do pass as amended.

STANTON, Chairman.

Bill read second time, and ordered to reprint and on file for third reading.

Senate Bill No. 754—An Act granting certain lands and salt marsh and tide land of the State of California to the city of Oakland.

Bill read second time, and ordered on file for third reading.

SENATE BILLS—THIRD READING.

Senate Bill No. 198—An Act to amend Section 4249 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the twentieth class.

Mr. Collier moved that the Speaker appoint a select committee of one to amend the bill, as follows:

In line 160, strike out the semicolon after the word "day," and insert in lieu thereof a period

Strike out all of lines 161, 162, and 163.

Motion carried.

The Speaker appointed Mr. Collier as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1909.

MR. SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 198, with instructions, do now report that the instructions of the Assembly have been carried out.

COLLIER, Select Committee.

Report of select committee, and amendments, adopted.

Bill ordered to reprint, and on file for passage.

Senate Bill No. 64—An Act to amend Section 626*f* of the Penal Code, relating to the protection of deer.

Bill read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 64 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Bohnett, Callan, Cattell, Cogswell, Collier, Costar, Dean, Drew, Flint, Gerdes, Gillis, Greer, Griffiths, Hammon, Hanlon, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Preston, Pugh, Pulcifer Sackett, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, and Mr. Speaker—56.

NOES—None.

Title read and approved

Bill ordered transmitted to the Senate.

Senate Bill No. 292—An Act to amend section sixteen hundred and sixty-five of the Political Code, relative to the course of study in the public schools in the State of California.

Bill read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 292 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Callan, Cattell, Cogswell, Collier, Costar, Cullen, Dean, Drew, Flint, Gerdes, Gillis, Greer, Griffiths, Hammon, Hanlon, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, McClellan, McManus, Melrose, Mendenhall, Odom, Otis, O'Neill, Perine, Preston, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Wilson, Wyllie, and Mr. Speaker—51.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 623—An Act to amend Section 607*e* of the Civil Code of the State of California, relating to the disposition to be made of certain fines, penalties, and forfeiture.

During third reading of bill, Mr. Johnson of Sacramento moved that the Speaker appoint a select committee of one to amend the bill as follows:

In Section 1, line 13, of printed bill, after the word "animals", insert the following: "or for the prevention of cruelty to children"

Also: In Section 1, line 17, of printed bill, after the word "animals", insert the following "or children".

Also: In Section 1, line 18, of printed bill, after the word "animals", insert the following: "or children"

Also: Strike out of Section 1, line 8, of printed bill, the word "such".

Also: In Section 1, line, 9 of printed bill, after the word "existing", the following: "incorporated or organized for the prevention of cruelty to animals or to children".

Also: In Section 1, line 12, of printed bill, after the word "every", inserting the following: "such".

Motion carried.

The Speaker appointed Mr. Johnson of Sacramento as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1909.

MR SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 623 with instructions, do now report that the instructions of the Assembly have been carried out.

JOHNSON OF SACRAMENTO, Select Committee.

Report of select committee, and amendments, adopted.

Bill ordered to reprint, and on file for passage.

Senate Bill No. 330—An Act to amend Article V, Chapter VII, Title XI, Part III of the Code of Civil Procedure of the State of California by amending Section 1577 thereof, and adding a new section thereto, to be numbered 1580, relating to the real property of decedents, minors, and incompetent persons.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 330 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Bohnett, Callan, Cattell, Cogswell, Collier, Dean, Drew, Flavelle, Flint, Gerdes, Gillis, Greer, Griffiths, Hammon,

Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, Maher, McManus, Melrose, Mendenhall, Moore, Odom, Otis, O'Neill, Perine, Polsley, Preston, Sackett, Silver, Transue, Wagner, Whitney, Wilson, Wyllie, and Mr. Speaker—53.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 809—An Act adding a new section to the Political Code of the State of California, to be numbered Section 1584, relating to school districts.

Mr. Bohnett moved that the Speaker appoint a select committee of one to amend the bill, as follows:

In line 21, page 2, of the printed bill, after the word "count", strike out the following: "of".

Motion carried.

The Speaker appointed Mr. Bohnett as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1909.

MR. SPEAKER. Your select committee of one, to whom was referred Senate Bill No. 809, with instructions, do now report that the instructions of the Assembly have been carried out.

BOHNETT, Select Committee.

Report of select committee, and amendment, adopted.

Bill ordered to reprint, and on file for passage.

Senate Bill No. 145—An Act providing for an appropriation of $1,000.00 for the purchase of books and periodicals for the Whittier State School.

On motion of Mr. Johnson of Sacramento, Senate Bill No. 145 was ordered stricken from the file.

Senate Bill No. 268—An Act to permit boards of directors of irrigation districts organized or existing under and by virtue of an Act of the Legislature entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1907; to provide for the payment in two installments of the assessments levied under and in accordance with the provisions of said Act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 268 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Beaban, Callan, Cattell, Cogswell, Collier, Costar, Cullen, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Odom, Otis, O'Neill, Perine, Preston, Sackett, Silver, Stuckenbruck, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, and Mr. Speaker—56.
NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 886—An Act to regulate the practice of veterinary medicine in the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 886 finally passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Beban, Callan, Cattell, Cogswell, Castor, Cullen, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Gillis, Greer, Griffiths, Hammon, Hans, Hawk, Haves, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Macauley, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pulcifer, Sackett, Silver, Stuckenbruck, Transue, Wagner, Whitney, Wilson, Wylhe, and Mr Speaker—55.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 838—An Act to amend Section 3785 of the Political Code, relating to the issuance of tax deeds for property sold for delinquent taxes.

During third reading of bill, Mr. Drew moved that the Speaker appoint a select committee of one to amend the bill, as follows:

Strike out the word "five", in line 4, Section 1, of the printed bill, and insert in lieu thereof the word "ten".

Motion to refer, and bill passed on file as unfinished business.

Senate Bill No. 853—An Act to amend the Penal Code of California, by adding a new section thereto, to be numbered 532*a*, relating to spurious secret societies.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 853 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Bohnett, Callan, Cattell, Cogswell, Collier, Costar, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Gillis, Greer, Hammon, Hanlon, Hans, Hawk, Haves, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, Melrose, Mendenhall, Moore, Mott, Odom, Otis, O'Neill, Perine, Preston, Pulcifer, Sackett, Wagner, Whitney, Wilson, Wylhe, and Mr Speaker—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SENATE MESSAGE.

The following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, March 12, 1909.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 325—An Act to amend Section 41 of the Code of Civil Procedure of the State of California, as adopted March 11, 1872, and as amended in 1873 and 1874, relative to the service of summons

Also: Senate Bill No. 1190—An Act authorizing district agricultural associations organized under the laws of the State of California, to lease lands owned, managed, or controlled, in trust or otherwise, to municipal corporations in which such lands are situated, and repealing all Acts and parts of Acts in conflict herewith.

Also: Senate Bill No. 1177—An Act to add a new section to the Penal Code of the State of California, to be known as Section 1426*a*, relating to the time within which prosecutions for misdemeanor may be commenced

Also: Senate Bill No. 530—An Act to conserve the artesian and underground waters of the State.

Also: Senate Bill No. 732—An Act to prohibit misrepresentations by life insurance companies, their officers, directors, agents and representatives, fixing the penalty therefor and prescribing the duties of the Insurance Commissioner in relation thereto.

Also: Senate Bill No 291—An Act granting the city of San Diego certain tide lands of the bay of San Diego, and the right to regulate commerce and navigation and harbor improvements between a portion of the sea wall line and pier head line of San Diego harbor, as said lands are now established or as they may be hereafter established.

Also: Senate Bill No. 1155—An Act authorizing municipal corporations to permit other municipal corporations to construct and maintain sewers, water mains and other conduits therein; also to construct and maintain sewers, water mains and other conduits for their joint benefit, and at their joint expense, and to make and enter into contracts for said purposes

Also: Senate Bill No. 1191—An Act authorizing municipal corporations to acquire and hold lands by lease or otherwise, for a term of years, for the purpose of developing and encouraging agricultural, horticultural, and botanical products, and exhibiting the same, and repealing all Acts and parts of Acts in conflict with this Act.

Also: Senate Bill No. 1152—An Act dedicating to public use for street purposes certain lands in the city of Los Angeles, owned by the State of California.

Also: Senate Bill No. 733—An Act to prohibit certain practices by life insurance companies, their agents, officers, employees and representatives, fixing the penalty therefor, and prescribing the duties of the Insurance Commissioner in relation thereto.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Senate Bill No. 325 read first time, and referred to Committee on Judiciary.

Senate Bill No. 1190 read first time, and referred to Committee on Agriculture.

Senate Bill No. 1177 read first time, and referred to Committee on Judiciary.

Senate Bill No. 530 read first time, and referred to Committee on Irrigation.

Senate Bill No. 732 read first time, and referred to Committee on Insurance and Insurance Laws.

Senate Bill No. 291 read first time, and referred to Committee on Commerce and Navigation.

Senate Bill No. 1155 read first time, and referred to Committee on Municipal Corporations.

Senate Bill No. 1191 read first time, and referred to Committee on Municipal Corporations.

Senate Bill No. 1152 read first time, and referred to Committee on Municipal Corporations.

Senate Bill No. 733 read first time, and referred to Committee on Insurance and Insurance Laws.

SENATE BILLS—THIRD READING—(RESUMED).

Senate Bill No. 898—An Act to provide for the purchase of portraits of Governor James N. Gillett, and Lieutenant-Governor Warren R. Porter, by the State Board of Examiners, and to appropriate money therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 898 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Bohnett, Callan, Cattell, Cogswell, Collier, Dean, Drew, Flaveile, Fleisher, Flint, Gerdes, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Otis, O'Neill, Perine, Preston, Pugh, Sackett, Stuckenbruck, Transue, Wagner, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—57.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Committee Substitute for Senate Bill No. 26—An Act to amend section sixteen of an Act entitled "An Act for the regulation of practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted in the State of California, and for the appointment of a board of medical examiners in the matter of said regulations."

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Senate Bill No. 26 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Costar, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Gillis, Greer, Hammon, Hanlon, Hans, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilhard, Kehoe, Leeds, Lightner, Macauley, McClellan, McManus, Melrose, Moore, Mott, Odom, Otis, O'Neill, Perine, Preston, Sackett, Silver, Stuckenbruck, Transue, Wagner, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—57.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 185—An Act requiring persons, corporations, receivers, or trustees operating lines of railway, to furnish cars for shipment of freight upon written application from shippers of freight, and providing a penalty and damages to be paid by such persons, corporations, receivers, or trustees to shippers for failure to do so, and providing a penalty and damages to be paid to persons, corporations, receivers, or trustees operating such railway lines by the applicant or shippers for failure to load or unload cars so furnished.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 185 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Costar, Cullen, Dean, Drew, Fleisher, Flint, Gerdes, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilhard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pulcifer, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—63.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Constitutional Amendment No. 1—Relative to the separation of State and county taxes.

Mr. Perine moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the Senate constitutional amendment, and permitting Senator Curtin to discuss the same.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Senate Constitutional Amendment No. 1 considered.

The following amendment was offered:

By Mr. Hewitt:

On page 6, of the printed resolution, line 190, after the word "Placer", insert the words "and Yuba".

Amendment lost.

The following amendment was offered:

By Mr. Dean:

On page 6, line 190, after the word "Placer", insert the words "and Shasta".

Amendment lost.

Mr. Leeds moved that the committee do now rise and report back the constitutional amendment without recommendation.

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Constitutional Amendment No. 1, and do now report the same back, without recommendation.

STANTON, Chairman.

The question being on the adoption of the Senate constitutional amendment.

The roll was called, and Senate Constitutional Amendment No. 1 finally adopted by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Beban, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Costar, Cullen, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of San Diego, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, McClellan, McManus, Melrose, Moore, Nelson, Odom, Otis, Perine, Preston, Pugh, Rech, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wyllie, Young, and Mr. Speaker—60.

NOES—Messrs. Dean, Irwin, Johnson of Sacramento, Johnson of Placer, Maher, Mendenhall, Mott, Polsley, and Wilson—9

Senate Constitutional Amendment No. 1 ordered transmitted to the Senate.

SENATE CONSTITUTIONAL AMENDMENT NO. 1.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California providing for the separation of State and local taxation, providing for the taxation of public service and other corporations for the benefit of the State, and to that end adding to article thirteen a new section, to be numbered section fourteen, amending section ten of article thirteen, and repealing section ten of article eleven thereof, all relating to revenue and taxation.

WHEREAS, It is deemed desirable to separate the sources of revenue for State purposes from the sources of revenue for county and municipal purposes; now, therefore,

The Legislature of the State of California, at its regular session, commencing on the fourth day of January, nineteen hundred and nine, two thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes to the qualified electors of the State of California the following amendment to the Constitution of the State of California:

First. There is hereby added to article thirteen a new section, to be numbered fourteen, and to read as follows:

Section 14 Taxes levied, assessed and collected as hereinafter provided upon railroads, including street railways, whether operated in one or more counties; sleeping car, dining car, drawing room car and palace car companies, refrigerator, oil, stock, fruit, and other car-loaning and other car companies operating upon railroads in this State; companies doing express business on any railroad, steamboat, vessel or stage line in this State, telegraph companies, telephone companies; companies engaged in the transmission or sale of gas or electricity; insurance companies, banks, banking associations, savings and loan societies, and trust companies; and taxes upon all franchises of every kind and nature, shall be entirely and exclusively for State purposes, and shall be levied, assessed and collected in the

manner hereinafter provided The word "companies" as used in this section shall include persons, partnerships, joint-stock associations, companies, and corporations

(*a*) All railroad companies, including street railways, whether operated in one or more counties; all sleeping car, dining car, drawing-room car, and palace car companies, all refrigerator, oil, stock, fruit and other car-loaning and other car companies, operating upon the railroads in this State; all companies doing express business on any railroad, steamboat, vessel or stage line in this State; all telegraph and telephone companies, and all companies engaged in the transmission or sale of gas or electricity shall annually pay to the State a tax upon their franchises, roadways, roadbeds, rails, rolling stock, poles, wires, pipes, canals, conduits, rights of way, and other property, or any part thereof, used exclusively in the operation of their business in this State, computed as follows Said tax shall be equal to the percentages hereinafter fixed upon the gross receipts from operation of such companies and each thereof within this State When such companies are operating partly within and partly without this State, the gross receipts within this State shall be deemed to be all receipts on business beginning and ending within this State, and a proportion, based upon the proportion of the mileage within this State to the entire mileage over which such business is done, of receipts on all business passing through, into, or out of this State

The percentages above mentioned shall be as follows: On all railroad companies, including street railways, four per cent, on all sleeping car, dining car, drawing-room car, palace car companies, refrigerator, oil, stock, fruit and other car-loaning and other companies, three per cent, on all companies doing express business on any railroad, steamboat, vessel or stage line, two per cent; on all telegraph and telephone companies, three and one-half per cent, on all companies engaged in the transmission or sale of gas or electricity, four per cent. Such taxes shall be in lieu of all other taxes and licenses, State, county and municipal, upon the property above enumerated of such companies except as otherwise in this section provided, *provided*, that nothing herein shall be construed to release any such company from the payment of any amount agreed to be paid or required by law to be paid for any special privilege or franchise granted by the municipal authorities of this State

(*b*) Every insurance company or association doing business in this State shall annually pay to the State a tax of one and one half per cent upon the amount of gross premiums received upon its business done in this State, less return premiums and reinsurance in companies or associations authorized to do business in this State; *provided*, that there shall be deducted from said one and one-half per cent upon the gross premiums the amount of any county and municipal taxes paid by such companies on real estate and except as otherwise in this section provided; *provided*, that when by the laws of any other State or country, any taxes, fines, penalties, licenses, fees, deposits of money, or securities, or other obligations or prohibitions, are imposed on insurance companies of this State, doing business in such State or country, or upon their agents therein, in excess of such taxes, fines, penalties, licenses, fees, deposits of securities, or other obligations or prohibitions, imposed upon insurance companies such other State or country, so long as such laws continue in force, the same obligations and prohibitions of whatsoever kind may be imposed by the Legislature upon insurance companies of such other State or country doing business in this State.

(*c*) The shares of capital stock of all banks, organized under the laws of this State, or of the United States, or of any other State and located in this State, shall be assessed and taxed to the owners or holders thereof by the State Board of Equalization in the manner to be prescribed by law, in the city or town where the bank is located, and not elsewhere There shall be levied and assessed upon such shares of capital stock an annual tax, payable to the State, of one per centum upon the value thereof. The value of each share of stock in each bank, except such as are in liquidation, shall be taken to be the amount paid in thereon, together with its pro rata of the accumulated surplus and undivided profits The value of each share of stock in each bank which is in liquidation shall be taken to be its pro rata of the actual assets of such bank. This tax shall be in lieu of all other taxes and licenses, State, county and municipal, upon such shares of stock and upon the property of such banks, except county and municipal taxes on real estate and except as otherwise in this section provided. In determining the value of the capital stock of any bank there shall be deducted from the value, as defined above, the value, as assessed for county taxes, of any real estate other than mortgage interests therein, owned by such bank and taxed for county purposes. The banks shall be liable to the State for this tax and the same shall be paid to the State by them on behalf of the stockholders in the manner and at the time prescribed by law, and they shall have a lien upon the shares of stock and upon any dividends declared thereon to secure the amount so paid.

The moneyed capital, reserve, surplus, undivided profits and all other property belonging to unincorporated banks or bankers of this State, or held by any bank located in this State which has no shares of capital stock, or employed in this State by any branches, agencies, or other representatives of any banks doing business outside of the State of California, shall be likewise assessed and taxed to such banks

or bankers by the said board of equalization, in the manner to be provided by law, and taxed at the same rate that is levied upon the shares of capital stock of incorporated banks, as provided in the first paragraph of this subdivision. The value of said property shall be determined by taking the entire property invested in such business together with all the reserve, surplus, and undivided profits, at their full cash value, and deducting therefrom the value as assessed for county taxes of any real estate other than mortgage interests therein, owned by such bank and taxed for county purposes. Such taxes shall be in lieu of all other taxes and licenses, State, county and municipal, upon the property of the banks and bankers mentioned in this paragraph, except county and municipal taxes on real estate and except as otherwise in this section provided. It is the intention of this paragraph that all moneyed capital and property of the banks and bankers mentioned in this paragraph shall be assessed and taxed at the same rate as an incorporated bank, provided for in the first paragraph of this subdivision. In determining the value of the moneyed capital and property of the banks and bankers mentioned in this subdivision, the said State Board of Equalization shall include and assess to such banks all property and everything of value owned or held by them, which go to make up the value of the capital stock of such banks and bankers, if the same were incorporated and had shares of capital stock.

The word "banks" as used in this subdivision shall include banking associations, savings and loan societies and trust companies but shall not include building and loan associations.

(*d*) All franchises, other than those expressly provided for in this section, shall be assessed at their actual cash value, in the manner to be provided by law, and shall be taxed at the rate of one per centum each year, and the taxes so collected thereon shall be exclusively for the benefit of the State.

(*e*) Out of the revenues from the taxes provided for in this section, together with all other State revenues, there shall be first set apart the moneys to be applied by the State to the support of the public school system and the State University. In the event that the above named revenues are at any time deemed insufficient to meet the annual expenditures of the State including the above named expenditures for educational purposes, there may be levied, in the manner to be provided by law, an ad valorem tax, for State purposes, on all the property in the State including the classes of property enumerated in this section, sufficient to meet the deficiency. All property enumerated in this section shall be subject to taxation, in the manner provided by law, to pay the principal and interest of any bonded indebtedness created and outstanding by any city, city and county, county, town, township, or district, before the adoption of this section.

(*f*) All the provisions of this section shall be self-executing, and the Legislature shall pass all laws necessary to carry this section into effect, and shall provide for a valuation and assessment of the property enumerated in this section, and shall prescribe the duties of the State Board of Equalization and any other officers in connection with the administration thereof. The rates of taxation fixed in this section shall remain in force until changed by the Legislature, two thirds of all the members elected to each of the two houses voting in favor thereof.

The taxes herein provided for shall become a lien on the first Monday in March of each year after the adoption of this section and shall become due and payable on the first Monday in July thereafter. The gross receipts and gross premiums herein mentioned shall be computed for the thirty-first day of December prior to the levy of such taxes, and the value of any property mentioned herein shall be fixed as of the first Monday in March. Nothing herein contained shall affect any tax levied or assessed prior to the adoption of this section, and all laws in relation to such taxes in force at the time of the adoption of this section shall remain in force until changed by the Legislature. Until the year 1918 the State shall reimburse San Bernardino and Placer counties for the net loss in county revenue occasioned by the withdrawal of railroad property from county taxation.

(*g*) No injunction shall ever issue in any suit, action or proceeding in any court against this State or against any officer thereof to prevent or enjoin the collection of any tax levied under the provisions of this section until such tax has been actually paid; but after such payment action may be maintained to recover any tax illegally collected in such manner, and at such time as may now or hereafter be provided by law.

Second. Section ten of article thirteen of said Constitution is hereby amended to read as follows:

Section 10. All property, except as otherwise in this Constitution provided, shall be assessed in the county, city, city and county, town or township, or district in which it is situated, in the manner prescribed by law.

Third. Section ten of article eleven of said Constitution is hereby repealed.

NOTICE OF MOTION TO RECONSIDER.

Mr. Hewitt gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Constitutional Amendment No. 1 was this day adopted.

SPECIAL ORDER.

The hour of three o'clock and thirty minutes P. M. having arrived, the special order heretofore set for this hour was taken up for consideration.

Assembly Constitutional Amendment No. 16—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Article XI of said Constitution, by adding new sections, to be numbered 14, 15, and 16, respectively, relating to the schools, their government, and their taxation.

The question being on the adoption of the Assembly constitutional amendment.

The roll was called. and Assembly Constitutional Amendment No. 16 adopted by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Bohnett, Butler, Callan, Cattell, Coghlan, Collier, Collum, Costar, Cullen, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Griffiths, Hammon, Hanlon, Hans, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Leeds, Lightner, Macauley, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Polsley, Pugh, Rech, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr Speaker—58.

NOES—Mr. Preston—1

Assembly constitutional amendment ordered transmitted to the Senate.

SENATE CONSTITUTIONAL AMENDMENT NO. 16.

A resolution to propose to the people of the State of California an amendment to Section 7 of Article IX of the Constitution of the State of California, in relation to the minimum period for the use of text-books in the common schools throughout the State.

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California, at its regular session, commencing on the 4th day of January, anno domini one thousand nine hundred and nine, two thirds of the members elected to each of the two houses voting in favor thereof, hereby propose that Section 7 of Article IX of the Constitution of the State of California shall be amended so as to read as follows

Section 7. The Governor, Superintendent of Public Instruction, and the principals of the State Normal Schools, shall constitute the State Board of Education, and shall compile or cause to be compiled, and adopt a uniform series of text-books for use in the common schools throughout the State The State board may cause such text-books, when adopted, to be printed and published by the Superintendent of State Printing, at the State Printing Office; and when so printed and published, to be distributed and sold at the cost price of printing, publishing, and distributing the same. The text-books, so adopted, shall continue in use not less than six years; and said State board shall perform such other duties as may be prescribed by law.

The Legislature shall provide for a board of education in each county in the State The county superintendent and the county boards of education shall have control of the examination of teachers and the granting, of teachers' certificates within their respective jurisdictions.

Senate Bill No. 1133—An Act to add a new section to the Political Code, to be known as Section 1665*a*, providing for the establishment and maintenance in cities of the first class of one or more public schools called cosmopolitan schools, in which shall be taught the French, Italian, and German languages, in connection with the English branches.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1133 finally passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Bohnett, Butler, Callan, Cattell, Coghlan Cogswell, Collier, Collum, Cullen, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard,

Kehoe, Leeds, Lightner, Macauley, Maher, McManus, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, Perine, Pugh, Rech, Sackett, Silver, Stuckenbruck, Transue, Wagner, Wheelan, Whitney, Wilson, Young, and Mr. Speaker—58.

NOES—Mr. Wyllie—1.

Title read and approved.

Bill ordered transmitted to the Senate.

SENATE BILLS—SECOND-READING FILE.

Senate Bill No. 548—An Act to amend Section 399 of the Code of Civil Procedure of the State of California, relative to the payment of costs in transferring action or proceedings.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 17—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and regulate the practice of dentistry in the State of California, providing penalties for the violation thereof, and to repeal an Act now in force relative to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, approved March 12, 1885,'" approved March 23, 1901, by amending Sections 12 and 13.

During second reading of bill, the following amendment was submitted by the committee:

On page 2, Sec. 2, lines 3, 4, 5, and 6, strike out the words: "All persons who have been for ten years last past continuously engaged in the practice of dentistry, or to whom temporary licenses have heretofore been issued under previous acts", and insert in lieu therefor the following. "All persons who are graduates of a reputable dental college, and shall have been for ten years continuously engaged in the practice of dentistry".

Amendment lost.

Bill read second time, and ordered on file for third reading.

HON. J. P. TRANSUE IN THE CHAIR.

At four o'clock and ten minutes P. M., Hon. J. P. Transue in the chair.

Senate Bill No. 12—An Act to authorize the establishment of the California State Trades and Training School for dependent orphans, half orphans, abandoned children, and children committed by court and placed under guardianship of the board of trustees, the appointment of a board of trustees, the purchase of a site, the preparation of plans and specifications for grounds and buildings, and to make the necessary appropriation therefor.

Mr. Beardslee moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Hon. J. P. Transue in the chair.

Senate Bill No. 12 considered.

During second reading of bill the following amendment was submitted by the committee:

After the period following the word "buildings", in line 5, Sec 5, of the printed bill, add the following: "*Provided*, that if any or all of the money is not expended as provided above, then it shall immediately become available for the purchase of material and employment of labor for the erection of the buildings needed for the school".

Amendment adopted.

Mr. Beardslee moved that the committee do now rise and report in favor of the passage of the bill, as amended.

Motion carried

IN ASSEMBLY.

Hon. J. P. Transue in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 12, and do now report the same back, and recommend that it do pass, as amended.

TRANSUE, Chairman

Bill read second time, and ordered to reprint and on file for third reading.

Senate Bill No. 473—An Act to amend an Act entitled "An Act relating to commitments to the State School at Whittier and to the Preston School of Industry; fixing the authority to examine and commit to such schools with the superior court judges of the county, and fixing the responsibility from which commitments are made to the State for maintenance of the persons committed therefrom; providing for the manner of payment thereof, and fixing the responsibility of the parents to the counties from which their children are committed," approved March 26, 1895.

During second reading of bill, the following amendment was submitted by the committee:

Strike out all after the words "An Act", and insert the following:

To amend an Act entitled "An Act relating to commitments to the State School at Whittier and to the Preston School of Industry; fixing the authority to examine and commit to such schools with the superior court judges of the counties, and fixing the responsibilities from which commitments are made to the State for maintenance of the persons committed therefrom; providing for the manner of payment thereof, and fixing the responsibilities of the parents to the counties from which their children are committed," approved March 26, 1895.

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

SECTION 1. Section 2 of an Act entitled "An Act relating to commitments to the State School at Whittier and to the Preston School of Industry; fixing the authority to examine and commit to such schools with the superior court judges of the counties, and fixing the responsibilities from which commitments are made to the State for maintenance of the persons committed therefrom, providing for the manner of payment thereof, and fixing the responsibilities of the parents to the counties from which their children are committed," approved March 26, 1895, is hereby amended to read as follows:

Section 2. For each and every person hereafter committed to the Whittier State School or the Preston School of Industry, the county from which such commitment is made shall pay into the State treasury the sum of one hundred and thirty-two dollars per annum, and at that rate for each fraction of year; *provided* that in cases where the person is committed for "vagrancy", and has no legal residence within the State of California, the judge may so find and determine, and in such cases the county shall be exempted from the payment of such sum or any part thereof.

Amendment adopted

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No. 957—An Act to amend section four thousand and five of the Political Code of the State of California, relating to population of counties.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 958—An Act to amend section four thousand and six of the Political Code of the State of California, relating to the classification of counties, and creating a new class, to be known as the thirty-sixth and one-half class.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 959—An Act to amend section four thousand and seven of the Political Code of the State of California, relating to the classification of counties.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 625—An Act to amend Sections, 4, 14, and 19 of an Act entitled "An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions, and transfers, to provide for its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act, and for suits to quiet title against claims of lien arising hereunder; to repeal an Act entitled "An Act to establish a tax on collaterals, inheritances, bequests, and devises, to provide for the collection, and to direct the disposition of its proceeds,' approved March 23, 1893, and all amendments thereto, and all Acts and parts of Acts in conflict with this Act," approved March 20, 1905, and to add a new section thereto, to be known and numbered as Section 14½.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Strike out the words "To amend Sections 4, 14, and 19 of", in the first line of the title, and insert in lieu thereof "to repeal".

Amendment adopted.

AMENDMENT No. 2.

Strike out all in the title from the word "and", in line 10, of the title down to and including the figures "14½", in line 14, of the title both inclusive, and insert in lieu thereof "and all Acts supplemental thereto and amendatory thereof".

Amendment adopted.

AMENDMENT No. 3.

Strike out all after the word and figure "Section 1", line 1, of Section 1, page 1, of the printed bill, and insert in lieu thereof as follows: "An Act entitled 'An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, to provide for its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act and for suits to quiet title against claims of lien arising hereunder; to repeal an Act entitled 'An Act to establish a tax on collateral inheritances, bequests and devises, to provide for the collection, and to direct the disposition of its proceeds,' approved March 23 1893," and all Acts amendatory thereof, and supplementary thereto are hereby repealed.

"SEC. 2. This Act shall take effect immediately."

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No. 634—An Act to amend Section 594 of the Civil Code, relating to the formation of corporations for purposes other than profit.

During second reading of bill, the following amendment was submitted by the committee:

After the word "held", in line 8, Section 1, of the printed bill, insert the words, "and that notice of such meeting was given to the members of said association".

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No. 964—An Act to add a new section to the Political Code of California, to be numbered 1622*a*, relating to apportionment of school funds.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out of line 9, Section 1, of printed bill, the words "as may be necessary to meet such deficiency", and insert in lieu thereof a "comma" after the word

"district", and also the following words: "or so much of the surplus in any building fund of the district, created before the passage of this Act, as may be necessary to meet such deficiency; *provided*, that nothing in this Act shall be construed as lessening the amount set aside by Section 1622 for teachers' salaries."

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No. 471—An Act to amend Section 1617 of the Political Code of the State of California, relating to the general powers of boards of trustees and of education.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out of line 138, page 5, of printed bill, the period after the word "determine", and inserting in lieu thereof a semicolon, and also the following words: "*provided*, that such compensation for all services rendered by said attorney shall be paid from the special or city school funds only."

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No. 805—An Act to amend Section 602 of the Penal Code of the State of California, relating to willful trespass.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 990—An Act fixing a bounty on coyote scalps.

Bill read second time, and ordered on file for third reading.

Committee Substitute for Senate Bill No. 630—An Act regulating the issue of bonds of school districts in cities of the fifth class.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 38—An Act authorizing the Regents of the University of California to hold farmers' institutes, and making appropriation therefor.

Senate Bill No. 221—An Act making an appropriation to pay the deficiency in the appropriation for postage and contingent expenses of the Clerk of the Supreme Court, for the fifty-ninth and sixtieth fiscal years.

Senate Bill No. 516—An Act to provide for the reappropriation of the unexpended balance of money appropriated by an Act entitled "An Act making an appropriation to pay certain claims against the California Home for the Care and Training of Feeble-Minded Children," approved March 7, 1905.

Senate Bill No. 585—An Act to amend Sections 654, 684, and 685 of the Political Code, relating to the Board of Examiners.

Senate Bill No. 588—An Act to provide for the reforestation, the cutting of fire lanes and fire trails on the San Bernardino Forest Reserve, and to make an appropriation therefor.

Committee Substitute "A" for Senate Bill No. 772—An Act providing for the construction of additional houses for the use of the officers, guards, and employees at the State prison at Folsom, and making an appropriation therefor.

Committee Substitute "B" for Senate Bill No. 772—An Act providing for the repairing of the buildings at the State prison at Folsom, and making an appropriation therefor.

Committee Substitute for Senate Bill No. 774—An Act providing for the construction and furnishing of a residence at the State prison at Folsom, and making an appropriation therefor.

Senate Bill No. 831—An Act to appropriate the sum of ten thousand dollars, for the purpose of partly changing the line of road, and making permanent culverts on the Sonora and Mono road, a state highway.

Committee Substitute "A" for Senate Bill No. 882—An Act providing for the repairing of the buildings at the State prison at San Quentin, and making an appropriation therefor.

Senate Bill No. 516—An Act to provide for the reappropriation of the unexpended balance of money appropriated by an Act entitled "An Act making an appropriation to pay certain claims against the California Home for the Care and Training of Feeble-Minded Children," approved March 7, 1905.

Mr. Beardslee moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bills.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Hon. J. P. Transue in the chair.

The above Senate bills considered.

Mr. Beardslee moved that the committee do now rise and report in favor of the passage of the bills.

Motion carried.

IN ASSEMBLY.

Hon. J. P. Transue in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bills Nos. 38, 221, 516, 585, 588, Committee Substitutes "A" and "B" for Senate Bill No. 772, Committee Substitutes for Senate Bill No. 774, Senate Bill No. 831, Committee Substitutes "A" and "B" for Senate Bill No. 882, and do now report the same back, and recommend that they do pass.

TRANSUE, Chairman.

Bills read second time, and ordered on file for third reading.

Senate Bill No. 466—An Act to amend Section one thousand and ninety-seven of the Political Code of the State of California, relative to the registration of voters.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 905—An Act to amend an Act entitled "An Act creating a state commission on voting or balloting machines, defining their powers, and providing for the use, at the option of indicated local authorities, of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result at such elections, and providing for the punishment of all violations of the provisions of this Act," approved March 20, 1903.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 505—An Act to amend section seventeen hundred and seventy-one of the Political Code of California, relative to the powers of the county board of education.

During second reading of bill, the following amendment was submitted by the committee:

AMENDMENT No. 1.

Strike out of line 4, page 1, of printed bill, the figures "1775", and insert in lieu thereof the figures "1771".

Amendment adopted.

AMENDMENT No. 2

Strike out of line 9, page 1, of printed bill, the comma after the letters "cates", and insert the following words after the letters "cates": "and special certificates,".

Amendment adopted.

AMENDMENT No. 3.

Strike out of line 8, page 1, of printed bill, the word "grammar", and insert in lieu thereof the word "elementary".

Amendment adopted.

AMENDMENT No. 4.

Strike out of line 15, page 1, of printed bill, the word "high", and insert in lieu thereof the word "Secondary".

Amendment adopted.

AMENDMENT No. 5.

Strike out of line 16, page 1, of printed bill, the word "high", and insert in lieu thereof the word "secondary".

Amendment adopted.

AMENDMENT No 6.

Strike out of lines 16 and 17, page 1, of printed bill, the words "primary or grammar", and insert in lieu thereof the word "elementary".

Amendment adopted.

AMENDMENT No. 7.

Strike out of line 18, page 2, of printed bill, the word "grammar", and insert in lieu thereof the word "elementary".

Amendment adopted.

AMENDMENT No. 8.

Strike out of line 19, page 2, of printed bill, the words "grammar school or primary", and insert in lieu thereof the word "elementary".

Amendment adopted.

AMENDMENT No. 9.

Strike out of line 21, page 2, of printed bill, the word "primary", and insert in lieu thereof the word "elementary".

Amendment adopted.

AMENDMENT No. 10.

Strike out all of lines 37, 38, 39, and 40, page 2, of printed bill, and insert in lieu thereof the following: "5 To adopt a list of books and apparatus for district school libraries and books for supplementary use in elementary schools in their respective counties and cities and counties, as required by section seventeen hundred and twelve of the Political Code, *provided*, that no pupil shall be required to purchase said supplemental books, and pupils must be expressly notified by teachers that it is not required or desirable that such books for such supplemental use be purchased by pupils or parents. When supplemental books are purchased they must be paid for by the school district. Except in cities having a city board of education, to prescribe and enforce in the public schools a course of study and the use of a uniform series of text-books.

Amendment adopted.

AMENDMENT No. 11.

Strike out all of lines 41, 42, and 43, page 2, of printed bill, and insert in lieu thereof the following: "6 To revoke or suspend for immoral or unprofessional conduct, evident unfitness for teaching, or persistent defiance of, and refusal to obey the laws regulating the duties of teachers, the certificates granted by them. But no certificate shall be revoked or suspended until after a hearing before the county

board of education, and then only upon the affirmative vote of at least four members of the board All charges of immoral or unprofessional conduct, of evident unfitness for teaching, or persistent defiance of, and refusal to obey the laws regulating the duties of teachers, shall be presented to the board in writing, and shall be verified under oath. Notice of the time of hearing and a full and complete copy of the charges shall be furnished to the accused at least ten days before the hearing. The accused shall be given a fair and impartial hearing, and shall have the right to be represented by counsel. The hearing shall be governed by and conducted under the rules of the board."

Amendment adopted

AMENDMENT NO 12.

Insert on line 46, page 2, of printed bill, before the word "schools", the word "elementary".

Amendment adopted.

AMENDMENT NO. 13.

Insert on line 50, page 2, of printed bill, after the word "board", the words "of education".

Amendment adopted.

AMENDMENT NO 14.

Insert on line 51, page 2, of printed bill, before the word "authentication", the word "in".

Amendment adopted.

Bill read second time, and ordered to reprint and on file for third reading.

Senate Bill No. 1100—An Act restricting the powers of board of supervisors in the matter of imposing licenses upon the business of raising, grazing, herding, and pasturing sheep.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT NO 1.

On page 1, Section 1, line 1, strike out the word "two", and insert in lieu thereof the word "three".

AMENDMENT NO. 2.

On page 1, Section 1, line 6, strike out the word "two", and insert in lieu thereof the word "three".

AMENDMENT NO. 3.

On page 1, Section 2, line 5, strike out the word "eight", and insert in lieu thereof the word "three".

Amendments lost.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 347—An Act to provide for experiment and research work in viticulture, directing publication of the results of experiments and investigations, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer in relation thereto.

Mr. Beardslee moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Hon. J. P. Transue in the chair.

Senate Bill No. 347 considered.

Mr. Beardslee moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Hon. J. P. Transue in the chair.

REPORT OF THE COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read.

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 347, and do now report the same back, and recommend that it do pass.

TRANSUE Chairman.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 967—An Act to amend Section 3518 of the Political Code, relating to duplicates for lost certificates of purchase of State lands.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 944—An Act to amend Section 4246 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the seventeenth class.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 842—An Act to amend Article I, of Chapter I, of Title VIII, of Part III, of the Political Code, relating to State school land.

During second reading of bill the following amendments were submitted by Mr. Preston:

AMENDMENT No 1.

After the word "scrip", in line 14, page 2, of the printed bill, insert the following: "But nothing herein shall be construed as affecting the validity of, or to interfere with the perfecting of any selection, reselection, designation or redesignation, now in good standing in either the United States Land Office, or the State Land Office. And no reselection of any land for which a certificate of purchase is outstanding shall be applied for by any person until the certificate of purchase issued therefor shall have been surrendered"

AMENDMENT No 2

After the word "offices", in line 20, page 3, of the printed bill, insert the following: "The county recorder, upon request of any person or his agent or attorney, shall forthwith on the payment of the fees allowed by law, furnish the certificate herein required, or any other such certificate that may be required by the rules and regulations of the United States Land Office."

AMENDMENT No. 3.

After the word "acres", in line 40, page 8, of the printed bill, insert the following: "*Provided* that within three years after the passage of this Act any bona fide owner and holder of a certificate of purchase for land of this State, based upon and issued for indemnity State lands, where the selection or designation upon which the certificate was issued has been canceled in the United States Land Office, or which is not now in good standing therein, may surrender such certificate of purchase to the Surveyor General for redemption and cancellation. And upon such surrender of any such certificate of purchase, the Surveyor General shall certify such fact to the Controller, who shall thereupon draw his warrant in favor of such person for the sum of three dollars per acre for each and every acre covered by and contained in such certificate of purchase, and the Treasurer shall pay such warrant out of the fund derived from the sale of scrip under the terms of this Act; *provided*, that if any sum be due to the State upon any such certificate due deduction shall be made therefor from the amount above specified. *Provided, however*, that no redemption herein provided for shall be made unless the land covered by such certificate of purchase shall be at the time of such surrender open for reselection, nor shall such redemption be made unless an application to reselect accompanies such surrender complying with all the terms and restrictions of this Act"

AMENDMENT No 4.

Amend the title by inserting after the word "thereof", in first line, at top of page 2, the following: "making provision for surrender and redemption of outstanding certificates of purchase".

Amendments pending.

Senate Bill No. 538—An Act to provide for the permanent support and improvement of the University of California by the levy of a rate of taxation, and the creation of a fund therefor.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No 1

Strike out the period after the word "therefor", in the title of the printed bill, and insert after said word the following: "and to repeal an Act approved February 14, 1887, entitled 'An Act to provide for the permanent support and improvement of the University of California by the levy of a rate of taxation and the creation of a fund therefor,' and also to repeal an Act approved February 27, 1897, entitled 'An Act to provide additional support and maintenance, and for the acquisition of necessary property and improvements of the University of California, by the levy of a rate of taxation, and the creation of a fund therefor.'"

Amendment adopted.

AMENDMENT No. 2.

On page 2, Sec. 5, lines 3, 4, and 5, strike out the words ", and the Board of Regents must include in its biennial report to the Governor a statement of the manner and for what purposes the money was expended", and insert in lieu thereof the following: "; *provided, however*, that not less than one fourth of the revenues raised hereunder, during each of the first ten fiscal years after this Act takes effect, shall be placed in a fund to be known and designated as the permanent building fund, and which said fund must be devoted solely to the purposes of building, furnishing and equipping permanent buildings and providing permanent improvements for the University. The Board of Regents must include in its biennial report to the Governor the statement of the manner and for what purposes all of the moneys referred to and raised under this Act were expended."

Amendment adopted.

Bill read second time, and ordered to reprint, with rush order, and on file for third reading.

Senate Bill No. 1079—An Act to amend Section 1882 of the Political Code, relative to the contents of notices of election for issuance of school bonds.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1078—An Act to amend Section 1881 of the Political Code, relative to giving notice of election for issuance of school bonds.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 919—An Act to add to the Penal Code of the State of California a new section, to be numbered 587*a*, prohibiting unauthorized persons from manipulating, tampering, or interfering with railroad appliances, and prescribing punishment for violation of such prohibition.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 837—An Act to add a new section to the Penal Code of California, to be numbered 623*b*, relating to fishing with salmon roe or steelhead roe as bait.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 741—An Act to regulate and license the hunting of game birds and animals, and the fishing for and catching of fish, and to provide revenue therefrom, for game and fish preservation and restoration.

During the second reading of bill, the following amendments were submitted by the committee.

AMENDMENT No. 1.

On page 3, Sec. 6, line 4, of the printed bill, strike out all after the word "fund", and insert in lieu thereof a period.

Amendment adopted.

AMENDMENT No. 2

On page 3, Sec. 6, of the printed bill, strike out all of lines 5 to 10 inclusive

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No. 95—An Act appropriating the sum of twelve thousand one hundred and fifty-five dollars ($12,155.00) to provide certain improvements to the plant and grounds of the Industrial Home of Mechanical Trades for the Adult Blind.

Senate Bill No. 689—An Act to amend Sections 439 and 440 of the Political Code, relating to the employees in the Controller's office and the salaries paid to such employees.

Senate Bill No. 691—An Act authorizing the State Treasurer to purchase a bond filing case, and making an appropriation therefor.

Senate Bill No. 808—An Act to amend section four hundred fifty-six of the Political Code, relating to the office of the Treasurer of State, his deputy and assistants, and the salaries of the deputy and assistants.

Senate Bill No. 977—An Act to amend Section 2302 of the Political Code, relating to the salary of the State Librarian.

Senate Bill No. 721—An Act to amend Section 15 of an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, relating to moneys received by the wardens thereof.

Senate Bill No. 896—An Act making an appropriation for furnishing the manor house at the California Home for the Care and Training of Feeble-Minded Children at Elridge, California.

Senate Bill No. 910—An Act to provide for the completion of the cottage at Mendocino State Hospital, now in progress of erection under the provisions of an Act entitled "An Act to provide for the erection of a cottage on the lands of the Mendocino State Hospital, and to appropriate money therefor," approved March 22, 1907, and for the equipment of the same with apparatus for the treatment of acute cases by hydrotherapy, electricity, and all other modern methods, and to make an appropriation therefor.

Senate Bill No. 912—An Act to provide for the expenses of operating and conducting the University Farm and School of Agriculture thereon to June 30, 1909, and appropriating money therefor.

Senate Bill No. 925—An Act to appropriate money for the payment of the claim of George W. Bush.

Senate Bill No. 993—An Act to appropriate the sum of twenty thousand dollars for the general improvement of Lake Tahoe wagon road, and for constructing, erecting, and operating a sprinkling plant and appurtenances thereon.

Senate Bill No. 1003—An Act appropriating forty-four dollars to pay the claim of W. S. Kingsbury.

Senate Bill No. 1055—An Act to provide for the refurnishing of the offices of the Board of Railroad Commissioners of the State of California, and to make an appropriation therefor.

Senate Bill No. 1017—An Act to appropriate the sum of two thousand five hundred and thirty-six and seventy-six one-hundredths dollars, to pay the claim of the Ætna Life Insurance Company of Hartford, Connecticut, against the State of California.

Senate Bill No. 1018—An Act to appropriate the sum of $1,762.79 to pay the claim of the Germania Life Insurance Company of New York against the State of California.

Senate Bill No. 1019—An Act to appropriate the sum of $800.95 to pay the claim of the Bankers' Life Association of Des Moines, Iowa, against the State of California.

Senate Bill No. 1020—An Act to appropriate the sum of one thousand five hundred thirty-one and ninety-one one-hundredths dollars to pay the claim of the Prudential Insurance Company of America against the State of California.

Senate Bill No. 1021—An Act to appropriate the sum of two hundred twenty-two and eighty-five one-hundredths dollars to pay the claim of the Northwestern National Life Insurance Company against the State of California.

Senate Bill No. 1022—An Act to appropriate the sum of three thousand four hundred sixty-two and eleven one-hundredths dollars to pay the claim of the New England Mutual Life Insurance Company against the State of California.

Senate Bill No. 1023—An Act to appropriate the sum of three hundred forty-nine and 60-100 dollars to pay the claim of the Minnesota Mutual Life Insurance Company against the State of California.

Senate Bill No. 1024—An Act to appropriate the sum of $903.72 to pay the claim of the Massachusetts Mutual Life Insurance Company of Springfield against the State of California.

Senate Bill No. 1025—An Act to appropriate the sum of $1100.30 to pay the claim of the Life Association of America against the State of California.

Senate Bill No. 1026—An Act to appropriate the sum of sixty and 60-100 dollars to pay the claim of the Security Mutual Life Insurance Company against the State of California.

Senate Bill No. 283—An Act to provide for equipment for the State Pathological Laboratory at Whittier, and making an appropriation therefor.

Senate Bill No. 284—An Act to provide for the continuation of investigations on the culture and utilization of eucalyptus trees by the University of California, and making an appropriation therefor.

Senate Bill No. 539—An Act to appropriate the sum of one hundred and one thousand three hundred and fourteen dollars ($101,314.00) for the use and benefit of the University of California, and specifying the duties of the Controller and Treasurer of State in relation thereto.

Senate Bill No. 638—An Act to provide for the purchase of farm machinery, tools, wagons, and harness for the University Farm and Agricultural School at Davis, and appropriating money therefor.

Senate Bill No. 757—An Act appropriating money for metal shelving, record cases, fixtures, and other accessories for the use of the Clerk of the Supreme Court.

Senate Bill No. 775—An Act to amend Section 2319 of the Political Code of the State of California, relating to the office of the State Commissioner of Horticulture, the powers and duties of said commissioner, and the salaries, duties, and qualifications of his appointees.

Mr. Beardslee moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bills.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Hon. J. P. Transue in the chair.

The above Senate bills considered.

Mr. Beardslee moved that the committee do now rise and report in favor of the passage of the bills.

Motion carried.

IN ASSEMBLY.

Hon. J. P. Transue in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee if the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bills Nos. 95, 689, 691, 808, 977, 121, 896, 910, 912, 925, 993, 1003, 1055, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 283, 284, 539, 638, 757, and 775, and do now report the same back, and recommend that they do pass.

TRANSUE, Chairman.

Bills read second time, and ordered on file for third reading.

Senate Bill No. 186—An Act to amend Section 3494 of the Political Code of the State of California, relating to the price and terms of sale of school lands.

During second reading of bill, the following amendment was submitted by Mr. Johnson of San Diego:

After the word "purchaser", in line 16, of the printed bill, insert the following: "*provided* that this Act shall not increase the price of any lands described in applications received for filing in the Surveyor General's office prior to March 15, 1909."

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

ASSEMBLY—THIRD READING FILE.

Assembly Bill No. 1331—An Act to amend an Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulations, by amending Section 16.

During consideration of bill, Mr. Silver moved that the Speaker appoint a select committee of one to amend the bill, as follows:

On page 5, Sec 3, line 31, of the printed bill, after the word "Act", insert the following: "or any person who holds an unrevoked certificate issued by the board of examiners of the Association of Naturopaths of California, incorporated under the laws of the State of California, August eighth, 1904, and who shall be practicing naturopathy prior to the passage of this Act, shall be entitled to practice naturopathy in this State, the same as if it had been issued under this Act The board of medical examiners shall endorse said certificate at their first meeting after this Act becomes a law, or at any subsequent meeting of the board, but not later than six months after the passage of this Act, by signature of its president and secretary and affixing its official seal: *provided, however*, that the holder of such certificate has signed his or her name on the back of said certificate, and the president and secretary of the Association of Naturopaths of California have certified over their respective signatures that the holder of said certificate is the rightful owner of same:"

Motion carried.

The Speaker appointed Mr. Silver as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1909.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 1331, with instructions, do now report that the instructions of the Assembly have been carried out

SILVER, Select Committee.

Report of select committee, and amendment, adopted.

Bill ordered to reprint, reengrossment, and on file for passage.

ASSEMBLY SECOND-READING FILE.

Assembly Bill No. 20—An Act providing for the purchase of a site for an armory and State arsenal for the National Guard, at the city of Sacramento, California; providing for the appointment of a commission to select and purchase said site, and providing for the erection of an armory and arsenal on said site, and appropriating money therefor.

Mr. Johnson of Sacramento moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Hon. J. P. Transue in the chair.

Assembly Bill No. 20 considered.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out of Section 1, line 6, of printed bill, the word "are", and inserting in lieu thereof the word "is".

Amendment adopted.

Mr. Johnson of Sacramento moved that the committee do now rise and report in favor of the passage of the bill, as amended.

Motion carried.

IN ASSEMBLY.

Hon. J. P. Transue in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 20, and do now report the same back, and recommend that it do pass as amended.

TRANSUE, Chairman.

Bill read second time, and ordered to reprint and engrossment.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1909.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Assembly Bill No. 1410—An Act to amend section three hundred and forty of the Code of Civil Procedure, relating to the time for commencing certain actions.

Assembly Bill No. 1054—An Act to provide for the medical treatment of indigent residents afflicted with incipient pulmonary tuberculosis, to create a fund therefor, and to prescribe the duties of the State Board of Health and other public officials with relation thereto

Assembly Bill No. 1011—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and regulating the procedure to be followed for the annexation of additional territory to municipal corporations

Assembly Bill No. 1283—An Act to add a new section to the Political Code, to be known as Section 1665*a*, providing for the establishment and maintenance in cities of the first class of one or more public schools called cosmopolitan schools, in which shall be taught the French, Italian, and German languages in connection with the English branches

Assembly Bill No 949—An Act to amend Section 1 of an Act entitled "An Act to provide for the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipalities, and for the districting, government, and municipal control of annexed territory," approved March 19, 1889.

Assembly Bill No. 1153—An Act to provide for the incorporation, organization, and management of municipal water districts.

Assembly Bill No 675—An Act providing for investigations of plant diseases and pests, and making an appropriation therefor

Assembly Bill No 1238—An Act to prohibit the wanton, wasteful, and unnecessary cutting and destruction of small trees and chaparral growing upon private uncultivated land in this State situated upon the mountains and catchment basins from which cities, towns, and communities receive their water supply, and to regulate the business of lumbering and cutting such trees and chaparral upon said lands, and to provide for the appointment of inspectors for said lands, and making an appropriation to provide for the expenses in connection therewith.

Assembly Bill No 1116—An Act to promote education regarding the laws of nature, governing the parents during reproduction, and making an appropriation therefor.

Assembly Bill No 1143—An Act appropriating forty-four dollars to pay the claim of W S. Kingsbury.

Assembly Bill No. 1081—An Act to appropriate money for the payment of the claim of George W Bush

Assembly Bill No 1013—An Act authorizing the State Board of Prison Directors to provide for assisting discharged prisoners to secure employment, and making an appropriation for the purpose of the Act

Assembly Bill No 1247—An Act to amend section six of an Act entitled "An Act to regulate and license the hunting of game birds and animals, and to provide revenue therefrom, for game preservation and restoration, and to make appropriation for the purpose of carrying out the object of this Act," approved March 13, 1907.

Assembly Bill No 610—An Act authorizing and directing the Board of State Capitol Commissioners to erect a monument in Capitol Park, in the city of Sacramento, to the valor and patriotism of the volunteer Union soldiers and sailors who enlisted from the State of California during the civil war from 1861 to 1865, and making an appropriation therefor

Assembly Bill No. 1416—An Act to amend the Political Code of the State of California by adding a new section thereto to be known and numbered as Section 419*b*

Assembly Bill No. 1440—An Act making an appropriation for the maintenance and improvement of the buildings of the Mission of St Francis de Solano, situated at Sonoma, California.

Assembly Bill No 838—An Act to appropriate one thousand dollars for the erection of a monument in St Mary's Cemetery, in the city of Oakland, county of Alameda, State of California to the memory of Honorable John J. Burke, and appointing a commission to carry out the provisions thereof

Assembly Bill No 1433—An Act appropriating money to pay the claim of the Bryan Elevator Company against the State of California.

Assembly Bill No. 1434—An Act appropriating money to pay the claim of the Roebling Construction Company against the State of California

Assembly Bill No. 1435—An Act appropriating money to pay the claim of James Campbell against the State of California.

Assembly Bill No 1436—An Act appropriating money to pay the claim of the Russell-Vail Engineering Company against the State of California.

Assembly Bill No 1437—An Act appropriating money to pay the claim of the Columbia Marble Company against the State of California.

Assembly Bill No. 1438—An Act appropriating money to pay the claim of A. Merle & Company against the State of California

Assembly Bill No 1439—An Act appropriating money to pay the claim of the Palm Iron Works against the State of California

Assembly Bill No 1065—An Act appropriating money to pay the claim of H C Muddox, Chris Totten, and R W Simonds against the State of California

Committee Substitute for Assembly Bill No 1365—An Act to amend section four thousand two hundred and thirty-two of the Political Code of the State of California, relating to salaries and fees of officers in counties of the third class

Assembly Bill No. 1243—An Act to amend Sections 3746 and 3756 of the Political Code of the State of California, relating to the publication of notice by the tax collector of the time when taxes become due, and when unpaid taxes become delinquent, and to the penalty on delinquent taxes

Committee Substitute for Assembly Bill No 1139—An Act to provide for the creation of Board of Parole Commissioners for each county in this State, for the paroling of prisoners confined in county jails, and authorizing and empowering such boards to make rules and regulations in relation thereto.

Assembly Bill No 1338—An Act entitled "An Act to add a new section to the Civil Code, to be known and numbered as Section 1423, relating to appropriations of water by irrigation districts and other municipal corporations."

Committee Substitute for Assembly Bill No 1097—An Act to prevent the sowing, propagation, dissemination, cultivation or maintenance of certain grasses, plants, or weeds within the State of California, and repealing all Acts and parts of Acts inconsistent with or repugnant to the provisions hereof

Assembly Bill No 643—An Act to amend Chapter 433 of the Statutes of California in regard to game preserves.

Assembly Bill No 725—An Act to amend Section 642 of the Political Code of the State of California, relating to the duties of the fish commissioners

Assembly Bill No. 840—An Act to amend an Act entitled "An Act to regulate the practice of architecture," approved March 23, 1901

Assembly Bill No 571—An Act to prevent the taking of fish by means of weirs, dams, nets, traps, or seines, in certain tide waters on the coast of Mendocino County.

Assembly Bill No. 1417—An Act to legalize bonds to be issued and sold by municipalities where authority for such issuance has already been given by a vote of more than two thirds of the electors of such municipality.

Assembly Constitutional Amendment No 5—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending section seven of article nine thereof, relating to boards of education and text-books, and providing for free text-books

Assembly Bill No 944—An Act to amend Section 1068 and Section 1074 of the Code of Civil Procedure, relating to writs of review.

Assembly Bill No 154—An Act to provide for an exposition building at Los Angeles in Agricultural Park for the use of all of the counties of the State, for the purpose of maintaining permanent exhibits therein of the resources of the different counties, and to make an appropriation for the construction of said exposition building.

Assembly Bill No 1008—An Act to accept from the Old Soldiers' Memorial Camp Association of Northern California and E F. Winslow Post, No 79, Grand Army of the Republic, Department of California and Nevada, the conveyance of, and to vest the title in the State of California of certain lands, buildings and furnishings thereon, at La Tour Soda Springs, Whitmore Post Office, in Shasta County and appropriating the sum of ten thousand dollars for the purpose of constructing cottages on said lands and for the improvement thereof, and to maintain and care for the same as and for a free rooming, camping grounds, resting place, and health resort for aged, indigent ex-soldiers, sailors, and marines of the United States Army and Navy, and wives of such soldiers, sailors, and marines, to be known as Winslow Veterans' Home; and to provide for the government thereof by the State of California

Assembly Bill No 695—An Act to amend "An Act relating to estrays, providing for taking them up, and giving a lien on them for all damages, costs and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force relating to estrays," approved March 23, 1901, by adding a new section thereto, to be known as section nine *a*, relating to appointment of poundkeepers outside of incorporated cities

YOUNG, Chairman

The above reported bills ordered on file for third reading

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1909

MR SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly reengrossed:

Assembly Bill No. 1024—An Act to amend Section 3 of an Act entitled "An Act to prevent the waste and flow of water from artesian wells, and prescribing penalties therefor, and defining waste and artesian wells," approved March, 1907

Assembly Bill No. 1331—An Act to amend an Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California and for the appointment of a board of medical examiners in the matter of said regulation, by amending Sections 1, 6, and 16

YOUNG, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1909.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled:

Assembly Bill No. 1123—An Act to amend Section 417 of the Political Code of the State of California, relating to the salary of the Secretary of State.

Assembly Bill No. 1084—An Act to amend section four thousand and five *c* of the Political Code of the State of California, relating to population of counties.

Assembly Bill No. 1103—An Act to amend Section 652 of the Civil Code of the State of California, relating to the consolidation of colleges and institutions of higher education.

Assembly Bill No. 978—An Act to amend section six hundred and forty-eight of the Civil Code, relative to building and loan associations.

Assembly Bill No. 977—An Act to add a new section to title sixteen of part four, of division first of the Civil Code, to be numbered six hundred and forty-eight *a*, relating to the formation of building and loan associations.

Assembly Bill No. 974—An Act providing for the dissemination of knowledge among the people of California as to the best means of preventing the spread of tuberculosis, and making an appropriation therefor.

Assembly Bill No. 958—An Act appropriating the sum of one thousand dollars for the purpose of installing a plant for distilling water in connection with the ice-making plant at the Veterans' Home of California, located at Yountville, Napa County.

Assembly Bill No. 924—An Act making an appropriation to pay the claim of August Vollmer against the State of California.

Assembly Bill No. 830—An Act to amend Sections 415 and 420 of the Political Code, all relating to the office of the Secretary of State.

Assembly Bill No. 794—An Act to amend Section 2552 of the Political Code, relating to salaries of officers of the Board of State Harbor Commissioners.

Assembly Bill No. 776—An Act to amend section three thousand seven hundred of the Political Code, relating to salaries of the members of the State Board of Equalization.

Assembly Bill No. 756—An Act to amend Section 755 of the Political Code, relating to the salary of the Clerk of the Supreme Court.

Assembly Bill No. 577—An Act to amend section one hundred and thirty-one of the Civil Code, relating to interlocutory divorce judgments.

Assembly Bill No. 809—An Act to provide for the wiring of hospital buildings and other buildings in and about the grounds of the Stockton State Hospital, together with the installation of a telephone system in said buildings, consisting of all necessary equipments and fixtures, and making an appropriation therefor.

And were presented to the Governor March twelfth, nineteen hundred and nine, at two o'clock and thirty minutes P. M.

YOUNG, Chairman.

ON INSURANCE AND INSURANCE LAWS

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1909.

MR. SPEAKER: Your Committee on Insurance and Insurance Laws, to whom was referred Assembly Bill No. 1198—An Act prohibiting the use for political purposes of property of certain life insurance companies—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

PULCIFER, Chairman.

ON WAYS AND MEANS

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1909.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 20—An Act providing for the purchase of a site for an armory and State arsenal for the National Guard, at the city of Sacramento, California; providing for the appointment of a commission to select and purchase said site, and providing for the erection of an armory and arsenal on said site, and appropriating money therefor—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

BEARDSLEE, Chairman.

ON ROADS AND HIGHWAYS.

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1909.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred Senate Bill No. 215—An Act to make an appropriation to locate, survey, and obtain estimate of cost of a highway from Happy Camp, Siskiyou County, along the Klamath and Trinity rivers to Hoopa Valley, Humboldt County, and also from a point along said route up the Salmon River to Black Bear—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and be re-referred to Committee on Ways and Means.

GREER, Chairman.

Also

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1909

MR SPEAKER Your Committee on Roads and Highways, to whom was referred Senate Bill No 884—An Act to amend Section 2802 of the Political Code of the State of California, relating to toll roads

Also Senate Bill No. 994—An Act to amend an Act entitled "An Act to provide for the formation of boulevard districts and the construction, maintenance, and use of boulevards and defining the term boulevard" approved March 22, 1905, by amending Sections 2, 6, 7, 8, and 9, in relation to the issuing of bonds, and by amending Section 11 thereof, in relation to gifts and donations, and by amending Section 12 thereof, in relation to reconstruction of country roads and public highways within boulevard districts

Have had the same under consideration, and respectfully report the same back, and recommend that it do pass

GREER, Chairman

The above reported bills ordered on file for second reading

Senate Bill No. 215 referred to Committee on Ways and Means.

ON CONSTITUTIONAL AMENDMENTS

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1909

MR SPEAKER Your Committee on Constitutional Amendments, to whom was referred Senate Constitutional Amendment No. 36—A resolution to propose to the people of the State of California an amendment to article six, section eight of the Constitution, relating to judges of the Superior Court—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

COGHLAN, Chairman

Senate Constitutional Amendment No 36 ordered on file for adoption.

ADJOURNMENT

At five o'clock and thirty minutes P. M., on motion of Mr. Mott, the Assembly was declared adjourned until ten o'clock A. M of Saturday, March 13, 1909.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL., Saturday, March 13, 1909.

At ten o'clock A. M, pursuant to adjournment, the Assembly was called to order.

Hon. P. A. Stanton, Speaker of the Assembly, in the chair.

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

Messrs. Barndollar, Baxter, Beardslee, Beatty, Bohnett, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Cronin, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of Placer, Kehoe, Leeds, Lightner, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Polsley, Preston, Rech, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—61.

Quorum present.

LEAVES OF ABSENCE.

On motion, leave of absence for the day was granted to Messrs. Hopkins, Webber, Wyatt, Cullen, and Pulcifer.

PRAYER.

Prayer was offered by the Chaplain, Rev. Seren N. Marsh.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Young, its further reading was dispensed with.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committes were received and read:

ON PUBLIC HEALTH.

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1909.

MR. SPEAKER: Your Committee on Public Health and Quarantine, to whom was referred Senate Bill No. 1146—An Act to prevent the propagation of disease through contamination of the atmosphere by gases or fumes arising from crematories for the disposition of garbage, ashes, offal, and other refuse matter, and to prescribe penalties—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BARNDOLLAR, Chairman

ON STATE HOSPITALS AND ASYLUMS.

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1909

MR SPEAKER. Your Committee on State Hospitals and Asylums, to whom was referred Senate Bill No. 1061—An Act to authorize and empower the board of managers of the Agnews State Hospital, to sell and convey a portion of real property situate in Santa Clara County, in the State of California, and belonging to said State, to the Western Distilleries—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

FLAVELLE, Chairman

ON PUBLIC LANDS AND FORESTRY.

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1909

MR SPEAKER: Your Committee on Public Lands and Forestry, to whom was referred Senate Bill No 101—An Act to provide for the maintenance and operating expenses of the forestry station at Santa Monica, Los Angeles County, and making an appropriation therefor.

Also: Senate Bill No. 820—An Act to authorize the Governor to accept on behalf of the State the grant of certain lands in Butte County.

Also: Senate Bill No 1000—An Act to amend Section 3495 of the Political Code of the State of California, relating to school lands belonging to the State, and the affidavit on applications to purchase the same.

Also: Senate Bill No. 1001—An Act to amend Section 3498 of the Political Code of the State of California, relating to approvals of applications for State lands.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

FLINT, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1909

MR. SPEAKER. Your Committee on Public Lands and Forestry, to whom was referred Senate Bill No. 999—An Act to add a new section to the Political Code of the State of California, to be known as Section 3495*a*, and relating to applications to purchase State lands, and requiring a deposit of money to accompany the application, and providing for the filing of additional applications—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass, as amended

FLINT, Chairman

ON AGRICULTURE.

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1909

MR. SPEAKER: Your Committee on Agriculture, to whom was referred Senate Bill No. 1190—An Act authorizing district agricultural associations organized under the laws of the State of California, to lease lands owned, managed or controlled, in trust or otherwise, to municipal corporations in which such lands are situated, and repealing all Acts and parts of Acts in conflict herewith—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

COGSWELL, Chairman.

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1909.

MR. SPEAKER. Your Committee on Judiciary, to whom was referred Senate Bill No 624—An Act to define personal property brokers and regulate their charge and business—report the same back, and recommend that it do pass.

Also: Senate Bill No. 1196—An Act to amend Section 1365 of the Code of Civil Procedure of California, relating to the order of persons entitled to administer upon an estate, and providing that a partner shall not be appointed administrator.

Also: Senate Bill No. 1197—An Act to amend Section 1349 of the Code of Civil Procedure of California, relating to person or persons to whom letters testamentary on proved will may be issued

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

JOHNSON OF SACRAMENTO, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1909.

MR SPEAKER. Your Committee on Judiciary, to whom was referred Assembly Bill No. 170—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 652½, and relating to offenses by peace officers, jailers, and sanitary officers—have had the same under consideration, and respectfully report the same back, without recommendation

JOHNSON OF SACRAMENTO, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1909.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Senate Bill No. 797—An Act to amend section twelve hundred and thirty-eight of the Code of Civil Procedure, relating to the purposes for which the right of eminent domain may be exercised—report the same back, with one amendment, and recommend that it do pass as amended.

Also. Senate Bill No. 908—An Act to amend the Code of Civil Procedure by adding a new section thereto, to be numbered 359½, providing for the time when the statutes of limitation shall commence to run against the stockholders in all private corporations, and prescribing the time thereafter within which an action may be commenced against the stockholders of any insolvent private corporation—report the same back, with one amendment, and recommend that it do pass as amended

JOHNSON OF SACRAMENTO, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1909

MR. SPEAKER. Your Committee on Judiciary, to whom was referred Assembly Bill No. 1225—An Act to amend section one hundred and seventy-seven of the Code of Civil Procedure of the State of California, relating to the power of judicial officers and courts of record—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

JOHNSON OF SACRAMENTO, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1909.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Senate Bill No. 812—An Act to amend Section 1313 of the Civil Code, relating to devises or bequests by will—have had the same under consideration, and respectfully report the same back, with two amendments, and without recommendation by a majority report, and with a minority report that it do not pass.

JOHNSON OF SACRAMENTO, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1909.

MR SPEAKER: Your Committee on Judiciary, to whom was referred Senate Bill No. 657—An Act to amend Section 647 of the Code of Civil Procedure of the State of California, relating to what is deemed excepted to.

Also. Senate Bill No. 658—An Act to amend Section 270 of the Code of Civil Procedure of the State of California, and to add a new Section to the Code of Civil Procedure of the State of California, to be known as Section 274*a*, relating to phonographic reporter, his competency and compensation.

Also: Senate Bill No. 659—An Act to repeal Sections 1170, 1171, 1172, 1173, 1174, 1175, and 1177 of the Penal Code of the State of California, relating to bills and exceptions on appeal.

Also: Senate Bill No. 660—An Act to add new sections to the Penal Code of the State of California, to be known as numbers 747, 747*a*, 747*b*, 747*c*, 747*d*, and 747*e*, relating to a method for the preparation of records to be used on appeal from judgments, orders, or proceedings of the Superior Court to the Supreme Court or the District Courts of Appeal in criminal cases.

Also, Senate Bill No. 661—An Act to amend Sections 1239, 1240, 1241, and 1246 of the Penal Code of the State of California, relating to appeals, when and how taken, and the duty of the clerk upon appeal.

Also: Senate Bill No. 662—An Act to amend Section 1259 of the Penal Code of the State of California, relating to what may be reviewed upon appeal taken by the defendant.

Also: Senate Bill No 663—An Act to amend Sections 1191 and 1202 of the Penal Code of the State of California, relating to the time for pronouncing and rendering judgment.

Also: Senate Bill No. 664—An Act to amend Sections 1185 and 1186 of the Penal Code of the State of California, relating to motion in arrest of judgment

Have had the same under consideration, and respectfully report the same back, and recommend a majority report that they do not pass, and a minority, of one, report that they do pass

JOHNSON OF SACRAMENTO, Chairman.

ON PUBLIC MORALS

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1909

MR SPEAKER: Your Committee on Public Morals, to whom was referred Assembly Bill No. 147—An Act authorizing the filing of petitions praying for an election to vote upon the question whether territory described in such petition shall become or remain no-license territory, providing for the calling and holding of such election, the counting and canvassing of the votes polled thereat; making it the duty of the proper governing body to declare such territory to be no license territory upon a majority of votes being cast in favor thereof, and to forbid the granting of licenses to sell alcoholic liquors therein; providing that upon such affirmative vote being given, no licenses, permits or other authority to keep or maintain a saloon, or to sell, give away, or distribute alcoholic liquors therein shall be granted, and forfeiting and declaring void all such licenses or permits theretofore issued and in force, and making it a penal offense to sell, give away, or distribute alcoholic liquors within such territory, with certain exceptions, and providing penalties for such offenses—have had the same under consideration, and respectfully report the same back without recommendation.

GRIFFITHS, Chairman.

ON ELECTION LAWS

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1909.

MR. SPEAKER: Your Committee on Election Laws, to whom was referred Senate Bill No 249—An Act to add a new section to Chapter VIII of Title II of Part III of the Political Code, to be known as Section 1197*a*, and providing for the arrangement of judicial candidates on the ballot without designation of party affiliations—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass

LEEDS Chairman

Also·

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1909.

MR. SPEAKER: Your Committee on Election Laws, to whom was referred Senate Bill No. 220—An Act to amend Sections 1197, 1205, and 1211 of the Political Code, relating to elections within this State—have had the same under consideration, and respectfully report the same back, with the majority recommendation that it do not pass, and the minority, of one, recommendation that it do pass.

LEEDS, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1909.

MR. SPEAKER: Your Committee on Election Laws, to whom was referred Senate Bill No 885—An Act to amend Section 1230 of the Political Code of the State of California, relating to grounds of challenge at elections—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

LEEDS, Chairman.

ON FISH AND GAME.

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1909.

MR. SPEAKER· Your Committee on Fish and Game, to whom was referred Senate Bill No 725—An Act to amend Section 1, of an Act to provide for the transfer to the State of California by owners of patented lands therein of the right to preserve and protect wild game, on such patented lands, to define the duties of the State Board of Fish Commissioners in relation to the control of such rights, and to declare the hunting of wild game within the exterior boundaries of the land to which right attaches, a misdemeanor, approved March 21, 1907—have had the same under consideration, and respectfully report the same back, with two amendments, and recommend that it do pass, as amended.

LEEDS, Acting Chairman

ON WAYS AND MEANS

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1909.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No 195—An Act providing for the purchase by the State Board of Forestry of

that certain tract of land in Sonoma County, California, commonly known as "Armstrong Woods," for park purposes, with power to manage such property, and making an appropriation to carry out the provisions of this Act.

Also: Assembly Bill No. 300—An Act providing for the construction of a water and sewer system in the California Redwood Park, and making an appropriation therefor.

Also: Assembly Bill No. 565—An Act to provide for the construction of a section of a seawall on the bay of San Diego, reclaiming tide lands, and making an appropriation therefor

Also: Assembly Bill No. 674—An Act making an appropriation of six thousand five hundred and twenty-seven dollars and 12-100 ($6527.12), to repay the Regents of the University of California for moneys appropriated by them to make good losses by fire and disaster, and prescribing the duties of the Controller and Treasurer of State in relation thereto.

Also: Assembly Bill No. 982—An Act to make an appropriation to locate, survey, and obtain an estimate of cost of a highway from Happy Camp, Siskiyou County, along the Klamath and Trinity rivers to Hoopa Valley, Humboldt County, and also from a point along said route up the Salmon River to Black Bear

Have had the same under consideration, and respectfully report the same back, and recommend that they be withdrawn, being identical with Senate Bills Nos. 22, 278, 465, 540, and 215, respectively.

BEARDSLEE, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1909.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 824—An Act to amend an Act entitled "An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for the appointment of the members of said commission, to be known as "The Commissioners for the Revision and Reform of Laws," and to prescribe their powers and duties, and to authorize the appointment of a secretary and stenographer therefor, and to provide for the compensation and expense of said commission, secretary and stenographer, and to appropriate money therefor," approved March 28, 1895, approved March 25, 1903, by amending Section 7 thereof.

Also: Assembly Bill No. 1040—An Act establishing a State Polytechnic School at Escondido, county of San Diego, State of California, and making an appropriation for the construction of said building and maintenance of said school.

Also: Assembly Bill No 1163—An Act fixing a bounty on coyote scalps.

Also: Assembly Bill No. 1421—An Act appropriating three hundred and sixty dollars to be expended in purchase of a piano for the Whittier State School.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

BEARDSLEE, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1909.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 22—An Act providing for the purchase by the State Board of Forestry of that certain tract of land in Sonoma County, California, commonly known as "Armstrong Woods," for park purposes, with power to manage such property, and making an appropriation to carry out the provisions of this act.

Also: Senate Bill No. 215—An Act to make an appropriation to locate, survey and obtain estimate of cost of a highway from Happy Camp Siskiyou County, along the Klamath and Trinity rivers to Hoopa Valley, Humboldt County, and also from a point along said route up the Salmon River to Black Bear.

Also: Senate Bill No. 278—An Act providing for the construction of the water and sewer system in California Redwood Park, and making an appropriation therefor.

Also: Senate Bill No. 465—An Act to provide for the construction of a section of seawall on the bay of San Diego, reclaiming tide lands, and making an appropriation therefor

Also: Senate Bill No. 540—An Act making an appropriation of six thousand five hundred and twenty seven and 12-100 dollars ($6527.12) to repay the Regents of the University of California for moneys appropriated by them to make good losses by fire and disaster, and prescribing the duties of the Controller and Treasurer of State in relation thereto.

Also: Senate Bill No. 888—An Act providing for the purchase of a boiler for the kitchen at the State prison at Folsom, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

BEARDSLEE, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1909.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No 255—An Act providing for a standard system of weights and measures—have had the same under consideration, and respectfully report the same back, and recommend that it be re-referred to Committee on Judiciary

BEARDSLEE, Chairman.

ON COMMON CARRIERS.

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1909.

MR SPEAKER: Your Committee on Common Carriers, to whom was referred Senate Bill No 294—An Act providing for the organization of the Board of Railroad Commissioners, defining its powers and duties and the powers and duties of transportation companies, their officers and employees, and defining offenses by transportation companies, their officers, employees, and other persons and providing penalties therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

PERINE, Chairman.

The above reported bills, with the exception of Assembly Bills Nos. 195, 300, 565, 674, and 982 ordered on file for second reading.

Assembly Bills Nos. 195, 300, 565, 674, and 982 withdrawn by unanimous consent.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senate Bill No. 294—An Act providing for the organization of the Board of Railroad Commissioners, defining its powers and duties and the powers and duties of transportation companies, their officers and employees, and defining offenses by transportation companies, their officers, employees, and other persons and providing penalties therefor.

Bill read second time, and ordered on file for third reading.

SPECIAL ORDER SET.

On motion of Mr. Perine, the consideration of Senate Bill No. 294 was made a special order for Monday, March 15, 1909, at two o'clock and thirty minutes P M.

AMENDMENTS SUBMITTED.

Mr Wyllie asked for, and was granted, unanimous consent to submit the following amendments to Assembly Bill No. 147:

AMENDMENT No. 1.

On page 2 of the printed bill, line 10 of Section 1, strike out the words "part of county", and insert in lieu thereof the words "that portion of any judicial township within such county, which is outside of any incorporated city or town."

AMENDMENT No. 2.

On page 2 of the printed bill, line 16 of Section 2, strike out the word "this" where it now is, and insert the word "this" after the quotation marks and before the word "city" in both places where it occurs in said line 16; also, in line 17, of Section 2, insert the word "this" after the quotation marks before the word "town."

AMENDMENT No. 3.

On page 2 of the printed bill, lines 17 and 18 of Section 2, strike out the words "county outside of incorporated cities and towns therein", and insert in lieu thereof the words "that portion of any judicial township in this county which is outside of any incorporated city or town", said words to be in quotation marks.

AMENDMENT No. 4.

On page 2 of the printed bill, line 6 of Section 3, strike out the word "or" where it occurs last, and insert in lieu thereof the article "a".

AMENDMENT No. 5.

On page 3 of the printed bill, line 14 of Section 3, strike out the words "added to or".

AMENDMENT No. 6.

On page 4 of the printed bill, Section 9, strike out lines 1 to 10 inclusive, and insert in lieu thereof the following:

SEC. 9. The question shall be placed upon the ballot in accordance with the provisions of Section 1197 of the Political Code for submitting questions to the vote of the people. The wording of the ballot shall be as follows:

Shall ..... (here insert the words "this city," "this town," "this township," or "that part of this township which is outside of any incorporated city or town," as the case may be)..... be no-license territory?

Yes	
No	

AMENDMENT No. 7.

On pages 5 and 6 of the printed bill, Section 12, strike out lines 2 to 35 inclusive, and insert in lieu thereof the following: "at such election in any city, city and county, or town or in that portion of any judicial township which is outside of any incorporated city or town, are in the affirmative, and if such city, city and county, town, township or part of township is not already no license territory, it shall become such on the ninetieth day after the date of such election, and the governing body having jurisdiction thereof shall enter an order upon its records, declaring that it has become no-license territory; but a".

AMENDMENT No. 8.

On page 6 of the printed bill, line 1 of Section 16, insert between the word "sections" and the figures "14" the figures "13" and a comma.

AMENDMENT No. 9.

On page 7 of the printed bill, at the end of Section 16, add the following:

"5th Any person selling viticultural products made from grapes grown in this State, when such products are sold on the premises where manufactured in quantities of not less than five gallons, none of which is allowed to be drunk on or about the premises where sold.

"6th. Any person selling beer at the brewery where manufactured when sold in quantities of not less than five gallons, none of which is allowed to be drunk on or about the premises where sold."

AMENDMENT No. 10.

On page 8 of the printed bill, line 20 of Section 19, strike out the first word "has"

AMENDMENT No. 11.

On page 8 of the printed bill, line 4 of Section 21, insert the words "or town" between the word "city" where it first occurs and the comma following; also, in line 8, of Section 21, insert the words "or town" between the word "city" and the comma following And in line 10 of Section 21, between the words "liquors" and "within" insert the words "except as provided in Section 16 herein."

AMENDMENT No. 12.

On page 3 of the printed bill, line 12 of Section 6, strike out the words "county or city", and insert in lieu thereof the word "municipal".

Amendments pending, and ordered printed in the Journal.

CONSIDERATION OF RESOLUTION—(OUT OF ORDER).

Assembly Concurrent Resolution No. 14—Relative to polygamy.

Assembly Concurrent Resolution No. 14 read, and on motion adopted.

ASSEMBLY CONCURRENT RESOLUTION No. 14,

Relative to polygamy.

WHEREAS, It appears from investigation recently made by the Senate of the United States, and otherwise that polygamy still exists in certain places in the United States notwithstanding prohibitory statutes enacted by the several states thereof; and

WHEREAS, The practice of polygamy is generally condemned by the people of the United States and there is demand for the more effectual prohibition thereof, by placing the subject under Federal jurisdiction and control, at the same time reserving to each state the right to make and enforce its own laws relating to marriage and divorce, now, therefore,

Resolved by the Assembly, the Senate concurring, That application be and hereby is made to Congress, under the provision of article five of the Constitution of the United States for the calling of a convention to propose an amendment to the Constitution of

the United States whereby polygamy and polygamous cohabitation shall be prohibited, and Congress shall be given power to enforce such prohibition by appropriate legislation.

Resolved, That the Legislature of all other states of the United States now in session or when next convened, be and they hereby are respectfully requested to join this application by the adoption of this or an equivalent resolution.

Resolved further, That the Secretary of State be and he is hereby directed to transmit copies of this application to the Senate and House of Representatives of the United States, and to its several members of said bodies representing this State therein.

Assembly Concurrent Resolution No. 14 ordered transmitted to the Senate.

SENATE MESSAGES.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, March 12, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Committee Substitute for Assembly Bill No. 940—An Act to prevent injury to oil, gas, or petroleum-bearing strata or formations by the penetration or infilteration of water therein.

Also: Assembly Bill No. 1158—An Act to amend Section 4266 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the thirty-seventh class.

Also: Assembly Bill No. 130—An Act authorizing and directing the board of managers of the California Home for the Care and Training of Feeble-Minded Children to purchase and install laundry machinery at the California Home for the Care and training of Feeble-Minded Children, and making an appropriation therefor.

Also: Assembly Bill No. 58—An Act appropriating twenty thousand dollars for the purpose of building two cottages on the grounds of the Whittier State School

Also: Assembly Bill No. 1042—An Act to add to the Penal Code of the State of California a new section, to be numbered 587*d*, to prevent trespassing upon railroad locomotives, tenders, cars, and trains.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Bills ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 12, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 138—An Act to regulate and license the conducting and operating of employment agencies, and to provide a revenue therefrom, for the enforcement of the provisions of this Act and other Acts relating to employment agents and employment agencies.

Also: Assembly Bill No. 1443—An Act to provide for the transfer from the general fund of the State treasury to the San Francisco harbor improvement fund the sum of $22,937.45, to reimburse said San Francisco harbor improvement fund for the costs of publishing the "Second San Francisco Seawall Act," and the "India Basin Act," and directing the State Controller and State Treasurer to make such transfer.

Also: Assembly Bill No 1387—An Act to amend Section 1164 of the Political Code of the State of California, relating to proclamation at closing the polls

Also: Assembly Bill No 1388—An Act to amend Section 1160 of the Political Code of the State of California, relating to the time of opening and closing the polls.

Also: Assembly Bill No 617—An Act to amend Section 1207 of the Political Code of the State of California, relating to spoiled or unused ballots

Also: Assembly Bill No 1419—An Act authorizing suits against the State concerning certain real property, and regulating the procedure therein.

Also: Assembly Bill No. 1321—An Act to amend the Civil Code of the State of California by adding a new section thereto, to be numbered 2472, relating to appointment of agent and service of summons.

Also: Assembly Bill No. 1020—An Act to amend "An Act to prohibit adulteration and deception in the sale of dairy products, defining the adulteration in dairy products, to establish standards of quality in dairy products, and to provide for enforcing its provisions," approved March 15, 1907

Also: Assembly Bill No. 701—An Act to amend Sections 484, 485, 486, and 500 of the Political Code, relating to the salary of the Surveyor General and to the salaries of appointees in the office of the Surveyor General and Register of the State Land Office, and to repeal all laws in conflict therewith

Also: Assembly Bill No. 985—An Act to amend Section 4075 of the Political Code, relating to the itemizing of claims against a county.

Also: Assembly Bill No. 1408—An Act to amend section five hundred and thirteen of the Political Code of the State of California, relating to the salary of the Superintendent of Public Instruction.

Also: Assembly Bill No. 431—An Act to amend Section 764 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corpo-

rations," approved March 13, 1883, as amended March 23, 1901, and March 3, 1905, relating to the powers of boards of trustees of cities of the fifth class.

Also Assembly Bill No. 986—An Act making an appropriation to pay the expenses of inspection and analysis of drugs

Also: Assembly Bill No. 1038—An Act authorizing and empowering the directors of the State Agricultural Society to hold state industrial and agricultural fairs at the city of Oakland, county of Alameda, State of California, and making an appropriation therefor.

Also: Assembly Bill No. 256—An Act to provide an additional appropriation for the erection of a training school building for the use of the State Normal School at San Diego, California, and to equip the same

Also Assembly Bill No. 959—An Act appropriating the sum of two thousand five hundred dollars for the purchase of sterilizers and ambulance, and hospital appliances and instruments, at the Veterans' Home of California, located at Yountville, Napa County

Also, Assembly Bill No. 93—An Act authorizing and directing the board of managers of the Napa State Hospital to complete the receiving and treatment buildings of the grounds of the Napa State Hospital, and to furnish and equip said buildings, and making an appropriation therefor

Also, Assembly Bill No. 91—An Act making an appropriation to complete certain necessary improvements at the Veterans' Home of California, located at Yountville, Napa County, California

Also: Assembly Bill No. 94—An Act authorizing and directing the board of managers of the Napa State Hospital to erect and furnish cottages for the accommodation of female patients at the Napa State Hospital, and making an appropriation therefor.

Also: Assembly Bill No. 95—An Act authorizing and directing the board of managers of the Napa State Hospital to erect and furnish cottages for the accommodation of male patients at the Napa State Hospital, and making an appropriation therefor.

Also: Assembly Bill No. 96—An Act authorizing and directing the board of managers of the Napa State Hospital to remodel and furnish and refurnish the general kitchen at the Napa State Hospital, and making an appropriation therefor.

Also: Assembly Bill No 97—An Act authorizing and directing the board of managers of the Napa State Hospital to complete and improve the water distributing system of the Napa State Hospital, including the construction of a cement reservoir for distributing purposes, and making an appropriation therefor

Also: Assembly Bill No. 118—An Act appropriating money for the equipment of the trades building at the Preston School of Industry

Also: Assembly Bill No. 120—An Act appropriating money for the purchase of bedding and furniture and for repairs for the use of the Preston School of Industry

Also Assembly Bill No. 161—An Act amending Section 3 of an Act entitled "An Act for the appointment of a guardian for Sutter's Fort property, prescribing his duties, and appropriating money therefor," approved March 16, 1895

Also, Assembly Bill No. 242—An Act making an appropriation for the maintenance and improvement of the grounds and buildings of Sutter's Fort.

Also, Assembly Bill No 162—An Act making an appropriation for the maintenance of the James Marshall monument grounds.

Also Assembly Bill No. 801—An Act authorizing the State Treasurer to purchase a bond filing case, and making an appropriation therefor.

Also: Assembly Bill No 388—An Act to provide for the erection of a training school building for the use of the State Normal School at Chico, California, to equip the same, and to make an appropriation therefor.

Also: Assembly Bill No 280—An Act to provide for the erection of a water tower, tanks, pumps boring of wells, and all necessary equipments of the same at Stockton State Hospital, for domestic use and fire purposes, and to make appropriations therefor.

Also: Assembly Bill No 276—An Act to provide for the construction of a new laundry building at the Stockton State Hospital, and the purchase of such machinery and equipments as is necessary for the operation of the same and for the expense incurred in the removal of machinery from the old building to the new, and to make appropriations therefor.

Also: Assembly Bill No 278—An Act to provide for the digging and construction of a tunnel connecting the hydrotherapeutic building with the engine room of the female department of the Stockton State Hospital, for the purpose of conducting water pipes, heating pipes, electric wires, etc., and to make appropriations therefor.

Also Assembly Bill No 279—An Act to provide for the erection, equipping, and furnishing of two convalescent cottages, one for males and one for females, at the Stockton State Hospital Farm, and to make appropriations for the same.

Also Assembly Bill No. 810—An Act to provide for the wiring of hospital buildings and all other buildings situated in and about the grounds of the Stockton State Hospital, together with the installation of an electric light plant consisting of all necessary fixtures and equipments, and to make an appropriation therefor

Also: Assembly Bill No. 1135—An Act to provide for the equipping and furnishing of the building now in process of erection at Stockton State Hospital under the provisions of Chapter 172 of the Statutes of 1907, and making an appropriation therefor

LEWIS A. HILBORN, Secretary of Senate
By J. W. KAVANAGH, Assistant Secretary

Bills ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 12, 1909

MR SPEAKER: I am directed to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 1211—An Act to provide for changing or modifying the grade of public streets, lanes, alleys, courts, or other places, within municipalities.

Also: Assembly Bill No. 754—An Act to create a State Board of Accountancy, and prescribing its duties and power.

Also: Assembly Bill No. 303—An Act to provide for health and development supervision in the public schools in the State of California.

Also: Assembly Bill No. 420—An Act to amend Section 791 of the Political Code, relating to the number of notaries public

Also: Assembly Bill No. 1166—An Act to regulate contracts on behalf of the State in relation to the erection, construction, alteration, repair, or improvement of any State structure, building, road, or other State improvement of any kind, and to repeal an Act entitled "An Act to regulate contracts on behalf of the State in relation to erections and buildings," approved March 28, 1906.

Also: Assembly Bill No. 996—An Act to add a new section of the Penal Code, to be numbered 409c, relating to the taking, hiring, running, driving, or using of an automobile, or taking or removing therefrom any part thereof, by the owner, or the manager of an automobile garage, his agent or employee, or any other person, without the consent of the owner of such automobile, and providing the punishment for the violation thereof

Also: Assembly Bill No. 1154—An Act to amend Section 1272 of the Penal Code of California, relating to admission to bail pending appeal.

Also: Assembly Bill No. 845—An Act to amend the Civil Code of the State of California, by adding thereto a new section, to be known as Section 231, relating to the adoption of children.

Also: Assembly Bill No 696—An Act appropriating money to be expended by and under the direction of the Department of Engineering for the purpose of dredging out sand deposits in Humboldt Bay, for the purpose of improving the navigability thereof.

Also: Assembly Bill No. 620—An Act to appropriate money to protect the banks of Eel River from erosion by means of jetty work and riprap along the banks thereof

Also: Assembly Bill No. 786—An Act to amend Section 647 of the Code of Civil Procedure of the State of California, relating to what is deemed excepted to.

And respectfully request your honorable body to concur in said amendments

LEWIS A HILBORN, Secretary of Senate
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 12, 1909.

MR SPEAKER: I am directed to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 422—An Act granting to municipal corporations of the State of California rights of way over public lands of the State for the location, construction, and maintenance of water works and water plants, and the right to take material from such lands for the construction of such works, and to take any waters belonging to the State for the purpose of supplying any such municipality and its inhabitants with water.

Also: Assembly Bill No. 155—An Act to validate the organization and incorporation of municipal corporations.

Also: Assembly Bill No. 1119—An Act to provide for the presentation to and approval by the board of supervisors, registration, interest upon, time of payment, and receipt in payment of assessment of warrants of Reclamation District No 108, situated in Colusa and Yolo counties.

Also: Assembly Bill No. 1152—An Act to amend an Act entitled "An Act to insure the better education of practitioners of veterinary medicine, and to regulate the practice of veterinary medicine in the State of California, to provide for the creation of a board of five members, who shall act under and in accordance with the provisions of this Act, to provide for their appointment, and define their powers, duties and compensation; to define offenses committed by acts done contrary to the provisions of this Act, and providing penalties for the violation thereof, providing for the revocation or suspension, in certain cases, of licenses issued hereunder, and to repeal an Act entitled "An Act to regulate the practice of veterinary medicine and surgery in the State of California," approved March 23, 1893, amended and approved March 20, 1903, and all other laws in conflict herewith, by amending Section 7 of this Act

Also: Assembly Bill No. 602—An Act to amend an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State, for the construction of sewers, and other sanitary purposes, the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein, the issuance and disposal of the bonds thereof, and the determination of the validity, and making provisions for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1901.

And respectfully request your honorable body to concur in said amendments.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary

The question being put: "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 422?"

On page 2, Section 1, of the printed bill as amended, strike out all the remainder of said section after the period following the word "purposes", in line 22, and insert in lieu thereof the following: "Whenever any municipal corporation shall desire to take any of the said waters belonging to the State, for the purposes mentioned in this Act, the legislative authority thereof shall cause a notice that said municipal corporation intends to take such waters, to be posted and recorded in the manner provided in Section 1415 of the Civil Code of California. Said notice shall be signed in the corporate name of such municipal corporation by its mayor, or other officer, authorized so to do by the legislative authority thereof. In taking any of said waters, under this Act, such municipal corporation shall comply with and be subject to all the provisions of Title VIII, Sections 1410 to 1422, inclusive, of said Civil Code; *provided further*, that for the purpose of the taking of any of said waters by such municipal corporation, under the provisions of this Act, the words "water works", as used herein, shall be construed to be the works by which such municipal corporation proposes to convey said waters, so taken from such stream or lake, to the place of intended use and store the same; *and provided further*, that the construction of said water works shall be deemed to be included in, and to be a part of, the construction of the works in which said municipal corporation intends to divert said waters, within the meaning of Section 1416 of the said Civil Code."

The roll was called, and Senate amendment to Assembly Bill No. 422 was concurred in by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Cronin, Drew, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hans, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Kehoe, Leeds, Lightner, Macauley, Maher, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Polsley, Preston, Sackett, Schmitt, Stuckenbruck, Transue, Wagner, Whitney, Wilson, Wyllie, Young, and Mr Speaker—53.

NOES—None.

Bill ordered to enrollment.

The question being put: "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 155?"

Amend by adding thereto the following: "*Provided, however*, that all municipal corporations shall be excepted from the operation of this Act where the right to act as such has been questioned in any legal proceeding brought within six months after the certified copy of the order of the board of supervisors was filed in the office of the Secretary of State."

The roll was called, and Senate amendment to Assembly Bill No. 155 was concurred in by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Collum, Cronin, Drew, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Hans, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Odom, Otis, Perine, Polsley, Preston, Rech, Sackett, Schmitt, Stuckenbruck, Transue, Wagner, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—54.

NOES—None.

Bill ordered to enrollment.

The question being put: "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 1119?"

On page 1, line 1, insert before the word "all" the following: "Section 1".

The roll was called, and Senate amendment to Assembly Bill No. 1119 was concurred in by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Bohnett, Butler, Callan, Cogswell, Collier, Collum, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Gillis, Griffiths, Hammon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, Maher, McClellan, Mendenhall, Moore, Mott, Odom, Otis, Perine, Polsley, Preston, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—53.

NOES—None.

Bill ordered to enrollment.

The question being put: "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 1152?"

Amend as follows. by striking out of Section 7, line 22, the words "veterinary dentist", also strike out in line 23 the words "horse dentist", and insert in line 38, after the word animals, "or practicing veterinary dentistry."

The roll was called, and Senate amendment to Assembly Bill No. 1152 was concurred in by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Bohnett, Callan, Cattell, Cogswell, Collier, Collum, Cronin, Drew, Flavelle, Fleisher, Flint, Gerdes, Gillis, Greer, Hammon, Hanlon, Hans, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Polsley, Preston, Sackett, Telfer, Transue, Wagner, Whitney, Wilson, Wyllie, Young, and Mr Speaker—52.

NOES—None.

Bill ordered to enrollment.

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 1211?"

AMENDMENT No 1.

On page 1, Section 2, line 3, of the printed bill as amended, strike out the word "make", and insert in lieu thereof the word "order"

AMENDMENT No. 2.

On page 3, Section 3, line 11, of the printed bill as amended, after the word "thereof" insert the following: "sufficient to identify the same."

AMENDMENT No. 3.

On page 3, Section 3, line 17, of the printed bill as amended, after the "(.)" insert the following "Any protest not complying with the foregoing requirements shall not be considered by said city council."

AMENDMENT No. 4.

On page 3, Section 3, line 31, of the printed bill as amended, strike out the word "such", and insert in lieu thereof the words "the same".

AMENDMENT No. 5.

On page 3, Section 3, line 44, of the printed bill as amended, after the word "place", insert the following. "or portion thereof."

AMENDMENT No. 6.

On page 4, Section 3, of the printed bill as amended, strike out all of line 59, and insert in lieu thereof the following. "To such block where such change or codification of grade is proposed to be made, on each side thereof, has already been established, or if the proposed change or modification of grade".

AMENDMENT No. 7.

On page 4, Section 3, of the printed bill as amended, line 63, strike out the word "thereto", and insert in lieu thereof the words "to such block."

AMENDMENT No 8.

On page 4, Section 3, line 65 of the printed bill as amended, strike out the words "after such time is so fixed", and insert in lieu thereof the following: "after the meeting of the council at which such time is so fixed."

AMENDMENT No. 9.

On page 5, Section 4, of the printed bill as amended, line 6, strike out the word "it", and insert in lieu thereof the words "the city council".

AMENDMENT No. 10.

On page 5, Section 5, line 3, of the printed bill as amended, after the word "protest", insert the words "or petition."

AMENDMENT No. 11.

On page 5, Section 5, line 19, of the printed bill as amended, strike out the word "owner", and insert in lieu thereof the word "owners."

AMENDMENT No. 12.

On page 5, Section 5, line 20, of the printed bill, as amended, strike out the word "that", and insert in lieu thereof the word "the".

AMENDMENT No. 13.

On page 5, Section 5, line 20, of the printed bill, as amended, strike out the "thereof" insert the following: "where such change or modification of grade is proposed to be made."

AMENDMENT No. 14.

On page 5, Section 5, line 23, of the printed bill as amended, strike out the word "nothing", and insert in lieu thereof the following: "If the grade of any public street, lane, alley, court, or other place, or portion thereof, has been heretofore, or shall be hereafter changed or modified, nothing".

AMENDMENT No. 15.

On page 6, Section 6, line 14, of the printed bill as amended, after the word "or" insert the word "no".

AMENDMENT No. 16.

On page 16, Section 5, line 25, of the printed bill as amended, after the word "any" insert the word "such".

AMENDMENT No. 17.

On pages 6 and 7, strike out all of Section 7, of the printed bill as amended, and insert in lieu thereof the following:

SEC. 7. This Act shall in no wise affect any Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, or amendments thereto, or an Act entitled "An Act to amend an Act entitled 'An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities", approved March 18, 1885, by adding thereto certain new and additional sections, to provide the mode of carrying into effect certain provisions of said Act relative to changing grades." approved March 31, 1891, or amendments thereto, or any other Acts on the same subject; but is intended to, and does, provide an alternate system of proceedings for changing or modifying the grades of public streets, lanes, alleys, courts, or other places in municipalities; and it shall be within the discretion of the city council of any municipality to proceed in making any such change or modification of grade, either under the provisions of this Act, or under the provisions of said Acts hereinbefore mentioned, or amendments thereto, but when any proceedings are commenced under this Act, the provisions of this Act, and of such amendments thereto as may be hereafter adopted, and no other, shall apply to all such proceedings, and any provisions contained in said Acts, or in any Acts in conflict with the provisions contained in said Acts, or in any Acts in conflict with the provisions hereof, shall be void and of no effect as to the proceedings commenced under the provisions of this Act. The election of the city council to proceed under the provisions of this Act shall be expressed in its ordinance of intention to order any change or modification of grade. The provisions of this Act shall be liberally construed to promote the objects thereof. This Act may be designated and referred to as the "Change of Grade Act of 1909."

The roll was called, and Senate amendments to Assembly Bill No. 1211 were concurred in by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Bohnett, Butler, Cogswell, Collier, Collum, Cronin, Drew, Flavelle, Fleisher, Gerdes, Gillis, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Polsley, Preston, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—50.

NOES—None

Bill ordered to enrollment.

Assembly Bill No. 754 ordered on file as unfinished business.

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 303?"

AMENDMENT No. 1.

On page 1, Section 1, line 4, strike out the words "such officers or employees as may be", and insert in lieu thereof the following: "an examining staff and other employees"

AMENDMENT No. 2.

On page 1, Section 1, line 5, after the word "same" insert the following: "Whenever practicable the examining staff for health and development supervision in the public schools of the State shall consist of both educators and physicians"

AMENDMENT No. 3.

On pages 1 and 2, strike out all of Section 2 and all of lines 1 to 10 inclusive of Section 3, and insert in lieu thereof the following.

SEC 2 The purposes of health and development supervision in the public schools of the State are hereby defined as follows: To secure the correction of developmental and acquired defects of both pupils and teachers which interfere with health, growth, and efficiency, by complete physical examination Said examinations shall occur annually or as often as may be determined by the board of school trustees or city board of education.

AMENDMENT No 4.

On page 2, Section 3, strike out lines 16 to 20, inclusive, and insert in lieu thereof the following:

SEC. 3. The requirements for certification of members of the examining staff for health and development supervision in the public schools of the State shall be as follows.

For educators A life diploma of California of the high school or grammar school grade and a health and development certificate which shall authorize the holder of such certificate to conduct the work authorized by this Act, in those grades specified by the life diploma held.

For physicians. A California certificate to practice medicine and surgery and a health and development certificate.

SEC 4. County or city and county boards of education are hereby authorized to grant health and development certificates to holders of life diplomas of California of the high school or grammar school grade or to holders of California certificates to practice medicine and surgery who shall present with such life diplomas or with such certificates to practice medicine and surgery a recommendation from the State Board of Education certifying special fitness for the work specified in this Act.

The roll was called, and Senate amendments to Assembly Bill No 303 were concurred in by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Collum, Drew, Flavelle, Fleisher, Gerdes, Gillis, Greer, Griffiths, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Odom, Otis, Polsley, Preston, Sackett, Telfer, Whitney, Wilson, Wyllie, Young, and Mr Speaker—50

NOES—None.

Bill ordered to enrollment.

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 602?"

On page 2, Section 1, line 10, of the printed bill, strike out the figures "1901", and insert in place thereof the figures "1891"

Also: On page 3, Section 12, line 58, of the printed bill, after the word "issued", add the following: "In the event that property upon which sanitary district taxes have become delinquent is, on account of such delinquency, sold by the tax collector, and a deed therefor is issued to any person other than the State of California, the party who was as record as the owner of such property at the time of such sale and of such issuance of such deed, is hereby granted the right to redeem said property from the tax title purchaser thereof, at any time within a period of five years from and after the issuance of such deed, by the payment to the said tax title purchaser of the amount for which the said property was to him sold by the tax collector and an additional premium, which shall not be greater than one hundred per cent of the said purchase price. It is hereby declared to be unlawful for any person or persons who have purchased at a delinquent tax sale any property which is sold for delinquent sanitary taxes, to demand for its redemption any sum greater than the amount which is by this Act specified, or to refuse to redeem any such property to the party who was the owner thereof at the time of such delinquent tax sale, when proper

tender is made, within five years after date of such sale, of an amount which is not greater than the amount which is by this Act prohibited."

The roll was called, and Senate amendments to Assembly Bill No. 602 were concurred in by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Bohnett, Butler, Cogswell, Collier, Collum, Cronin, Drew, Flavelle, Fleisher, Gerdes, Gillis, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, Maher, McClellan, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Polsley, Preston, Sackett, Schmitt, Stuckenbruck, Transue, Wagner, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—50.
NOES—None.

Bill ordered to enrollment.

Assembly Bill No. 420 ordered on file as unfinished business.

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 1166?"

Amend as follows: By adding in Section 5, line 4, after the word "cost", the following "including expense of advertising and inspection."

Also: Amend by adding in Section 6, line 4, after the word "excess", the following, "of ninety per cent."

Also: Amend by adding to Section 9, line 10, after the period, the following: "any such contract shall provide for the filing of a sufficient bond by the contractor to secure the payment of the claims of the materialmen, mechanics, or laborers, employed upon State work; a penalty of ten dollars per day to be forfeited to the State for each calendar day during which any laborer, workman, or mechanic is employed or permitted to labor more than eight hours; a minimum compensation of not less than two dollars per day for labor; that no Chinese or Mongolian labor shall be employed, and such other provisions as are now or may hereafter be provided by law.

Also: Amend by adding in Section 10, line 5, after the period the following: "Such repeal shall not affect, however, the operation of any other Act heretofore passed, whether such Act shall refer to the Act hereby repealed or not, so as to exempt any public work from the provisions of this Act."

The roll was called, and Senate amendments to Assembly Bill No. 1166 were concurred in by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Butler, Callan, Cattell, Cogswell, Collier, Dean, Drew, Fleisher, Gerdes, Gibbons, Gillis, Greer, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Macauley, Maher, Mendenhall, Nelson, Odom, Otis, Perine, Polsley, Preston, Sackett, Schmitt, Telfer, Transue, Wagner, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—49.
NOES—None.

Bill ordered to enrollment.

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 996?"

AMENDMENT No. 1.

On page 1, amend the title by inserting after the word "Code", in line 1 thereof, the words "of California".

AMENDMENT No. 2.

On page 1, Section 1, line 2, after the word "Code", insert the words "of California."

AMENDMENT No. 3.

On page 1, Section 1, line 4, strike out the word "Section".

AMENDMENT No. 4.

On page 1, strike out all of Sec. 2.

The roll was called, and Senate amendments to Assembly Bill No. 996 were concurred in by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Butler, Callan, Cattell, Cogswell, Collier, Collum, Dean, Drew, Flavelle, Fleisher, Gerdes, Gibbons, Griffiths, Hammon, Hanlon,

Hans, Hawk, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Maher, McClellan, Melrose, Mendenhall, Odom, Otis, Perine, Polsley, Preston, Sackett, Schmitt, Stuckenbruck, Telfer, Wagner, Whitney, Young, and Mr. Speaker—48.
NOES—None.

Bill ordered to enrollment.

The question being put: "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 1154?"

On page 1, Section 1, line 3, strike out the word "section."

The roll was called, and Senate amendment to Assembly Bill No. 1154 was concurred in by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Butler, Callan, Cattell, Cogswell, Collier, Collum, Cronin, Dean, Flavelle, Fleisher, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Otis, Perine, Polsley, Preston, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Wilson, Young, and Mr. Speaker—53.
NOES—None.

Bill ordered to enrollment.

The question being put: "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 845?"

On page 1, Section 1, strike out the word "section", on line 4.

The roll was called, and Senate amendment to Assembly Bill No. 845 was concurred in by the following vote:

AYES—Messrs Barndollar, Baxter, Beatty, Butler, Callan, Cattell, Cogswell, Collier, Collum, Dean, Drew, Flavelle, Flint, Gerdes, Gibbons, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Maher, McClellan, Melrose, Mendenhall, Moore, Nelson, Odom, Perine, Polsley, Schmitt, Transue, Wagner, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—48.
NOES—None.

Bill ordered to enrollment.

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 696?"

AMENDMENT NO. 1.

Strike out of title lines 4 and 5, and insert in lieu thereof the following: "Making a preliminary survey of Humboldt Bay and gathering data for a report to the Legislature as to the necessity of dredging and removing sand and other deposits formed across the channels of said bay, and as to the best manner of removing said deposits that the navigability of said bay may be improved, and making an estimate of the cost thereof."

AMENDMENT NO. 2.

Strike out all of Section 1, and insert in lieu thereof the following:

"SECTION 1. The sum of two thousand dollars or so much thereof as may be necessary is hereby appropriated, to be paid to the Department of Engineering, to be expended for the purpose of making a preliminary survey of Humboldt Bay and gathering data for a report to the Legislature as to the necessity of dredging and removing sand and other deposits formed across the channels of said bay and as to the best manner of removing said sand and other deposits that the navigability of said bay may be improved, and making an estimate of the cost thereof."

The roll was called, and Senate amendments to Assembly Bill No. 696 were concurred in by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Bohnett, Butler, Callan, Cattell, Cogswell, Collum, Dean, Drew, Flavelle, Fleisher, Gerdes, Gibbons, Hammon, Hanlon, Hawk, Hewitt, Hinkle, Holmquist, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Kehoe, Leeds, Lightner, Maher, McClellan, Melrose, Mendenhall, Mott, Nelson, Odom, Otis, Perine, Polsley, Sackett, Schmitt, Stuckenbruck, Transue, Wagner, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—47.
NOES—None.

Bill ordered to enrollment.

The question being put: "Shall the Assembly concur in the following Senate amendment to Assembly Bill No 620?"

On page 2, Section 2, line 5, strike out the words "in addition".

The roll was called, and Senate amendment to Assembly Bill No. 620 was concurred in by the following vote:

AYES—Messrs. Barndollar, Beatty, Bohnett, Butler, Callan, Cattell, Cogswell, Collum, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Polsley, Preston, Schmitt, Stuckenbruck, Transue, Wagner, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—51.
NOES—None.

Bill ordered to enrollment.

The question being put: "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 786?"

On page 1, Section 1, line 13, after the word "party" insert the following words: "or an order granting or denying a nonsuit or a motion to strike out evidence or testimony"

The roll was called, and Senate amendment to Assembly Bill No. 786 was concurred in by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Bohnett, Butler, Callan, Cattell, Cogswell, Collum, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Gillis, Greer, Griffiths, Hanlon, Hans, Hawk, Hewitt, Hinkle, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Odom, Otis, Perine, Polsley, Preston, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—51.
NOES—None.

Bill ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 12, 1909

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 974—An Act to provide for the purchase of a portrait of former Lieutenant-Governor Alden Anderson by the State Board of Examiners, and to appropriate money therefor.

Also: Senate Bill No. 213—An Act authorizing and empowering the State Board of Harbor Commissioners to construct artesian wells along the water front of the city and county of San Francisco, and appropriating twenty-five thousand dollars therefor

Also: Senate Bill No. 447—An Act making an appropriation for the erection and construction of a building at the California Home for the Care and Training of Feeble-Minded Children, as an addition to the present kitchen, to be used for the accommodation of a cold-storage and ice plant; for the purchase and installation in said building of a cold-storage and ice plant; for repairs to the present kitchen at said home; and for the purchase and installation in said kitchen of necessary kitchen ranges and cooking utensils

Also: Senate Bill No. 161—An Act providing for the investigation of the nature and means of control of destructive diseases of cultivated plants in those portions of the State not benefited by the Southern California Pathological Laboratory, and making an appropriation therefor

Also: Senate Bill No. 1240—An Act making an appropriation for the maintenance and improvement of the buildings of the Mission of St. Francis de Solano, situated at Sonoma, California.

Also: Senate Bill No. 490—An Act to locate and procure a site and prepare plans and specifications for a building or buildings for a State Normal Training School, and to make an appropriation therefor.

Also: Senate Bill No. 1067—An Act providing for the construction of an executive mansion for the use of the Governor of the State of California, and his family, in the State Capitol Grounds at Sacramento and also in connection therewith stables and garage, and authorizing and directing the State Engineer to cause the erection thereof, and also providing for the appointment of a commission, to be known as the Executive Mansion Commission, to act in conjunction with the State Engineer, and conferring certain powers and duties on said commission, and also making an appropriation for the purposes of the Act

Also: Senate Bill No 1068—An Act to provide for the completion of the hospital for insane at Folsom State Prison, and making an appropriation therefor

Also: Senate Bill No 1204—An Act providing for the selection of a site for a State Printing Office, at the city of Sacramento, California, providing for the appointment of

a commission to select said site, and providing for the erection of a building on said site, and appropriating money therefor.

Also: Senate Bill No. 219—An Act making an appropriation to pay the claim of Lauretta Campbell against the State of California.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 12, 1909.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 1195—An Act to amend Section 4131 of the Political Code of California, relating to the recording of instruments.

Also: Senate Bill No. 746—An Act to repeal Section 416 of the Civil Code of the State of California, relating to policies, how issued, and by whom signed

Also: Senate Bill No. 1199—An Act to amend Section 4260 of the Political Code of California, relating to salaries and fees of officers of counties of the thirty-first class.

Also. Senate Bill No. 1030—An Act to amend Section 594 of the Political Code, classifying insurance business and specifying required capital stock and available cash assets

Also. Senate Bill No. 1238—An Act to amend section nine of an Act entitled "An Act to provide for laying out, opening, extending, widening, straightening, or closing up in whole or in part any street, square, lane, alley, court or place within municipalities, and to condemn and acquire any and all land and property necessary or convenient for that purpose," approved March 6, 1889.

Also: Senate Bill No. 1241—An Act amending the Political Code of the State of California by adding thereto a new section, to be known as Section 3443*a*, relating to the tide lands of the State, and to the sale and purchase thereof

Also. Senate Bill No. 525—An Act to regulate the building and occupancy of tenement houses in incorporated cities, and to provide penalties for the violation thereof

Also: Senate Bill No. 467—An Act to amend Section 11 of an Act entitled "An Act to provide for the sale of street railroad and other franchises in counties and municipalities, and providing conditions for the granting of such franchises by the legislative or other government bodies, and repealing conflicting Acts," approved March 22, 1905

Also. Senate Bill No 464—An Act to provide for the issuance and sale of State bonds to create a fund for the construction by the Board of State Harbor Commissioners for the bay of San Diego of a seawall, wharves, piers, State railroad, spurs, betterments and appurtenances, in the county of San Diego, to create a sinking fund for the payment of said bonds, to define the duties of State officers in relation thereto, to make an appropriation of one thousand dollars for the expense of printing said bonds, and to provide for the submission of this Act to a vote of the people

Also Senate Bill No. 1171—An Act to amend section one of an Act entitled "An Act authorizing and directing the completion of the main buildings at the California Home for the Care and Training of Feeble-Minded Children, near Eldridge, California, and making an appropriation therefor," approved March 11, 1907.

Also. Senate Bill No. 816—An Act to amend Section 268 of the Political Code of California, relative to the salaries of officers and employees of the Senate and Assembly.

Also Senate Bill No. 1173—An Act to amend an Act entitled "An Act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places within municipalities, for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expenses of such improvements," approved March 24, 1903, by amending Sections 6, 8, 9, 10, 11, 12, 14, and 16 of said Act, and relating to the bringing of actions for the condemnation of property necessary or convenient for the laying out, opening, extending, widening, or straightening of public streets, squares, lanes, alleys, courts, and places within municipalities, to the appointment, powers, duties, and compensation of referees; to the assessing of compensation and damages for the taking of property for said purposes; to the hearing of reports of referees; to the trial and dismissal of such actions, and to the making and completion of assessments for said improvements.

Also: Senate Bill No. 1102—An Act to amend Section 4290 of the Political Code of the State of California, relating to the salaries and fees of county officers.

Also: Senate Bill No 166—An Act appropriating money for the purchase of a site and right of way, the building of a reservoir and pipe line for a clear water system.

Also Senate Bill No 1237—An Act to amend Section 1430 of the Code of Civil Procedure of California, relating to the disqualification of a judge in probate proceedings.

Also: Senate Bill No 980—An Act to add a new section to the Political Code of the State of California, to be known as section four thousand two hundred and sixty-five *a*, relating to the compensation of the county officers in counties of the thirty-sixth and one-half class

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 12, 1909.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted Senate Constitutional Amendment No. 38—Relative to the formation of new counties, and altering the boundary lines of existing counties.

Also: Senate Joint Resolution No. 18—Relative to providing for an examination into State insurance systems of the various nations and states.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Senate Bill No. 974 read first time, and ordered on file without reference.

Senate Bill No. 213 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 447 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 161 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 1240 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 490 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 1067 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 1068 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 1204 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 219 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 1195 read first time, and referred to Committee on Judiciary.

Senate Bill No. 746 read first time, and referred to Committee on Insurance and Insurance Laws.

Senate Bill No. 1199 read first time, and referred to Committee on County and Township Governments.

Senate Bill No. 1030 read first time, and referred to Committee on Insurance and Insurance Laws.

Senate Bill No. 1238 read first time, and referred to Committee on Municipal Corporations.

Senate Bill No. 1241 read first time, and ordered on file without reference.

Senate Bill No. 525 read first time, and referred to Committee on Commissions and Public Expenditures.

Senate Bill No. 467 read first time, and referred to Committee on Municipal Corporations.

Senate Bill No. 464 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 1171 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 816 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 1173 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 1102 read first time, and referred to Committee on County and Township Governments.

Senate Bill No. 166 read first time, and referred Committee on Ways and Means.

Senate Bill No. 1237 read first time, and referred to Committee on Judiciary.

Senate Bill No. 960 read first time, and referred to Committee on County and Township Governments.

Senate Constitutional Amendment No. 38 read first time, and referred to Committee on Counties and County Boundaries.

Senate Joint Resolution No. 18 read first time, and referred to Committee on Insurance and Insurance Laws.

RESOLUTION.

The following resolution was offered:

By Mr. Mott:

WHEREAS, We have learned of the sudden and unfortunate death of Mr. William Cullen, brother of Hon. John A. Cullen, a member of this Assembly; therefore, be it

Resolved, That this Assembly extends to the Hon. John A. Cullen its heartfelt sympathies in this, the hour of his bereavement; and be it further

Resolved, That when we adjourn this day, we do so out of sympathy and regard for our fellow member; and be it further

Resolved, That the Chief Clerk of the Assembly be, and he is hereby, instructed to forward a copy of this resolution to the Hon. John A. Cullen.

Resolution read, and on motion unanimously adopted.

WITHDRAWAL OF BILL.

Mr. Johnson of Placer asked for, and was granted, unanimous consent to withdraw Assembly Bill No. 777.

Assembly Bill No. 777 withdrawn, and ordered stricken from the file.

RULES SUSPENDED.

Mr. Johnson of Placer moved that the rules be suspended and Assembly Bill No. 317 taken up out of order, for consideration.

The roll was called, and motion carried by the following vote:

AYES—Messrs Barndollar, Beardslee, Bohnett, Butler, Callan, Cattell, Cogswell, Collum, Cronin, Flavelle, Fleisher, Flint, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Odom, Otis, Perine, Preston, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Wilson, Wyllie, and Young—51.

NOES—Messrs. Baxter and Gerdes—2.

Assembly Bill No. 317—An Act to promote the safety of employees and travelers upon railroads by compelling common carriers by railroad to properly man their trains.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 317 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Cronin, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Polsley, Preston, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—65.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

RESOLUTIONS.

The following resolution was offered:

By Committee on Rules and Regulations:

Resolved, That a temporary rule is hereby adopted as follows:

All county government bills shall be placed on a special file to be known as "Special File, County Government Bills."

Resolution read and adopted.

Also:

SACRAMENTO, CAL., March 13, 1909

MR. SPEAKER WHEREAS, Your Committee on State Prisons and Reformatory Institutions has, in conformity with a resolution heretofore adopted, visited the Whittier State School at Whittier, the Preston School of Industry at Ione, and the State prison at San Quentin, and has made a thorough inspection thereof, each of the following named members is entitled to receive the amount of mileage set after his name as follows, to wit

Sacramento to Whittier and return, 934 miles, Sacramento to Ione and return, 216 miles; Sacramento to San Quentin and return, 214 miles—a total of 1,374 miles.

Thomas H. Silver	$82 44
E. B Moore	82 44
Percy V Hammon	82 44

Sacramento to Whittier and return, 934 miles; Sacramento to Ione and return, 216 miles—a total of 1,150 miles.

James E Hopkins	$69 00
H E. Holmquist	69 00

Sacramento to Whittier and return, 934 miles: Sacramento to San Quentin and return, 214 miles—a total of 1,148 miles.

Preston F Cogswell	$68 88

Sacramento to Whittier and return, 934 miles.

W R. Odom	$56 04
W. R. Leeds	56 04

Sacramento to San Quentin and return, 214 miles.

D. J. Beban	$12 84
George J. Black	12 84
E. I. Butler	12 84
F. C Gerdes	12 84
T D. Johnston	12 84
Total	$630 48

And your committee respectfully requests that the following resolution be adopted

Resolved, That the Controller be, and he hereby is, directed to draw his warrant in favor of Percy V. Hammon, chairman of said committee, for the sum of $630 48, payable out of the contingent fund of the Assembly, and the Treasurer is hereby directed to pay the same

JOHNSTON OF CONTRA COSTA, Chairman.

Mr. Johnston moved the adoption of the resolution.

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

AYES—Messrs Barndollar, Baxter, Beardslee, Beban, Bohnett, Callan, Cattell, Cogswell, Collier, Collum, Cronin, Dean, Drew, Flavelle, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, Maher, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, Perine, Polsley, Preston, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wager, Webber, Whitney, Wilson, Wyllie, and Mr. Speaker—58

NOES—None

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ROADS AND HIGHWAYS.

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1909.

MR. SPEAKER Your Committee on Roads and Highways, to whom was referred Committee Substitute for Senate Bill No 813—An Act to amend an Act entitled "An Act to regulate the operation of motor vehicles on public highways, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 22, 1905, by amending section five thereof, by amending subdivisions one and three of

said section five, and by adding a new subdivision to said section five thereof, to be numbered subdivision six, and by adding a new section thereto, to be numbered Section 8*a*—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

GREER, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1909.

MR SPEAKER. Your Committee on Roads and Highways, to whom was referred Senate Bill No. 1219—An Act to provide for the protection and preservation of shade and ornamental trees growing and to be grown upon the roads, highways, grounds, and property within the State of California, and for the planting, care, protection, and preservation of shade and ornamental trees, hedges, lawns, shrubs, and flowers growing and to be grown in and upon such roads, highways, grounds, and property; and to create county boards of forestry for such purposes; and to prescribe the duties and powers of such boards; and to authorize such boards to appoint county foresters; and to prescribe the duties and fix the compensation of county forester; and to empower such boards to enforce all laws and adopt and enforce any and all lawful and reasonable rules for the protection, planting, regulation, preservation, care, and control of such shade and ornamental trees, hedges, lawns, shrubs, and flowers—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

GREER, Chairman.

ON WAYS AND MEANS

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1909.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 166—An Act appropriating money for the purchase of a site and right of way, the building of a reservoir, and pipe line for a clear water system—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

BEARDSLEE, Chairman.

ON FISH AND GAME.

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1909.

MR. SPEAKER: Your Committee on Fish and Game, to whom was referred Senate Bill No. 969—An Act to repeal an Act entitled "An Act to prevent fishing, or the taking of fish by means of weirs, dams, nets, traps, or seines in the bay of San Diego, or in the entrance thereto"—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

LEEDS, Acting Chairman.

The above reported bills ordered on file for second reading.

ON ENGROSSMENT AND ENROLLMENT

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1909.

MR SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bill correctly engrossed:

Assembly Bill No. 1069—An Act to amend Section 4231 of the Political Code of the State of California, relating to compensation of officers of counties of the second class, their clerks, deputies, and assistants

YOUNG, Chairman.

The above reported bill ordered on file for third reading:

THIRD-READING FILE—(RESUMED).

Assembly Bill No. 170—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 652½, and relating to offenses by peace officers, jailers, and sanitary officers.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 170 refused passage by the following vote:

AYES—Messrs. Barndollar, Beardslee, Cattell, Coghlan, Cogswell, Collier, Drew, Fleisher, Flint, Gillis, Hammon, Hawk, Hinkle, Juilliard, Leeds, Mendenhall, Moore, Otis, Perine, Sackett, Silver, Wagner, and Mr. Speaker—23.

NOES—Messrs Baxter, Beatty, Bohnett, Callan, Collum, Cronin, Dean, Flavelle, Gerdes, Gibbons, Griffiths, Hanlon, Hayes, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Kehoe, Macauley, Maher, Mott, Nelson, Odom, Polsley, Schmitt, Stuckenbruck, Telfer, Webber, Whitney, and Wyllie—30

Assembly Bill No. 1024—An Act to amend Section 3 of an Act entitled "An Act to prevent the waste and flow of water from artesian wells, and prescribing penalties therefor, and defining waste and artesian wells." approved March, 1907.

Bill read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1024 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beban, Cattell, Cogswell, Collier, Collum, Drew, Flavelle, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, McClellan, Melrose, Mendenhall, Moore, Nelson, Otis, Perine, Sackett, Schmitt, Silver, Telfer, Transue, Wagner, Webber, Whitney, Wilson, and Mr. Speaker—46.

NOES—Messrs. Beatty, Callan, and Stuckenbruck—3.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1283—An Act to add a new section to the Political Code, to be known as Section 1665*a*, providing for the establishment and maintenance in cities of the first class of one or more public schools called cosmopolitan schools, in which shall be taught the French, Italian, and German languages in connection with the English branches.

During third reading of bill, Mr. Perine moved that the Speaker appoint a select committee of one to amend the bill, as follows:

On page 1, Section 2, line 2, of printed bill, strike out the word "appealed", and insert in lieu thereof the word "repealed".

Motion carried.

The Speaker appointed Mr. Perine as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1909

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 1283, with instructions, do now report that the instructions of the Assembly have been carried out

PERINE, Select Committee.

Report of select committee, and amendment, adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No. 670—An Act to amend Section 1617 of Article VII of the Political Code, relating to and defining the powers and duties of trustees of school districts and of boards of education in cities by changing the provisions of certain sections, by adding new sections, and by renumbering certain sections.

Bill read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 670 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Beban, Bohnett, Butler, Cattell, Coghlan, Cogswell, Collier, Dean, Drew, Flint, Gerdes, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Placer, Johnston of Contra Costa, Juilliard, Lightner, Macauley, Maher, Melrose, Mendenhall, Moore, Mott, Otis, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, and Young—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

HON. T. D. JOHNSTON IN THE CHAIR.

At twelve o'clock and twenty-five minutes P. M., Hon. T. D. Johnston in the chair.

RECESS.

At twelve o'clock and thirty minutes P. M., the Assembly was declared at recess until two o'clock P. M. of this day.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.

Speaker P. A. Stanton in the chair.

SENATE BILLS—THIRD-READING FILE.

Senate Bill No. 269—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of lands embraced within such districts, and also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 35 thereof.

Bill read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 269 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Bohnett, Butler, Callan, Cogswell, Cronin, Dean, Drew, Feeley, Flavelle, Flint, Gerdes, Griffiths, Hammon, Hanlon, Hayes, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Kehoe, Leeds, Macauley, McManus, Mendenhall, Moore, Odom, Otis, Perine, Polsley, Preston, Pugh, Silver, Stuckenbruck, Telfer, Transue, Whitney, Wilson, Wyllie, and Mr. Speaker—43.

NOES—None

Title read approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 809—An Act adding a new section to the Political Code of the State of California, to be numbered Section 1584, relating to school districts.

Bill read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 809 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Bohnett, Butler, Callen, Cogswell, Collier, Cronin, Dean, Drew, Feeley, Flavelle, Flint, Gerdes, Gibbons, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Kehoe, Leeds, Macauley, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Polsley, Pugh, Silver, Stuckenbruck, Telfer, Transue Wagner, Whitney, Wilson, Young, and Mr. Speaker—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 763—An Act to amend Sections 628, 628*a*, 632½, 634, and 636 of the Penal Code of the State of California, all relating to the protection and preservation of fish.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 763 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Bohnett, Butler, Callan, Cogswell, Collier Cronin, Feeley, Flavelle, Flint, Gerdes, Greer, Griffiths, Hammon, Hanlon, Hans

Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Kehoe, Leeds, Macauley, Maher, McManus, Melrose, Mendenhall. Moore, Mott, Nelson, Odom, Otis, Perine, Silver, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—49

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 747—An Act to provide for the union of two or more secondary school districts, the filing of a petition with the county superintendent of schools to submit the question of uniting union secondary school districts and calling for an election therefor, and the canvassing of the votes cast at said election.

Bill read third time on previous day.

The question being on the psasage of the bill.

The roll was called, and Senate Bill No. 747 finally passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beatty, Bohnett, Butler, Callan, Cogswell, Collier, Cronin, Dean, Drew, Feeley, Flavelle, Flint, Gerdes, Gibbons, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Macauley, Maher, McManus, Melrose, Mendenhall. Moore, Mott, Nelson, Odom, Otis, Perine, Preston, Pugh, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Wilson, Wyllie, Young, and Mr Speaker—53

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 754—An Act granting certain lands and salt marsh and tide land of the State of California to the city of Oakland.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 754 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Bohnett, Callan, Cogswell, Collier, Cronin, Drew, Feeley, Flavelle. Flint, Gerdes, Gibbons, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Polsley, Pugh, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—54.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 548—An Act to amend Section 399 of the Code of Civil Procedure of the State of California, relative to the payment of costs in transferring action or proceedings.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 548 finally passed by the following vote:

AYES—Messrs. Barndollar, Beatty, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell. Collier, Cronin, Dean, Drew, Feeley, Flavelle, Gerdes, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle. Holmquist, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Macauley, McManus, Melrose Mendenhall, Moore, Mott, Nelson, Otis, Perine, Polsley, Sackett, Silver, Stuckenbruck, Transue, Whitney, Wilson, Wyllie, Young, and Mr Speaker—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 17—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and regu-

late the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relative to the same and known as an 'Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, approved March 12, 1885,'" approved March 23,.1901, by amending Sections 12 and 13.

Bill read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Mott moved a call of the House.

Motion carried.

Time, two o'clock and forty-five minutes P. M.

The Speaker directed the Sergeant-at-arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll.

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

Messrs Brandollar, Baxter, Beatty, Bohnett, Butler, Callan, Coghlan, Cogswell, Collier, Dean, Flavelle, Fleisher, Gerdes, Greer, Griffiths, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Polsley, Pugh, Sackett, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, and Mr Speaker—51.

The Chief Clerk announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them before the bar of the House.

Messrs. Young, Silver, and Johnson of San Diego were brought before the bar of the House, and on motion excused.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At three o'clock and fifty-five minutes P. M., further proceedings under the call of the House were dispensed with, on motion of Mr. Hanlon.

The roll of absentees was called, and Senate Bill No. 17 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Bohnett, Butler, Callan, Coghlan, Cogswell, Cronin, Dean, Drew, Flavelle, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hinkle, Holmquist, Irwin, Johnston of Contra Costa, Kehoe, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Mott, Nelson, Perine, Polsley, Preston, Pugh, Stuckenbruck, Wagner, Wheelan, Wilson, and Wyllie—42.

NOES—Messrs. Cattell, Collier, Fleisher, Hawk, Hayes, Hewitt, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Leeds, Moore, Odom, Sackett, Silver, Telfer, Transue, Whitney, Young, and Mr. Speaker—20

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No 957—An Act to amend section four thousand and five c of the Political Code of the State of California, relating to population of counties.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 957 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Bohnett, Butler. Callan, Cattell, Cogswell, Collier, Cronin, Dean, Flavelle, Fleisher, Gerdes, Gibbons, Greer, Griffiths, Hanlon

Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Kehoe, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Polsley, Sackett, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr Speaker—50.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 958—An Act to amend section four thousand and six of the Political Code of the State of California, relating to the classification of counties, and creating a new class, to be known as the thirty-sixth and one-half class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 958 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Bohnett, Callan, Cattell, Coghlan, Cogswell, Collier, Cronin, Dean, Flavelle, Fleisher, Flint, Gerdes, Greer, Griffiths, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Lightner, Maher, McManus, Mendenhall, Moore, Nelson, Odom, Polsley, Sackett, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—49.
NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 959—An Act to amend section four thousand and seven of the Political Code of the State of California, relating to the classification of counties.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 959 finally passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beatty, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Cronin, Dean, Flavelle, Fleisher, Gerdes, Hanlon, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Lightner, Macauley, Maher, McManus, Mendenhall, Moore, Nelson, Odom, Polsley, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—48.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Committee Substitute for Senate Bill No. 630—Regulating the issue of bonds of school districts in cities of the fifth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Senate Bill No. 630 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Cronin, Dean, Drew, Flavelle, Fleisher, Gerdes, Gillis, Greer, Griffiths, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Lightner, Maher, McClellan, McManus, Moore, Mott, Nelson, Odom, Polsley, Preston, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Wilson, Wyllie, Young, and Mr. Speaker—52.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1909.

MR. SPEAKER: Your Committee on Education, to whom was referred Senate Bill No. 1077—An Act to amend Section 1880 of the Political Code, relative to elections for issuance of school bonds.

Also: Committee Substitute for Senate Bill No. 10—An Act to amend Section 1760 of the Political Code of the State of California, providing for and relating to suppprt for high schools

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

SACKETT, Chairman

The above reported bills ordered on file for second reading:

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1909.

MR. SPEAKER: Your Committee on Education, to whom was referred Senate Bill No. 803—An Act to amend the Political Code by adding thereto two new articles, to be designated and numbered Article XIV of Chapter III of Title III of Part III of said Code, to consist of sections numbered 1720, 1721, 1722, 1723, 1724, 1725, 1726, 1727, 1728, 1729, 1730, 1731, 1732, 1733, 1734, 1735, 1736, 1737, 1738, 1739, 1740, 1741, 1742, 1743, 1744, 1745, 1746, 1747, 1748, 1749, 1750, and 1751, and Article XV of said chapter, to consist of sections numbered 1755, 1756, 1757, 1758, 1759, 1760, 1761, 1762, and 1763, and to repeal Sections 1669, 1670, 1671, 1671*a*, and 1681 of said Code, all relating to high schools, and to repeal an Act entitled "An Act to provide for the change of name of high school districts and union high school districts and the manner of making such change," approved March 23, 1907, and an Act entitled "An Act relating to the meeting place of high school boards within municipal corporations," which became a law without the Governor's signature, March 15, 1901, and an Act entitled "An Act creating a fund for the benefit and support of high schools and providing for its distribution," and repealing an Act entitled "An Act creating a fund for the benefit and support of high schools, and providing for its distribution," approved March 2, 1903, approved March 6, 1905, and all Acts amendatory thereof—have had the same under consideration, and respectfully report the same back, with twelve amendments, and recommend that it do pass as amended

SACKETT, Chairman

CONSIDERATION OF BILL—(OUT OF ORDER)

Senate Bill No. 803—An Act to amend the Political Code by adding thereto two new articles, to be designated and numbered Article XIV of Chapter III of Title III of Part III of said Code, to consist of sections numbered 1720, 1721, 1722, 1723, 1724, 1725, 1726, 1727, 1728, 1729, 1730, 1731, 1732, 1733, 1734, 1735, 1736, 1737, 1738, 1739, 1740, 1741, 1742 1743, 1744, 1745, 1746, 1747, 1748, 1749, 1750, 1751, and Article XV of said chapter to consist of sections numbered 1755, 1756, 1757, 1758, 1759, 1760 1761, 1762, and 1763, and to repeal Sections 1669, 1670, 1671, 1671*a*, and 1681 of said Code, all relating to high schools, and to repeal an Act entitled "An Act to provide for the change of name of high school districts and union high school districts and the manner of making such change," approved March 23, 1907, and an Act entitled "An Act relating to the meeting place of high school boards within municipal corporations," which became a law without the Governor's signature March 15, 1901, and an Act entitled "An Act creating a fund for the benefit and support of high schools and providing for its distribution, and repealing an Act entitled 'An Act creating a fund for the benefit and support of high schools and providing for its distribution.'" approved March 2, 1903, approved March 6, 1905, and all Acts amendatory thereof.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 3, after line 15*d*, insert the following: "any city school district which has for a period of one year preceding the taking effect of this section established and maintained a high school within such district, shall be deemed to be and constitute a city high school district".

Amendment adopted.

AMENDMENT No. 2.

On page 21, line 106, after the word "pursued", insert the following "the text-books used".

Amendment adopted.

AMENDMENT No. 3.

On page 22, line 7, after the word "employed", insert the following: "whether the text-books used therein conform to the list adopted by the high school board of trustees, as required by section seventeen hundred fifty,".

Amendment adopted.

AMENDMENT No. 4.

On page 25, line 17, after the word "shall", insert the following "as herein provided".

Amendment adopted.

AMENDMENT No. 5.

On page 25, lines 18 and 19, strike out "by whose board of supervisors the same were levied", and insert the following: "whose superintendent of schools has jurisdiction over the high school district in behalf of which such tax was levied"

Amendment adopted.

AMENDMENT No. 6.

On pages 25 and 26, strike out all of 30 to 39*c*, inclusive, and all of 39*d* down to and including the word "levied", and insert in lieu thereof the following "In case of a high school district situated in two or more counties, the assessor of each of such counties must annually, as soon as the county assessments have been equalized by the State Board of Equalization, certify to the board of supervisors of each of the counties in which any portion of such high school district is situated, the assessed value of all taxable property in such county situated in such high school district, and the said tax shall be so levied according to the ratio which the assessed value of the property in such high school district in any county bears to the total assessed value of the property in such district, each board of supervisors to levy upon the property in such high school district and within their own county, such rate of tax as will be sufficient to raise not less than the amount needed to pay the interest and such portion of the principal of such bonds as is to become due during such year. Said tax shall be entered upon the assessment roll and collected in the same manner as other school taxes are entered and collected and when collected paid into the treasury of such county, and it shall then be the duty of the treasurer of any such county other than the one whose superintendent of schools has jurisdiction over such high school, on written demand of the treasurer of the county whose superintendent of schools has jurisdiction over such high school, to pay the sum collected on account of such tax into the treasury of the county whose superintendent of schools has jurisdiction over such high school."

Amendment adopted.

AMENDMENT No 7.

On page 26, strike out all of line 45 after the word "provided", and all of lines 46 to 64, inclusive.

Amendment adopted.

AMENDMENT No. 8

On page 28, line 119, strike out the words "and it shall be such as", and insert in lieu thereof the following, "and every high school shall prescribe at least one course of study that".

Amendment adopted.

AMENDMENT No. 9.

On page 28, strike out all of line 123 after the word "provided", and all of lines 124 to 132*a*, inclusive, and insert in lieu thereof the following: "Within ninety days after the taking effect of this Act the clerk or secretary of the high school board of each district shall certify to the superintendent of schools having jurisdiction over such high school, the list of all text-books previously adopted by order of said board or then in use in said high school, and no change shall thereafter be made in said list of books, *provided*, that the high school board may at a regular meeting adopt for a period of not less than four years such additional or other text-books as they may deem best from a list of books prepared and recommended annually in the month of June by the State Board of Education The order of adoption shall be entered upon the minutes of the board, and a certified copy thereof shall be at once transmitted by the clerk or secretary of the high school board to the superintendent of schools having jurisdiction over such high school. The board of trustees shall enter into a written contract with the publisher of the text-books so adopted for their use during such period".

Amendment adopted.

AMENDMENT No. 10.

On page 31, line 67, strike out the following: "concurrent action of".

Amendment adopted.

AMENDMENT No 11.

On page 31, line 68, after the word "counties", insert "as provided in section seventeen hundred and forty-seven".

Amendment adopted.

AMENDMENT No 12.

On page 31, lines 70 and 71, strike out the words "the rate of tax that said several board of supervisors may agree on", and insert in lieu thereof the following: "such rate of tax as will be sufficient to carry out the purposes legally specified in said estimate".

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No. 38—An Act authorizing the regents of the University of California to hold farmers' institutes, and making appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No 38 finally passed by the following vote

AYES—Messrs. Barndollar, Beatty, Bohnett, Callan, Cattell, Coghlan, Cogswell, Collier, Cronin, Drew, Fleisher, Gerdes, Gillis, Greer, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner Melrose, Moore, Nelson, Odom, Polsley, Preston, Rech, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson Wyllie, Young, and Mr. Speaker—48

NOES—Messrs. Baxter, Dean, Flavelle, and Griffiths—4

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 347—An Act to provide for experiment and research work in viticulture, directing publication of the results of experiments and investigations, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer in relation thereto.

Bill read third time

The question being on the passage of the bill.

The roll was called, and Senate Bill No 347 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Bohnett, Callan, Cattell, Cogswell, Cronin Drew, Flavelle, Fleisher, Gerdes, Gillis, Greer, Griffiths, Hammon, Hanlon, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego,

Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, Melrose, Mendenhall, Nelson, Odom, Otis, Polsley, Preston, Rech, Sackett, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 221—An Act making an appropriation to pay the deficiency in the appropriation for postage and contingent expenses of the Clerk of the Supreme Court for the fifty-ninth and sixtieth fiscal years.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 221 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Cronin, Drew, Fleisher, Flint, Gerdes, Gillis, Greer, Griffiths, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, Polsley, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wagner Wheelan, Whitney, Wilson, Wyllie, Young, and Mr Speaker—55.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 516—An Act to provide for the reappropriation of the unexpended balance of money appropriated by an Act entitled "An Act making an appropriation to pay certain claims against the California Home for the Care and Training of Feeble-Minded Children," approved March 7, 1905.

Bill read third time

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 516 finally passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beatty, Butler, Callan, Cattell, Cogswell, Collier, Cronin, Drew, Fleisher, Flint, Gerdes, Gillis, Greer, Griffiths, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, Maher, Melrose, Mendenhall, Nelson, Odom, Otis, Polsley, Preston, Rech, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Wilson, Wyllie, Young, and Mr. Speaker—51.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 585—An Act to amend Sections 654, 684, and 685 of the Political Code, relating to the Board of Examiners.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 585 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Bohnett, Callan, Cattell, Cogswell, Collier, Cronin, Drew, Fleisher, Flint, Gerdes, Gillis, Greer, Griffiths, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, Maher, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Polsley, Preston, Rech, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

WITHDRAWAL OF BILL.

Mr. Transue asked for, and was granted, unanimous consent to withdraw Assembly Bill No. 700, it being identical with Senate Bill No. 585.

Assembly Bill No. 700 withdrawn, and ordered stricken from the file.

Senate Bill No. 588—An Act to provide for the reforestation, the cutting of fire lanes and fire trails on the San Bernardino Forest Reserve, and to make an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 588 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Cronin, Dean, Drew, Fleisher, Gerdes, Gillis, Greer, Griffiths, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, Maher, Melrose, Mendenhall, Moore, Mott Odom, Otis, Polsley, Preston, Rech, Sackett, Silver, Stuckenbruck, Telfer, Wagner, Wheelan, Wilson, Wyllie, Young, and Mr. Speaker—53.

NOES—None.

Title read and approved

Bill ordered transmitted to the Senate.

WITHDRAWAL OF BILL.

Mr. Collier asked for, and was granted, unanimous consent to withdraw Assembly Bill No. 762, it being identical with Senate Bill No. 588

Assembly Bill No. 762 withdrawn, and ordered stricken from the file.

Committee Substitute "A" for Senate Bill No. 772—An Act providing for the construction of additional houses for the use of officers, guards, and employees at the State prison at Folsom, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute "A" for Senate Bill No. 772 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Cronin, Dean, Drew, Fleisher, Flint, Gerdes, Gillis, Griffiths, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Macauley, Maher, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, Polsley, Preston, Rech, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young and Mr. Speaker—55.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Committee Substitute "B" for Senate Bill No. 772—An Act providing for the repairing of the buildings of the State prison at Folsom, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute "B" for Senate Bill No. 772 finally passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beatty, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Cronin, Dean, Drew, Feeley, Fleisher, Flint, Gerdes, Gillis, Griffiths, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Macauley, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Polsley, Preston, Rech, Sackett, Silver,

Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—56
NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Committee Substitute for Senate Bill No 774—An Act providing for the construction and furnishing of a residence at the State prison at Folsom, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Senate Bill No. 774 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Cronin, Dean, Drew, Feeley, Fleisher, Gerdes, Gillis, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Macauley, Maher, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Polsley, Preston, Rech, Sackett, Silver, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—54.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 831—An Act to appropriate the sum of ten thousand dollars for the purpose of partly changing the line of road and making permanent culverts on the Sonora and Mono road, a state highway.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 831 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Cronin, Dean, Drew, Feeley, Flavelle, Fleisher, Gerdes, Gillis, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Macauley, Maher, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Polsley, Rech, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr Speaker—55.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

TIME FOR CONSIDERATION OF SENATE FILE EXTENDED

On Motion of Mr. Mott, the time for consideration of the Senate File was extended until its completion.

SENATE FILE—(RESUMED.)

Committee Substitute "A" for Senate Bill No. 882—An Act providing for the repairing of the buildings at the State prison at San Quentin, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called and Committee Substitute "A" for Senate Bill No 882 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Cronin, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gillis, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Macauley, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Polsley, Preston,

Rech, Sackett, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—54
NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Committee Substitute "B" for Senate Bill No. 882—An Act providing for the construction of cottages for the use of guards and employees at the State prison at San Quentin, and making an appropriation therefor

Bill read third time.

The question being on the passage of the bill

The roll was called, and Committee Substitute "B" for Senate Bill No 882 finally passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beatty, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Cronin, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Polsley Preston, Pugh, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—59.
NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No 466—An Act to amend section one thousand and ninety-seven of the Political Code of the State of California, relative to the registration of voters

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 466 finally passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beatty, Bohnett, Butler, Cattell, Cogswell, Collier, Cronin, Dean, Feeley, Flavelle, Fleisher, Flint, Gillis, Greer, Griffiths, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Leeds, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, Polsley, Preston, Pugh, Rech, Sackett, Silver, Stuckenbruck, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—52.
NOES—Messrs. Callan, Kehoe, and Telfer—3

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No 967—An Act to amend Section 3518 of the Political Code, relating to duplicates for lost certificates of purchase of State lands

Bill read third time.

The question being on the passage of the bill

The roll was called, and Senate Bill No. 967 finally passed by the following vote:

AYES—Messrs. Barndollar, Beatty, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Dean, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Maher, McManus, Melrose, Mendenhall, Nelson, Odom, Otis, Polsley, Preston, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—54.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 944—An Act to amend Section 4246 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the seventeenth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 944 finally passed by the following vote:

AYES—Messrs. Barndollar, Beatty, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Cronin, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Maher, McManus, Melrose, Mendenhall, Mott, Nelson, Odom, Otis, Polsley, Preston, Pugh, Silver, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—54.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1079—An Act to amend Section 1882 of the Political Code, relative to the contents of notices of election for issuance of school bonds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1079 finally passed by the following vote:

AYES—Messrs Barndollar, Bohnett, Butler, Callan, Cattell, Cogswell, Cronin, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Griffiths, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Maher, McManus, Melrose, Mendenhall, Odom, Polsley, Preston, Pugh, Sackett, Silver, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Young, and Mr. Speaker—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1078—An Act to amend Section 1881 of the Political Code, relative to giving notice of election for issuance of school bonds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1078 finally passed by the following vote:

AYES—Messrs Barndollar, Bohnett, Butler, Callan, Cattell, Cogswell, Cronin, Dean, Feeley, Flavelle, Flint, Gerdes, Gillis, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Maher, Melrose, Mendenhall, Mott, Nelson, Otis, Polsley, Preston, Pugh, Sackett, Silver, Telfer Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—49

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 919—An Act to add to the Penal Code of the State of California a new section, to be numbered 587*a*, prohibiting unauthorized persons from manipulating, tampering, or interfering with railroad appliances, and prescribing punishment for violation of such prohibition.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 919 finally passed by the following vote:

AYES—Messrs Barndollar, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Cronin, Dean, Drew, Feeley, Flint, Gerdes, Gillis, Griffiths, Hammon, Hanlon, Hans, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Juilliard, Kehoe, Leeds, Lightner, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Polsley, Preston, Pugh, Rech, Sackett, Silver, Stuckenbruck, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—51.
NOES—None.

Title read and approved
Bill ordered transmitted to the Senate.

HON. J. W MOTT IN THE CHAIR.

At four o'clock P. M., Hon J W. Mott in the chair

NOTICE OF MOTION TO RECONSIDER.

Mr. Irwin gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 919 was this day passed

SENATE BILLS—THIRD READING—(RESUMED.)

Senate Bill No 837—An Act to add a new section to the Penal Code of California, to be numbered 632*b*, relating to fishing with salmon roe or steelhead roe as bait.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 837 finally passed by the following vote:

AYES—Messrs Barndollar, Baxter, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Dean, Feeley, Flavelle, Gerdes, Gillis, Griffiths, Hammon, Hans, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Leeds, Lightner, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Odom, Rech, Sackett, Silver, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—44.
NOES—Messrs Cronin, Polsley, and Preston—3

Title read and approved
Bill ordered transmitted to the Senate.

Senate Bill No. 95—An Act appropriating the sum of twelve thousand one hundred and fifty-five dollars ($12,155.00) to provide certain improvements to the plant and grounds of the Industrial Home of Mechanical Trades for the Adult Blind.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No 95 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Cronin, Dean, Drew, Flavelle, Gerdes, Gillis, Hanlon, Hans, Hawk, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, Polsley, Rech, Sackett, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—50
NOES—Mr. Preston—1.

Title read and approved.
Bill ordered transmitted to the Senate.

Senate Bill No. 689—An Act to amend Sections 439 and 440 of the Political Code, relating to the employees in the Controller's office and the salaries paid to such employees.

Bill read third time.

The question being on the passage of the bill.

The roll was called. and Senate Bill No. 689 finally passed by the following vote·

AYES—Messrs Barndollar, Baxter, Beatty. Bohnett. Callan. Cattell, Coghlan, Cogswell, Dean, Drew, Flavelle, Flint, Gerdes. Gillis, Griffiths, Hans, Hawk, Hayes, Hewitt. Hinkle. Holmquist. Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard. Kehoe. Leeds, Maher, McClellan. McManus, Melrose. Mendenhall, Moore, Mott. Nelson, Odom. Otis. Polsley, Preston. Rech. Sackett, Silver, Stuckenbruck, Telfer. Transue. Wagner, Wheelan. Whitney, Wilson. Wyllie. Young. and Mr. Speaker—52.

NOES—None

Title read and approved

Bill ordered transmitted to the Senate.

Senate Bill No. 691—An Act authorizing the State Treasurer to purchase a bond filing case. and making an appropriation therefor

Bill read third time

The question being on the passage of the bill

The roll was called. and Senate Bill No 691 finally passed by the following vote

AYES—Messrs. Barndollar. Baxter. Beatty, Bohnett, Butler. Callan, Cattell, Coghlan, Cogswell. Collier. Cronin. Dean. Drew, Flavelle, Flint. Gerdes, Griffiths, Hans, Hawk. Hayes. Hewitt, Hinkle. Holmquist, Irwin, Johnson of Sacramento. Johnson of Placer. Kehoe. Leeds. Lightner. Maher. McClellan. McManus. Melrose. Mendenhall. Moore. Mott. Nelson. Odom. Otis. Polsley. Preston. Rech. Sackett. Schmitt. Silver. Stuckenbruck, Telfer. Transue, Wagner. Wheelan. Whitney. Wilson, Wyllie. Young. and Mr. Speaker—55

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate

Senate Bill No. 808—An Act to amend section four hundred fifty-six of the Political Code, relating to the office of the Treasurer of State. his deputy, and assistants, and the salaries of the deputy and assistants.

Bill read third time.

The question being on the passage of the bill.

The roll was called. and Senate Bill No. 808 finally passed by the following vote:

AYES—Messrs. Barndollar. Baxter. Beatty. Bohnett. Butler, Callan, Cattell. Coghlan, Cogswell. Dean, Drew, Gerdes, Griffiths, Hanlon. Hans, Hawk, Hayes. Hewitt, Hinkle, Holmquist. Irwin, Johnson of Sacramento. Johnson of San Diego. Johnson of Placer. Kehoe. Leeds. Lightner. Maher. McClellan, McManus, Melrose, Mendenhall. Moore. Mott, Nelson. Odom, Otis. Polsley, Preston, Rech, Sackett, Silver, Stuckenbruck. Telfer. Transue. Wagner, Whitney. Wilson, and Mr Speaker—49.

NOES—None

Title read and approved

Bill ordered transmitted to the Senate.

Senate Bill No. 977—An Act to amend Section 2302 of the Political Code, relating to the salary of the State Librarian.

Bill read third time

The question being on the passage of the bill.

The roll was called. and Senate Bill No. 977 finally passed by the following vote·

AYES—Messrs Barndollar. Baxter, Beatty, Bohnett. Butler. Callan, Cattell. Cogswell, Cronin, Dean, Gerdes, Gillis, Griffiths, Hammon, Hanlon, Hans, Hawk,

Hayes, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, McManus, Melrose, Mendenhall, Mott, Otis, Preston, Rech, Sackett, Silver, Stuckenbruck, Transue, Wagner, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—44

NOES—None

Title read and approved

Bill ordered transmitted to the Senate.

Senate Bill No 721—An Act to amend Section 15 of an Act entitled "An Act to regulate and govern the State prisons of California." approved March 19, 1889, relating to moneys received by the wardens thereof

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No 721 finally passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beatty, Butler, Callan, Cattell, Cogswell, Collier, Cronin, Drew, Flavelle, Gerdes, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Odom, Polsley, Preston, Rech, Sackett, Silver, Stuckenbruck, Transue, Wagner, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate

Senate Bill No. 896—An Act making an appropriation for furnishing the manor house at the California Home for the Care and Training of Feeble-Minded Children at Eldridge, California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 896 finally passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beatty, Bohnett, Butler, Callan, Cattell, Cogswell, Cronin, Dean, Drew, Feeley, Flavelle, Flint, Gerdes, Gillis, Greer, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, Preston, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Young, and Mr. Speaker—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

WITHDRAWAL OF BILL.

Mr. Butler asked for, and was granted, unanimous consent to withdraw Assembly Bill No. 829.

Assembly Bill No. 829 withdrawn, and ordered stricken from the file

SENATE BILLS—THIRD READING—(RESUMED.)

Senate Bill No. 910—An Act to provide for the completion of the cottage at Mendocino State Hospital, now in progress of erection under the provisions of an Act entitled "An Act to provide for the erection of a cottage on the lands of the Mendocino State Hospital, and to appropriate money therefor," approved March 22, 1907, and for the equipment of the same with apparatus for the treatment of acute cases by

hydrotherapy, electricity, and all other modern methods, and to make an appropriation therefor.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Senate Bill No 910 finally passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beatty, Bohnett, Butler, Cattell, Cogswell, Collier, Dean, Drew, Feeley, Flavelle, Griffiths, Hammon, Hanlon, Hans, Hayes, Hinkle Holmquist, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Macauley, McManus, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, Polsley, Preston, Sackett, Stuckenbruck, Telfer Transue, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr Speaker—44

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

RE-REFERENCE OF BILL.

On motion of Mr. Cattell, Senate Bill No. 525 was recalled from the Committee on Commissions and Public Expenditures and referred to Committee on Municipal Corporations.

WITHDRAWAL OF BILL.

Mr Cogswell asked for, and was granted, unanimous consent to withdraw Assembly Bill No. 51.

Assembly Bill No 51 withdrawn, and ordered stricken from the file.

Senate Bill No 912—An Act to provide for the expenses of operating and conducting the University Farm and School of Agriculture thereon to June 30, 1909, and appropriating money therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 912 finally passed by the following vote:

AYES—Messrs. Barndollar, Beatty, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom Otis, Polsley, Preston, Sackett, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wyllie, Young and Mr. Speaker—54

NOES—None

Title read and approved

Bill ordered transmitted to the Senate.

Senate Bill No. 925—An Act to appropriate money for the payment of the claim of George W. Bush.

Bill read third time

The question being on the passage of the bill.

The roll was called, and Senate Bill No 925 finally passed by the following vote:

AYES—Messrs Barndollar, Beatty, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Cronin, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Griffiths, Hanlon, Hans, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Kehoe, Leeds, Macauley, Maher McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom Otis, Polsley, Preston, Rech, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wyllie, Young, and Mr Speaker—55

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 993—An Act to appropriate the sum of twenty thousand dollars for the general improvement of Lake Tahoe wagon road, and for constructing, erecting, and operating a sprinkling plant and appurtenances thereon.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 993 finally passed by the following vote:

AYES—Messrs Barndollar, Beatty, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Cronin, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Hanlon Hans, Hawk Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, Maher, McManus, Melrose, Mendenhall, Mott, Nelson, Polsley, Preston Pugh, Sackett, Silver Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wyllie, Young, and Mr Speaker—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No 1003—An Act appropriating forty-four dollars to pay the claim of W. S. Kingsbury

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1003 finally passed by the following vote:

AYES—Messrs Barndollar, Beatty, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Cronin Drew, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Griffiths, Hanlon, Hans Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, Maher, Melrose, Mendenhall, Mott, Nelson, Polsley, Preston, Pugh, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wyllie, Young, and Mr Speaker—48

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1055—An Act to provide for the refurnishing of the offices of the Board of Railroad Commissioners of the State of California, and to make an appropriation therefor

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1055 finally passed by the following vote:

AYES—Messrs Barndollar, Beatty, Bohnett, Callan, Cattell, Cogswell, Cronin, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Griffiths, Hammon, Hanlon, Hans, Hawk Hewitt Hinkle, Irwin, Johnson of Sacramento, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, Maher, Melrose, Mendenhall, Nelson, Polsley, Preston, Pugh, Sackett, Silver, Stuckenbruck, Transue, Wagner, Wheelan, Whitney, Wyllie, and Mr Speaker—43

NOES—Mr Telfer—1

Title read and approved.

Bill ordered transmitted to the Senate

Senate Bill No. 1017—An Act to appropriate the sum of two thousand five hundred thirty-six and seventy-six one-hundredths dollars to pay the claim of the Ætna Life Insurance Company of Hartford, Connecticut, against the State of California

Bill read third time

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1017 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Bohnett, Callan, Cattell, Cronin, Drew, Fleisher, Gerdes, Gibbons, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Johnson of Sacramento, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, Melrose, Mendenhall, Moore, Nelson, Otis, Polsley, Preston, Pugh, Rech, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wyllie, Young, and Mr. Speaker—42.
NOES—None.

Title read and approved

Bill ordered transmitted to the Senate.

Senate Bill No. 1018—An Act to appropriate the sum of $1,762.79 to pay the claim of the Germania Life Insurance Company of New York against the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1018 finally passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Bohnett, Butler, Callan, Cattell, Collier, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Maher, McManus, Melrose Mendenhall, Moore, Mott, Nelson, Odom, Otis, Polsley, Preston, Rech, Silver, Stuckenbruck, Transue, Wagner, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—52.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1019—An Act to appropriate the sum of $800.95 to pay the claim of the Bankers Life Association of Des Moines, Iowa, against the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1019 finally passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Bohnett, Cattell, Cronin, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnston of Contra Costa, Kehoe, Leeds, Lightner, Macauley, Maher, Melrose, Mendenhall, Mott, Nelson, Odom, Otis, Polsley, Preston, Rech, Schmitt, Silver, Telfer, Transue, Wagner, Whitney, Wilson, Wyllie, Young, and Mr Speaker—48.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1020—An Act to appropriate the sum of one thousand five hundred thirty-one and ninety-one one-hundredths dollars to pay the claim of the Prudential Insurance Company of America against the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1020 finally passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Bohnett, Butler, Cattell, Cogswell, Cronin, Feeley, Flavelle, Fleisher Flint, Gerdes, Gibbons, Gillis Greer, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner Macauley, Maher,

McClellan, Melrose, Mendenhall, Odom, Otis, Polsley, Preston, Rech, Sackett, Schmitt, Silver, Transue, Wagner, Whitney, Wilson, Young and Mr. Speaker—50.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No 1021—An Act to appropriate the sum of two hundred twenty-two and eighty-five one-hundredths dollars to pay the claim of the Northwestern National Life Insurance Company against the State of California.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Senate Bill No. 1021 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Cronin, Feeley, Fleisher, Flint, Gerdes, Gibbons, Griffiths, Hammon, Hanlon, Hawk, Hayes, Irwin, Johnson of Sacramento, Johnston of Contra Costa, Juilliard, Kehoe, Lightner, McClellan, Mendenhall, Moore, Mott, Odom, Otis, Preston, Pugh, Sackett, Schmitt, Telfer, Transue, Wagner, Wheelan, Whitney, and Wilson—44.
NOES—None

Title read and approved.

Bill ordered transmitted to the Senate

Senate Bill No. 1022—An Act to appropriate the sum of three thousand four hundred sixty-two and eleven one-hundredths dollars to pay the claim of the New England Mutual Life Insurance Company against the State of California.

Bill read third time

The question being on the passage of the bill.

The roll was called, and Senate Bill No 1022 finally passed by the following vote:

AYES—Messrs Barndollar, Beatty, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Cronin, Feeley, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hinkle, Irwin, Johnson of Sacramento, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Preston, Pugh, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr Speaker—57.
NOES—None

Title read and approved.

Bill ordered transmitted to the Senate

Senate Bill No. 1023—An Act to appropriate the sum of three hundred forty-nine and 60-100 dollars to pay the claim of the Minnesota Mutual Life Insurance Company against the State of California.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Senate Bill No. 1023 finally passed by the following vote:

AYES—Messrs Barndollar, Beatty, Bohnett Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Cronin, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, Melrose, Moore, Mott, Nelson, Odom, Otis, Preston, Pugh, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr Speaker—56.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1024—An Act to appropriate the sum of $903 72 to pay the claim of the Massachusetts Mutual Life Insurance Company of Springfield against the State of California

Bill read third time

The question being on the passage of the bill

The roll was called, and Senate Bill No 1024 finally passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beatty, Bohnett, Butler, Callan, Cogswell, Collier, Collum, Cronin, Dean, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, Melrose, Mendenhall, Moore, Mott, Nelson, Odom Otis, Polsley, Preston, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—58.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1025—An Act to appropriate the sum of $1,100 30 to pay the claim of the Life Association of America against the State of California.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Senate Bill No. 1025 finally passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beatty, Bohnett, Callan, Cattell, Cogswell, Collier, Collum, Cronin, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Preston, Pugh, Rech, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr Speaker—59

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1026—An Act to appropriate the sum of sixty and 60-100 dollars to pay the claim of the Security Mutual Life Insurance Company against the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1026 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Collum, Cronin, Dean, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Greer, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnston of Contra Costa, Juilliard, Kehoe, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Preston, Schmitt, Silver, Telfer, Wagner, Wheelan, Wilson, Wyllie, Young, and Mr. Speaker—54

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 283—An Act to provide equipment for the State Pathological Laboratory at Whittier, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Senate Bill No. 283 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Collum, Cronin, Feeley, Flavelle, Fleisher, Flint Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Preston, Rech, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—61

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 284—An Act to provide for the continuation of investigations on the culture and utilization of eucalyptus trees by the University of California, and making an appropriation therefor

Bill read third time

The question being on the passage of the bill.

The roll was called, and Senate Bill No 284 finally passed by the following vote:

AYES—Messrs Barndollar, Beatty, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Collum, Cronin, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, Melrose, Mendenhall, Moore, Mott Nelson, Odom, Otis, Preston, Sackett Schmitt, Silver, Stuckenbruck, Transue, Wagner, Wheelan, Wilson, Wyllie, Young, and Mr Speaker—57.

NOES—Mr Baxter—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 539—An Act to appropriate the sum of one hundred and one thousand three hundred and fourteen dollars ($101,314.00) for the use and benefit of the University of California, and specifying the duties of the Controller and Treasurer of State in relation thereto

Bill read third time.

The question being on the passage of the bill

The roll was called, and Senate Bill No. 539 finally passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Bohnett, Callan, Cattell, Cogswell, Collier, Cronin, Dean, Feeley, Fleisher, Flint, Gerdes, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist Johnson of Sacramento, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Otis Preston, Sackett Schmitt Silver, Telfer, Transue, Wagner, Wilson, Wyllie, Young, and Mr Speaker—50

NOES—Messrs Baxter, Flavelle, Odom, and Stuckenbruck—4

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 638—An Act to provide for the purchase of farm machinery, tools, wagons, and harness for the University Farm and Agricultural School at Davis, and appropriating money therefor

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No 638 finally passed by the following vote:

AYES—Messrs Barndollar, Beardslee, Beatty, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Collum, Flavelle, Fleisher, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of

Sacramento, Johnson of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Polsley, Preston, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Wilson Wyllie Young, and Mr Speaker—54

NOES—None

Title read and approved

Bill ordered transmitted to the Senate.

Senate Bill No. 757—An Act appropriating money for metal shelving, record cases, fixtures, and other accessories for the use of the Clerk of the Supreme Court

Bill read third time.

The question being on the passage of the bill

The roll was called, and Senate Bill No 757 finally passed by the following vote·

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Dean, Feeley, Flavelle, Flint, Gerdes, Gibbons, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, Maher, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Preston, Sackett, Schmitt, Telfer, Transue, Wagner, Whitney, Wilson, Wyllie, and Mr. Speaker—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 775—An Act to amend Section 2319 of the Political Code of the State of California, relating to the office of the State Commissioner of Horticulture, the powers and duties of said commissioner, and the salaries, duties, and qualifications of his appointees.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 775 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Cronin, Dean, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Preston, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Wyllie, Young, and Mr. Speaker—56

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No 359—An Act to authorize certain improvements at the California Institute for the Deaf and the Blind in Berkeley, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Senate Bill No 359 finally passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Collum, Dean, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons Gillis, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Preston, Pugh, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Young, and Mr. Speaker—56

NOES—None

Title read and approved

Bill ordered transmitted to the Senate.

SENATE BILL—SECOND READING

Senate Bill No. 725—An Act to amend Section 1 of an Act to provide for the transfer to the State of California by owners of patented lands therein of the right to preserve and protect wild game on such patented lands; to define the duties of the State Board of Fish Commissioners in relation to the control of such rights, and to declare the hunting of wild game within the exterior boundaries of the land to which right attaches, a misdemeanor, approved March 21, 1907

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1

On page 2, Section 1, line 18, of the printed bill, strike out the word "an".

Amendment adopted.

AMENDMENT No. 2.

On page 2, Section 1, line 19, of the printed bill, strike out the word "shall", and insert in lieu thereof the words "may in its discretion".

Amendment adopted.

Bill read second time and ordered to reprint, and on file for third reading.

SENATE MESSAGE.

The following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, March 13, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate amended, and on this day passed as amended, Assembly Bill No. 709—An Act to amend Section 4234 of the Political Code of the State of California, relating to the compensation of officers of counties of the fifth class and their assistants and deputies—and respectfully request your honorable body to concur in said amendments

LEWIS A. HILBORN, Secretary of Senate.
By H. P. TRAVERS, Assistant Secretary.

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 709?"

Strike out the quotation marks in lines 3, 7, 20-31, 48, 65, 82, 112, 143, 164, 185, 187, 211, 220, 224, 232, 232*f*, 253, 257, 258, 263, 270, and 280.

Also. On page 3 strike out all of line 64

Also: On page 5, line 172, strike out the word "in", and in lieu thereof insert the word "to"

Also: On page 6, line 186, strike out the word "hereinafter", and insert in lieu thereof the word "hereafter".

Also. On page 6, line 198, after the word "rate", insert the word "of".

Also. On page 9 insert at the beginning of the line, following line 280, "Sec. 2."

Also. Amend by striking out of line 16, page 2, of the printed bill, after the word "annum", the period, and inserting in lieu thereof a semicolon and the following words: "one deputy who shall be the registrar of voters, which office is hereby created, who shall receive a salary of two thousand four hundred dollars per annum, and a deputy or deputies, not to exceed five, for the purpose of registering electors, to be paid not to exceed four dollars per diem each, *provided* that said deputies so employed for registering electors shall not be employed except during a year when a general election is to be held throughout the State, and then only between the first day of June and the fifteenth day of November of said year; and such deputies as may be needed for the purpose of registering electors in precincts outside of the corporate limits of municipalities containing twenty-five thousand or more inhabitants, who shall be paid fifteen cents per name for each person legally registered by them."

Also: On page 6, Section 12, line 187, of printed bill, strike out the words "three thousand", after the word "schools", and insert in lieu thereof the words "two thousand seven hundred".

And On page 6, Section 12, line 194, of printed bill, strike out the first word thereof, "five", and insert in lieu thereof the word "eight".

The roll was called, and Senate amendments to Assembly Bill No 709 were concurred in by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Collum, Cronin, Dean, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Preston, Pugh, Rech, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—61

NOES—None

Bill ordered to enrollment.

SENATE BILL—THIRD READING.

Senate Bill No. 964—An Act to add a new section to the Political Code of California, to be numbered 1622*a*, relating to apportionment of school funds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 964 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Cronin, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, Preston, Pugh, Rech, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—55.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

ASSEMBLY BILLS—THIRD-READING FILE.

Assembly Bill No. 154—An Act to provide for an exposition building at Los Angeles, in Agricultural Park, for the use of all the counties of this State, for the purpose of maintaining permanent exhibits therein of the resources of the different counties, and to make an appropriation for the construction of said exposition building.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 154 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Collum, Cronin, Dean, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McManus, Melrose, Mendenhall, Mott, Nelson, Odom, Otis, Schmitt, Young, and Mr Speaker—49.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

SENATE BILL—THIRD READING.

Senate Bill No. 990—An Act fixing a bounty on coyote scalps.

During third reading of bill, Mr. Preston moved that the Speaker appoint a select committee of one to amend the bill, as follows:

Strike out the words "paid respectively to", in line 2, Section 6, page 2, of printed bill, and insert in lieu thereof the following "presented to the Board of Examiners

as in case of other claims, and upon the approval thereof the Controller shall draw his warrant upon the Treasurer in favor of '

Also, After the word "Act", in line 3, Section 6, page 2, of printed bill, insert the following "and the Treasurer shall pay the same"

Motion carried

The Speaker appointed Mr Preston as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read.

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1909

MR SPEAKER Your select committee of one, to whom was referred Senate Bill No. 990, with instructions, do now report that the instructions of the Assembly have been carried out

PRESTON, Select Committee.

Report of select committee, and amendments, adopted.

Bill ordered to reprint, and on file for passage.

MOTION.

Mr. Johnson of Sacramento moved that the Assembly take a recess until eight o'clock P M. of this day, then to reassemble for the purpose of considering the Assembly Third-reading File only.

Motion carried.

RECESS.

At five o'clock and forty-five minutes P. M., the Assembly was declared at recess until eight o'clock P. M. of this day

REASSEMBLED.

At eight o'clock P. M. the Assembly reconvened.

Speaker P. A Stanton in the chair

REPORT OF STANDING COMMITTEE

The following report of standing committee was received and read

ON ENGROSSMENT AND ENROLLMENT

ASSEMBLY CHAMBER SACRAMENTO, March 13, 1909

MR. SPEAKER Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bill correctly engrossed:

Assembly Bill No 989—An Act for the regulation of the practice of medicine, surgery, and obstetrics osteopathy, and other systems or modes of treating sick or afflicted human beings in the State of California, fixing the standard of preliminary education of students before entering upon the study of medicine surgery, or obstetrics, osteopathy, or other modes of treating sick and afflicted human beings, the mode of the examination of matriculants and by whom, the number of hours required in the attendance at colleges, schools, or universities before receiving a diploma, standard of colleges, schools, and universities teaching the same, and for the appointment of a Board of Medical Examiners in the matter of said regulation

YOUNG, Chairman.

The above reported bill ordered on file for third reading.

Also:

ASSEMBLY CHAMBER SACRAMENTO, March 13, 1909

MR SPEAKER Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly reengrossed.

Assembly Bill No. 638—An Act to amend Section 261 of the Penal Code of the State of California, defining the crime of rape, and to amend Section 264 of the Penal Code of the State of California, regarding the punishment for the crime of rape

Assembly Bill No 936—An Act adding a new section to the Penal Code, to be known as Section 1231, relating to application to the State Board of Health by a person condemned to death for a physical examination, and for their recommendation to the Governor that such person is physically fit for tests or experiments in the interest of science, and providing for their recommendation in such matter and the reprieving of such person

Assembly Bill No. 1331—An Act to amend an Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted in the State of California, and for the appointment of a Board of Medical Examiners in the matter of said regulation, by amending Sections 1, 6, and 16

YOUNG, Chairman

THIRD-READING FILE.

Assembly Bill No. 6—An Act to amend Section 170 of the Civil Code of Procedure

Bill read third time.

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 6 passed by the following vote:

AYES—Messrs Barndollar, Beatty, Black, Cattell, Coghlan, Collier, Collum, Cronin, Drew, Feeley, Flint, Gibbons, Griffiths, Hammon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Juilliard, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Pugh, Rech, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, and Wilson—42

NOES—Messrs. Baxter, Bohnett, Butler, Callan, Cogswell, Dean, Gerdes, Gillis, Kehoe, Otis, Polsley, Preston, Sackett, Whitney, and Young—15.

Title read and approved

Bill ordered transmitted to the Senate

HON. JOHN J. M'MANUS IN THE CHAIR.

At eight o'clock and five minutes P. M., Hon John J. McManus in the chair

Assembly Bill No. 652—An Act to amend sections six and seven of an Act entitled "An Act to provide for the levy and collection of taxes by and for the use of municipal corporations and cities incorporated under the laws of the State of California, except municipal corporations of the first class, and to provide for the consolidation and abolition of certain municipal offices, and to provide that their duties may be performed by certain officers of the county, and fixing the compensation to be allowed for such county officers for the service so rendered to such municipal corporations."

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No 652 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beatty, Black, Bohnett, Callan, Cattell, Cogswell, Collier, Collum, Cronin, Dean, Drew, Feeley, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Otis, Polsley, Preston, Pugh, Pulcifer, Rech, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wilson, and Young—56.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1359—An Act to amend section seven hundred and seventy-four and section seven hundred and seventy-five of the Political Code, relating to the preparation and printing of the reports of decisions of the Supreme Court.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1359 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Collum, Cronin, Drew, Feeley, Flint, Gerdes, Gibbons, Gillis, Hammon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, Polsley, Preston, Pugh, Rech, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, and Young—57.

NOES—None.

Title read and approved

Bill ordered transmitted to the Senate.

Assembly Bill No 1360—An Act to prevent the sale of thread of cotton, linen, and silk, where such is not labeled as to its correct yardage and weight.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No 1360 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Black, Bohnett, Callan, Cattell, Cogswell, Collier, Drew, Feeley, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McManus, Mendenhall, Moore, Mott, Nelson, Otis, Polsley, Preston, Pugh, Rech Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Wilson, Wyllie, and Young—53.

NOES—Messrs. Butler, Cronin, and Wheelan—3.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1402—An Act declaring February 12th, the birthday of Abraham Lincoln, a legal holiday, and providing for a half-day session in the public schools on such holiday, and for certain exercises in the public schools.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1402 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Black, Butler, Callan, Cattell, Cogswell, Collier, Collum, Cronin, Dean, Drew, Feeley, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, Polsley, Preston, Pugh, Rech, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Wilson, and Young—57.

NOES—Mr. Bohnett—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1233—An Act to amend Section 4265 of the Political Code of the State of California, relating to the compensation of officers of counties of the thirty-sixth class, and their deputies and assistants.

During third reading of bill, Mr. Polsley moved that the Speaker appoint a select committee of one to amend the bill, as follows:

In line 17*a*, on page 2, of printed bill, strike out the words "two deputies", and insert in lieu thereof "one deputy".

Also: In line 19, page 2, after the word "annum", strike out the semicolon and insert a period, and strike out the rest of said line, and also lines 19*a* and 19*b*

Motion carried.

The Speaker appointed Mr Polsley as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1909

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No 1233, with instructions, do now report that the instructions of the Assembly have been carried out

POLSLEY, Select Committee.

Report of select committee, and amendments, adopted.

Bill ordered to reprint, reengrossment, and on file for passage

Assembly Bill No. 1356—An Act to amend Section 4270 of the Political Code of the State of California, relating to the compensation of officers of counties of the forty-first class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No 1356 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Black, Bohnett, Butler, Callan, Cattell, Cogswell Collier, Collum, Cronin, Dean, Drew, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Haulon, Haus, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Juilliard, Kehoe, Leeds, Lightner, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, Polsley, Preston, Pugh, Rech, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wilson, and Young—55.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate

Assembly Bill No. 1355—An Act to amend Section 4275 of the Political Code of the State of California, relating to the compensation of officers of counties of the forty-sixth class.

Bill read third time on previous day.

The question being the passage of the bill.

The roll was called, and Assembly Bill No. 1355 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Collum, Cronin, Dean, Drew, Feeley, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Haulon, Haus, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, Polsley, Preston, Rech, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Wilson, and Young—57

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 936—An Act adding a new section to the Penal Code, to be known as Section 1231, in relation to application to the State Board of Health by a person condemned to death for a physical

examination, and for their recommendation to the Governor that such person is physically fit for medical treatment, tests or experiments in the interest of science, and providing for their recommendation in such matter and the reprieving of such person.

Bill read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No 936 passed by the following vote:

AYES—Messrs Barndollar, Beatty, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell Collier Collum, Cronin Dean, Drew, Feeley, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Moore, Mott, Otis, Polsley, Preston Pugh, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, and Young—58

NOES—Mr Nelson—1.

Title read and approved.

Bill ordered transmitted to the Senate

Assembly Bill No. 1025—An Act to amend Section 4261 of the Political Code, relating to salaries and fees of officers in counties of the thirty-second class

Bill read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No 1025 passed by the following vote

AYES—Messrs Barndollar, Beardslee, Beatty, Black, Bohnett Butler, Callan, Cattell, Cogswell, Collier, Collum, Cronin, Dean, Drew, Feeley, Flint, Gerdes, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Juilliard, Kehoe, Leeds, Lightner, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, Polsley, Preston, Pugh, Rech, Sackett, Schmitt, Silver, Stuckenbruck, Telfer Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, and Young—60

NOES—None.

Title read and approved

Bill ordered transmitted to the Senate

Assembly Bill No 1391—An Act to add a new section to the Penal Code, to be known as Section 337*b* thereof, and relating to the publishing of tips or advance information on horse racing, and providing the punishment for the violation thereof.

During third reading of bill, Mr Preston moved that the Speaker appoint a select committee of one to amend the bill, as follows:

Insert at the beginning of line 4, Sec. 1, page 1, of printed bill, the figures and word as follows "337*b*"

Also: Strike out word "five", in line 13, page 1, of printed bill, and insert the word "one"

Also Strike out the word "months", in line 15, Sec 1, and insert "weeks".

Motion lost

Bill read third time

The question being on the passage of the bill.

The roll was called, and Assembly Bill No 1391 passed by the following vote:

AYES—Messrs Barndollar, Beardslee, Beatty, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Cronin, Dean, Drew, Feeley, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin Johnson of Sacramento, Johnson of San Diego, Juilliard, Kehoe, Leeds, Lightner, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott,

Nelson, Otis, Polsley, Preston, Rech, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Wilson, Wyllie, and Young—57.
NOES—Messrs. Baxter, Black, Collum, and Macauley—4.

Title read and approved

Bill ordered transmitted to the Senate

Assembly Bill No. 1331—An Act to amend an Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulations, by amending Section 16.

Bill read third time on previous day.

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 1331 passed by the following vote:

AYES—Messrs. Barndollar, Beatty, Beban, Black, Bohnett, Callan, Cattell, Coghlan, Collum, Cronin, Dean, Drew, Feeley, Flint, Gerdes, Gillis, Greer, Griffiths, Hammon, Hanlon, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Juilliard, Kehoe, Leeds, Lightner, Maher, McManus, Melrose, Mendenhall, Moore, Nelson, Otis, Preston, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wyllie, and Young—50.
NOES—None

Title read and approved.

Bill ordered transmitted to the Senate

Assembly Bill No. 804—An Act to restrict the herding of sheep.

Bill read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 804 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Black, Bohnett, Butler, Cattell, Cogswell, Collier, Collum, Dean, Drew, Feeley, Flint, Gerdes, Gibbons, Gillis, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Juilliard, Kehoe, Leeds, Lightner, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, Polsley, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Wilson, and Young—52.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1069—An Act to amend Section 4231 of the Political Code of the State of California, relating to salaries of officers of counties of the second class, their deputies and assistants.

Bill read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1069 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Collum, Drew, Feeley, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Hanlon, Hans, Hawk, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Kehoe, Leeds, Lightner, McManus, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, Polsley, Preston, Pugh, Rech, Sackett, Schmitt, Silver, Stuckenbruck, Transue, Wagner, Wheelan, Whitney, Wilson, and Young—52
NOES—None.

Title read and approved

Bill ordered transmitted to the Senate

Assembly Bill No. 289—An Act to amend Section 789 of an Act entitled "An Act to establish a Civil Code." approved March 21, 1872, relating to termination of estates.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No 289 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Cronin, Drew, Gerdes, Gillis, Griffiths, Hammon, Hanlon, Hans, Hawk, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Juilliard, Kehoe, Lightner, McClellan, McManus, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, Polsley, Preston, Pugh, Rech, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Wilson, Wyllie, and Young—50

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 290—An Act to amend Section 1265 of an Act entitled "An Act to establish a Civil Code." approved March 21, 1872, relating to homesteads and exemptions

Bill read third time

The question being on the passage of the bill

The roll was called, and Assembly Bill No 290 passed by the following vote:

AYES—Messrs. Barndollar Baxter, Beatty, Black, Bohnett, Callan, Cattell, Collier, Collum, Cronin, Drew, Feeley, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Holmquist, Irwin, Johnson of San Diego, Juilliard, Kehoe, Leeds, Lightner, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Polsley, Preston, Pugh, Rech, Sackett, Schmitt, Silver, Stuckenbruck Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, and Young—56

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1369—An Act authorizing property owners or their grantees or assignees to sue the State of California for damages done to real property situated at Wood Island, county of Sacramento, by reason of the construction and maintenance of jetties in the Sacramento River, known as Newtown Jetties, making an appropriation therefor, and repealing an Act entitled "An Act to authorize the Lauritzen Company of San Francisco, a corporation, to sue the State of California," approved March 23, 1907.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1369 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Collum, Cronin, Dean, Drew, Feeley, Flint, Gerdes, Gillis, Greer, Hammon, Hanlon Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Kehoe, Leeds, Lightner, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, Polsley, Preston, Pugh, Rech, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wyllie, and Young—59.

NOES—None

Title read and approved

Bill ordered transmitted to the Senate

Assembly Bill No. 759—An Act to amend Section 751 of the Political Code, relating to deputies of the Clerk of the Supreme Court.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 759 passed by the following vote.

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Cattell, Cogswell, Collier Collum, Dean, Drew, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Juilliard, Kehoe, Maher, McManus, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, Polsley, Preston, Pugh, Rech, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, and Young—57.

NOES—None

Title read and approved

Bill ordered transmitted to the Senate

Assembly Bill No. 424—An Act to promote education in literature, music and the fine arts, and making an appropriation therefor.

Bill read third time

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 424 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beatty, Beban, Black, Butler, Callan, Cogswell, Collier, Collum, Cronin, Dean, Drew, Feeley, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Juilliard, Kehoe, Leeds, Macauley, Maher, McManus, Mendenhall, Moore, Mott, Nelson, Otis, Polsley, Pugh, Rech, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, and Wyllie—51.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1252—An Act to amend Section 1240 of the Code of Civil Procedure of the State of California, relating to the taking of private property for public use

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No 1252 passed by the following vote.

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Collum, Cronin, Dean, Drew, Flint, Gerdes, Gibbons, Gillis, Hanlon, Hans, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Juilliard, Kehoe, Leeds, Maher, McManus, Melrose, Mendenhall, Moore, Nelson, Otis, Polsley, Preston, Pugh, Rech, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, and Young—54

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1405—An Act to amend Section 1252 of the Code of Civil Procedure of the State of California, relating to proceedings to exercise the right of eminent domain.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Assembly Bill No 1405 passed by the following vote:

AYES—Messrs Barndollar, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Collum, Cronin, Dean, Drew, Flint, Gerdes, Gibbons, Gillis, Hammon,

Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Juilliard, Kehoe, Leeds, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Nelson, Otis, Polsley, Preston, Pugh, Rech, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—56

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1379—An Act to amend Section 690 of the Code of Civil Procedure, relating to property exempt from execution

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1379 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cogswell, Collier, Cronin, Dean, Drew, Flint, Gerdes, Gibbons, Gillis, Greer, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Juilliard, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Moore, Mott, Nelson, Odom, Otis, Pugh, Schmitt, Silver, Stuckenbruck, Telfer, Wagner, Wheelan, Wilson, Wyllie, Young, and Mr. Speaker—53.

NOES—Messrs. Kehoe and Mendenhall—2.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 921—An Act to amend Section 928 of the Penal Code, relating to the duties of the grand jury.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 921 passed by the following vote.

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Collum, Cronin, Dean, Drew, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Polsley, Preston, Pugh, Rech, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr Speaker—63

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No 1409—An Act to amend section eight hundred and fifty of the Code of Civil Procedure, relating to the notice of trial and service of notice thereof in Justices' Court.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1409 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Bohnett, Butler, Callan, Cattell, Cogswell, Collum, Cronin, Dean, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Polsley, Preston, Pugh, Rech, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—59.

NOES—Mr. Beban—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 413—An Act to amend an Act entitled "An Act to create a fund to be known as the United States forest reserve fund, and to provide for the payment out of such fund to the treasuries of the several counties entitled thereto of certain moneys received from the government of the United States, and also to regulate the manner of expenditure by the counties of the moneys so paid," approved March 18, 1907.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 413 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Cogswell, Collum, Cronin, Cullen, Dean, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Odom, Otis, Polsley, Preston, Pugh, Rech, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—57.

NOES—Mr Hanlon—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Committee Substitute for Assembly Bill No. 1136—An Act to amend Sections 22 and 57 of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Assembly Bill No. 1136 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Collum, Cronin, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Odom, Polsley, Preston, Pugh, Rech, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—57.

NOES—Mr. Dean—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1416—An Act to amend the Political Code of the State of California by adding a new section thereto, to be known and numbered as Section 419*b*.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1416 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Butler, Callan, Cattell, Coghlan, Collier, Collum, Cronin, Dean, Drew, Feeley, Gillis, Greer, Hammon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, Melrose, Mendenhall, Moore, Mott, Preston, Pugh, Rech, Schmitt, Silver, Transue, Wagner, Wilson, Wyllie, and Mr. Speaker—46.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

NOTICES OF MOTION TO RECONSIDER

Mr Johnson of Sacramento gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 1416 was this day passed

Mr. Leeds gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No 317 was this day passed.

POINT OF ORDER.

Mr Gibbons rose to the following point of order·

That the bill had been transmitted to the Senate, and therefore the time had passed for giving notice

POINT OF ORDER NOT WELL TAKEN.

The Speaker ruled the point of order not well taken

QUESTION OF PERSONAL PRIVILEGE.

Mr Leeds rose to a question of personal privilege. to explain his reasons for wishing to reconsider

POINT OF ORDER.

Mr. Mott rose to the following point of order:

That in explaining his reasons for giving notice Mr. Leeds was not speaking to a question of personal privilege

POINT OF ORDER NOT WELL TAKEN.

The Speaker ruled the point of order not well taken

Assembly Bill No. 1441—An Act to repeal an Act entitled "An Act to provide for the accomplishment of the work of the direct improvement of the navigation of the Sacramento, San Joaquin, and Feather rivers of the State of California, as recommended in the special report of the California Débris Commission, dated June 30, 1907, and made jointly by Brigadier General A. MacKenzie, Chief of Engineers; C. H. McKinstry, Major, Corps of Engineers, and Thomas H Jackson, Captain, Corps of Engineers, of the United States Army, and printed with the annual report of the Chief of Engineers of the United States Army for the fiscal year ending June 30, 1907, and making an appropriation for such work." approved February 12, 1909

Bill read third time

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 1441 passed by the following vote·

AYES—Messrs. Barndollar, Baxter, Beatty, Bohnett, Butler, Cattell, Coghlan, Cogswell, Collier, Collum, Cronin, Dean, Drew, Feeley, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Otis, Polsley, Preston, Pugh, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Wilson, Wyllie Young and Mr. Speaker—58.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate

Assembly Bill No. 918—An Act to amend "An Act to provide for the appointment of guardians of children maintained in any orphans' home or orphan asylum in this State," approved March 23, 1893.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Assembly Bill No 918 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Beban, Bohnett, Butler, Cattell, Coghlan, Cogswell, Collier, Collum, Dean, Drew, Feeley, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Juilliard, Leeds, Lightner, Macauley, Maher, McManus, Melrose, Moore, Mott, Otis, Polsley, Preston, Rech, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—55.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1334—An Act to provide for the acquisition by municipalities of land for public park or public playground purposes by condemnation, and for the establishment of assessment districts and the assessment of property therein to pay the expense of acquiring such land.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 1334 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Collum, Cronin, Drew, Feeley, Flint, Gerdes, Gibbons, Gillis, Greer, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Odom, Otis, Preston, Pugh, Rech, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—60

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Committee Substitute for Assembly Bill No 1351—An Act to create a drainage district, to be called Yolo Basin Drainage District, to promote drainage therein, and to provide for the management and control of said drainage district.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Assembly Bill No 1351 passed by the following vote.

AYES—Messrs. Barndollar, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Collum, Dean, Drew, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Odom, Otis, Preston, Rech, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Wilson, Young, and Mr. Speaker—56.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

WITHDRAWAL OF BILLS.

Mr Leeds asked for, and was granted, unanimous consent to withdraw Assembly Bills Nos. 1381, 1383, and 1384.

Assembly Bills Nos. 1381, 1383, and 1384, withdrawn and ordered stricken from the file.

Committee Substitute for Assembly Bill No. 30—An Act to authorize James Touhey to bring suit against the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Assembly Bill No. 30 passed by the following vote:

AYES—Messrs. Barndollar, Beatty, Bohnett, Callan, Cattell, Cogswell, Cronin, Dean, Drew, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Irwin, Johnson of Sacramento, Johnson of San Diego, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Odom, Preston, Rech, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wilson, Wyllie, Young, and Mr. Speaker—49

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1407—An Act appropriating money to pay the claim of B. A. Palmer against the State of California, on account of injuries sustained while in the service of the State of California in the National Guard thereof.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Assembly Bill No 1407 passed by the following vote:

AYES—Messrs. Barndollar, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Cogswell, Dean, Drew, Flint, Gibbons, Gillis, Greer, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Kehoe, Leeds, Lightner, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Otis, Polsley, Preston, Pugh, Rech, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wyllie, and Mr. Speaker—49

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

WITHDRAWAL OF BILL.

Mr. Butler asked for, and was granted, unanimous consent to withdraw Assembly Bill No. 663.

Assembly Bill No. 663 withdrawn, and ordered stricken from the file.

Assembly Bill No. 1316—An Act to amend Sections 2 and 3 of an Act entitled "An Act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs and expenses incurred by reason of taking them up, and repealing all other Acts, or parts of Acts now in force, relating to estrays," approved March 23, 1901

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1316 passed by the following vote:

AYES—Messrs. Barndollar, Beatty, Black, Butler, Callan, Cattell, Colbier, Collum, Cronin, Dean, Drew, Flint, Gerdes, Gillis, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Juilliard, Kehoe, Leeds, Lightner, Macauley, McClellan, McManus, Melrose,

Mendenhall, Moore, Odom, Otis, Polsley, Preston, Rech, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wyllie, Young, and Mr Speaker—53

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 703—An Act to amend Sections 3 and 8 of an Act entitled "An Act to insure the better education of practitioners of veterinary medicine in the State of California; to provide for the creation of a board of five members who shall act under and in accordance with the provisions of this Act; to provide for their appointment, and define their powers, duties, and compensation; to define offenses committed by acts done contrary to the provisions of this Act, and providing penalties for the violation thereof; providing for the revocation or suspension, in certain cases, of licenses issued hereunder, and to repeal an Act entitled 'An Act to regulate the practice of veterinary medicine and surgery in the State of California,' approved March 30, 1903, and all other laws in conflict herewith," approved March 23, 1907.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No 703 passed by the following vote:

AYES—Messrs. Barndollar, Beatty, Beban, Bohnett, Callan, Cattell, Collier, Collum, Dean, Drew, Flint, Gerdes, Gibbons, Gillis, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Juilliard, Kehoe, Leeds, Lightner, Macauley, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Polsley, Preston, Pugh, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—51.

NOES—Messrs. Cogswell, Cronin, and Otis—3.

Title read and approved.

Bill ordered transmitted to the Senate.

MOTION

Mr Odom moved that the Assembly adjourn until ten o'clock of Monday, March 15, 1909

Motion lost.

Assembly Bill No. 1110—An Act to amend an Act entitled "An Act to provide work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by adding thereto a new section, to be numbered 19½, providing for the completion of sidewalks in any block where a portion of the same has been constructed.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1110 passed by the following vote

AYES—Messrs Barndollar, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Dean, Drew, Flint, Gerdes, Gillis, Greer, Hanlon, Hans, Hawk, Hayes, Hinkle, Holmquist, Irwin Johnson of Sacramento, Johnson of San Diego, Juilliard, Kehoe, Leeds, Lightner, Maher, McManus, Melrose, Mendenhall, Mott, Otis, Polsley, Preston, Pugh, Rech, Sackett, Schmitt, Silver, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—48.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1428—An Act to prevent the destruction of wild game within the boundaries of the Pinnacles Forest Reserve and Pinnacles National Monument in the counties of San Benito and Monterey, in the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1428 passed by the following vote:

AYES—Messrs. Barndollar, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Collum, Cronin, Dean, Drew, Flint, Gerdes, Gillis, Griffiths, Hanlon, Hans, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Otis, Polsley, Preston, Pugh, Rech, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—53.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1343—An Act to amend Section 10 of an Act entitled "An Act to establish a school for the discipline, education, reformation, and protection of juvenile delinquents in the State of California, to be known as the Whittier State School," approved March 11, 1889, and amended March 23, 1893, and March 7, 1905, and February 7, 1907, all relating to the said Whittier State School

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No 1343 passed by the following vote:

AYES—Messrs. Barndollar, Beatty, Beban, Black, Bohnett, Callan, Cattell, Collum, Cronin, Dean, Drew, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Juilliard, Kehoe, Leeds, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Mott, Otis, Polsley, Preston, Pugh, Rech, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Wagner, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—52.

NOES—None

Title read and approved

Bill ordered transmitted to the Senate.

REPORT OF STANDING COMMITTEE

The following report of standing committee was received and read:

ON MUNICIPAL CORPORATIONS

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1909.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Senate Bill No 1155—An Act authorizing municipal corporations to permit other municipal corporations to construct and maintain sewers, water mains, and other conduits therein, also to construct and maintain sewers, water mains, and other conduits for their joint benefit, and at their joint expense, and to make and enter into contracts for said purposes.

Also: Senate Bill No. 1152—An Act to provide for the dedication to public use for street purposes of certain lands of the State Normal School at Los Angeles, to prescribe the conditions of such dedication, to authorize and empower the board of trustees of said State Normal School to convey said lands to the city of Los Angeles to public use for street purposes, and to authorize and empower said board of trustees to make certain changes, alterations, and repairs in the buildings, and other improvements upon the lands of said State Normal School arising out of such dedication.

Also: Senate Bill No. 1156—An Act to amend Section 2 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks,

and for the construction of sewers within municipalities," approved March 18, 1885, relating to street improvements.

Also: Senate Bill No. 1174—An Act to provide for the improvement of public streets, lanes, alleys, courts, and places in municipalities, in cases where any damage to private property would result from such improvement, and for the assessment of the costs, damages, and expenses thereof upon the property benefited thereby.

Also: Senate Bill No. 1191—An Act authorizing municipal corporations, counties, and cities and counties to acquire and hold lands by purchase or otherwise, or by lease for a term of years, for the purpose of developing and encouraging agricultural, horticultural, or botanical products and exhibiting the same, or for the purpose of erecting, rebuilding, or furnishing historical museums or art galleries thereon

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

FEELEY, Chairman.

The above reported bills ordered on file for second reading.

ADJOURNMENT.

At ten o'clock and twenty minutes P. M., on motion of Mr Mott, the Assembly was declared adjourned until ten o'clock A. M. of Monday, March 15, 1909.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL., Monday, March 15, 1909

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. P. A. Stanton, Speaker of the Assembly, in the chair.

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

Messrs Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Cronin, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Lightner, Macauley, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Rutherford, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr Speaker—69.

Quorum present.

LEAVES OF ABSENCE.

On motion, leave of absence for the day was granted to Messrs. Hopkins, Wyatt, Cullen, and Leeds.

PRAYER.

Prayer was offered by the Chaplain, Rev. Seren N. Marsh.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr Young, its further reading was dispensed with.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, March 15 1909

MR. SPEAKER: Your Committee on Corporations, to whom was referred Assembly Bill No. 1044—An Act to add a new section to the Penal Code of the State of California, to be numbered 587*c*, to prevent the evading, or attempting to evade, payment of fare upon railroads—have had the same under consideration, and respectfully report the same back, with three amendments, and recommend that it do pass as amended.

BEATTY, Chairman

ON ELECTION LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, March 15 1909

MR. SPEAKER: A minority of your Committee on Election Laws, to whom was referred Senate Bill No. 249—An Act to add a new section to Chapter VIII of Title II of Part III of the Political Code to be known as Section 1197*a* and providing for the arrangement of judicial candidates on the ballot without designation of party affiliations—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

HINKLE.

ON COUNTY AND TOWNSHIP GOVERNMENTS

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1909.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Senate Bill No 978—An Act relating to ferries across rivers and streams wholly within one county, and empowering the boards of supervisors of such county to purchase, establish, and maintain ferries across such rivers or streams, and to pay the expenses thereof—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

HANS, Chairman.

ON COMMON CARRIERS.

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1909.

MR SPEAKER Your Committee on Common Carriers, to whom was referred Senate Bill No. 917—An Act to add a new section to the Penal Code of the State of California, to be numbered 587*c*, to prevent the evading, or attempting to evade, payment of fare upon railroads—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

PERINE, Chairman.

ON INSURANCE AND INSURANCE LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1909

MR SPEAKER: Your Committee on Insurance and Insurance Laws, to whom was referred Senate Bill No. 672—An Act to amend Section 611 of the Political Code, relative to publication of statements of insurance companies—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

PULCIFER, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1909

MR. SPEAKER: Your Committee on Insurance and Insurance Laws, to whom was referred Senate Bill No. 732—An Act to prohibit misrepresentations by life insurance companies, their officers, directors, agents, and representatives, fixing the penalty therefor, and prescribing the duties of the Insurance Commissioner in relation thereto—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

PULCIFER Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO March 15, 1909

MR SPEAKER. Your Committee on Insurance and Insurance Laws, to whom was referred Senate Bill No. 1030—An Act to amend Section 594 of the Political Code, classifying insurance business and specifying required capital stock and available cash assets—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

PULCIFER, Chairman

The above reported bills ordered on file for second reading.

RECONSIDERATION.

In compliance with notice given on a previous day, Mr. Beardslee moved that the vote whereby Assembly Bill No. 1416 was passed be reconsidered.

The roll was called, and the same was refused reconsideration by the following vote:

AYES—Messrs Baxter, Cogswell, Drew, Flint, Greer, Hawk, Johnson of Sacramento, Mendenhall, Polsley, and Young—10

NOES—Messrs Barndollar, Beardslee, Beatty, Bohnett, Callan, Collier, Costar, Cronin, Dean, Flavelle, Fleisher, Gerdes, Gibbons, Hammon, Hanlon, Hayes, Hinkle, Holmquist, Irwin, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa Kehoe, Macauley, McClellan, McManus, Moore, Mott, Nelson, Odom, O'Neill, Perine, Preston, Pulcifer, Rutherford, Schmitt, Stuckenbruck, Transue, Wagner, Webber Wilson, Wyllie, and Mr. Speaker—43

Bill ordered transmitted to the Senate

UNFINISHED BUSINESS

Assembly Bill No 754—An Act to create a State Board of Accountancy, and prescribing its duties and power.

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 754?"

Amend the title by striking out everything after the words "An Act", and inserting in lieu thereof the following: "To amend section two of an Act entitled "An Act to create a State Board of Accountancy, and to prescribe its duties and powers; to provide for the examination of and issuance of certificates to qualified applicants, with the designation of certified public accountant; and to provide the grade of penalty for violations of the provisions hereof," approved March 23, 1901, and to add a new section thereto, to be numbered Sec 3½, relating to registration of certificates issued in other states."

Also: Strike out all of section one after the figure "1", and insert in lieu thereof the following: "Section two of an Act entitled "An Act to create a State Board of Accountancy and to prescribe its duties and powers; to provide for the examination of and issuance of certificates to qualified applicants, with the designation of certified public accountant; and to provide the grade of penalty for violations of the provisions hereof", is hereby amended so as to read as follows:

Sec 2. The State Board of Accountancy shall have its office in the City and County of San Francisco, and its powers shall be as follows

1. To formulate rules for the government of the board, and fixing the standard of qualifications as to education and experience in accounting, and for the examination of applicants and the granting of certificates to persons qualifying therefor;

2. To hold written examinations of applicants for such certificates, at least semi-annually, at such places as circumstances and applications may warrant;

3. To grant certificates of qualification to such applicants as may, upon examination, be found qualified in 'theory of accounts,' 'practical accounting,' 'auditing,' and 'commercial law,' to practice as certified public accountants,

4. To charge and collect from all applicants such fees, not exceeding twenty-five dollars, as may be necessary to meet the expenses of examination, issuance of certificates and conducting its office; *provided*, that all such expenses, including not exceeding ten dollars per day for each member while attending the sessions of the board or conducting examinations, must be paid from the current receipts, and no portion thereof shall ever be paid from the State treasury;

5. To require the annual renewal of all such certificates, and to collect therefor a renewal fee of not exceeding two dollars;

6 To revoke for cause any such certificate, after written notice to the holder, and a hearing being had thereon; *provided*, that such revocation must receive the affirmative vote of at least four members of the board.

7. To report annually to the Governor, on or before the first day of December, all such certificates issued or renewed, together with a statement of receipts and disbursements, *provided*, that any balance remaining in excess of the expenses incurred may be retained by the board and used in defraying the future expenses thereof"

Also: Strike out all of sections two, three and four, and insert in lieu thereof the following

"Sec 2. A new section is hereby added to said Act, to be numbered Sec. 3½, and to read as follows

Sec 3½ The State Board of Accountancy may in its discretion, under regulation provided by its rules, register the certificate of any certified public accountant

who is the lawful holder of a certificate of certified public accountant, issued under the law of another state, and may issue to such certified public accountant a certificate of registration, which certificate shall entitle the holder to practice as such certified public accountant in this State, and use the abbreviation of C. P. A. All certificates of registration must be renewed annually; shall pay such fees as the rules provide, not to exceed those provided in section two, and be subject to cancellation for cause the same as other certificates."

Also: Strike out all of sections five and six, and insert in lieu thereof the following.

"Sec 3 This Act shall take effect and be in force from and after its passage."

The roll was called, and Senate amendments to Assembly Bill No. 754 were concurred in by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Costar, Cronin, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Greer, Griffiths, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Kehoe, Lightner, Macauley, Maher, McManus, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pulcifer, Rutherford, Schmitt, Silver, Stuckenbruck, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—62.

NOES—None.

Bill ordered to enrollment.

Assembly Bill No. 1082—An Act to amend section four thousand and seven of the Political Code of the State of California, relating to the classification of counties

The question being put: "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 1082?"

On page 1, line 5, of printed bill, strike out the word "classified", and insert in lieu thereof the word "re-classified".

The roll was called, and Senate amendment to Assembly Bill No 1082 was concurred in by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Beban, Bohnett, Butler, Callan, Cogswell, Collier, Costar, Cronin, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Greer, Griffiths, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Kehoe, Lightner, Macauley, Maher, McClellan, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pulcifer, Rutherford, Schmitt, Silver, Stuckenbruck, Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr Speaker—59.

NOES—None.

Bill ordered to enrollment.

Assembly Bill No. 420—An Act to amend Section 791 of the Political Code, relating to the number of notaries public.

The question being put: "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 420?"

On page 1, Section 1, line 7, strike out the words "one hundred", and insert in lieu thereof the following: "eighty-five".

The roll was called, and Senate amendment to Assembly Bill No. 420 was concurred in by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Bohnett, Butler, Callan, Cattell, Coghlan, Collier, Costar, Cronin, Dean, Drew, Flavelle, Fleisher, Gerdes, Gibbons, Greer, Griffiths, Hanlon, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Kehoe, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Rutherford, Schmitt, Silver, Stuckenbruck, Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—57.

NOES—None.

Bill ordered to enrollment.

Assembly Bill No. 444—An Act to amend Article V, Chapter VII, Title XI, Part III, of the Code of Civil Procedure of the State of California by amending Section 1577 thereof, and adding a new section thereto, to be numbered 1580, relating to the real property of decedents, minors, and incompetent persons

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 444?"

AMENDMENT No. 1.

Strike out all of the title of the printed bill, and insert in lieu thereof the following: "An Act to amend Section 1557 of the Code of Civil Procedure, relating to the sale of property of an estate, and to add a new section to said Code of Civil Procedure, to be numbered 1580, providing for a procedure for the sale of property belonging to an estate"

AMENDMENT No 2

On page 1, Section 1, line 10, after the letter "a", strike out the word "mining".

AMENDMENT No. 3.

On pages 2 and 3, lines 35 and 36, strike out the following. "(the power to make all needful postponements being hereby vested in the court or judge)"

AMENDMENT No 4.

On page 3, lines 40, 41, and 42, strike out the following: "Upon such hearing, witnesses may be compelled to attend and testify in the same manner and with like effect as in other cases."

AMENDMENT No. 5.

On page 3, line 57, strike out the word "lies", and insert in lieu thereof the words "is situated".

AMENDMENT No. 6

On page 3, strike out all of lines 58, 59, 60, 61, 62, and 63.

The roll was called, and Senate amendments to Assembly Bill No. 444 were concurred in by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee Beatty, Beban, Bohnett, Callan, Cattell, Coghlan, Cogswell, Collum, Costar, Dean, Fleisher, Flint, Gerdes, Gibbons, Greer, Griffiths, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Kehoe, Lightner, Macauley, Maher, McClellan, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Pulcifer, Rutherford, Silver, Stuckenbruck, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—57.

NOES—None.

Bill ordered to enrollment.

Senate Constitutional Amendment No. 3—Relative to the State and county boards of equalization and their powers and duties.

The question being upon the adoption of the Senate constitutional amendment

The roll was called, and Senate Constitutional Amendment No. 3 finally refused adoption by the following vote:

AYES—Messrs. Beardslee, Costar, Dean, Drew, Fleisher, Gibbons, Hammon, Hawk, Hewitt, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, McClellan, Melrose, Moore, Mott, Odom, O'Neill, Perine, Pulcifer, Rech, Rutherford, Schmitt, and Mr. Speaker—24

NOES—Messrs Barndollar, Baxter, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Collum, Cronin, Flavelle, Flint, Gerdes, Gillis, Griffiths, Hanlon, Hayes, Holmquist, Irwin, Johnson of Placer, Juilliard, Kehoe, Lightner, Macauley, Maher, McManus, Mendenhall, Nelson, Otis, Polsley, Preston, Silver, Stuckenbruck, Transue, Wagner, Webber, Whitney, Wilson, and Wyllie—41.

NOTICE OF MOTION TO RECONSIDER.

Mr Baxter gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Constitutional Amendment No. 3 was this day refused adoption

SENATE MESSAGE.

The following message from the Senate was taken up and read.

SENATE CHAMBER, SACRAMENTO, March 15, 1909

MR SPEAKER I am directed to inform your honorable body that the Senate on this day ordered returned to your honorable body Assembly Bill No. 317—An Act to promote the safety of employees and travelers upon railroads by compelling common carriers by railroad to properly man their trains—as per request.

LEWIS A. HILBORN, Secretary of Senate.
By J W. KAVANAGH, Assistant Secretary.

RECONSIDERATION.

In compliance with notice given on a previous day, Mr Johnson of Placer moved that the vote whereby Assembly Bill No. 317 was passed be reconsidered.

The roll was called, and the same refused reconsideration by the following vote:

AYES—Messrs Beban, Flint, Macauley, Pugh, Rech, and Schmitt—6
NOES—Messrs Barndollar, Beatty, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Costar, Drew, Flavelle, Gerdes, Gibbons, Gillis, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Lightner, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pulcifer, Rutherford, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, and Whitney—48

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS—(RESUMED).

Senate Constitutional Amendment No 37—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 7, Article IX thereof, relating to boards of education.

During third reading of bill, Mr. McManus moved that the Speaker appoint a select committee of one to amend the bill, as follows:

In line 14, of the printed bill, strike out all the line commencing with the word "by", and strike out all of lines 15 and 16, and substitute in lieu thereof the following: "by a majority vote of the said ex officio members, one of which majority shall be the Governor.".

Also: In lines 31, 32, and 33, of the printed bill, omit all included by the brackets, and substitute in lieu thereof the following "by a majority vote of the ex officio members of the board, including the Governor".

Motion carried.

The Speaker appointed Mr. McManus as such select committee.

REPORT OF SELECT COMMITTEE

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1909

MR SPEAKER Your select committee of one, to whom was referred Senate Constitutional Amendment No. 37, with instructions, do now report that the instructions of the Assembly have been carried out

McMANUS, Select Committee

Report of select committee, and amendments adopted.

Senate constitutional amendment ordered to reprint, and on file for adoption

COUNTY AND TOWNSHIP GOVERNMENT BILLS—THIRD-READING FILE.

Assembly Bill No. 1357—An Act to amend Section 4252 of the Political Code of the State of California, relating to salaries, fees, and compensation of officers of counties of the twenty-third class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1357 passed by the following vote:

AYES—Messrs. Barndollar, Beatty, Bohnett, Cattell, Cogswell, Collier, Costar, Drew, Flavelle, Flint, Gerdes, Gillis, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston, of Contra Costa, Juilliard, Kehoe, Lightner, Macauley, Maher, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Pulcifer, Rutherford, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, and Mr. Speaker—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1429—An Act to amend section four thousand two hundred and seventy-one of the Political Code, relating to the compensation of officers in counties of the forty-second class

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No 1429 passed by the following vote:

AYES—Mssrs. Barndollar, Beatty, Bohnett, Cattell, Costar, Dean, Drew, Flavelle, Gerdes, Gillis, Hanlon, Hawk, Hayes, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Kehoe, Lightner, Macauley, Maher, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Preston, Pugh, Pulcifer, Rech, Rutherford, Schmitt, Silver, Telfer, Transue, Wagner, Webber, Whitney, Wilson, and Mr. Speaker—45.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 782—An Act to amend Section 4243 of the Political Code of the State of California, relating to the compensation and expenses of officers in counties of the fourteenth class.

Bill withdrawn by unanimous consent.

Committee Substitute for Assembly Bill No. 1365—An Act to amend Section 4232 of the Political Code of the State of California, relating to salaries of officers in counties of the third class.

During third reading of bill, Mr. Mott moved that the Speaker appoint a select committee of one to amend the bill, as follows:

In line 45, page 8, of printed bill, strike out the word "commission", and insert the following: "one tenth of one per cent commission".

Also: On line 47, page 8, of printed bill, strike out the words: "compensation or commissions", and insert the following: "one tenth of one per cent commission".

POINT OF ORDER.

Mr. Otis rose to the following point of order:

That the amendment was identical with one already rejected by the Assembly.

POINT OF ORDER WELL TAKEN.

The Speaker ruled the point of order well taken.

APPEAL FROM THE DECISION OF THE CHAIR.

Mr. Mott appealed from the decision of the chair.

The question being put: "Shall the decision of the chair be the judgment of the Assembly?"

The roll was called, and the chair was sustained by the following vote:

AYES—Messrs Barndollar, Baxter, Beatty, Beban, Cattell, Collier, Costar, Dean, Drew, Gerdes, Gillis, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Macauley, Maher, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, Perine, Preston, Pugh, Pulcifer, Rech, Rutherford, Schmitt, Silver, Telfer, Transue, Wagner, Whitney, and Young—40.

NOES—Messrs. Coghlan, Flavelle, Johnson of Sacramento, Kehoe, and Mott—5

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Assembly Bill No 1365 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beban, Bohnett, Callan, Cattell, Collier, Costar, Dean, Drew, Flavelle, Gerdes, Gillis, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Kehoe, Lightner, Macauley, Maher, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Preston, Pugh, Pulcifer, Rutherford, Schmitt, Silver, Telfer Transue, Wagner, Whitney, Wilson, Young, and Mr Speaker—49.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate

COUNTY AND TOWNSHIP GOVERNMENT BILLS—SECOND-READING FILE.

Assembly Bill No 741—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 35 thereof.

Bill withdrawn by unanimous consent

Assembly Bill No. 843—An Act to amend Section 4048 of the Political Code, relating to the purchase of county supplies and advertising for bids therefor.

Bill withdrawn by unanimous consent.

Assembly Bill No. 188—An Act to amend Section 4290 of the Political Code of the State of California, relating to salaries and fees

Bill withdrawn by unanimous consent

Assembly Bill No. 189—An Act to amend Section 9862 of the Political Code of the State of California, relating to compensation allowed for collecting certain taxes

Bill withdrawn by unanimous consent.

SPECIAL FILE—SECOND READING.

Assembly Bill No. 1421—An Act appropriating three hundred and sixty dollars to be expended in purchase of a piano for the Whittier State School.

Mr. Hammon moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair

Assembly Bill No 1421 considered

Mr Hammon moved that the committee do now rise and report in favor of the passage of the bill

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read.

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1909

GENTLEMEN The Committee of the Whole have had under consideration Assembly Bill No 1421, and do now report the same back, and recommend that it do pass

STANTON, Chairman.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 824—An Act to amend an Act entitled "An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for the appointment of the members of said commission, to be known as 'The Commissioners for the Revision and Reform of Laws,' and to prescribe their powers and duties, and to authorize the appointment of a secretary and stenographer therefor, and to provide for the compensation and expense of said commission, secretary and stenographer, and to appropriate money therefor," approved March 28, 1895, approved March 25, 1903, by amending Section 7 thereof.

Assembly Bill No. 1040—An Act establishing a State Polytechnic School at Escondido, county of San Diego, State of California, and making an appropriation for the construction of said building and maintenance of said school

Mr Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bills

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Assembly Bills Nos. 824 and 1040 considered.

Mr Transue moved that the committee do now rise and report in favor of the passage of the bills

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1909

GENTLEMEN The Committee of the Whole have had under consideration Assembly Bills Nos. 824 and 1040, and do now report the same back, and recommend that they do pass

STANTON, Chairman.

Bills read second time, and ordered to engrossment.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON STATE PRISONS AND REFORMATORY INSTITUTIONS.

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1909.

MR. SPEAKER. Your Committee on State Prisons and Reformatory Institutions, to whom was referred Assembly Bill No. 589—An Act to revise the law relating to the sentence and commitment of persons convicted of crime, and providing for assistant of reform and parole, and to create the necessary offices therefor, defining their powers and duties, and to fix their compensation, and appropriating the money necessary to carry the same into effect, and to repeal all Acts and parts of Acts in conflict therewith—have had the same under consideration, and respectfully report the same back, with twenty-eight amendments, and recommend that it do pass as amended.

HAMMON, Chairman.

CONSIDERATION OF BILL—(OUT OF ORDER).

Assembly Bill No. 589—An Act to revise the law relating to the sentence and commitment of persons convicted of crime, and providing for assistant of reform and parole, and to create the necessary offices therefor, defining their powers and duties, and to fix their compensation, and appropriating the money necessary to carry the same into effect, and to repeal all Acts and parts of Acts in conflict therewith.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No 1.

Amend by striking out, in the title, page 1 after the word "reform", all of lines 3, 4, 5, and to the comma in line 6

Amendment adopted

AMENDMENT No. 2.

On page 1, Section 2, line 1, strike out the word "male".

Amendment adopted.

AMENDMENT No 3.

On page 1, Section 2, strike out all of line 2

Amendment adopted.

AMENDMENT No. 4

On page 1 Section 2, line 3 after the word "murder" insert the word "or".

Amendment adopted.

AMENDMENT No. 5

On page 1, Section 2, line 3, strike out all of said line after the word "treason".

Amendment adopted.

AMENDMENT No. 6

On page 2, Section 5, in lines 4 and 5, strike out the words "on or prior to July 4th, 1910," and insert in lieu thereof "except that all persons convicted of murder in the first degree and all persons sentenced to life imprisonment shall be kept and confined in the prison at Folsom, and a transfer shall be made as soon as reasonably convenient,".

Amendment adopted.

AMENDMENT No. 7.

Strike out all of Section 9, page 3

Amendment adopted.

AMENDMENT No. 8

Strike out all of Section 10, pages 3 and 4

Amendment adopted.

AMENDMENT No. 9.

Strike out all of Section 11, page 4.

Amendment adopted.

AMENDMENT No. 10.

Strike out all of Section 12, pages 4 and 5

Amendment adopted.

AMENDMENT No 11.

Strike out all of Section 13, page 5.

Amendment adopted.

AMENDMENT No. 12.

Strike out all of Section 14, pages 5 and 6.

Amendment adopted.

AMENDMENT No. 13.

Strike out all of Section 14½, page 6

Amendment adopted.

AMENDMENT No. 14.

Strike out all of Section 15, pages 6 and 7

Amendment adopted.

AMENDMENT No. 15.

Strike out all of Section 16, page 7.

Amendment adopted.

AMENDMENT No. 16.

Strike out all of Section 17, page 7.

Amendment adopted.

AMENDMENT No. 17.

Strike out all of Section 18, page 7.

Amendment adopted.

AMENDMENT No 18

Section 19, page 7, strike out all of said section after the word "repealed", in line 2.

Amendment adopted.

AMENDMENT No. 19

Strike out all of Section 20, pages 7 and 8

Amendment adopted.

AMENDMENT No. 20.

Strike out all of Section 21, page 8.

Amendment adopted.

AMENDMENT No. 21.

Section 4½, of the printed bill, to be renumbered Section 5.

Amendment adopted.

AMENDMENT No. 22.

Section 5, of the printed bill, to be renumbered Section 6.

Amendment adopted.

AMENDMENT No. 23.

Section 6, of the printed bill, to be renumbered Section 7.

Amendment adopted.

AMENDMENT No. 24

Section 7, of the printed bill, to be renumbered Section 8.

Amendment adopted.

AMENDMENT No. 25

Section 8, of the printed bill, to be renumbered Section 9

Amendment adopted.

AMENDMENT No 26

Section 22, of the printed bill, to be renumbered Section 10.

Amendment adopted.

AMENDMENT No 27

Section 23, of the printed bill, to be renumbered Section 11

Amendment adopted.

AMENDMENT No 28

Section 19, of the printed bill, to be renumbered Section 12.

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

ON ROADS AND HIGHWAYS.

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1909.

MR SPEAKER Your Committee on Roads and Highways, to whom was referred Senate Bill No. 242—An Act to provide for the survey, location, and construction of a state highway from the town of Mariposa through Bear Creek, Missouri Gulch, and Stockton Creek to the Yosemite Valley Railroad at Bear Creek Station, in Mariposa County, California, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and be re-referred to Committee on Ways and Means.

GREER, Chairman.

ON COMMISSIONS AND PUBLIC EXPENDITURES.

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1909.

MR. SPEAKER Your Committee on Commissions and Public Expenditures, to whom was referred Senate Bill No. 782—An Act to amend sections one and two of an Act entitled "An Act to protect the owners of bottles, boxes, siphons, and kegs used in the sale of soda waters, mineral, or aerated water, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, beer, white beer, or other beverages," approved March 31, 1891, amended March 5, 1903—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

CATTELL, Chairman.

The above reported bills ordered on file for second reading.

Senate Bill No. 242 referred to Committee on Ways and Means.

SECOND READING FILE.

Assembly Bill No. 1337—An Act to amend Section 3780 of the Political Code as amended by Act approved March 28, 1895, relating to the redemption of property sold for delinquent taxes.

Bill read second time, and ordered to engrossment

Assembly Bill No. 796—An Act to prohibit misrepresentations of life insurance companies, their officers directors, agents, and representatives, fixing the penalty therefor, and prescribing the duties of the Insurance Commissioner in relation thereto.

Bill read second time, and ordered to engrossment

Assembly Bill No 1432—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations, approved March 13, 1883," by adding thereto thirty-four new sections, numbered 887 to 921, inclusive, so as to provide for municipal corporations of the seventh class.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 1212—An Act dedicating to public use for street purposes certain lands of the city of Los Angeles, owned by the State of California.

During second reading of bill, the following substitute was submitted by the committee:

COMMITTEE SUBSTITUTE FOR ASSEMBLY BILL No 1212.

An Act to provide for the dedication to public use for street purposes of certain lands of the State Normal School at Los Angeles; to prescribe the conditions of such dedication, to authorize and empower the board of trustees of said State Normal School to convey said lands to the city of Los Angeles to public use for street purposes, and to authorize and empower said board of trustees to make certain changes, alterations and repairs in the buildings and other improvements upon the lands of said State Normal School, arising out of such dedication.

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

SECTION 1. The public interest and necessity require that Fifth street, a public street of the city of Los Angeles, to be opened and widened from Grand avenue to Flower street, in said city, and for that purpose it is necessary that the real property hereinafter described, owned by the State of California, and being a portion of the lands of the State Normal School at said city of Los Angeles, be dedicated to public use for street purposes. Said real property is situate in said city, in the county of Los Angeles, State of California, and more particularly described as follows: A strip of land of the uniform width of seventeen and one-half (17½) feet, and being the northerly seventeen and one-half (17½) feet of the State Normal School lands at Los Angeles, conveyed by Victor Beaudry to the State of California, by deed recorded in Book 80, page 45, of records of deeds, in the office of the county recorder of Los Angeles County.

SEC. 2. For the purpose of effecting the dedication of the lands described in Section 1 of this Act to public use for street purposes, as in said section provided, the president and secretary of the board of trustees of the said State Normal School at Los Angeles, or any one or more of said trustees to be designated by said board, are hereby authorized and empowered to execute to the said city of Los Angeles, a municipal corporation of the State of California, for and on behalf and in the name of the State of California, a deed of conveyance, granting the real property described in section one of this Act to the said city of Los Angeles to public use for street purposes only; *provided, however,* that before the delivery of such deed, and in consideration therefor, the said city of Los Angeles shall pay, or cause to be paid, to said board of trustees, such an amount of money as will, in the judgment of said board of trustees, be sufficient to pay the cost of all such changes, alterations or repairs in the buildings of said normal school, or in other improvements upon said property, as the said board of trustees shall deem necessary, arising out of the dedication of said real property to public use for street purposes as herein provided. Said money so paid shall be applied by said board of trustees as hereinafter provided.

SEC. 3. The said board of trustees is hereby authorized, empowered and directed to place all moneys paid to said board, under the provisions of Section 2 of this Act, in a special fund to be designated the "Norman School Repair Fund," and to deposit the same in any licensed bank, or corporation, licensed and authorized to do a banking business, and organized under the laws of this State, and having its principal place of business at the said city of Los Angeles. Said board of trustees shall apply the moneys placed in said fund, to the payment of the cost of making the changes, alterations or repairs mentioned in section two of this Act, and is hereby authorized, directed and empowered, upon the payment of said moneys, forthwith to cause such changes, alterations or repairs to be made and completed without unnecessary delay. The said board of trustees is hereby authorized, directed and empowered to employ a competent architect to provide plans, specifications and drawings for such changes, alterations or repairs, should they deem the same to be necessary, and to make and enter into any and all contracts required for constructing and completing such work, which said contract or contracts shall be let to the lowest responsible bidder, furnishing security satisfactory to said board, after advertisement for proposals, previously published for five days in a daily newspaper published and circulated in said city of Los Angeles and designated by said board for that purpose, *provided, however,* that if said board shall deem it to be for the public interest, said board may, at its discretion, and without letting such contract or contracts, purchase such materials and supplies, and employ such laborers, workmen, or other persons as may be necessary for making and completing the changes, alterations or repairs herein mentioned.

Said board of trustees shall from time to time, as presented, examine, audit, allow and pay all demands arising under this Act, for any payment on contracts, or for the purchase of materials or supplies, or for the employment of an architect, or mechanics, laborers, or other persons, and for any other expenses connected with or arising out of the work herein mentioned.

Any surplus remaining in said fund, after the payment of all demands for making and completing the said changes, alterations or repairs, shall be transferred by said board into the fund established by law, for the support and maintenance of said normal school.

Substitute adopted

Bill read second time, and ordered to reprint and engrossment

SENATE MESSAGES

On motion of Mr Transue, the following messages from the Senate were taken up and read:

SENATE CHAMBER SACRAMENTO, March 13, 1909.

MR. SPEAKER. I am directed to inform your honorable body that the Senate on this day passed

Assembly Bill No. 101—An Act making an appropriation of three thousand four hundred and eighty dollars ($3,480.00) to be applied to the cost of grading, paving, guttering, curbing, and sidewalking Grand avenue, in the city of Los Angeles, along the easterly boundary of the grounds of the State Normal School at Los Angeles, and defining the duties of the Controller and Treasurer in reference thereto.

Also: Assembly Bill No. 207—An Act authorizing and directing the board of managers of the Mendocino State Hospital to erect and construct an addition to the main kitchen at the said hospital; to construct in conjunction with said kitchen a dining-room for the kitchen help, to purchase a new kitchen range, steam-table, and other necessary kitchen furniture; to enlarge the cold-storage rooms at said hospital, and making an appropriation therefor

Also: Assembly Bill No. 210—An Act authorizing and directing the board of managers of the Mendocino State Hospital to purchase laundry machinery for the said hospital, and making an appropriation therefor

Also Assembly Bill No. 211—An Act making an appropriation for the erection and construction of a dairy barn on the grounds of the Mendocino State Hospital.

Also: Assembly Bill No. 249—An Act making an appropriation of five thousand dollars to pay the traveling expenses and salary of a parole officer for the Whittier State School

Also: Assembly Bill No 783—An Act to appropriate $3,000 for the purchase of additional furniture and equipment for the use of the State Normal School at Los Angeles, and to make necessary repairs and improvements in the buildings of said normal school.

Also: Assembly Bill No 962—An Act making an appropriation for the purchase of equipment for shops and laboratories at the California Polytechnic School.

Also: Assembly Bill No 965—An Act making an appropriation for the construction and furnishing of a dining hall at the California Polytechnic School

Also: Assembly Bill No. 968—An Act making an appropriation for the construction of cottages for employees at the California Polytechnic School

Also: Assembly Bill No. 969—An Act making an appropriation for the development of water supply and an irrigation system at the California Polytechnic School.

Also: Assembly Bill No 970—An Act making an appropriation for the construction of a sewer system at the California Polytechnic School

Also: Assembly Bill No 971—An Act making an appropriation for the construction and equipment of poultry houses at the California Polytechnic School

Also: Assembly Bill No 972—An Act making an appropriation for the purchase and installation of a refrigerating plant and other creamery equipment for the California Polytechnic School.

Also: Assembly Bill No. 973—An Act making an appropriation for the repairing and furnishing the dormitory buildings at the California Polytechnic School

Also: Assembly Bill No 1009—An Act appropriating money to be expended by and under the direction of the Department of Engineering for the purpose of rectifying the channels of the Sacramento, San Joaquin, and Feather rivers, and other river channels of the State, and in improving the navigability of such streams

Also: Assembly Bill No 1056—An Act to make an additional appropriation for the purposes of carrying out the provisions of an Act entitled "An Act to provide for the erection, equipping and furnishing of two receiving cottages, one for males and one for females, and a hydrotherapeutic building in connection therewith, with all necessary equipment and furnishings, at the Southern California State Hospital, and to make appropriations for the same," approved March 11, 1907

Also: Assembly Bill No. 1363—An Act authorizing the purchase of portraits of Speakers of the Assembly, and appropriating money therefor

Also Assembly Bill No. 127—An Act authorizing and directing the board of managers of the California Home for the Care and Training of Feeble-Minded Children to erect, construct, and equip a pavilion to be used as a gymnasium for boys at the California Home for Feeble-Minded Children, and making an appropriation therefor.

Also Assembly Bill No 1063—An Act making an appropriation for furnishing the manor house at the California Home for the Care and Training of Feeble-Minded Children, at Eldridge, California

Also Assembly Bill No. 749—An Act to provide for the construction and furnishing of a cottage for female patients at the Southern California Hospital at Patton, and to make appropriation for the same

Also **Assembly Bill No. 216—An Act to provide for the construction and furnishing of a second story upon that structure at the Southern California State Hospital at Patton, called and known as "The congregate dining-room," and to make appropriation for the same**

Also Assembly Bill No 215—An Act to provide for the construction of storm drains, and the completion of storm drains on the grounds of the Southern California State Hospital at Patton, and to make appropriation for the same

Also Assembly Bill No 214—An Act to provide for the construction and furnishing of a one-story bungalow for the use of the first assistant physician at the Southern California State Hospital at Patton, and to make appropriation for the same

Also Assembly Bill No 212—An Act to provide for the enlargement and reroofing at Patton, and providing for additional machinery and remodeling, and making appropriations for the same

Also Assembly Bill No 1064—An Act appropriating eighty-five dollars for the payment of claim of Regal Shoe Company

Also Assembly Bill No 90—An Act making an appropriation for the construction of an addition to the hospital at the Veterans' Home of California, located at Yountville, Napa County, including a ward for the care and treatment of tuberculosis patients

Also Assembly Bill No 92—An Act to provide for the construction of an additional building at the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Also Assembly Bill No. 635—An Act authorizing and directing the board of managers of the Agnews State Hospital to continue the work of replacing and reconstructing and reequipping for the accommodation and treating of patients, buildings destroyed April 18, 1906, to appropriate the sum of three hundred seventy-five thousand dollars therefor, to direct the manner of expenditure thereof, to remove restriction upon the per capita cost, and authorizing and directing the State Controller to draw his warrant for the said sum, and the State Treasurer to pay the same

Also Assembly Bill No. 957—An Act to provide for certain necessary improvement to the grounds and appurtenances of the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Also Assembly Bill No. 960—An Act providing for certain necessary repairs to the building and equipment of the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor

Also Assembly Bill No. 178—An Act to provide for the building, equipment, and furnishing of an armory to be used for the National Guard and National Guard purposes, in the city of Los Angeles, and to make an appropriation for the same

Also Assembly Bill No 213—An Act providing for the construction and furnishing of a cottage for female patients at the Southern California State Hospital at Patton and to make appropriation for the same

LEWIS A. HILBORN, Secretary of Senate
By J. W KAVANAGH, Assistant Secretary

Bills ordered to enrollment

Also:

SENATE CHAMBER, SACRAMENTO, March 13, 1909

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 1142—An Act to amend Section 4246 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the seventeenth class

Also Assembly Bill No 1253—An Act to authorize the State of California to release and convey to the United States such portions of the sixteenth and thirty-sixth sections of land contained in the Cleveland National Forest, formerly San Jacinto Forest Reserve (and referred to in that certain Act entitled "An Act to authorize the settlement of an existing controversy between the United States of America and the State of California and making an appropriation to carry out the provisions of said Act," approved March 21, 1907), as may remain after the settlement referred to in said Act has been consummated, for the purpose of reimbursing the United States for lands surrendered to it by the State, and which said lands so surrendered were thereafter sold and patented by said State

LEWIS A HILBORN, Secretary of Senate.
By J W KAVANAGH Assistant Secretary

Bills ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 13, 1909

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 961—An Act to amend section four thousand two hundred and thirty-eight of the Political Code of the State of California, relating to the compensation of officers of counties of the ninth class.

Also: Senate Bill No. 1087—An Act to amend Section 4300*a* of the Political Code of the State of California, relating to witness fees.

Also: Senate Bill No 1212—An Act to amend Section 4187 of the Political Code

Also: Senate Bill No. 937—An Act to add a new section to the Penal Code, to be numbered Section 139, relating to deceit, fraud, connivance, and collusion in divorce actions, and providing punishment therefor.

Also: Senate Bill No. 1178—An Act to amend section six hundred and two of the Code of Civil Procedure, relating to jury trials

Also: Senate Bill No 1247—An Act to amend the Political Code of the State of California, by adding a new section thereto, to be numbered section four thousand one hundred and thirty-five *a*, validating defectively recorded instruments, and providing for the imparting of notice by the same to subsequent purchasers or encumbrancers

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary

Also:

SENATE CHAMBER, SACRAMENTO, March 13, 1909.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 605—An Act to amend section twenty hundred and twenty-four of the Code of Civil Procedure of California, relating to taking depositions out of the State.

Also: Senate Bill No. 608—An Act to amend Section 1678 of the Code of Civil Procedure of California, relating to partition or distribution of estates of deceased persons.

Also Senate Bill No. 610—An Act to amend Section 1723 of the Code of Civil Procedure of California, relating to the dispositions of life estates of homesteads of community property in certain cases and joint tenancies

Also: Senate Bill No 618—An Act to amend section five hundred and fifty-three of the Code of Civil Procedure of California, relating to the attachment of property as security for the satisfaction of judgments

Also Senate Bill No. 868—An Act to repeal Section 1392 of the Civil Code of the State of California

Also: Senate Bill No. 1110—An Act to amend section eleven hundred and twenty-six of the Code of Civil Procedure of California

Also: Senate Bill No. 1111—An Act to amend section four hundred and eighty-four of the Political Code of the State of California

Also: Senate Bill No 1112—An Act to amend section five hundred and thirteen of the Political Code of the State of California

Also, Senate Bill No. 1113—An Act to amend section four hundred and seventy-one of the Political Code of the State of California

Also Senate Bill No. 1114—An Act to amend section four hundred and fifty-five of the Political Code of the State of California

Also, Senate Bill No. 1115—An Act to amend section four hundred and thirty-eight of the Political Code of the State of California

Also: Senate Bill No. 1116—An Act to amend Section 417 of the Political Code of the State of California

Also, Senate Bill No. 1118—An Act to amend section three hundred and eighty-four of the Political Code of the State of California

Also Senate Bill No. 1120—An Act to amend section three thousand six hundred and ninety-six of the Political Code, relating to the levy of taxes

Also: Senate Bill No. 1122—An Act to amend Section 199 of the Code of Civil Procedure of California, relating to persons not competent to act as jurors.

Also Senate Bill No. 606—An Act to amend section twenty hundred and twenty of the Code of Civil Procedure of California, relating to taking testimony of a witness out of the State.

Also: Senate Bill No 609—An Act to amend Section 422 of the Code of Civil Procedure of California, relating to cross-complaints

Also Senate Bill No. 620—An Act to amend Section 705 of the Code of Civil Procedure of California, relating to redemption from sheriff's sale

Also: Senate Bill No. 622—An Act to amend Section 850 of the Code of Civil Procedure of California, relating to notice of trial or hearing thereof in Justices' Courts

Also Senate Bill No 859—An Act to amend Section 1265 of the Civil Code of the State of California, relating to the tenure by which homestead is held.

Also: Senate Bill No. 860—An Act to amend section three thousand and five of the Civil Code of the State of California, relating to the sale of pledged property.

Also, Senate Bill No. 861—An Act to amend section three hundred *a* of the Civil Code of the State of California, relating to corporations.

Also: Senate Bill No. 866—An Act to amend Section 1391 of the Civil Code of the State of California, defining the direct line of descent and ascent, and the degrees thereof

Also: Senate Bill No. 867—An Act to amend Section 1390 of the Civil Code of the State of California, defining the degrees of consanguinity, and prescribing the methods of tracing the same.

Also: Senate Bill No. 869—An Act to repeal Section 1393 of the Civil Code of the State of California

Also: Senate Bill No. 1117—An Act to amend Section 397 of the Political Code of the State of California.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Senate Bill No. 961 read first time, and referred to Committee on County and Township Governments.

Senate Bill No 1087 read first time, and referred to Committee on Judiciary

Senate Bill No 1212 read first time, and referred to Committee on Judiciary.

Senate Bill No. 937 read first time, and referred to Committee on Judiciary.

Senate Bill No. 1178 read first time, and referred to Committee on Judiciary.

Senate Bill No. 1247 read first time, and ordered on file without reference

Senate Bill No. 605 read first time, and referred to Committee on Judiciary.

Senate Bill No. 608 read first time, and referred to Committee on Judiciary.

Senate Bill No. 610 read first time, and referred to Committee on Judiciary.

Senate Bill No. 618 read first time, and referred to Committee on Judiciary.

Senate Bill No 868 read first time, and referred to Committee on Judiciary.

Senate Bill No 1110 read first time, and referred to Committee on Judiciary.

Senate Bill No 1111 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 1112 read first time, and referred to Committee on Ways and Means

Senate Bill No 1113 read first time, and referred to Committee on Ways and Means.

Senate Bill No 1114 read first time, and referred to Committee on Ways and Means

Senate Bill No. 1115 read first time, and referred to Committee on Ways and Means.

Senate Bill No 1116 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 1118 read first time, and referred to Committee on Ways and Means

Senate Bill No 1120 read first time, and referred to Committee on Revenue and Taxation

Senate Bill No. 1122 read first time, and referred to Committee on Judiciary.

Senate Bill No 606 read first time, and referred to Committee on Judiciary.

Senate Bill No 609 read first time, and referred to Committee on Judiciary.

Senate Bill No. 620 read first time, and referred to Committee on Judiciary.

Senate Bill No 622 read first time, and referred to Committee on Judiciary.

Senate Bill No. 859 read first time, and referred to Committee on Judiciary.

Senate Bill No. 860 read first time and referred to Committee on Judiciary.

Senate Bill No. 861 read first time, and referred to Committee on Judiciary.

Senate Bill No. 866 read first time, and referred to Committee on Judiciary.

Senate Bill No. 867 read first time and referred to Committee on Judiciary.

Senate Bill No 869 read first time, and referred to Committee on Judiciary.

Senate Bill No 1117 read first time, and referred to Committee on Judiciary

RE-REFERENCE OF BILL

On motion of Mr Mott, Senate Bill No. 85 was referred to Committee on Judiciary

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1909

MR. SPEAKER Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed.

Assembly Bill No 1395—An Act to amend Section 868 of the Code of Civil Procedure of the State of California relating to writ of attachment the officers to whom the writ may be addressed; the substance of, and the undertaking upon, attachment

Assembly Bill No 1393—An Act to amend Section 540 of the Code of Civil Procedure of the State of California, relating to whom the writ must be directed, and what it shall contain.

Assembly Bill No. 282—An Act to amend Section 775 of the Code of Civil Procedure, relating to sales in actions of partition

Assembly Bill No. 1251—An Act to amend section six hundred and two of the Code of Civil Procedure, relating to jury trial

Assembly Bill No. 223—An Act to amend Section 995 of the Penal Code of the State of California

Assembly Bill No. 222—An Act to amend section nine hundred and eighty-eight of the Penal Code of the State of California

Assembly Bill No 950—An Act to amend section two hundred and eighty-six of the Penal Code of the State of California relating to crime against nature

Assembly Bill No 1206—An Act to amend Sections 1068 and 1069 of the Code of Civil Procedure, relating to the writ of review

Assembly Bill No. 628—An Act to appropriate money for promoting the study of agriculture in elementary and secondary schools

Assembly Bill No 1446—An Act appropriating money to provide and equip quarters for the Hastings College of the Law

Assembly Bill No 1258—An Act to provide for the formation government, and control of union irrigation and reclamation districts

Assembly Bill No 20—An Act providing for the purchasing of a site for an armory and State arsenal for the National Guard at the city of Sacramento California, providing for the appointment of a commission to select and purchase said site, and providing for the erection of an armory and arsenal on said site and appropriating money therefor

YOUNG, Chairman

The above reported bills ordered on file for third reading.

Also.

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1909

MR SPEAKER Your Committee on Engrossment and Enrollment beg leave to report that the following bill has been correctly enrolled

Assembly Bill No 1228—An Act to amend Sections 385 and 386 of the Political Code relating to the salaries of the Private Secretary and the Executive Secretary of the Governor—and was presented to the Governor March thirteenth, at four o'clock and thirty minutes P M.

YOUNG, Chairman.

Also·

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1909

MR SPEAKER Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled·

Assembly Bill No. 193—An Act to amend Section 402c of the Penal Code, relating to an Act to establish and support a Bureau of Labor Statistics.

Assembly Bill No. 1114—An Act to provide for the formation, organization and government of storm water districts, for the purpose of protecting the land therein from damage from storm water and from the waters of any innavigable stream, water course, canyon or wash, for the construction of the necessary works of protection by said district, and for the levying of taxes and assessments to pay for the cost of constructing, repairing and maintaining such improvements

Assembly Bill No. 387—An Act to provide for the continuation of the construction of the highway known as Kings River Highway to declare it a state highway and to make an appropriation therefor.

Assembly Bill No 69—An Act to make an appropriation for the location, survey and construction of a state highway from Emigrant Gap, Placer County, in a easterly direction through what is known as the Truckee Pass, to the west end of Donner Lake, in Nevada County.

Assembly Bill No 151—An Act making an appropriation to pay the deficiency in the appropriation for postage and contingent expenses of the Clerk of the Supreme Court, for the fifty-ninth and sixtieth fiscal years.

Assembly Bill No 1007—*An Act to amend Section 4251 of the Political Code of* the State of California, concerning salaries and fees of officers in counties of the twenty-second class.

And were presented to the Governor March thirteenth, at one o'clock P M

YOUNG, Chairman.

Also·

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1909.

MR SPEAKER Your committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bill correctly reengrossed

Assembly Bill No 1283—An Act to add a new section to the Political Code, to be known as Section 1665*a*, providing for the establishment and maintenance in cities of the first class of one or more public schools called cosmopolitan schools, in which shall be taught the French, Italian and German languages in connection with the English branches

YOUNG, Chairman.

RECESS.

At twelve o'clock and thirty minutes P. M., the Assembly was declared at recess until two o'clock P M. of this day.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.

Speaker P. A. Stanton in the chair.

SENATE BILLS—SECOND-READING FILE.

Senate Bill No 33—An Act to establish the school of trades of the State of California in the city and county of San Francisco, and providing for the selection, location, acquisition, and purchase of a site or sites in the said city and county of San Francisco for the erection, equipment, and furnishing of a building or buildings, and for the improvement of the grounds thereof, for the use and occupancy of said school of trades, and making an appropriation therefor.

Mr Perine moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair

Senate Bill No 33 considered.

Mr Perine moved that the committee do now rise and report in favor of the passage of the bill

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1909.

GENTLEMEN The Committee of the Whole have had under consideration Senate Bill No 33, and do now report the same back, and recommend that it do pass.

STANTON, Chairman

Bill read second time, and ordered on file for third reading

RESOLUTION.

The following resolution was offered:

By Mr. Transue:

Resolved, That there is hereby appropriated out of the contingent fund of the Assembly the sum of $615.00, or so much thereof as may be needed, for the purpose of purchasing boxes, packing, marking, and expressing all papers and documents belonging to Assemblymen to their places of residence at the close of the session. The Sergeant-at-Arms of the Assembly shall cause this work to be done, and he shall file with the Controller of State vouchers covering the different items of expense, whereupon the Controller shall draw his warrant in favor of the Sergeant-at-Arms for the amount necessarily expended, and the Treasurer is directed to pay the same

Mr. Transue moved the adoption of the resolution.

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

AYES—Messrs. Barndollar, Baxter, Beardslee, Beban, Black, Bohnett, Butler, Cattell, Cogswell, Collier, Dean, Drew, Feeley, Flavelle, Gibbons, Gillis, Greer, Hammon, Hayes, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Maher, McClellan, McManus, Melrose, Moore, Mott, Nelson, Otis, O'Neill, Perine, Polsley, Pulcifer, Rech, Rutherford, Silver, Telfer, Transue, Wagner, Webber, Wheelan Whitney, Wilson, Wyllie, and Mr. Speaker—52

NOES—None

SENATE BILLS—THIRD-READING FILE.

Senate Bill No. 198—An Act to amend Section 4249 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the twentieth class.

During third reading of bill, Mr. Collier moved that the Speaker appoint a select committee of one to amend the bill, as follows:

In line 19-24, strike out the word "four", and insert in its stead the word "three"

Also: In line 27, strike out the period, and insert in its stead a semicolon and add the following: "*provided*, that in counties of this class there shall be and is hereby allowed to the sheriff one under-sheriff, whose salary is hereby fixed at the sum of twelve hundred dollars per annum, and one deputy, who shall be jailer, whose salary is hereby fixed at the sum of one thousand dollars per annum, said deputies to be appointed by the sheriff, and their salaries shall be paid by the county in equal monthly installments as other salaries are paid"

Motion carried.

The Speaker appointed Mr. Collier as such select committee

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1909.

MR SPEAKER Your select committee of one, to whom was referred Senate Bill No. 198, with instructions, do now report that the instructions of the Assembly have been carried out

COLLIER, Select Committee

Report of select committee, and amendments, adopted.

Bill ordered to reprint, and on file for passage.

Senate Bill No. 623—An Act to amend Section 607*e* of the Civil Code of the State of California, relating to the disposition to be made of certain fines, penalties, and forfeiture.

Bill read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No 623 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Dean, Feeley, Flavelle, Flint, Gibbons, Gillis, Greer, Hanlon, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Macauley, Maher, McClellan, Melrose, Mendenhall, Moore, Nelson, Otis, O'Neill, Perine, Polsley, Pulcifer, Rech, Rutherford, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Wilson, Wyllie, and Mr. Speaker—53

NOES—Mr Mott—1

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No 838—An Act to amend Section 3785 of the Political Code, relating to the issuance of tax deeds for property sold for delinquent taxes

Bill read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 838 finally passed by the following vote:

AYES—Messrs. Beatty, Beban, Black, Bohnett, Butler, Cattell, Cogswell, Cronin, Feeley, Flavelle, Flint, Gerdes, Gibbons, Gillis, Greer, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Kehoe, Macauley, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pulcifer, Rech, Rutherford, Silver, Stuckenbruck, Transue, Wagner, Wheelan, Whitney, Wilson, and Mr Speaker—52

NOES—None.

Title read and approved

Bill ordered transmitted to the Senate.

Senate Bill No 12—An Act to authorize the establishment of the California State Trades and Training School for dependent orphans, half orphans, abandoned children, and children committed by court and placed under guardianship of the board of trustees, the appointment of a board of trustees, the purchase of a site, the preparation of plans and specifications for grounds and buildings, and to make the necessary appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 12 finally passed by the following vote:

AYES—Messrs Barndollar, Beardslee, Beatty, Bohnett, Butler, Callan, Cattell, Cogswell, Collier Cronin, Dean, Drew, Feeley, Flavelle, Flint, Gerdes, Gillis, Greer,

Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Macauley, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pulcifer, Rech, Rutherford, Silver, Stuckenbruck, Transue, Wagner, Webber, Wheelan, Wilson, and Mr. Speaker—57.

NOES—None.

Title read and approved

Bill ordered transmitted to the Senate

Senate Bill No 473—An Act to amend an Act entitled "An Act relating to commitments to the State School at Whittier and to the Preston School of Industry; fixing the authority to examine and commit to such schools with the superior court judges of the county, and fixing the responsibility from which commitments are made to the State for maintenance of the persons committed therefrom; providing for the manner of payment thereof, and fixing the responsibility of the parents to the counties from which their children are committed," approved March 26, 1895.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 473 finally passed by the following vote:

AYES—Messrs Barndollar, Beardslee, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Cogswell, Cronin, Dean, Drew, Feeley, Flavelle, Flint, Gerdes, Gibbons, Gillis, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson, of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Macauley, Maher, McClellan, Melrose, Moore, Mott, Nelson, Otis, O'Neill, Perine, Preston, Pulcifer, Rech, Rutherford, Silver, Stuckenbruck, Transue, Wagner, Webber, Whitney, Wilson, and Mr Speaker—53

NOES—None

Title read and approved

Bill ordered transmitted to the Senate.

Senate Bill No 625—An Act to amend Sections 4, 14, and 19 of an Act entitled "An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions, and transfers, to provide for its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act, and for suits to quiet title against claims of lien arising hereunder; to repeal an Act entitled 'An Act to establish a tax on collaterals, inheritances, bequests, and devises, to provide for the collection, and to direct the disposition of its proceeds,' approved March 23, 1893, and all amendments thereto, and all Acts and parts of Acts in conflict with this Act," approved March 20, 1905, and to add a new section thereto, to be known and numbered as Section 14½.

Bill read third time

The question being on the passage of the bill

The roll was called, and Senate Bill No 625 finally passed by the following vote:

AYES—Messrs Barndollar, Beatty, Beban, Black, Callan, Cattell, Cogswell, Collier, Cronin, Drew, Flavelle, Gerdes, Gibbons, Gillis, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Macauley, Maher, McClellan, Melrose, Moore, Mott, Nelson, Otis, O'Neill, Perine, Preston, Pulcifer, Rech, Rutherford, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Wilson, and Mr Speaker—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate

SPECIAL ORDER.

The hour of two o'clock and thirty minutes P. M. having arrived, the special order heretofore set for this hour was taken up for consideration.

Senate Bill No. 294—An Act providing for the organization of the Board of Railroad Commissioners, defining its powers and duties and the powers and duties of transportation companies, their officers and employees, and defining offenses by transportation companies, their officers, employees, and other persons and providing penalties therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 294 finally passed by the following vote:

AYES—Messrs Barndollar, Beatty, Black, Bohnett, Callan, Cattell, Collier, Costar, Drew, Gibbons, Gillis, Hammon, Hanlon, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Kehoe, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, Perine, Preston, Pulcifer, Rech, Rutherford, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Young, and Mr. Speaker—48.

NOES—Messrs Baxter, Cogswell, Flavelle, Johnston of Contra Costa, and Polsley—5.

TITLE AMENDED.

The following amendment to the title was submitted by Mr Perine:

By striking from lines 2 and 3 of the title the words "Board of Railroad Commissioners", and inserting in lieu thereof the following: "Railroad Commission of the State of California".

Also Strike out the period after the word "therefor", being the last word in the title, and insert in lieu thereof a semicolon and the following. "and repealing an Act entitled 'An Act to create the office of Commissioner of Transportation, and to define its powers and duties: to fix the maximum charges for transporting passengers and freight on certain railroads, and to prevent extortion and unjust discrimination therein, approved April 1, 1878,' and also repealing an Act entitled 'An Act to organize and define the powers of the Board of Railroad Commissioners,' approved April 15, 1880."

Amendment adopted.

Title as amended read and approved

Bill ordered transmitted to the Senate.

SENATE BILLS—THIRD-READING FILE—(RESUMED).

Senate Bill No. 634—An Act to amend Section 594 of the Civil Code, relating to the formation of corporations for purposes other than profit.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Senate Bill No. 634 finally passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Bohnett, Callan, Cattell, Cogswell, Collier, Cronin, Drew, Flint, Gerdes, Gibbons, Gillis, Greer, Hammon, Hanlon, Hawk, Hayes Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Preston, Pulcifer, Rech, Rutherford, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Young, and Mr. Speaker—55

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 471—An Act to amend Section 1617 of the Political Code of the State of California, relating to the general powers of boards of trustees and of education.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 471 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Black, Callan, Cattell, Coghlan, Collier, Costar, Cronin, Dean, Drew, Feeley, Flavelle, Flint, Gerdes, Gibbons, Gillis, Greer, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pulcifer, Rutherford, Silver, Stuckenbruck, Transue, Webber, Whitney, Wilson, Wyllie, and Mr. Speaker—58.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 805—An Act to amend Section 602 of the Political Code of the State of California, relating to willful trespass.

RE-REFERENCE OF BILL.

On motion of Mr McClellan, Senate Bill No. 805 was re-referred to Committee on Revision and Reform of Laws.

Senate Bill No. 990—An Act fixing a bounty of coyote scalps.

Bill read third time

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 990 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beban, Black, Bohnett, Callan, Cattell, Coghlan, Cogswell, Costar, Cronin, Dean, Drew, Feeley, Flint, Gerdes, Gibbons Gillis, Greer, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, O'Neill, Polsley Preston, Pugh, Pulcifer, Rutherford, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, and Young—57.

NOES—Mr. Mott—1

Title read and approved

Bill ordered transmitted to the Senate.

Senate Bill No. 1100—An Act restricting the powers of board of supervisors in the matter of imposing licenses upon the business of raising, grazing, herding, and pasturing sheep.

During third reading of bill, Mr Dean moved that the Speaker appoint a select committee of one to amend the bill, as follows:

Strike out in Section 1, line 1, the word "two", and insert in lieu thereof the word "three".

Also By striking out of Section 1, line 6, the word "two", and inserting in lieu thereof the word "three".

Also By striking out of Section 2, line 5, the word "eight", and inserting in lieu thereof the word "three".

Also By striking out of Section 2, line 5, the word "eighth", and inserting in lieu thereof the word "three"

POINT OF ORDER.

Mr Hewitt rose to the following point of order:

That the amendments were identical with amendments already rejected by the Assembly, and therefore should not be received.

POINT OF ORDER WELL TAKEN

The Speaker ruled the point of order well taken.

Also:

During third reading of bill, Mr. Dean moved that the Speaker appoint a select committee of one to amend the bill, as follows.

By striking out Section 2 of the bill.

Roll call was regularly demanded.

The roll was called, and motion lost by the following vote:

AYES—Messrs Baxter, Cattell, Coghlan, Cogswell, Collier, Dean, Drew, Feeley, Flavelle, Flint, Gibbons Gillis, Hammon, Hanlon, Johnston of Contra Costa, Maher, Moore, Mott, Odom, O'Neill, Polsley, Preston, Pulcifer, Rutherford, Telfer, Wagner, Whitney, and Wyllie—28

NOES—Messrs Barndollar, Beardslee, Beatty, Beban, Bohnett, Callan, Costar, Cronin, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, McClellan, Melrose, Mendenhall, Nelson Perine, Stuckenbruck, Transue, Wilson, Young, and Mr. Speaker—29

Also:

During third reading of bill, Mr. Preston moved that the Speaker appoint a select committee of one to amend the bill, as follows:

Strike out the word "two", in line 6, page 1, Section 1, of the printed bill, and insert the words "two and one half".

Motion lost.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1100 finally passed by the following vote:

AYES—Messrs Barndollar, Beardslee, Beatty, Beban, Black, Bohnett, Callan, Cogswell, Collier, Costar, Cronin, Cullen, Flint, Gerdes, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Macauley, McClellan, McManus, Melrose, Mendenhall, Nelson, Otis, Polsley, Pugh, Rutherford Stuckenbruck, Transue, Whitney, Wilson, Young, and Mr. Speaker—42.

NOES—Messrs Baxter, Cattell, Coghlan, Dean, Drew, Feeley, Flavelle, Gibbons, Gillis, Johnson of Contra Costa, Kehoe, Maher, Moore, Mott, O'Neill, Perine, Preston, Pulcifer, Telfer, and Wagner—20

Title read and approved

Bill ordered transmitted to the Senate

NOTICE OF MOTION TO RECONSIDER.

Mr. Rutherford gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 1100 was this day passed

POINT OF ORDER.

Mr. Mott rose to the following point of order.

That the time for considering Senate bills had elapsed.

POINT OF ORDER WELL TAKEN.

The Speaker ruled the point of order well taken.

RULES SUSPENDED.

Mr Preston moved the suspension of the rules, and that the Assembly continue the consideration of Senate bills.

The roll was called, and the rules declared suspended by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Bohnett, Butler, Callan, Cogswell, Collier, Drew, Fleisher, Flint, Gerdes, Gillis, Hammon, Hanlon, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of San Diego, Juilliard, Kehoe, Melrose, Mendenhall, Nelson, Otis, Perine, Preston, Rech, Rutherford, Transue, Webber, Whitney, Wilson, Young, and Mr. Speaker—37.

NOES—Messrs. Beban, Cattell, Coghlan, Flavelle, Hawk, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Macauley, Maher, Moore, Mott, Odom, O'Neill, Polsley, Telfer, Wagner, and Wheelan—18

Senate Bill No 905—An Act to amend an Act entitled "An Act creating a state commission on voting or balloting machines, defining their powers, and providing for the use, at the option of indicated local authorities, of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result at such elections, and providing for the punishment of all violations of the provisions of this Act," approved March 20, 1903.

Bill read third time, and passed on file

Senate Bill No 505—An Act to amend section seventeen hundred and seventy-one of the Political Code of California, relative to the powers of the county board of education

Bill read third time

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 505 finally passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Dean, Flavelle, Fleisher, Flint, Gerdes, Gillis, Hammon, Hanlon, Hawk, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnston of Contra Costa, Juilliard, Kehoe, Macauley, Maher, McManus, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Rech, Rutherford, Silver, Transue, Wagner, Webber, Whitney, Wilson, Young, and Mr Speaker—49

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 485—An Act to provide for the issuance and sale of State bonds to create a fund for the construction by the Board of State Harbor Commissioners of wharves, piers, state railroad, spurs, betterments and seawall appurtenances in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; to define the duties of State officers in relation thereto; to make an appropriation of one thousand dollars for the expense of printing said bonds; and to provide for the submission of this Act to a vote of the people

Bill read third time.

The question being on the passage of the bill

The roll was called, and Senate Bill No 485 finally passed by the following vote:

AYES—Messrs Barndollar, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Cattell, Coghlan, Cogswell, Collier, Flavelle, Fleisher, Flint, Gerdes, Gillis, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Juilliard, Kehoe, Macauley, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson,

Odom, Otis, O'Neill, Perine, Preston, Rech, Rutherford, Silver, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Young, and Mr. Speaker—50.
NOES—None.

Title read and approved

Bill ordered transmitted to the Senate.

Senate Bill No. 538—An Act to provide for the permanent support and improvement of the University of California by the levy of a rate of taxation, and the creation of a fund therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 538 finally passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gillis, Hanlon, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson, of Sacramento, Johnson of Placer, Juilliard, Kehoe, McClellan, Mendenhall, Moore, Nelson, Odom, Otis, O'Neill, Preston, Pulcifer, Rech, Rutherford, Silver, Transue, Wagner, Webber, Whitney, Wilson, Young, and Mr. Speaker—47.
NOES—Mr. Polsley—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 186—An Act to amend Section 3494 of the Political Code of the State of California, relating to the price and terms of sale of school lands.

Bill read third time, and passed on file

WITHDRAWAL OF BILL.

Mr. Otis asked for, and was granted, unanimous consent to withdraw Assembly Bill No. 683.

Assembly Bill No. 683 withdrawn, and ordered stricken from the file

Senate Bill No. 803—An Act to amend the Political Code by adding thereto two new articles to be designated and numbered Article XIV, of Chapter III, of Title III, of Part III, of said Code, to consist of sections numbered 1720, 1721, 1722, 1723, 1724, 1725, 1726, 1727, 1728, 1729, 1730, 1731, 1732, 1733, 1734, 1735, 1736, 1737, 1738, 1739, 1740, 1741, 1742, 1743, 1744, 1745, 1746, 1747, 1748 1749, 1750, 1751, and Article XV of said chapter, to consist of sections numbered 1755, 1756, 1757, 1758, 1759, 1760, 1761, 1762, and 1763, and to repeal Sections 1669, 1670, 1671, 1671*a*, and 1681 of said Code, all relating to high schools, and to repeal an Act entitled "An Act to provide for the change of name of high school districts and union high school districts, and the manner of making such change," approved March 23, 1907, and an Act entitled "An Act relating to the meeting place of high school boards within municipal corporations," which became a law without the Governor's signature March 15, 1901, and an Act entitled "An Act creating a fund for the benefit and support of high schools, and providing for its distribution, and repealing an Act entitled 'An Act creating a fund for the benefit and support of high schools, and providing for its distribution,'" approved March 2, 1903, approved March 6, 1905, and all Acts amendatory thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 803 finally passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Drew, Feeley, Fleisher, Flint, Gerdes, Greer, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Macauley, Maher, Melrose, Moore, Mott, Otis, O'Neill, Perine, Polsley, Pulcifer, Rech, Rutherford, Schmitt, Silver, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Young, and Mr. Speaker—52

NOES—None

Title read and approved

Bill ordered transmitted to the Senate.

Senate Bill No. 725—An Act to amend Section 1 of an Act to provide for the transfer to the State of California by owners of patented lands therein of the right to preserve and protect wild game on such patented lands; to define the duties of the State Board of Fish Commissioners in relation to the control of such rights, and to declare the hunting of wild game within the exterior boundaries of the land to which right attaches, a misdemeanor, approved March 21, 1907.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Senate Bill No. 725 finally passed by the following vote:

AYES—Messrs Barndollar, Baxter Beardslee, Bohnett, Callan, Cattell, Coghlan, Cogswell, Collum, Drew, Feeley, Fleisher, Flint, Gerdes, Gillis, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Macauley, Maher, Melrose, Mendenhall, Moore, Mott, Odom, Otis, O'Neill, Perine Preston, Pulcifer, Rech, Rutherford, Schmitt, Silver, Transue, Wagner, Webber, Wheelan, Wilson, Young, and Mr. Speaker—50

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Constitutional Amendment No. 36—A resolution to propose to the people of the State of California an amendment to Article VI, section eight of the Constitution, relating to judges of the Superior Court

The question being on the adoption of the constitutional amendment.

The roll was called, and Senate Constitutional Amendment No 36 finally adopted by the following vote:

AYES—Messrs Barndollar, Beardslee, Beatty, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Drew, Feeley, Fleisher, Flint, Gerdes, Gillis, Hanlon, Hawk, Hayes, Hewitt, Hinkle Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Macauley, Maher, McClellan, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pulcifer, Rech, Rutherford, Schmitt, Silver, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Young, and Mr. Speaker—55.

NOES—None.

Senate Constitutional Amendment No. 36 ordered transmitted to the Senate

SENATE CONSTITUTIONAL AMENDMENT NO 36.

A resolution to propose to the people of the State of California an amendment to article six, section eight of the Constitution, relating to judges of the Superior Court

The Legislature of the State of California, at its thirty-eighth regular session, commencing on the 4th day of January, nineteen hundred and nine, two thirds of the members elected to both the Senate and Assembly, respectively, voting therefor, hereby proposes to the people of the State of California that section eight of article six of the Constitution of this State be amended to read as follows.

Section 8. A judge of any Superior Court may hold a Superior Court in any county, at the request of a judge of the Superior Court thereof, and upon the request

of the Governor it shall be his duty so to do But a cause in the Superior Court may be tried by a judge pro tempore, who must be a member of the bar, agreed upon in writing by the parties litigant, or their attorneys of record, and sworn to try the cause. There may be as many sessions of a Superior Court at the same time as there are judges thereof, including any judge or judges acting upon request, or any judge or judges pro tempore. The judgments, orders, acts and proceedings of any session of any Superior Court held by one or more judges acting upon request, or judge or judges pro tempore, shall be equally effective as if the judge or all of the judges of such court presided at such session.

Senate Bill No. 741—An Act to regulate and license the hunting of game birds and animals, and the fishing for and catching of fish, and to provide revenue therefrom, for game and fish preservation and restoration.

During third reading of bill, Mr. Cattell moved that the Speaker appoint a select committee of one to amend the bill, as follows:

In line 8, Section 3, strike out the word "ten", and insert in lieu thereof the word "one".

Motion lost.

Bill read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Rutherford moved a call of the House

Motion carried

Time, five o'clock and five minutes P M

The Speaker directed the Sergeant-at-Arms to close the doors

The doors were closed, and the Chief Clerk was directed to call the roll

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

Messrs Barndollar, Baxter, Beardslee, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Cronin, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gillis, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Rutherford, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—66

The Chief Clerk announced the absentees.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the House

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At five o'clock and fifteen minutes P. M., further proceedings under the call of the House were dispensed with, on motion of Mr Transue

The roll of absentees was called, and the bill finally passed by the following vote:

AYES—Messrs. Baxter, Beardslee, Beatty, Beban, Bohnett, Butler, Cattell, Coghlan, Cogswell, Collier, Collum, Dean, Drew, Feeley, Fleisher, Flint, Gillis, Griffiths, Hammon, Hayes, Hewitt, Johnson of San Diego, Juilliard, Macauley, McClellan, McManus, Melrose, Moore, Mott, Nelson, Odom, O'Neill, Perine, Pugh, Pulcifer, Rech, Rutherford, Schmitt, Silver, Telfer, Transue, Wagner, Wheelan, and Mr Speaker—44.

NOES—Messrs Barndollar, Callan, Cronin, Flavelle, Gerdes, Hanlon, Hawk, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Kehoe, Maher, Mendenhall, Otis, Polsley, Preston, Stuckenbruck, Whitney, Wilson, Wyllie, and Young—23.

Title read and approved.

Bill ordered transmitted to the Senate

NOTICE OF MOTION TO RECONSIDER.

Mr. Cattell gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 741 was this day passed.

MOTION.

Mr. Johnson of Sacramento moved that the Assembly take a recess until eight o'clock P. M. of this day; then to take up the consideration of Senate and Assembly second-reading files, and that no bill be considered during the absence of committees if there be any objection thereto.

Motion carried.

RECESS.

At five o'clock and thirty minutes P. M., the Assembly was declared at recess until eight o'clock P. M. of this day.

REASSEMBLED.

At eight o'clock P. M the Assembly reconvened.

Speaker P. A Stanton in the chair.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1909.

MR SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 283—An Act to provide for the survey, location, and construction of a state highway from the town of Mariposa, through Bear Creek, Missouri Gulch, and Stockton Creek, to the Yosemite Valley Railroad at Bear Creek Station, in Mariposa County, California, and making an appropriation therefor.

Also Assembly Bill No. 814—An Act making an appropriation to pay the claim of Lauretta Campbell against the State of California.

Have had the same under consideration, and respectfully report the same back, and recommend that they be withdrawn.

BEARDSLEE, Chairman.

Assembly Bills Nos. 283 and 814 withdrawn by unanimous consent.

SENATE BILLS—SECOND-READING FILE.

Senate Bill No. 584—An Act to amend sections four hundred and eighty-four, four hundred and eighty-five, four hundred and eighty-six, and five hundred of the Political Code, relating to the salary of the Surveyor General and the salaries of appointees in the office of the Surveyor General and Register of the State Land Office, and to repeal all laws in conflict therewith.

On motion of Mr. Transue, Senate Bill No. 584 was ordered stricken from the file.

Senate Bill No. 1217—An Act to amend Section 739 of the Political Code of the State of California.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE

Speaker Stanton in the chair.

Senate Bill No 1217 considered.

During second reading of bill, the following amendment was submitted by the committee:

In line 11, Section 1, of the printed bill, strike out the word "twenty-one", and insert in lieu thereof the word "fifteen".

Amendment adopted.

Mr Transue moved that the committee do now rise and report in favor of the passage of the bill as amended

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1909

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 1217, and do now report the same back, and recommend that it do pass as amended.

STANTON, Chairman

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No 651—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as Section 1046*a*, relating to the filing of papers nunc pro tunc under order of court in actions brought under the provisions of any statute for the establishment and quieting of title to real property in cases of loss or destruction of public records.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 924—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known and numbered as Section 526*a*, relating to actions by taxpayers against officers and agents of any county, town, city, or city and county in said State.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 968—An Act to amend Section 269 of the Code of Civil Procedure, relating to phonographic reporters for Superior Courts, and providing for their appointment and duties, and also providing for copies of proceedings by them in certain cases.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 970—An Act to amend sections nineteen hundred and eighty-six and nineteen hundred and ninety-one of the Code of Civil Procedure, both relating to subpœna.

Bill read second time, and ordered on file for third reading.

Senate Bill 1140—An Act to amend section one thousand four hundred sixty-five of the Code of Civil Procedure, relating to the setting apart of property exempt from execution for use of the family.

Bill read second time, and ordered on file for third reading.

Senate Bill No 1141—An Act to amend section one thousand six hundred and ninety-nine of the Code of Civil Procedure, relating to settlement of accounts of trustees after distribution of estates and compensation of trustees.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1142—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as 1465½, relating to notices to be given of petitions to set aside exempt property for the use of the family.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1143—An Act to amend Section 1723 of the Code of Civil Procedure, relating to the disposition of life estates and homestead property on owner's death in certain cases.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1243—An Act to amend section two hundred eighty *b*, of the Code of Civil Procedure of California.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1245—An Act to amend Sections 409 and 410 of the Political Code of California, relating to the distribution of statutes, journals, reports of State officers and commissioners, and reports of the Supreme and Appellate Courts

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1059—An Act to amend Sections 2 and 3 of an Act entitled "An Act relating to estrays, providing for taking them up, and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other Acts, or parts of Acts, now in force, relating to estrays," approved March 23, 1901

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No 1

After the figure "2", in line 7, page 1, of the printed bill, insert the following: "The word 'estray' as used in this Act is intended to include all domestic animals that have strayed upon, or been found upon, lands other than those of their owner, or the public domain, or lands whose owner (or to which the person in possession thereof) has consented, may be passed over, or allowed to be entered on, by such animal"

Amendment adopted.

AMENDMENT No. 2.

Strike out the word "fifteen", in line 19, page 3, of the printed bill and insert in lieu thereof the word "thirty".

Amendment adopted

AMENDMENT No 3.

Strike out the word "five", in line 21, page 3, of the printed bill, and insert in lieu thereof the word "ten".

Amendment adopted

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No. 1220—An Act relating to prosecutions under Sections 628*b*, 632, and 632½ of the Penal Code, and to define prima facie evidence thereunder.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 819—An Act to amend Section 928 of the Penal Code of the State of California, relating to the duties of the grand juries

During second reading of bill, the following amendments were submitted by the committee.

AMENDMENT No. 1.

Strike out the words "not to exceed twenty-four hundred dollars", found in lines 10 and 11, Section 1, page 1, of the printed bill

Amendment adopted

AMENDMENT No 2.

After the word "compensation", in line 10, Section 1, page 1, of the printed bill, insert the words "with the approval of the judge who impaneled the grand jury".

Amendment adopted.

AMENDMENT No 3.

Strike out all from the word "It", in line 13, Section 1, page 1, of the printed bill, down to and including the word "years", in line 23, Section 1, page 2, of the printed bill.

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No. 1246—An Act to amend section fifteen hundred and seventy-nine of the Code of Civil Procedure, relating to and authorizing executors, administrators, and guardians to make leases of the real estate of decedents.

Bill read second time, and ordered on file for third reading

Senate Bill No. 56—An Act to amend Section 536 of the Penal Code, relating to false statements by consignees and others, and to add a new section to the Penal Code, to be numbered Section 536*a*, imposing certain duties upon consignees and others.

Bill read second time, and ordered on file for third reading

Senate Bill No. 342—An Act to prevent persons from unlawfully wearing the button of any labor union of this State.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 979—An Act to add a new section to the Penal Code of California, to be numbered 536*a*, relating to the duties of commission merchants, brokers, factors, and consignees.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1106—An Act to add a new section to the Political Code, to be numbered 4284*a*, relating to and fixing the compensation of grand and trial jurors in the Superior Courts in counties of the fifty-fifth class.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1107—An Act to add a new section to the Political Code, to be numbered 4281*a*, relating to and fixing the compensation of grand and trial jurors in the Superior Courts in counties of the fifty-second class.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 132—An Act to amend sections two thousand nine hundred eighty-one and two thousand nine hundred eighty-two of the Political Code, relating to the State Board of Health.

Mr Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Senate Bill No. 132 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No 132, and do now report the same back, and recommend that it do pass.

STANTON, Chairman.

Bill read second time, and ordered on file for third reading

Senate Bill No 1179—An Act to amend an Act entitled "An Act to prevent deception in the manufacture and sale of butter and cheese, to secure its enforcement, and to appropriate money therefor," approved March 4, 1879, by amending section seventeen of said Act.

Bill read second time, and ordered on file for third reading.

Senate Bill No 709—An Act legalizing the formation and organization of reclamation district number seven hundred and eighty-seven, in the county of Yolo, State of California.

Bill read second time, and ordered on file for third reading

Senate Bill No. 710—An Act legalizing the formation and organization of reclamation district number seven hundred and eighty-five, in the county of Yolo, State of California

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1207—An Act providing for the government of consolidated swamp land, levee, or reclamation districts.

Bill read second time, and ordered on file for third reading

Senate Bill No 378—An Act to provide for the establishment and maintenance of public museums of natural and historical objects within municipalities of the fourth, fifth, and sixth class not having a freeholders' charter.

Bill read second time, and ordered on file for third reading

Senate Bill No. 998—An Act to provide for the incorporation, organization, and management of municipal water districts.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1228—An Act to authorize municipal corporations to issue bonds, for the purpose of investing the proceeds arising from the sale thereof in other bonds issued for public improvements

Bill read second time, and ordered on file for third reading.

Senate Bill No 102—An Act making an appropriation for the completion of repairs to the manor house at the California Home for the Care and Training of Feeble-Minded Children.

Senate Bill No 344—An Act to amend Sections 1 and 3 of an Act entitled "An Act to create a fund to be known as the United States forest reserve fund, and to provide for the payment out of such fund

to the treasuries of the several counties entitled thereto of certain moneys received from the government of the United States, and also to regulate the manner of expenditure by the counties of the moneys so paid," approved March 18, 1907.

Senate Bill No. 349—An Act making an appropriation for the investigation of agricultural and horticultural problems and conditions in Imperial Valley, providing for the establishment in said county of a branch agricultural experiment station for the purpose of prosecuting said work.

Senate Bill No 668—An Act to provide for the extension of the light, heating, power, water, and sewer systems at the University Farm and Agricultural School at Davis, and appropriating money therefor

Senate Bill No. 756—An Act to amend Section 751 of the Political Code, relating to deputies of the Clerk of the Supreme Court.

Senate Bill No. 590—An Act to amend Section 425 of the Political Code of the State of California

Senate Bill No. 593—An Act to amend Section 472 and Section 475 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the duties of the Attorney General, providing for an assistant, a chief deputy, deputies, clerks, phonographic reporter, and stenographers in the Attorney General's office, and fixing their salaries.

Senate Bill No 1065—An Act authorizing and directing the State Board of Prison Directors to make an investigation and report to the Governor of and relating to the cost, management, and government of a reformatory institution in this State, and making an appropriation therefor.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bills

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Senate Bills Nos 102, 344, 349, 668, 756, 590, 593, and 1065 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bills.

Motion carried.

IN ASSEMBLY

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1909.

GENTLEMEN The Committee of the Whole have had under consideration Senate Bills Nos 102, 344, 349, 668, 756, 590, 593, and 1065, and do now report the same back, and recommend that they do pass

STANTON, Chairman

Bills read second time, and ordered on file for third reading.

Senate Bill No. 798—An Act to amend Section 1 of an Act entitled "An Act to provide for the alteration of the boundaries of, and for the annexation of territory to, incorporated towns and cities, and for the

incorporation of such annexed territory in and as a part of such municipalities, and for the districting, government, and municipal control of annexed territory,'' approved March 19, 1889.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 982—An Act to amend Sections 3 and 11 of an Act entitled ''An Act creating a bureau of building and loan supervision; providing for the appointment of administration officials therefor, to be known as the building and loan commissioners; prescribing their duties, powers, and compensation; providing for a secretary, his powers, and compensation; providing for the rental of offices for the use of the bureau, and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting license fees necessary to meet the salaries and other expenses, providing a course of procedure where violations of law, or unsafe practices are found to exist or are reported by the commissioner to the Attorney General; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions, and liens pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioners; providing for succession in office and repealing all Acts and parts of Acts in conflict herewith.'' approved March 21, 1905, relating to the powers and duties and salaries of the State Building and Loan Commissioners.

Bill read second time, and ordered on file for third reading.

Senate Bill No 1130—An Act appropriating money to pay the claim of the United States Fidelity and Guaranty Company against the State of California.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 670—An Act to provide for the purchase of live stock for and for the use of the University Farm and Agricultural School at Davis, and appropriating money therefor.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE

Speaker Stanton in the chair.

Senate Bill No. 670 considered.

During second reading of bill, the following amendments were submitted by the committee:

In line 1, Section 1, of the printed bill, strike out the word "twenty-four", and insert in lieu thereof the word "eight".

Amendment lost.

Amend by striking out of Section 1, line 1, of printed bill, the word "twenty-four", and inserting in lieu thereof the following: "twelve".

Amendment adopted.

Mr Transue moved that the committee do now rise and report in favor of the passage of the bill, as amended.

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No 670, and do now report the same back, and recommend that it do pass as amended.

STANTON, Chairman

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No. 904—An Act to amend Sections 626, 626*c*, 626*d*, 626*m*, and 626*b* of the Penal Code of California, and to add to said Penal Code two new sections, to be numbered Section 626*n* and 626*o*, relating to the protection and preservation of game and fish.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1088—An Act to amend Section 5 and Section 10 of an Act entitled "An Act to provide for the formation of protection districts in the various counties of this State, for the improvement and rectification of the channels of innavigable streams and water courses, for the prevention of the overflow thereof, by widening, deepening, and straightening, and otherwise improving the same, and to authorize the boards of supervisors to levy and collect assessments from the property benefited to pay the expenses of the same," approved March 27, 1895, enlarging the discretion of boards of supervisors concerning such districts and improvements, and to include in said districts territory situated within municipal corporations

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1

In line 11, of the title, insert the word "by" before the word "enlarging".

Amendment adopted.

AMENDMENT No. 2.

On page 3, line 49, of printed bill, strike out the word "bank", and insert in lieu thereof the word "banks"

Amendment adopted.

AMENDMENT No 3.

On page 3, line 54, of printed bill, strike out the word "bank", and insert in lieu thereof the word "banks".

Amendment adopted.

AMENDMENT No 4

On page 3, line 65, of printed bill, after the word "county", insert the words "or counties".

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No. 314—An Act to amend Section 4267 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the thirty-eighth class, by adding a new subdivision thereto, relating to the duties and compensation of official reporters, to be known as Subdivision 17 of said section.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 833—An Act to amend Section 4041 of the Political Code of California, relating to the general permanent powers of the board of supervisors.

Bill read second time, and ordered on file for third reading.

Senate Bill No 1138—An Act to amend Section 4236 of the Political Code, relating to county and township officers in counties of the seventh class.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 637—An Act to provide for the construction of buildings and structures and repairs to the same on the University Farm at Davis, and appropriating money therefor.

Senate Bill No 669—An Act to provide for the purchase of supplies, apparatus, equipment, and furnishings of buildings, class rooms, and laboratories on the University Farm at Davis, and appropriating money therefor.

Senate Bill No. 773—An Act authorizing the State Board of Prison Directors to provide for assisting discharged prisoners to secure employment, and making an appropriation for the purpose of the Act.

Senate Bill No. 821—An Act to fix the salaries of the State Forester, Deputy Forester, and Assistant Forester.

Senate Bill No. 840—An Act to make an additional appropriation for the continuation of the location, survey, and construction of a State highway from a point known as the "Mt. Pleasant Ranch," on the road between Quincy and Marysville, thence in a southeasterly direction by Eureka to Downieville, Sierra County, California

Senate Bill No 1013—An Act to amend Sections 385 and 386 of the Political Code, relating to the salaries of the Private Secretary and the Executive Secretary of the Governor.

Mr. Beardslee moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bills.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair

Senate Bills Nos 637, 669, 773, 821, 840, and 1013 considered

Mr Beardslee moved that the committee do now rise and report in favor of the passage of the bills.

Motion carried.

IN ASSEMBLY

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1909.

GENTLEMEN The Committee of the Whole have had under consideration Senate Bills Nos 637, 669, 773, 821, 840, and 1013, and do now report the same back, and recommend that they do pass.

STANTON, Chairman

Bills read second time, and ordered on file for third reading

Senate Bill No. 844—An Act to prevent persons from unlawfully using a union card.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 884—An Act to amend Section 2802 of the Political Code of the State of California, relating to toll roads

Bill read second time, and ordered on file for third reading

Senate Bill No 994—An Act to amend an Act entitled "An Act to provide for the formation of boulevard districts and the construction, maintenance and use of boulevards, and defining the term boulevard," approved March 22, 1905, by amending Sections 2, 6, 7, 8, and 9, in relation to the issuing of bonds, and by amending Section 11 thereof, in relation to gifts and donations, and by amending Section 12 thereof, in relation to reconstruction of country roads and public highways within boulevard districts.

Bill read second time, and ordered on file for third reading

Senate Bill No. 215—An Act to make an appropriation to locate, survey, and obtain estimate of cost of a highway from Happy Camp, Siskiyou County, along the Klamath and Trinity rivers to Hoopa Valley, Humboldt County, and also from a point along said route up the Salmon River to Black Bear.

Mr. Gillis moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Senate Bill No. 215 considered.

Mr. Gillis moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No 215, and do now report the same back, and recommend that it do pass

STANTON, Chairman.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 34—An Act to establish a State Board of Embalmers, defining the duties thereof, providing for the better protection of life and health, preventing the spread of contagious diseases, regulating the practice of embalming in connection with the care and disposition of the dead, and providing penalties for the violation therof.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1

Strike out the period in line 15, of Section 4, page 2, and insert in lieu thereof a semicolon

Amendment adopted.

AMENDMENT No 2

After the semicolon referred to in Amendment No. 1 hereof insert the following: "*provided, however*, that the provisions of this Act and of Sections 2 and 6 hereof,

and this section, shall be subject to the following exceptions Any person, firm, or corporation, which may be engaged in the business of embalming, or undertaking, as herein mentioned at the time of the passage hereof, shall be entitled to a permit or license without examination, upon satisfactory proof to said board of embalmers that such person, firm, or corporation has performed such work in the past in a satisfactory manner"

Amendment adopted

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No 980—An Act to amend Sections 653*c*, 653*d*, and 653*l* of the Civil Code of the State of California, all relative to coöperative business associations.

During second reading of bill, the following amendment was submitted by the committee:

Strike out all after the words "An Act" in the title, and insert in lieu thereof the following

To amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto Title XXII of Part IV of Division First of said Act, relating to and providing for the incorporation, organization, management, and cooperation of non-profit cooperative corporations

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

SECTION 1 A new title to be known as Title XXII of Part IV of Division First is hereby added to an Act entitled "An Act to establish a Civil Code," to read as follows

TITLE XXII

NON-PROFIT COOPERATIVE CORPORATIONS

Sec. 653*f* Formation and purposes of
Sec 653*g* Membership
Sec 653*h* Articles of incorporation
Sec 653*i* By-laws
Sec 653*j* Powers of corporation
Sec 653*k* Amendment of articles of incorporation
Sec 653*l* Quo warranto.
Sec. 653*m* Particular corporations.
Sec 653*n* Voting

653*f* Non-profit cooperative corporations may be formed by the voluntary association of any three or more persons in the manner prescribed in this title. A majority of such persons must be residents of this State, and such corporation shall have and may exercise the powers authorized by this title, and the powers necessarily incident thereto, and also all other powers granted to private corporations by the laws of this State, excepting such powers as are inconsistent with those granted by this title

653*g* Such corporation shall not have a capital stock, and its business shall not be carried on for profit. Any person or any number of persons including and in addition to the original incorporators, may become members of such corporation upon such terms and conditions as to membership, and subject to such rules and regulations as to their, and each of their, contract and other rights and liabilities between it and the member, as the said corporation shall prescribe in its by-laws The corporation shall issue a certificate of membership to each member, but the said membership, or the said certificate thereof, shall not, except as herein provided, be assigned by a member to any other person, nor shall the assigns thereof be entitled to membership in the corporation, or to any property rights or interest therein, nor shall a purchaser at execution sale, or any other person who may succeed, by operation of law or otherwise, to the property interests of a member, be entitled to membership, or become a member of the corporation by virtue of such transfer The board of directors may, however, by motion duly adopted by it, consent to such assignment or transfer, and to the acceptance of the assignee or transferee as a member of the corporation The corporation shall also have the right, by its by-laws, to provide for or against the transfer of membership and for or against the assignment of membership certificates, and also the terms and conditions upon which any such transfer or assignment shall be allowed.

653*h* Each corporation formed under this title must prepare and file articles of incorporation in writing setting forth:

1 The name of the corporation.
2 The purpose for which it is formed.
3 The place where its principal business will be transacted.
4. The term for which it is to exist, not exceeding fifty years

5. The number of directors thereof, which must not be less than three, and which may be any number in excess thereof, and the names and residences of those selected for the first year and until their successors shall have been elected, and shall have accepted office.

6. Whether the voting power and the property rights and interest of each member shall be equal or unequal, and if unequal the articles shall set forth a general rule or rules applicable to all members by which the voting power and the property rights and interests, respectively of each member, may and shall be determined and fixed, but the corporation shall have power to admit new members who shall be entitled to vote and to share in the property of the corporation with the old members, in accordance with such general rule.

7. Said articles of incorporation shall be subscribed by three or more of the original members, a majority of whom must be residents of this State, and acknowledged by each before some officer authorized to take and certify acknowledgments of conveyances of real property, and shall be filed in all respects in accordance with the provisions of Section 296 of this Code, and thereupon the Secretary of State shall issue to the corporation, over the great seal of the State, a certificate that a copy of the articles containing the required statement of facts has been filed in his office, and thereupon the persons signing the articles and their associates and successors shall be a body politic and corporate by the name stated in the certificate When so filed, the said articles of incorporation or certified copies thereof shall be received in all the courts of this State, and other places, as prima facie evidence of the facts contained therein

653*w* Each corporation incorporated under this title must, within one month after filing articles of incorporation, adopt a code of by-laws for its government and management not inconsistent with the provisions of this title A majority vote of the members or the written assent of members representing a majority of the votes is necessary to adopt such by-laws The provisions of Sections 303 and 304 of this Code, which are not inconsistent with the provisions of this title, shall apply to the by-laws of the corporation provided for in this title. Each corporation organized hereunder may also, by its by-laws adopted as aforesaid, provide for the following matters

1. The manner of removal of any one or more of its directors, and of filling any and all vacancies in the board of directors.

2. The conditions upon which and the time when membership of any member in the corporation shall cease; the mode, manner and effect of expulsion of a member, subject to the right of the expelled member to have the board of directors equitably appraise his property interests in the corporation and to fix the amount thereof in money, and to have the money paid to him within sixty days after such expulsion

3. The amount of membership fee, if any, and the amount which each member shall be required to pay, annually, or from time to time, if at all, to carry on the business of the corporation, and also the compensation, if any, to be paid by each member for any services rendered by the corporation to him, and the time of payment and the manner of collecting the same, and may provide for forfeiture of the interest of the member in the corporation for non-payment of the same

4. The number and qualifications of members of the corporation and the conditions precedent to membership, and the method, time and manner of permitting members to withdraw, and providing for the assignment and transfer of the interest of members, and the manner of determining the value of such interest, and providing for the purchase of such interest by the corporation upon the death, withdrawal or expulsion of a member or upon the forfeiture of his membership, at the option of the corporation.

653*x*. Each corporation incorporated under this title shall have the powers granted by the provisions of this Code and other laws of California relating to private corporations, which are not inconsistent with those granted by this title, and shall also have the following powers

1. To appoint such agents and officers as its business may require, and such appointed agents may be either persons or corporations; to admit persons and corporations to membership in the corporation, and to expel any member pursuant to the provisions of its by-laws; to forfeit the membership of any member for violation of any agreement between him and the corporation or for his violation of its by-laws.

2. To purchase, lease or otherwise acquire, hold, own and enjoy, to sell, lease, mortgage and otherwise encumber and dispose of any and all and every kind or kinds of real and personal property, also to carry on any and all operations necessary or convenient in connection with the transaction of any of its busiess

3 Upon the written assent of two thirds of all the members or by a vote of members representing two thirds of the total votes of all members of each of two or more such non-profit coöperative corporation to coöperate with each other for the more economical carrying on of their respective businesses by consolidation, as provided in Section 653*i* of this Code, such consolidation shall be effected, and thereupon the effect of any consolidation shall be the same as declared in said section. Any such corporation upon resolution, adopted by its board of directors, shall have the power to enter into contracts and agreements, and to make stipulations and arrangements with any other corporation or corporations for the coöper-

ative and more economical carrying on of its business, or any part or parts thereof; or any two or more cooperative corporations organized under this title, upon resolutions adopted by their respective boards of directors, may, for the purpose of more economically carrying on their respective businesses, by agreement, unite in adopting, employing and using, or several such corporations may separately adopt, employ and use the same methods, policy, means, agents, agencies and terms of marketing for carrying on and conducting their respective businesses

4. Any corporation formed or consolidated under this title may be dissolved, and its affairs wound up voluntarily by the written consent of members representing two thirds of the total votes, in the manner and with the effect provided in Section 653*j* of this Code except that any property remaining after liquidation shall be divided among the members in proportion to their respective property interests therein.

653*y*. Any such corporation may amend its articles of incorporation in any manner not inconsistent with the provisions of this title, in the manner provided for by Section 362 of the Civil Code of this State.

653*z*. The right of a corporation claiming to be organized and incorporated, and carrying on its business under this title, to do and to continue its business, may be inquired into by quo warranto proceedings at the suit of the Attorney General, but not otherwise.

653*za*. This title is not applicable to railroads, telegraph, telephone, banking, insurance, building and loan, or any other corporation, unless the special provisions of this Code applicable thereto are complied with

653*zb*. In the event the by-laws shall provide for unequal voting power, or unequal property rights of the several members, or both, the provisions of this title with reference to a majority, a two thirds, or other vote of the members, shall not apply, and in lieu thereof there shall be substituted a majority, or a two thirds of the votes of the interests represented by the several members, or otherwise, as the case may be.

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No. 1146—An Act to prevent the propagation of disease through contamination of the atmosphere by gases or fumes arising from crematories for the disposition of garbage, ashes, offal, and other refuse matter, and to prescribe penalties.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1061—An Act to authorize and empower the board of managers of the Agnews State Hospital to sell and convey a portion of real property situate in Santa Clara County, in the State of California, and belonging to said State, to the Western Distilling Company.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 101—An Act to provide for the maintenance and operating expenses of the forestry station at Santa Monica, Los Angeles County, and making an appropriation therefor.

Referred to committee on Ways and Means.

Senate Bill No. 820—An Act to authorize the Governor to accept on behalf of the State the grant of certain lands in Butte County.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1190—An Act authorizing district agricultural associations, organized under the laws of the State of California, to lease lands owned, managed, or controlled, in trust or otherwise, to municipal corporations in which such lands are situated, and repealing all Acts and parts of Acts in conflict herewith.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1196—An Act to amend Section 1365 of the Code of Civil Procedure of California, relating to the order of persons entitled to administer upon an estate, and providing that a partner shall not be appointed administrator.

Referred to Committee on Judiciary.

Senate Bill No 1197—An Act to amend Section 1349 of the Code of Civil Procedure of California, relating to person or persons to whom letters testamentary on proved will may be issued

Referred to Committee on Judiciary.

Senate Bill No 797—An Act to amend section twelve hundred and thirty-eight of the Code of Civil Procedure, relating to the purposes for which the right of eminent domain may be exercised.

During second reading of bill, the following amendments were submitted:

Strike out the period after the words "pipe lines", in line 56, Subdivision 10, page 3, of the printed bill, and add the following: "and pipe lines for conducting the waters of any lake which are not fit for irrigation or domestic purposes, and which contain soda, or other minerals or chemical substances in solution, and also pumps and machinery for raising the same to and forcing the same through such pipes"

Amendment adopted.

Amend line 15, of printed bill, by inserting after semicolon the following: "ponds, lakes, water-sheds.".

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No 885—An Act to amend Section 1230 of the Political Code, relating to grounds of challenge at elections.

Bill read second time, and ordered on file for third reading.

Senate Bill No 22—An Act providing for the purchase by the State Board of Forestry of that certain tract of land in Sonoma County, California, commonly known as "Armstrong Woods," for park purposes, with power to manage such property, and making an appropriation to carry out the provisions of this Act.

Senate Bill No. 278—An Act providing for the construction of the water and sewer system in California Redwood Park, and making an appropriation therefor.

Senate Bill No. 465—An Act to provide for the construction of a section of seawall on the bay of San Diego, reclaiming tide lands, and making an appropriation therefor.

Senate Bill No 540—An Act making an appropriation of six thousand five hundred and twenty-seven and 12-100 dollars ($6,527.12) to repay the Regents of the University of California for moneys appropriated by them to make good losses by fire and disaster, and prescribing the duties of the Controller and Treasurer of State in relation thereto

Senate Bill No. 888—An Act providing for the purchase of a boiler for the kitchen at the State prison at Folsom, and making an appropriation therefor

Senate Bill No. 974—An Act to provide for the purchase of portraits of former Governor George C. Pardee, and Lieutenant-Governor Alden Anderson, by the State Board of Examiners, and to appropriate money therefor.

Senate Bill No. 166—An Act appropriating money for the purchase of a site and right of way, the building of a reservoir and pipe line for a clear water system.

Mr Beardslee moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bills.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Senate Bills Nos. 22, 278 465, 540, 888, 974, and 166 considered

Mr. Beardslee moved that the committee do now rise and report in favor of the passage of the bills.

Motion carried.

IN ASSEMBLY

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bills Nos. 22, 278, 465, 540, 888, 974, and 166, and do now report the same back, and recommend that they do pass.

STANTON, Chairman

Bills read second time, and ordered on file for third reading

Senate Bill No. 1241—An Act amending the Political Code of the State of California, by adding thereto a new section, to be known as Section 3443*a*, relating to the tide lands of the State, and to the sale and purchase thereof.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 813—An Act to insure the better training and qualification of persons operating motor vehicles on public highways, and to regulate the occupation of operating motor vehicles on public highways, and providing penalties for the violation thereof.

Committee substitute adopted.

Bill read second time, and ordered on file for third reading

Senate Bill No. 1219—An Act to provide for the protection and preservation of shade and ornamental trees growing and to be grown upon the roads, highways, grounds, and property within the State of California; and for the planting, care, protecting, and preservation of shade and ornamental trees, hedges, lawns, shrubs, and flowers growing and to be grown in and upon such roads, highways, grounds, and property; and to create county boards of forestry for such purposes; and to prescribe the duties and powers of such boards; and to authorize such boards to appoint county foresters; and to prescribe the duties and fix the compensation of county forester, and to empower such boards to enforce all laws and adopt and enforce any and all lawful and reasonable rules for the protection, planting, regulation, preservation care, and control of such shade and ornamental trees, hedges, lawns shrubs, and flowers

Bill read second time, and ordered on file for third reading

Senate Bill No. 969—An Act to repeal an Act entitled "An Act to prevent fishing, or the taking of fish by the means of weirs, dams, nets, traps, or seines in the bay of San Diego, or in the entrance thereto."

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1077—An Act to amend Section 1880 of the Political Code, relative to elections for insurance of school bonds.

Bill read second time, and ordered on file for third reading

Senate Bill No. 10—An Act relating to high schools and providing for their support by the State of California.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1155—An Act authorizing municipal corporations to permit other municipal corporations to construct and maintain sewers, water mains, and other conduits therein; also to construct and maintain sewers, water mains, and other conduits for their joint benefit, and at their joint expense, and to make and enter into contracts for said purposes

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1152—An Act dedicating to public use for street purposes certain lands in the city of Los Angeles, owned by the State of California

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1156—An Act to amend Section 2 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, relating to street improvements.

On motion, ordered stricken from the file.

Senate Bill No 1174—An Act to provide for the improvement of public streets, lanes, alleys courts, and places in municipalities, in cases where any damage to private property would result from such improvements, and for the assessment of the costs, damages, and expenses thereof upon the property benefited thereby.

Bill read second time, and ordered on file for third reading

Senate Bill No 1191—An Act authorizing municipal corporations to acquire and hold lands by lease or otherwise, for a term of years, for the purpose of developing and encouraging agricultural, horticultural, and botanical products, and exhibiting the same, and repealing all Acts and parts of Acts in conflict with this Act.

Bill read second time, and ordered on file for third reading.

ASSEMBLY BILLS—SECOND-READING FILE.

Assembly Bill No. 1156—An Act to amend an Act entitled "An Act to provide for the formation of boulevard districts, and the construction, maintenance, and use of boulevards, and defining the term boulevard," approved March 22, 1905, by amending Sections 2, 6, 7, 8, and 9, in relation to the issuing of bonds, and by amending Section 11 thereof, in relation to gifts and donations, and by amending Section 12 thereof, in relation to reconstruction of county roads and public highways within boulevard districts.

Bill read second time, and ordered to engrossment.

Assembly Bill No 1270—An Act to amend Section 2802 of the Political Code of the State of California, relating to toll roads.

WITHDRAWAL OF BILL.

Mr Gillis asked for, and was granted, unanimous consent to withdraw Assembly Bill No. 1270.

Assembly Bill No. 1270 withdrawn, and ordered stricken from the file.

Assembly Bill No. 1107—An Act to prohibit discrimination or rebates on premiums for policies of insurance companies.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT NO 1

On page 1, line 1, Section 2, of the printed bill, strike out everything after the figure "2" down to and including all of line 10, on page 2, and in lieu thereof insert the following: "This Act shall not apply to policies of industrial life insurance".

Amendment adopted.

AMENDMENT No 2.

On page 2, of the printed bill, strike out all of Section 4.

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 1182—An Act to amend Section 623 of the Political Code, as to bonds of insurance companies.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 2, Section 1, line 24, of the printed bill, strike out the period after the word "authority" and insert in lieu thereof the words: "issued by the Insurance Commissioner"

Amendment adopted.

AMENDMENT No 2

On page 2, Section 1, line 26, of the printed bill, strike out the word "otherwise", and insert in lieu thereof the word "herein".

Amendment adopted.

AMENDMENT No. 3.

On page 2, Section 1, line 45, of the printed bill, after the word "commissioner", insert the letter "a"

Amendment adopted.

AMENDMENT No 4.

On page 2, Section 1, line 54, of the printed bill, after the word "commissioner", insert the letter "a"

Amendment adopted.

AMENDMENT No. 5

On page 2, Section 1, line 57, of the printed bill, after the word "when", strike out the words "voluntarily offered", and insert in lieu thereof the following: "a new bond is voluntarily offered to and approved by the Insurance Commissioner,".

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 1178—An Act to amend Section 605 of the Political Code as to filing fees in the Insurance Commissioner's office.

Bill read second time, and ordered to engrossment.

Assembly Bill No 1184—An Act to amend Section 602 of the Political Code, as to what constitutes insolvency of an insurance company.

Bill read second time, and ordered to engrossment.

Assembly Bill No 1190—An Act to amend Section 608 of the Political Code, as to transfers from State to Federal Court

Bill read second time, and ordered to engrossment

Assembly Bill No. 1188—An Act to amend Section 594 of the Political Code, classifying insurance business and specifying required capital stock and available cash assets.

During second reading of bill, the following amendments were submitted:

AMENDMENT No 1

On page 2, line 33, of the printed bill, strike out the word "of", and insert in lieu thereof the word "on"

Amendment adopted.

AMENDMENT No 2

On page 4, after line 106, insert the following paragraph:

"No company having a capital stock of at least $200,000, and authorized to do in California the thirteenth kind of insurance, shall therein do the first or second or

third kind of insurance, and must in addition to such capital stock of at least $200,000 have $50,000 of capital stock for each kind of insurance it may do therein other than the said thirteenth kind "

Amendment adopted.

AMENDMENT No 3.

On page 4, after line 106, insert the following paragraph:
"This section shall not apply to any fraternal organization or society doing business within this State."

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 1189—An Act to add a new section to the Political Code of the State of California, to be known and numbered as Section 633*b*, relating to resident agents for insurance companies.

During second reading of bill, the following amendment was submitted:

On page 1, Section 1, line 8, of the printed bill, after the word "insured", strike out the words "or guaranteed".

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 1332—An Act to amend Section 622*a* of the Political Code, relating to taxes on insurance premiums.

During second reading of bill, the following amendment was submitted:

On page 2, Section 1, line 34, of the printed bill, after the word "prevail", strike out the period and insert in lieu thereof a semicolon, and add the following "*provided, however*, that this section shall not apply to any fraternal life insurance organization."

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 1225—An Act to amend section one hundred and seventy-seven of the Code of Civil Procedure of the State of California, relating to the power of judicial officers and courts of record

Bill read second time, and ordered to engrossment

Assembly Bill No 147—An Act authorizing the filing of petitions praying for an election to vote upon the question whether territory described in such petition shall become or remain no-license territory; providing for the calling and holding of such election; the counting and canvassing of the votes polled thereat, making it the duty of the proper governing body to declare such territory to be no-license territory upon a majority of votes being cast in favor thereof, and to forbid the granting of licenses to sell alcoholic liquors therein; providing that upon such affirmative vote being given, no licenses, permits, or other authority to keep or maintain a saloon, or to sell, give away, or distribute alcoholic liquors therein shall be granted; and forfeiting and declaring void all such licenses or permits theretofore issued and in force; and making it a penal offense to sell, give away, or distribute alcoholic liquors within such territory, with certain exceptions, and providing penalties for such offenses

WITHDRAWAL OF BILL.

Mr. Wyllie asked for, and was granted, unanimous consent to withdraw Assembly Bill No 147

Assembly Bill No. 147 withdrawn, and ordered stricken from the file.

MESSAGE FROM SENATE.

The following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, March 15, 1909

MR. SPEAKER. I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to Senate Bill No 838—An Act to amend Section 3785 of the Political Code, relating to the issuance of tax deeds for property sold for delinquent taxes

Also Senate Bill No 990—An Act fixing a bounty on coyote scalps

LEWIS A. HILBORN, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary

Also:

SENATE CHAMBER, SACRAMENTO, March 15 1909.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to Senate Bill No. 269—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 35 thereof

Also: Senate Bill No. 747—An Act to provide for the union of two or more secondary school districts, the filing of a petition with the county superintendent of schools to submit the question of uniting union secondary school districts and calling for an election therefor, and the canvassing of the votes cast at said election.

Also Senate Bill No 763—An Act to amend Sections 628, 628*a*, 632½, 634, and 636 of the Penal Code of the State of California, all relating to the protection and preservation of fish.

Also: Senate Bill No. 809—An Act adding a new section to the Political Code of the State of California, to be numbered Section 1584, relating to school districts.

Also: Senate Bill No. 964—An Act to add a new section to the Political Code of California, to be numbered 1622*a*, relating to apportionment of school funds.

Also, Senate Bill No. 12—An Act to authorize the establishment of the California State Trades and Training School for dependent orphans, half orphans, abandoned children, and children committed by court and placed under guardianship of the board of trustees, the appointment of a board of trustees, the purchase of a site, the preparation of plans and specifications for grounds and buildings, and to make the necessary appropriation therefor.

Also: Senate Bill No. 471—An Act to amend Section 1617 of the Political Code of California, relating to the general powers of boards of trustees and of education.

Also: Senate Bill No 634—An Act to amend Section 594 of the Civil Code, relating to the formation of corporations for purposes other than profit

LEWIS A HILBORN, Secretary of Senate
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 15, 1909.

MR SPEAKER I am directed to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No 14—Relative to final adjournment

Also: Passed Senate Bill No. 1221—An Act to amend Sections 3493*m* and 3493*n* of the Political Code, relating to the sale of lands uncovered by the recession of drainage of waters of inland lakes, or heretofore or hereafter uncovered as a result of any artificial change in the channel of any navigable water course, and unsegregated swamp and overflowed lands, the said sections being a part of Chapter I, of Title VIII, of Part III, of the Political Code, and being known as Article II*a*

LEWIS A. HILBORN, Secretary of Senate
By J W KAVANAGH, Assistant Secretary

Senate Concurrent Resolution No. 14 referred to Committee on Ways and Means.

Senate Bill No 1221 read first time, and referred to Committee on Swamp and Overflowed Lands and Levee and River Improvements and Drainage.

SPECIAL FILE—THIRD READING.

Assembly Bill No. 1446—An Act appropriating money to provide and equip quarters for the Hastings College of Law.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1446 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beban, Black, Bohnett, Cattell, Collier, Dean, Drew, Fleisher, Flint, Gerdes, Gillis, Greer, Hammon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Lightner, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Pugh, Pulcifer, Schmitt, Silver, Stuckenbruck, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—51.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

WITHDRAWAL OF BILL.

Mr. Wagner asked for, and was granted, unanimous consent to withdraw Assembly Bill No 744

Assembly Bill No 744 withdrawn, and ordered stricken from the file.

THIRD-READING FILE.

Assembly Bill No. 1146—An Act to add a new section to the Political Code of the State of California, to be known as Section 3495*a*, and relating to applications to purchase State lands, requiring a deposit of money to accompany the application, and providing for the filing of additional applications

Bill read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1146 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beban, Bohnett, Callan, Cattell, Collier Dean, Drew, Feeley, Flint, Gerdes, Gillis, Greer, Hammon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Lightner, Maher, McClellan, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, O'Neill, Perine, Pulcifer, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner Wheelan, Whitney, Young, and Mr. Speaker—47

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1070—An Act to add a new section to the Political Code of the State of California, to be known as Section 3251 thereof, providing pay for holidays for employees of the State of California or of any political subdivision thereof.

Bill read third time, and passed on file.

WITHDRAWAL OF BILLS.

Mr Holmquist asked for, and was granted, unanimous consent to withdraw Assembly Bill No. 1273.

Assembly Bill No 1273 withdrawn, and ordered stricken from the file.

Mr Rutherford asked for, and was granted, unanimous consent to withdraw Assembly Bill No. 767.

Assembly Bill No. 767 withdrawn, and ordered stricken from the file.

Mr Pulcifer asked for, and was granted, unanimous consent to withdraw Assembly Bill No. 914.

Assembly Bill No 914 withdrawn, and ordered stricken from the file.

Assembly Bill No. 915—An Act to amend section twenty-seven hundred and fifty-six of the Civil Code of the State of California, relating to measure of indemnity.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 915 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beban, Black, Callan, Cattell, Collier, Dean, Drew, Feeley, Fleisher, Flint, Gerdes, Gillis, Hammon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Placer, Johnston of Contra Costa, Juilliard, Lightner, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Pulcifer, Schmitt, Silver, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wyllie, Young, and Mr. Speaker—49

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 916—An Act to amend section twenty-five hundred and forty-one of the Civil Code of the State of California, relating, to assignment to mortgagee of things insured.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 916 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beban, Black, Callan, Cattell, Collier, Dean, Drew, Feeley, Fleisher, Flint, Gerdes, Gillis, Hammon, Hawk, Hayes, Hewitt, Holmquist, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Pulcifer, Rutherford, Schmitt, Silver, Telfer, Transue, Wagner, Webber, Wheelan Whitney, Wyllie, Young, and Mr Speaker—48

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate

RESOLUTION.

The following resolution was offered:

By Committee on Rules and Regulations:

Resolved, That there shall be prepared at once by the Committee on Rules and Regulations a special urgency file, to consist of bills to be selected in the following manner:

Each member shall present to the Committee on Rules and Regulations the number of any one particular bill which he desires to be taken up, such bill to be selected from any file, and when such list of bills shall have been completed, the Committee on Rules and Regulations, in the presence of the House, shall cause the names of all members to be placed in a hat, and they shall be drawn therefrom by chance.

The bills shall then be arranged in the order in which the names are drawn, and a special urgency file shall thus be made. Such file shall be considered at least once each day, commencing on March 16, 1909, and shall be continued each day until all of such bills have been acted upon.

During the consideration of such special urgency file no bill shall be considered if objection thereto is made by at least seven members of the Assembly. But if a bill is thus objected to by seven members, the member who has placed such bill upon the file shall have the right to call up another bill in its place, under the same regulation as to objections

Debate upon bills upon such special urgency file shall be limited to five minutes on each bill, one half of which time shall be allowed to those favoring the bill, and the remainder of the time to those in opposition

During consideration of such special urgency file, no other business shall be in order except by unanimous consent

JOHNSTON OF CONTRA COSTA, Chairman

Resolution read, and ordered printed in the Journal.

THIRD-READING FILE—(RESUMED).

Assembly Bill No. 1181—An Act to repeal Section 600*a* of the Political Code, and to reënact same as Section 603*a* of the Political Code

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No 1181 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Black, Bohnett, Callan, Collier, Dean, Drew, Feeley, Fleisher, Flint, Gerdes, Gillis, Hammon, Hawk, Hayes, Hewitt, Holmquist, Johnston of Contra Costa, Juilliard, Lightner, Macauley, Maher, McManus, Melrose, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Pulcifer, Rutherford, Schmitt, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wyllie, Young, and Mr Speaker—46.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate

Assembly Bill No. 1186—An Act to amend Section 618 of the Political Code, as to deposits required of insurance companies organized under the laws of this State.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1186 passed by the following vote:

AYES—Messrs Barndollar, Baxter Beardslee, Black, Callan Collier, Drew, Feeley, Fleisher, Flint, Gerdes, Gillis, Hammon, Hawk, Hayes, Hewitt, Holmquist, Johnson of Placer, Johnston of Contra Costa, Juilliard, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Moore, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Pulcifer, Rutherford, Silver, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wyllie, Young, and Mr. Speaker—45.

NOES—None.

Title read and approved

Bill ordered transmitted to the Senate.

Assembly Bill No. 1187—An Act to amend Section 604 of the Political Code, as to proceedings concerning insolvent insurance corporations.

Bill read third time

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1187 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Black, Bohnett, Collier, Drew, Feeley, Fleisher, Flint, Gerdes, Gillis, Hammon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Placer, Johnston of Contra Costa, Juilliard, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Pulcifer, Rutherford, Schmitt, Silver, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wyllie, Young, and Mr Speaker—48.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

WITHDRAWAL OF BILLS.

Mr. Melrose asked for, and was granted, unanimous consent to withdraw Assembly Bill No 304.

Assembly Bill No. 304 withdrawn, and ordered stricken from file

Mr. McManus asked for, and was granted, unanimous consent to withdraw Assembly Bills Nos. 609 and 1274.

Assembly Bills Nos. 609 and 1274 withdrawn, and ordered stricken from the file

Assembly Bill No. 1185—An Act to amend Section 594*a* of the Political Code, as to deposits of insurance companies not organized under the laws of this State.

Bill read third time

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1185 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Black, Bohnett, Callan, Collier, Dean, Drew, Feeley, Fleisher, Flint, Gerdes, Gillis, Hammon, Hawk, Hayes, Hinkle, Holmquist, Johnson of Placer, Johnston of Contra Costa, Juilliard, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Pulcifer, Rutherford, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wyllie, Young, and Mr. Speaker—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1354—An Act to provide for separate sewer districts within municipalities.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1354 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Black, Bohnett, Callan, Cattell, Dean, Drew, Feeley, Flint, Gerdes, Gillis, Hammon, Hawk, Hayes, Hinkle, Holmquist, Johnson of Placer, Johnston of Contra Costa, Juilliard, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Pulcifer, Rutherford, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wyllie, Young, and Mr. Speaker—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

WITHDRAWAL OF BILLS.

Mr. Hammon asked for, and was granted, unanimous consent to withdraw Assembly Bill No. 1386.

Assembly Bill No. 1386 withdrawn, and ordered stricken from the file.

Mr. Hayes asked for, and was granted, unanimous consent to withdraw Assembly Bill No. 1314.

Assembly Bill No. 1314 withdrawn, and ordered stricken from the file.

Mr. Hewitt asked for, and was granted unanimous consent to withdraw Assembly Bill No. 1315.

Assembly Bill No. 1315 withdrawn and ordered stricken from the file.

Assembly Bill No. 1037—An Act to amend section two hundred and thirteen of the Penal Code of the State of California, and to add a new section thereto, numbered two hundred and twelve *a*, relating to the crime of robbery and its punishment.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1037 passed by the following vote.

AYES—Messrs. Barndollar, Beardslee, Bebau, Black, Cattell, Dean, Drew, Feeley, Fleisher, Flint, Gillis, Hammon, Hawk, Hewitt, Holmquist, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Leeds, Lightner, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Odom, Otis, O'Neill,

Perine, Polsley, Pulcifer, Schmitt, Silver, Stuckenbruck, Transue, Wagner, Webber, Wyllie, Young, and Mr. Speaker—43.

NOES—Messrs Beatty, Bohnett, Callan, Gerdes, Hayes, Hinkle, Macauley, Nelson, Telfer, Wheelan, and Whitney—11.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 281—An Act to amend Section 784 of the Code of Civil Procedure, relating to sales in actions in partition.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 281 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Beban, Black, Bohnett, Callan, Cattell, Dean, Drew, Feeley, Fleisher, Flint, Gerdes, Gillis, Hammon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnston of Contra Costa, Juilliard, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Pulcifer, Rutherford, Schmitt, Silver, Stuckenbruck Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young and Mr. Speaker—54.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No 1232—An Act to amend Section 60 of the Civil Code.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1232 passed by the following vote:

AYES—Messrs. Baxter, Beardslee, Beatty, Beban, Callan, Cattell, Coghlan, Dean, Drew, Fleisher, Flint, Gerdes, Gillis, Hayes, Hewitt, Holmquist, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Lightner, Macauley, Maher, McManus, Mendenhall, Moore, Nelson, Odom, O'Neill, Perine, Polsley, Pugh, Pulcifer, Rutherford, Schmitt, Silver, Stuckenbruck, Telfer, Wagner, Webber, Wheelan, Whitney, Wyllie, and Mr Speaker—44.

NOES—Messrs. Barndollar, Greer, Hawk, McClellan, Melrose, and Transue—6

Title read and approved.

Bill ordered transmitted to the Senate.

NOTICE OF MOTION TO RECONSIDER.

Mr. Beardslee gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 1232 was this day passed.

Assembly Bill No. 1029—An Act to add a new section to the Penal Code, to be numbered Section 413½, relating to sparring exhibitions and prize fights.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1029 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Bohnett, Callan, Cattell, Coghlan, Drew, Feeley, Fleisher, Flint, Gerdes, Gillis, Greer, Hammon, Haulon, Hawk, Hayes, Hewitt, Holmquist, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Pugh, Pulcifer, Rutherford, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Wyllie, and Mr. Speaker—49.

NOES—Messrs. Baxter, Lightner, Macauley, and Wheelan—4.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1285—An Act to amend section nine hundred and seventy-eight of the Code of Civil Procedure of California, relating to undertakings on appeal from judgments of justices' or police courts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1285 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Coghlan, Cronin, Dean, Drew, Feeley, Fleisher, Flint, Gerdes, Gillis, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Rutherford, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Wyllie, Young, and Mr. Speaker—61.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1286—An Act to add a new section to the Code of Civil Procedure of California, to be known as section nine hundred and seventy-eight *a*, relating to the undertaking on appeal from judgments of justices' or police courts

Bill read third time.

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 1286 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Cronin, Dean, Drew, Fleisher, Flint, Gerdes, Gillis, Greer, Hammon, Hanlon, Hawk, Hayes, Hinkle, Holmquist, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Preston, Pugh, Pulcifer, Rech, Rutherford, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Wyllie, Young, and Mr Speaker—57.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate

SENATE BILLS—SECOND-READING FILE

Senate Bill No 842—An Act to amend Article I, of Chapter I, of Title VIII, of Part III, of the Political Code, relating to State school land.

During second reading of bill, the following amendments were submitted by Mr. Preston:

AMENDMENT No. 1.

After the word "scrip", in line 14, page 2, of the printed bill, insert the following: "But nothing herein shall be construed as affecting the validity of, or to interfere with the perfecting of, any selection, reselection, designation, or redesignation, now in good standing in either the United States Land Office, or the State Land Office. And no reselection of any land for which a certificate of purchase is outstanding shall be applied for by any person until the certificate of purchase issued therefor shall have been surrendered."

AMENDMENT No 2.

After the word "offices", in line 20, page 3, of the printed bill, insert the following: "The county recorder, upon request of any person or his agent or attorney shall forthwith on the payment of the fees allowed by law, furnish the certificate herein required, or any other such certificate that may be required by the rules and regulations of the United States Land Office."

AMENDMENT No. 3

After the word "acres", in line 40, page 8, of the printed bill, insert the following: "*Provided* that within three years after the passage of this Act any bona fide owner and holder of a certificate of purchase for land of this State, based upon and issued for indemnity State lands, where the selection or designation upon which the certificate was issued, has been cancelled, in the United States Land Office or which is not now in good standing therein, may surrender such certificate of purchase to the Surveyor General for redemption and cancellation. And upon such surrender of any such certificate of purchase the Surveyor General shall certify such fact to the Controller, who shall thereupon draw his warrant in favor of such person for the sum of three dollars per acre for each and every acre covered by and contained in such certificate of purchase, and the Treasurer shall pay such warrant out of the fund derived from the sale of scrip under the terms of this Act, *provided*, that if any sum be due to the State upon any such certificate due deduction shall be made therefor from the amount above specified. *Provided, however*, that no redemption herein provided for shall be made unless the land covered by such certificate of purchase shall be at the time of such surrender open for reselection, nor shall such redemption be made unless an application to reselect accompanies such surrender complying with all the terms and restrictions of this Act."

AMENDMENT No 4

Amend the title by inserting after the word "Thereof", in first line, at top of page 2, the following: "making provision for surrender and redemption of outstanding certificates of purchase".

Amendments lost.

Also:

AMENDMENT No 5

After the word "scrip", in line 14, page 2, of the printed bill, insert the following: "But nothing herein shall be construed as affecting the validity of, or to interfere with the perfecting of any selection, reselection, designation or redesignation now in good standing in the United States Land Office. And no reselection of any land for which a certificate of purchase is outstanding shall be made by the Surveyor General until the certificate of purchase issued therefor shall have been surrendered."

Amendment adopted.

AMENDMENT No 6

After the word "offices", in line 20, page 3, of the printed bill, insert the following "The county recorder upon the request of any person or his agent or attorney shall forthwith on the payment of the fees allowed by law, furnish the certificate herein required, or any other such certificate that may be required by the rules or regulations of the United States Land Office."

Amendment adopted.

AMENDMENT No. 7.

Strike out the words "three dollars", in line 34, page 8, of the printed bill, and insert in lieu thereof the words "one dollar and twenty-five cents".

Amendment adopted.

Also:

The following amendment was submitted by Mr. Wheelan:

On page 6, line 75, add the following "and nothing herein contained shall affect the right of actual settlers on such school sections to purchase the lands settled upon and improved by them and to obtain their patents, upon the payment of the purchase price of $1.25 an acre under the provisions of Title 8 of the Political Code."

Roll call was regularly demanded.

The roll was called, and the amendment lost by the following vote:

AYES—Messrs. Beardslee, Beban, Black, Coghlan, Collier, Drew, Feeley, Fleisher, Greer, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Cotsa, Lightner, Macauley, McManus, Moore, Mott, Nelson, O'Neill, Perine, Pugh, Pulcifer, Schmitt, Wagner, Wheelan, and Young—27.

NOES—Messrs Barndollar, Beatty, Bonnett, Butler, Callan, Cattell, Cogswell, Dean, Flint, Gerdes, Gillis, Hammon, Hanlon, Hewitt, Hinkle, Holmquist, Johnson of Placer, Juilliard, Kehoe, Maher, McClellan, Otis, Preston, Rech, Rutherford, Telfer, Transue, Whitney, Wilson, Wyllie, and Mr. Speaker—31

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No. 58—An Act providing for the appointment of a consulting board to the Department of Engineering, to be known as the Consulting Board on Mining Débris, and authorizing such board, under the supervision and subject to the approval of the Advisory board of the Department of Engineering, to perform certain duties relating to the retainment of mining débris, the construction of certain works necessary and incident to the retainment thereof, the condemnation or purchase of lands and rights of way necessary therefor, and the operation of mining by the hydraulic process, where the same can be done without injury to any other industry.

Bill read second time, and ordered on file for third reading.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1909

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bill correctly engrossed

Assembly Bill No. 221—An Act to amend section nine hundred and twenty-five of the Penal Code of the State of California

YOUNG, Chairman

The above reported bill ordered on file for third reading

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1909

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 446—An Act making an appropriation for the purpose of enlarging the power-house at the California Home for the Care and Training of Feeble-Minded Children, and for the purchase and installation therein of two steam boilers and necessary tools and machinery.

Also: Senate Bill No. 447—An Act making an appropriation for the erection and construction of a building at the California Home for the Care and Training of Feeble-Minded Children, as an addition to the present kitchen, to be used for the accommodation of a cold-storage and ice plant; for the purchase and installation in said building of a cold-storage and ice plant, for repairs to the present kitchen at said home, and for the purchase and installation in said kitchen of necessary kitchen ranges and cooking utensils

Also: Senate Bill No. 161—An Act providing for the investigation of the nature and means of control of destructive diseases of cultivated plants in those portions of the State not benefited by the Southern California Pathological Laboratory, and making an appropriation therefor

Also: Senate Bill No. 1067—An Act providing for the construction of an executive mansion for the use of the Governor of the State of California, and his family, in the State Capitol Grounds at Sacramento, and also in connection therewith stables and garage, and authorizing and directing the State Engineer to cause the erection thereof, and also providing for the appointment of a commission to be known as the Executive Mansion Commission, to act in conjunction with the State Engineer, and conferring certain powers and duties on said commission, and also making an appropriation for the purposes of the Act.

Also: Senate Bill No. 1068—An Act to provide for the completion of the hospital for insane at Folsom State Prison, and making an appropriation therefor.

Also Senate Bill No. 1111—An Act to amend section four hundred and eighty-four of the Political Code of the State of California

Also: Senate Bill No. 1112—An Act to amend section five hundred and thirteen of the Political Code of the State of California.

Also: Senate Bill No. 1113—An Act to amend section four hundred and seventy-one of the Political Code of the State of California.

Also: Senate Bill No. 1114—An Act to amend section four hundred and fifty-five of the Political Code of the State of California.

Also: Senate Bill No. 1115—An Act to amend section four hundred and thirty-eight of the Political Code of the State of California.

Also: Senate Bill No. 1116—An Act to amend Section 417 of the Political Code of the State of California

Also Senate Bill No. 1118—An Act to amend section three hundred and eighty-four of the Political Code of the State of California.

Also Senate Bill No. 816—An Act to amend Section 268 of the Political Code of California, relative to the salaries of officers and employees of the Senate and Assembly.

Also Senate Bill No 464—An Act to provide for the issuance and sale of State bonds to create a fund for the construction by the Board of State Harbor Commissioners for the bay of San Diego of a seawall, wharves, piers, state railroad, spurs, betterments and appurtenances, in the county of San Diego; to create a sinking fund for the payment of said bonds, to define the duties of State officers in relation thereto to make an appropriation of one thousand dollars for the expense of printing said bonds, and to provide for the submission of this Act to a vote of the people.

Also Senate Bill No 1171—An Act to amend section one of an Act entitled "An Act authorizing and directing the completion of the main buildings at the California Home for the Care and Training of Feeble-Minded Children, near Eldridge, Cal, and making an appropriation therefor," approved March 11, 1907.

Also Senate Bill No. 1204—An Act providing for the selection of a site for a State printing office, at the city of Sacramento, California, providing for the appointment of a commission to select said site, and providing for the erection of a building on said site, and appropriating money therefor

Also Senate Bill No 219—An Act making an appropriation to pay the claim of Lauretta Campbell against the State of California

Also Senate Bill No. 242—An Act to provide for the survey, location, and construction of a state highway from the town of Mariposa, through Bear Creek, Missouri Gulch and Stockton Creek to the Yosemite Valley Railroad at Bear Creek Station, in Mariposa County, California, and making an appropriation therefor

Also Senate Bill No 1240—An Act making an appropriation for the maintenance and improvement of the buildings of the Mission of St Francis de Solano, situated at Sonoma, California

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass

BEARDSLEE, Chairman

ON MUNICIPAL CORPORATIONS

ASSEMBLY CHAMBER, SACRAMENTO March 15, 1909

MR SPEAKER Your Committee on Municipal Corporations to whom was referred Assembly Bill No 421—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a section thereto, to be designated and known as Section 1716, relating to the payment and enforcement of claims against municipal corporations in certain cases—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass

FEELEY, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO March 15, 1909.

MR SPEAKER: Your Committee on Municipal Corporations, to whom was referred Senate Bill No 467—An Act to amend Section 11 of an Act entitled "An Act providing for the sale of street railroad and other franchises in counties and municipalities, and providing conditions for the granting of such franchises by the legislative or other governing bodies, and repealing conflicting Acts," approved March 22, 1905

Also Senate Bill No 525—An Act to regulate the building and occupancy of tenement houses in incorporated towns, incorporated cities, and cities and counties, and to provide penalties for the violation thereof

Also: Senate Bill No. 1173—An Act to amend Sections 4, 6, 8, 9, 10, 11, 12, 14, 16 and 33 of an Act entitled "An Act to provide for the laying out, opening, extending widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places, within municipalities, for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement," approved March 24, 1903; and to provide for the continuance of proceedings and actions for improvement under said Act commenced prior to and pending at the time of the taking effect of this Act

Also Senate Bill No. 1238—An Act to amend section nine of an Act entitled "An Act to provide for laying out, opening, extending, widening, straightening, or closing up in whole or in part any street, square, lane, alley, court, or place within municipalities, and to condemn and acquire any and all land and property necessary or convenient for that purpose," approved March 6, 1889.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass

FEELEY, Chairman

ON PUBLIC CHARITIES AND CORRECTIONS.

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1909

MR SPEAKER: Your Committee on Public Charities and Corrections, to whom was referred Senate Bill No. 1009—An Act to provide for the parole of prisoners con-

fined in county jails and city prisons, and authorizing and empowering boards of supervisors and the governing bodies of municipalities to make rules and regulations in relation thereto—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

COLLIER, Chairman.

The above bills ordered on file for second reading.

ADJOURNMENT.

At eleven o'clock and fifty minutes P. M., on motion of Mr. Transue, the Assembly was declared adjourned until ten o'clock A. M. of Tuesday, March 16, 1909.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL.,
Tuesday, March 16, 1909.

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon George M. Perine, Speaker pro tem. of the Assembly, in the chair

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

Messrs. Barndollar, Beardslee, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collum, Cronin, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Kehoe, Leeds, Macauley, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Rutherford, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, and Whitney—59.

Quorum present.

LEAVES OF ABSENCE.

On motion, leave of absence for the day was granted to Messrs. Hopkins, Wyatt, and Cullen.

PRAYER.

Prayer was offered by the Chaplain, Rev. Seren N. Marsh.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. O'Neill, its further reading was dispensed with.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON COMMON CARRIERS.

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1909.

MR SPEAKER: Your Committee on Common Carriers, to whom was referred Senate Bill No. 67—An Act to provide for the holding of certain meetings by the State Board of Railroad Commissioners in various parts of the State of California, and for cooperation in certain investigations by such board with the Interstate Commerce Commission—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass, the author having requested that it be withdrawn

PERINE, Chairman.

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1909.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Senate Bill No. 374—An Act to regulate the work and hours of employees in the occupation of cooks, waiters and waitresses in public eating houses, and providing a penalty for violation thereof.

Also, Senate Bill No. 605—An Act to amend section twenty hundred and twenty-four of the Code of Civil Procedure of California, relating to taking depositions out of the State.

Also, Senate Bill No. 606—An Act to amend section twenty hundred and twenty of the Code of Civil Procedure of California, relating to taking testimony of a witness out of the State.

Also Senate Bill No. 608—An Act to amend Section 1678 of the Code of Civil Procedure of California, relating to partition or distribution of estates of deceased persons.

Also: Senate Bill No. 609—An Act to amend Section 422 of the Code of Civil Procedure of California, relating to cross-complaints.

Also: Senate Bill No. 610—An Act to amend Section 1723 of the Code of Civil Procedure of California, relating to the disposition of life estates of homesteads of community property in certain cases and joint tenancies.

Also, Senate Bill No. 620—An Act to amend Section 705 of the Code of Civil Procedure of California, relating to redemption from sheriff's sale.

Also: Senate Bill No 622—An Act to amend Section 850 of the Code of Civil Procedure of California, relating to notice of trial or hearing thereof in Justices' Courts

Also: Senate Bill No. 859—An Act to amend Section 1265 of the Civil Code of the State of California, relating to the tenure by which homestead is held

Also Senate Bill No. 860—An Act to amend section three thousand and five of the Civil Code of the State of California, relating to the sale of pledged property.

Also: Senate Bill No. 861—An Act to amend section three hundred *a* of the Civil Code of the State of California, relating to corporations.

Also: Senate Bill No. 866—An Act to amend Section 1391 of the Civil Code of the State of California, defining the direct line of descent and ascent, and the degrees thereof.

Also: Senate Bill No. 868—An Act to repeal Section 1392 of the Civil Code of the State of California.

Also: Senate Bill No 869—An Act to repeal Section 1393 of the Civil Code of the State of California.

Also Senate Bill No. 1087—An Act to amend Section 4300*g* of the Political Code of the State of California, relating to witness fees.

Also: Senate Bill No. 1110—An Act to amend section eleven hundred and twenty-six of the Code of Civil Procedure of California.

Also: Senate Bill No 1117—An Act to amend Section 397 of the Political Code of the State of California.

Also: Senate Bill No. 1122—An Act to amend Section 199 of the Code of Civil Procedure of California, relating to persons not competent to act as jurors.

Also: Senate Bill No 1177—An Act to add a new section to the Penal Code of the State of California, to be known as Section 1426*a*, relating to the time within which prosecutions for misdemeanor may be commenced

Also: Senate Bill No. 1178—An Act to amend section six hundred and two of the Code of Civil Procedure, relating to jury trials.

Also: Senate Bill No. 1232—An Act to legalize, confirm, and validate tax deeds made to the State of California for delinquent taxes, and deeds made to purchasers of property sold under and in pursuance of the provisions of sections three thousand eight hundred and ninety-seven and three thousand eight hundred and ninety-eight of the Political Code.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

JOHNSON OF SACRAMENTO, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1909

MR SPEAKER Your Committee on Judiciary, to whom was referred Assembly Bill No 148—An Act relating to and providing for the remuneration of attorneys and counselors at law for professional services rendered in Superior Courts in the defense of prosecutions conducted against indigent defendants.

Also, Assembly Bill No. 641—An Act to amend Section 1181 of the Penal Code, with reference to the granting of a new trial

Also: Assembly Bill No 1215—An Act to amend Section 200 of the Code of Civil Procedure of the State of California, relating to persons exempt from jury service

Have had the same under consideration, and respectfully report the same back, and recomemnd that they do pass.

JOHNSON OF SACRAMENTO, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1909

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Senate Bill No 973—An Act to amend section six hundred and ninety-two of the Code of Civil Procedure, relating to the notice of sale of property on execution—have had the same under consideration, and respectfully report the same back, without recommendation

JOHNSON OF SACRAMENTO, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1909.

MR SPEAKER: Your Committee on Judiciary, to whom was referred Senate Bill No 618—An Act to amend section seventeen hundred and seventy-four *a* of the Code of Civil Procedure of California, relating to the settlements of accounts of guardians—report the same back, with one amendment and recommend that it do pass as amended

Also: Senate Bill No. 867—An Act to amend Section 1390 of the Civil Code of the State of California, defining the degrees of consanguinity, and prescribing methods of tracing the same—report the same back, with one amendment, and recommend that it do pass as amended

JOHNSON OF SACRAMENTO, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1909

MR SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 582—An Act to prohibit corrupt lobbying and corrupt practices concerning or in opposition or support of the enactment of laws or the allowance of claims against the State, to provide penalties for the violation of any of the provisions of this Act—have had the same under consideration, and respectfully report the same back, without recommendation.

JOHNSON OF SACRAMENTO, Chairman

ON COUNTY AND TOWNSHIP GOVERNMENTS

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1909.

MR SPEAKER: Your Committee on County and Township Governments, to whom was referred Senate Bill No. 960—An Act to add a new section to the Political Code of the State of California, to be known as Section 4265, relating to the compensation of officers in counties of the thirty-sixth and one-half class

Also: Senate Bill No. 961—An Act to amend Section 4238 of the Political Code, relating to officers in counties of the ninth class

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass

HANS, Chairman

ON LABOR AND CAPITAL

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1909

MR SPEAKER: Your Committee on Labor and Capital, to whom was referred Assembly Bill No 1413—An Act to create the office of attorney for the State Bureau of Labor Statistics—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

NELSON, Chairman

ON COUNTIES AND COUNTY BOUNDARIES

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1909.

MR SPEAKER: Your Committee on Counties and County Boundaries, to whom was referred Senate Constitutional Amendment No 38—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending section three of Article XI thereof, and relating to the formation of new counties, and altering the boundary lines of existing counties—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

JOHNSON OF SAN DIEGO, Chairman.

ON IRRIGATION

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1909

MR SPEAKER: Your Committee on Irrigation, to whom was referred Senate Bill No 530—An Act to conserve the artesian and underground waters of the State—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

WAGNER, Chairman

ON REVENUE AND TAXATION.

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1909

MR. SPEAKER: Your Committee on Revenue and Taxation, to whom was referred Senate Bill No. 1120—An Act to amend Section 3696 of the Political Code—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

MELROSE, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1909

MR. SPEAKER: Your Committee on Revenue and Taxation, to whom was referred Assembly Bill No. 270—An Act to amend Section 3897 of the Political Code

Also, Assembly Bill No. 1389—An Act to provide for the use by the State of California of its credit for the establishment of a currency or an exchange medium.

Have had the same under consideration, and respectfully report the same back, without recommendation

MELROSE, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1909

MR. SPEAKER: Your Committee on Revenue and Taxation, to whom was referred Assembly Constitutional Amendment No. 29—A resolution proposing to add a new section to Article XIII of the Constitution, relating to taxes on live stock—have had the same under consideration, and respectfully report the same back, without recommendation.

MELROSE, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1909.

MR. SPEAKER: Your Committee on Revenue and Taxation, to whom was referred Assembly Constitutional Amendment No. 18—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, providing for the separation of State and local taxation, providing for the taxation of public service and other corporations for the benefit of the State, and to that end adding to Article XIII a new section, to be numbered Section 14, amending Section 10 of Article XII and repealing Section 10 of Article XI thereof, all relating to revenue and taxation—have had the same under consideration, and respectfully report that the author be permitted to withdraw the same

MELROSE, Chairman.

The above reported bills ordered on file for second reading.

MESSAGES FROM THE GOVERNOR.

The following messages from the Governor were taken up and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 15, 1909

To the Assembly of the State of California.

I have the honor to inform your honorable body that I have approved Assembly Bill No. 1109—An Act to prohibit within certain limits the mooring and anchoring of house-boats in rivers and streams, and the maintaining of privies, vaults cesspools, sewer pipes and conduits on the banks of rivers and streams, and providing for punishment for violation thereof, declaring such acts to be public nuisances, and providing for the abatement of such nuisances.

Also: Assembly Bill No. 1059—An Act pertaining to the establishment of a uniform system of county and township governments, and amending Section 4273 of the Political Code, relating to the salaries and fees of officers of counties of the forty-fourth class.

Also: Assembly Bill No. 934—An Act to amend an Act entitled "An Act to continue in force school teachers' certificates, State educational diplomas, and life diplomas," approved February 5, 1880

Also: Assembly Bill No. 655—An Act to amend Section 2524 of the Political Code, relating to the jurisdiction, powers and duties of the Board of State Harbor Commissioners

Also: Assembly Bill No. 228—An Act to amend Section 1543 of the Political Code, so as to provide for suspended school districts.

Also: Assembly Bill No. 227—An Act to add a new section to the Political Code of the State of California, to be numbered 1195*a*, relating to the advertising of amendments to the Constitution.

Also: Assembly Bill No 198—An Act to amend Sections 1715 and 1716 of the Political Code, relating to school libraries.

Also: Assembly Bill No 573—An Act to amend Section 161*a* of the Penal Code of California, relating to falsely advertising as an attorney.

Also Assembly Bill No. 262—An Act to add a new section to the Political Code, to be numbered Section 4052b, relating to the disposition of property of the counties.

Also: Assembly Bill No. 604—An Act to amend Section 1492 of the Political Code of the State of California, relating to the duties of the joint board of State normal school trustees.

Also: Assembly Bill No 606—An Act to secure the safety of the public at bathing places upon the seacoast and lakes.

Also: Assembly Bill No. 160—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding thereto a new section, to be numbered 1761, relating to giving special notices to relatives of persons under guardianship during the administration of estates of wards

Also: Assembly Bill No. 631—An Act entitled "An Act to amend Section 1533 of Article II of the Political Code by providing a superintendents' annual convention

Also: Assembly Bill No. 728—An Act to amend Section 4245 of the Political Code of the State of California, relating to county and township government and the compensation of county and township officers of counties of the sixteenth class

Also Assembly Bill No 1030—An Act to amend Section 528 of the Political Code, relating to the printing of the Journals and Appendices of the Senate and Assembly

Also: Assembly Bill No. 441—An Act to add a new section to the Code of Civil Procedure, to be numbered section one hundred and three and one half, authorizing city justices in cities and towns of the third class to appoint a clerk

Also: Assembly Bill No 935—An Act to amend Section 4268 of the Political Code of California, relating to salaries and compensation of officers and jurors in counties of the thirty-ninth class

Also Assembly Bill No. 200—An Act to amend Section 591 of the Penal Code of the State of California.

Also Assembly Bill No 569—An Act to amend Section 3335 of the Political Code of the State of California, concerning the formation of fire companies

Also: Assembly Bill No. 576—An Act to amend Section 1312 of the Code of Civil Procedure, relating to contesting the probate of wills

Also: Assembly Bill No 284—An Act to add a new section to the Political Code, to be numbered 1671b, relating to enlarging, reconstructing, or replacing county secondary schools, or increasing the capacity and accommodations thereof and the levying of a special tax for such purposes.

Also Assembly Bill No 723—An Act to amend Section 3546 of the Political Code of the State of California, relating to what must be contained in the statement by the Register of State Lands to the district attorney

Also: Assembly Bill No. 1160—An Act authorizing the State Surveyor General to furnish his office and vault therein, and making an appropriation therefor

Also Assembly Bill No 825—An Act to amend Section 4277 of the Political Code, relating to salaries and fees of officers of counties of the forty-eighth class

Also: Assembly Bill No. 726—An Act to add a new section to the Penal Code of California, to be known as Section 537c, and relating to the unlawful use of horses and vehicles by the owner, manager, and proprietor of livery and feed stables, and persons pasturing stock, and providing the punishment for the violation thereof

Also: Assembly Bill No. 240—An Act to provide for the consolidation of municipal corporations

Also: Assembly Bill No 846—An Act to amend section twelve hundred and thirteen of the Civil Code of the State of California, relating to the recording of conveyances of real property, and providing for the recording of certified copies of such conveyances in cases where the same have been recorded in a wrong county.

Also: Assembly Bill No. 173—An Act authorizing the State Veterinarian to employ during the balance of the sixtieth, and throughout the sixty-first and sixty-second fiscal years, such inspectors as he may deem necessary to inspect and supervise the dipping of sheep infected with the disease known as scabies; providing for the compensation and expenses of said inspectors, and making an appropriation therefor.

Also Assembly Bill No 445—An Act regulating the hours of employment in underground mines and in smelting and reduction works

Also, Committee Substitute for Assembly Bill No 753—An Act authorizing the State Board of Prison Directors to fix the price, terms and conditions of sale at which jute bags should be sold for the State, providing for the prosecution and punishment for offenses under the same, and repealing certain Acts

Also: Assembly Bill No. 842—An Act to amend section ten of an Act entitled "An Act to create and administer a public school teachers' annuity and retirement fund in the several counties, and cities and counties in the State," approved March 26, 1895, and amended March 29, 1897 and amended March 23, 1901, and amended March 20, 1903

Also: Assembly Bill No 1111—An Act to authorize and empower the State Board of Prison Directors to insure jute and jute goods against either fire or marine loss, and to pay the cost of such insurance from the revolving fund for the purchase of jute

Also Assembly Bill No. 8—An Act to amend Sections 271 and 271*a* of the Penal Code of the State of California, all relating to crimes against children.

Also: Assembly Bill No 168—An Act to repeal sections two thousand and forty-two and two thousand and forty-three of the Political Code of California, relating to the National Guard

Also: Assembly Bill No 671—An Act to prevent the formation and prohibit the existence of secret, oath-bound fraternities in the public schools

Also: Assembly Bill No 1007—An Act to amend Section 4251 of the Political Code of the State of California, concerning salaries and fees of officers in counties of the twenty-second class

Also: Assembly Bill No. 193—An Act to amend Section 402*c* of the Penal Code, relating to an Act to establish and support a Bureau of Labor Statistics.

Also: Assembly Bill No. 151—An Act making an appropriation to pay the deficiency in the appropriation for postage and contingent expenses of the Clerk of the Supreme Court for the fifty-ninth and sixtieth fiscal years.

Also: Assembly Bill No. 1114—An Act to provide for the formation, organization and government of storm water districts, for the purpose of protecting the land therein from damage from storm water and from the waters of any innavigable stream, water course, canyon, or wash, for the construction of the necessary works of protection by said district, and for the levying of taxes and assessments to pay for the cost of constructing, repairing, and maintaining such improvements

Also: Assembly Bill No. 387—An Act to provide for the continuation of the construction of the highway known as Kings River Highway, to declare it a state highway, and to make an appropriation therefor

Also: Assembly Bill No. 69—An Act to make an appropriation for the location, survey and construction of a state highway from Emigrant Gap, Placer County, in an easterly direction through what is known as the Truckee Pass, to the west end of Donner Lake, in Nevada County.

Also: Assembly Bill No 733—An Act to amend an Act entitled "An Act to provide for the planting, maintenance, and care of shade trees upon the streets, lanes, alleys, courts, and places within municipalities and of hedges upon the lines thereof; also, for the eradication of certain weeds within the city limits," approved March 11, 1893

J. N. GILLETT.
Governor of the State of California

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 15, 1909

To the Honorable Assembly of the State of California:

I have the honor to return herewith Assembly Bill No. 592, entitled "An Act to amend an Act entitled 'An Act relating to the commitments to the State School at Whittier and to the Preston School of Industry: fixing the authority to examine and commit to such schools with the superior court judges of the counties, and fixing the responsibilities from which commitments are made to the State for maintenance of the persons committed therefrom, providing for the manner of payment thereof, and fixing the responsibility of the parents to the counties from which their children are committed.'" approved March 26 1895, without my approval, for the following reasons:

This is an Act relating to commitments to the Whittier State School and the Preston School of Industry. The present law requires each county to pay $132 per annum for each inmate sent from such county. This rule was established so that each county should pay in proportion to the demands made by such county. The imposition of this expense upon a county has resulted in judges using greater care in ordering commitments to these institutions. This restraining influence has been most salutary, and has prevented much abuse of discretion in placing children in these institutions I do not consider it wise, especially in view of the crowded condition of these institutions, to enact laws which will remove this safeguard in any degree

Further, an amendment of this character, which enables a court to determine the legal residence of a child to be without the county from which the commitment is made, thereby releasing the county from payment, would undoubtedly result in a considerable loss to the State. If the county were not responsible, no effort would be made tor the collection of moneys from the parent or guardian of such minor as provided in section one of said Act. It is even very doubtful whether there would be any obligation to pay the same by a parent or guardian, for the entire Act is founded upon the primary obligation of the county to pay the State, reimbursing itself by collections made from parent or guardian

J. N. GILLETT.
Governor of the State of California

The question being put: "Shall Assembly Bill No 592 become a law, notwithstanding the veto of the Governor?"

The roll was called, and the veto of the Governor was sustained by the following vote:

AYES—None.
NOES—Messrs Barndollar, Baxter, Beatty Butler, Callan, Cattell, Collum, Cronin, Drew, Flavelle, Gerdes, Gibbons, Gillis, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Kehoe, Leeds, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, O'Neill, Perine, Polsley, Preston, Silver, Stuckenbruck, Wagner, Webber, Whitney, Wilson, and Wyllie—47.

SENATE MESSAGES.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, March 15, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed, as a case of urgency, Assembly Bill No. 1069—An Act to amend Section 4231 of the Political Code of the State of California, relating to salaries of officers of counties of the second class, their deputies, and assistants

Also: Committee Substitute for Assembly Bill No 1365—An Act to amend section four thousand two hundred and thirty-two of the Political Code of the State of California, relating to salaries and fees of officers in counties of the third class.

Also: Assembly Bill No. 1085—An Act to amend section four thousand and six of the Political Code of the State of California, relating to the classification of counties, and creating a new class to be known as the thirty-sixth and one-half class

LEWIS A HILBORN, Secretary of Senate
By FRANK MATTISON, Assistant Secretary.

Bills ordered to enrollment

Also:

SENATE CHAMBER, SACRAMENTO, March 15, 1909

MR SPEAKER I am directed to inform your honorable body that the Senate amended, and on this day passed as amended, Assembly Bill No 686—An Act to amend Section 1663 of the Political Code by classifying the day and evening elementary and secondary schools of California, determining who may be employed to teach in said schools, and by defining the powers of county and city and county boards of education with respect to courses of study and the examination and graduation of pupils.

Also Assembly Bill No. 1034—An Act making an appropriation for the expenses of the National Guard in case of insurrection invasion, tumult, riot, breaches of the peace or imminent danger thereof

LEWIS A. HILBORN, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 13, 1909.

MR SPEAKER I am directed to inform your honorable body that the Senate amended, and on this day passed as amended, Assembly Bill No. 984—An Act to amend Section 4281 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the fifty-second class

Also: Assembly Bill No. 847—An Act to amend Section 4269 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the fortieth class

Also: Assembly Bill No. 1050—An Act to amend Section 4256 of the Political Code of the State of California, relating to salaries and fees of county and township officers in counties of the twenty-seventh class

Also: Assembly Bill No. 983—An Act to amend Section 4284 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the fifty-fifth class.

Also Assembly Bill No 1115—An Act to amend an Act entitled "An Act to define trust and to provide for criminal penalties and civil damages, and punishment of corporations persons, firms, and associations, or persons connected with them, and to promote free competition in commerce and all classes of business in this State," approved March 23, 1907

And respectfully request your honorable body to concur in said amendments

LEWIS A. HILBORN, Secretary of Senate.
By J W KAVANAGH, Assistant Secretary.

Assembly Bill No. 686 ordered on file as unfinished business

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 1034?"

Strike out of title the words "breach of the peace".
Also: Strike out of Section 1, lines 6 and 7, the words "breach of the peace"

The roll was called, and Senate amendments to Assembly Bill No 1034 were concurred in by the following vote:

AYES—Messrs. Barndollar, Beatty, Callan, Cattell, Collum, Cronin, Dean, Drew, Flavelle, Fleisher, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Leeds, Macauley, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, O'Neill, Perine, Preston, Schmitt, Silver, Stuckenbruck, Transue, Wagner, Webber, Whitney, Wilson, and Wyllie—48

NOES—None

Bill ordered to enrollment.

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 984?"

On page 1, after the enacting clause, insert the following
SECTION 1. Section 4281 of the Political Code of the State of California is hereby amended to read as follows
Also: On page 1, line 1, of the printed bill, strike out the word "section".

The roll was called, and Senate amendments to Assembly Bill No. 984 were concurred in by the following vote:

AYES—Messrs. Barndollar, Beardslee, Callan, Cogswell, Collum, Cronin, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Leeds, Maher, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, O'Neill, Perine, Polsley, Preston, Rutherford, Schmitt, Silver, Stuckenbruck, Telfer, Wagner, Webber, and Wyllie—48.

NOES—None.

Bill ordered to enrollment.

The question being put: "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 1050?"

On page 1, line 3, of printed bill, strike out the word "Section"

The roll was called, and Senate amendment to Assembly Bill No. 1050 was concurred in by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beban, Callan, Cogswell, Cronin, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Hanlon, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Macauley, Maher, McManus, Melrose, Moore Mott, Nelson, Odom, O'Neill Perine, Polsley, Preston, Rech, Rutherford, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, and Wyllie—52.

NOES—None.

Bill ordered to enrollment.

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 847?"

In line 2 of the title strike out the comma after the word "amend"
Also: On page 1, of amended printed bill, strike out all of lines 3 and 4
Also On page 5, line 151, of the amended printed bill, insert at the beginning of said line the following: "Sec. 2.".

The roll was called, and Senate amendments to Assembly Bill No. 847 were concurred in by the following vote:

AYES—Messrs Barndollar, Baxter, Beatty, Cattell, Cogswell, Collum, Cronin, Dean, Drew, Flavelle Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths Hanlon, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Maher,

McManus, Melrose, Mendenhall, Moore, Mott, Odom, O'Neill, Perine, Polsley, Preston, Rech, Rutherford, Schmitt, Silver, Telfer, Transue, Wagner, Webber, Whitney, and Wyllie—49

NOES—None

Bill ordered to enrollment.

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 983?"

On page 1, after the enacting clause insert the following: "Section four thousand two hundred eighty-four of the Political Code of the State of California is hereby amended to read as follows:"

Also: On page 1, line 1, of the printed bill, strike out the word "section"

The roll was called, and Senate amendments to Assembly Bill No. 983 were concurred in by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Butler, Callan, Cattell, Cogswell, Drew, Flavelle, Fleisher, Flint, Gerdes, Gillis, Griffiths, Hanlon, Hans, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Juilliard, Leeds, Maher, McManus, Melrose, Moore, Mott, Odom, O'Neill, Perine, Preston, Rech, Rutherford, Schmitt, Silver, Transue, Wagner, Webber, and Wyllie—43.

NOES—None.

Bill ordered to enrollment.

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 1115?"

Amend the title by striking out everything after the words "An Act", and inserting in lieu thereof the following: "To amend section one of an Act entitled 'An Act to define trust, and to provide for criminal penalties and civil damages, and punishment of corporations, persons, firms, and associations or persons connected with them, and to promote free competition in commerce and all classes of business in this State', approved March 23, 1907, and to add a new section thereto, to be numbered two and one half, relating to competition in trade and industry, and to add a new section thereto, to be numbered section thirteen, relating to labor."

Also: After the enacting clause insert the following

SECTION 1. Section one of an Act entitled "An Act to define trust, and to provide for criminal penalties and civil damages, and punishment of corporations, persons, firms, and associations, or persons connected with them, and to promote free competition in commerce and all classes of business in this State," is hereby amended so as to read as follows:

Section 1. A trust is a combination of capital, skill, or acts by two or more persons, firms, partnerships, corporations, or associations of persons, or of any two or more of them for either, any or all of the following purposes:

1. To create or carry out restrictions in trade or commerce.

2. To limit or reduce the production or increase or reduce the price of merchandise or of any commodity.

3. To prevent competition in manufacturing, making, transportation, sale or purchase of merchandise, produce or any commodity.

4. To fix at any standard or figure, whereby its price to the public or consumer shall be in any manner controlled or established, any article or commodity of merchandise, produce or commerce intended for sale, barter, use or consumption in this State.

5. To make or enter into or execute or carry out any contracts, obligations or agreements of any kind or description, by which they shall bind or have bound themselves not to sell, dispose of, or transport any article or any commodity or any article of trade, use, merchandise, commerce, or consumption below a common standard figure, or fixed value, or by which they shall agree in any manner to keep the price of such article, commodity or transportation at a fixed or graduated figure, or by which they shall in any manner establish or settle the price of any article, commodity or transportation between them or themselves and others, so as to directly or indirectly preclude a free and unrestricted competition among themselves, or any purchasers or consumers in the sale or transportation of any such article or commodity, or by which they shall agree to pool, combine or directly or indirectly unite any interests that they may have connected with the sale or transportation of any such article or commodity, that its price might in any manner be affected. Every such trust as is defined herein is declared to be unlawful, against public policy and void, *provided* that no agreement, combination or association shall be deemed to be unlawful or within the provisions of this Act, the object and business of which are to conduct its operations at a reasonable profit, or to market at a reasonable profit those products which can not otherwise be so marketed, *provided further*, that it shall not be deemed to be unlawful, or within the provisions of this Act, for

persons, firms or corporations, engaged in the business of selling or manufacturing commodities of a similar or like character, to employ, form, organize, or own any interest in any association, firm or corporation, having as its object or purpose the transportation marketing, or delivery of such commodities

SEC 2. A new section is hereby added to said Act, to be numbered section two and one half, and to read as follows

Section 2½ It shall be lawful to enter into agreements or form associations or combinations, the purpose and effect of which shall be to promote, encourage or increase competition in any trade or industry, or which are in furtherance of trade.

SEC 3 A new section is hereby added to said Act, to be numbered section thirteen, and to read as follows

Section 13 Labor, whether skilled or unskilled, is not a commodity within the meaning of this Act.

Also: Strike from the printed bill all of Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13.

Also: Renumber Sec. 14 to read "Sec. 4."

Also Strike out of Section 1, Subdivision 2, on line 6, the words "or reduce".

The roll was called, and Senate amendments to Assembly Bill No. 1115 were concurred in by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Butler, Callan, Cattell, Cogswell, Drew, Flavelle, Fleisher, Flint, Gerdes, Greer, Griffiths, Hanlon, Hawk, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Juilliard, Kehoe, Leeds, Macauley, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Rech, Rutherford, Schmitt, Silver, Stuckenbruck, Telfer, Wagner, Webber, Whitney, Wilson, Wyllie, and Young—51.

NOES—None

Bill ordered to enrollment.

RE-REFERENCE OF BILLS.

On motion of Mr. Schmitt, Senate Bill No. 797 was recalled from the Committee on Judiciary, and referred to Committee on Corporations.

Also:

Senate Bills Nos 1196 and 1197 were recalled from Committee on Judiciary, and referred to Committee on Revision and Reform of Laws.

SECOND-READING FILE.

Assembly Bill No. 133—An Act to amend Sections 1 and 2 of an Act entitled "An Act to provide for the regulation of fires on, and the protection and management of public and private forest lands within the State of California, creating a State Board of Forestry and certain officers, subordinate to said board, prescribing the duties of such officers, creating a forestry fund, and appropriating the moneys in said fund, and defining and providing for the punishment of certain offenses for violations of the provisions of this Act, and making an appropriation therefor," approved March 18, 1905, providing for the appointment of a State Board of Forestry, and the appointment of a State Forester, and relating to their duties and term of office.

During second reading of bill, the following amendment was submitted by the committee:

Strike out all of said bill after the words "An Act" and insert in lieu thereof the following:

Providing for the management of the California Redwood Park, and creating a board of five commissioners with power to manage said California Redwood Park

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

SECTION 1 The Governor of the State of California shall appoint four commissioners, who, with himself, shall constitute the California Redwood Park Commission. The term of office of the members of said commission shall be four years from and after the date of their appointment. The commission shall select from

among its members a president and secretary. The members of the commission shall serve without compensation. They shall be allowed and paid out of the funds available therefor all reasonable traveling expenses which may be incurred by the members of said commission in the performance of their various duties.

SEC 2. The said California Redwood Park Commission shall have full power and control over the said park and over any and all funds provided for the care, preservation, maintenance, and improvement of the same, and shall make and enforce all necessary rules and regulations for the care, preservation, maintenance and improvement of the same, and shall have power to employ a warden and necessary assistants for the preservation of said park and for any and all purposes herein specified. The compensation of such warden and his assistants shall be fixed by the said commission. The compensation of the warden, however, shall not exceed the sum of one thousand five hundred dollars per annum.

SEC. 3. All Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed.

SEC 4 This Act shall take effect immediately.

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

UNFINISHED BUSINESS.

Assembly Bill No. 773—An Act to change, establish, and permanently locate the boundary lines of the county of Kings, and a portion of the south and east boundary lines of the county of Fresno.

Mr. Drew moved that the question of concurring in Senate amendments be postponed until Thursday, March 18, 1909.

Roll was regularly demanded.

The roll was called, and motion lost by the following vote:

AYES—Messrs. Barndollar, Beardslee, Callan, Cattell, Coghlan, Cogswell, Drew, Flavelle, Flint, Gerdes, Greer, Griffiths, Hanlon, Hawk, Hewitt, Holmquist, Johnson, of Sacramento, Juilliard, Kehoe, McClellan, Melrose, Moore, Otis, Pulcifer, Silver Telfer, Wagner, Whitney, and Wyllie—29.

NOES—Messrs Baxter, Beatty, Beban, Collum, Cronin, Fleisher, Gibbons, Gillis, Irwin, Johnson of Placer, Johnston of Contra Costa, Leeds, Lightner, Macauley, Maher, McManus, Mendenhall, Mott, Nelson, O'Neill, Perine, Polsley, Preston, Rech, Schmitt, Stuckenbruck, Transue, Webber, Wilson, and Young—30

RECONSIDERATION.

Mr. Mott moved that the vote whereby the motion was lost be reconsidered

The roll was called, and the same was reconsidered by the following vote:

AYES—Messrs Barndollar, Beardslee, Callan, Coghlan, Cogswell, Cronin, Drew, Flavelle, Flint, Gerdes, Greer, Griffiths, Hawk, Hayes, Hewitt, Holmquist, Johnson of Sacramento, Kehoe, Leeds, McClellan, Melrose, Moore, Otis, Pulcifer, Silver, Telfer, Transue, Wagner, Whitney, Wyllie, and Young—31

NOES—Messrs. Baxter, Beatty, Beban, Butler, Cattell, Collum, Fleisher, Gibbons, Gillis, Hammon, Irwin, Johnson of Placer, Johnston of Contra Costa, Lightner, Macauley, Maher, McManus, Mendenhall, Mott, Nelson, O'Neill, Perine, Polsley, Preston, Rech, Schmitt, Stuckenbruck, Webber, and Wilson—29

The question being on the motion to postpone.

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr Webber moved a call of the House.

Motion lost.

The roll of absentees was called, and motion carried by the following vote:

AYES—Messrs. Barndollar, Beardslee, Bohnett, Callan, Cattell, Cogswell, Collier, Cronin, Drew, Flavelle, Fleisher, Flint, Gerdes, Greer, Griffiths, Hanlon, Hans,

Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnston of Contra Costa, Kehoe, Leeds, McClellan, Melrose, Moore, Otis, Pulcifer, Silver, Telfer, Wagner, Whitney, and Wyllie—36

NOES—Messrs. Baxter, Beatty, Beban, Butler, Coghlan, Collum, Gibbons, Gillis, Hammon, Irwin, Johnson of Placer, Juilliard, Lightner, Macauley, Maher, McManus, Mendenhall, Mott, Nelson, O'Neill, Perine, Polsley, Preston, Schmitt, Stuckenbruck, Transue, Webber, Wilson, and Young—29

COUNTY AND TOWNSHIP GOVERNMENT BILLS—THIRD READING FILE.

Assembly Bill No. 1244—An Act to amend Section 4300*a* of the Political Code, relating to fees to be charged and collected by the county clerk.

MOTION.

The following motion was made by Mr. Johnson of Sacramento:

That Assembly Bill No. 1244 retain its place on file, and be referred to the Committee on Judiciary.

Motion carried, and Assembly Bill No. 1244 referred as indicated.

UNFINISHED BUSINESS—(RESUMED).

Assembly Bill No. 990—An Act authorizing the construction, acquisition, maintenance, and control of a system of state highways in the State of California; specifying the work; fixing the payments to be made by counties for moneys expended therein; providing for the issuance and sale of State bonds to create a fund for the construction and acquisition of such system; creating a sinking fund for the payment of said bonds, and providing for the submission of this Act to a vote of the people.

The quetsion being put: "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 990?"

On page 1, Section 1, line 6, of the printed bill, strike out the word "and", and in lieu thereof insert the word "or".

The roll was called, and Senate amendment to Assembly Bill No. 990 was concurred in by the following vote:

AYES—Messrs Barndollar, Baxter, Beatty, Beban, Bohnett, Coghlan, Cogswell, Collier, Dean, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, Maher, McManus, Melrose Mendenhall, Moore, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Pulcifer, Rutherford, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, and Wyllie—52

NOES—None

Bill ordered to enrollment.

SPECIAL ORDER.

Senate Bill No. 741—An Act to regulate and license the hunting of game birds and animals, and the fishing for and catching of fish, and to provide revenue therefrom, for game and fish preservation and restoration.

RECONSIDERATION.

In compliance with his notice given on a previous day, Mr. Cattell moved that the vote whereby Senate Bill No. 741 was passed be reconsidered.

The roll was called, and the same was reconsidered by the following vote.

AYES—Messrs Barndollar, Beatty, Bohnett, Callan, Cattell, Coghlan, Cogswell, Collum, Cronin, Drew, Feeley, Flavelle, Gerdes, Gibbons, Gillis, Greer, Hanlon, Hans, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnston of Contra Costa, Juilliard, Kehoe, Lightner, Macauely, Maher, Melrose, Mendenhall, Moore, Otis, O'Neill, Perine, Preston, Pulcifer, Stuckenbruck, Telfer, Wagner, Whitney, Wilson, Wyllie, and Young—45.

NOES—Messrs. Baxter, Beardslee, Fleisher, Flint, Griffiths, Hammon, Hayes, Leeds, McClellan, McManus, Nelson, Polsley, Rech, Rutherford, Schmitt, Silver, Transue, and Mr Speaker—18

SPEAKER IN THE CHAIR.

At eleven o'clock and forty minutes A M., Speaker Stanton in the chair

The question being on the passage of the bill.

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Leeds moved a call of the House.

Motion carried.

Time, twelve o'clock and twenty minutes P. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll

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

Messrs Barndollar, Baxter, Beardslee, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Coghlan, Collier, Collum, Cronin, Dean, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gillis Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Rutherford, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Wilson, Wyllie, and Mr. Speaker—67.

The Chief Clerk announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the House.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At twelve o'clock and twenty-seven minutes P M., further proceedings under the call of the House were dispensed with, on motion of Mr. Greer.

The roll of absentees was called, and the bill refused passage by the following vote:

AYES—Messrs Baxter, Beardslee Beatty, Beban, Butler, Coghlan, Cogswell, Collier, Collum, Dean, Fleisher, Flint, Griffiths, Hammon, Hans, Hayes, Johnson of San Diego, Lightner, McClellan, McManus, Mott, Nelson, Odom, Perine, Pugh Pulcifer, Rech, Rutherford, Schmitt, Silver, Telfer, Transue, Webber, and Mr Speaker—34.

NOES—Messrs. Barndollar, Bohnett, Callan, Cattell, Cronin, Feeley, Flavelle, Gerdes, Gibbons, Gillis, Greer, Hanlon, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, Maher Melrose, Mendenhall, Moore, Otis, O'Neill, Polsley, Preston Stuckenbruck, Wagner, Whitney, Wilson, Wyllie, and Young—38

NOTICE OF MOTION TO RECONSIDER

Mr Leeds gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 741 was this day refused passage.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1909.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed.

Assembly Bill No. 1421—An Act appropriating three hundred and fifty dollars to be expended in purchase of a piano for the Whittier State School.

Assembly Bill No. 1040—An Act establishing a State Polytechnic School at Escondido, county of San Diego, State of California, and making an appropriation for the construction of said building and the maintenance of said school.

Assembly Bill No. 1337—An Act to amend Section 3780 of the Political Code as amended by an Act approved March 28, 1895, relating to the redemption of property sold for delinquent taxes.

Assembly Bill No. 796—An Act to prohibit misrepresentation by life insurance companies, their officers, directors, agents and representatives, fixing the penalty therefor, and prescribing the duties of the Insurance Commissioner in relation thereto.

YOUNG, Chairman.

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1909.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to re-report that they have examined and found the following bill correctly engrossed:

Assembly Bill No. 1233—An Act to amend Section 4265 of the Political Code of the State of California, relating to the compensation of officers of counties of the thirty-sixth class and their deputies and assistants

YOUNG, Chairman

ON INSURANCE AND INSURANCE LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1909

MR. SPEAKER: Your Committee on Insurance and Insurance Laws to whom was referred Assembly Bill No. 1183—An Act to amend Section 596 of the Political Code of the State of California, relating to the transaction of insurance business—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

PULCIFER, Chairman.

The above reported bill ordered on file for second reading.

RECESS.

At twelve o'clock and thirty minutes P. M., the Assembly was declared at recess until two o'clock P. M of this day.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.

Speaker pro tem. George M. Perine in the chair

SENATE BILLS—THIRD-READING FILE.

Senate Bill No. 917—An Act to add a new section to the Penal Code of the State of California, to be numbered 587c, to prevent the evading or attempting to evade payment of fare upon railroads.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 917 finally passed by the following vote.

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Cronin, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Gillis, Greer, Hawk, Hewitt, Holmquist, Hopkins, Irwin, Johnson of Sacra-

mento Johnson of Placer, Juilliard, Kehoe, Macauley, McClellan, Moore, Mott, Nelson, Odom Otis, O'Neill, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Rutherford, Wagner, Webber, Wheelan, Whitney, Wilson, and Young—50

NOES—Messrs. Stuckenbruck, Telfer, and Wyllie—3.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 198—An Act to amend Section 4249 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the twentieth class.

Bill read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 198 finally passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Bohnett, Butler, Callan, Cogswell, Collier, Cronin, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Griffiths, Hammon, Hanlon, Hawk, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, McClellan, McManus Mott, Nelson, Otis, O'Neill, Perine, Polsley, Pugh, Pulcifer, Rech, Rutherford, Stuckenbruck, Wagner, Wheelan, Whitney, Wyllie, and Young—44.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 33—An Act to establish a school of trades of the State of California in the city and county of San Francisco, and providing for the selection, location, acquisition, and purchase of a site or sites in the said city and county of San Francisco, for the erection, equipment, and furnishing of a building or buildings, and for the improvement of the grounds thereof, for the use and occupancy of said school of trades, and making an appropriation therefor.

Bill read third time

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 33 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Black, Butler, Callan, Cattell, Coghlan Cogswell, Costar, Cronin, Dean, Drew, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hawk, Hayes, Hinkle, Holmquist, Hopkins, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Macauley, Maher, McManus, Moore, Mott, Nelson, Otis, O'Neill, Perine, Polsley, Pugh, Rech, Rutherford, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, and Wilson—52.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1220—An Act relating to prosecutions under Sections 628½, 632 and 632½ of the Penal Code, and to define prima facie evidence thereunder

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1220 finally refused passage by the following vote:

AYES—Messrs Baxter, Beardslee, Black, Cattell, Cogswell, Costar, Hammon, Hewitt, McClellan, Moore, Perine, Pugh, Rutherford, and Mr. Speaker—14.

NOES—Messrs Barndollar, Beatty, Bohnett, Butler, Callan, Coghlan, Cronin, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Hans, Hawk, Hayes, Hinkle, Holmquist, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Maher, Melrose, Nelson, Odom, Otis, O'Neill, Polsley, Preston, Pulcifer, Wagner, Whitney, Wyllie, and Young—36.

SPEAKER IN THE CHAIR.

At two o'clock and thirty-five minutes P. M., Speaker Stanton in the chair.

Senate Bill No. 651—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as Section 1046*a*, relating to the filing of papers nunc pro tunc under order of court, in actions brought under the provisions of any statute for the establishment and quieting of title to real property in case of loss or destruction of public records.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No 651 finally passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Black, Bohnett, Butler, Cattell, Coghlan, Cogswell, Costar, Cronin, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Macauley, Maher, McClellan, Mendenhall, Moore, Odom, Otis, O'Neill, Preston, Pugh, Rech, Rutherford, Stuckenbruck, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—54

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 924—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known and numbered as Section 526*a*, relating to actions by taxpayers against officers and agents of any county, town, city, or city and county in said State.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No 924 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Black, Bohnett, Cattell, Coghlan, Cogswell, Cronin, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Macauley, McClellan, Mendenhall, Moore, Odom, Otis, O'Neill, Preston, Pugh, Pulcifer, Telfer, Transue, Wagner, Webber, Whitney, Wilson, Young, and Mr. Speaker—50

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No 968—An Act to amend Section 269 of the Code of Civil Procedure, relating to phonographic reporters for Superior Courts, and providing for their appointment and duties, and also providing for copies of proceedings by them in certain cases.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 968 finally passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Black, Bohnett, Butler, Cattell, Coghlan, Cogswell, Costar, Cronin, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe,

Leeds, Macauley, Maher, Mendenhall, Moore, Mott, Odom, O'Neill, Preston, Pulcifer, Rutherford, Telfer, Wagner, Whitney, Wilson, Young, and Mr. Speaker—50
NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1140—An Act to amend section one thousand four hundred sixty-five of the Code of Civil Procedure, relating to the setting apart of property exempt from execution for the use of the family.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Senate Bill No 1140 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Black, Butler, Callan, Cattell, Coghlan, Cogswell, Costar, Cronin, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Haus, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Macauley, Maher, McClellan, McManus, Mendenhall, Moore, Mott, O'Neill, Preston, Pulcifer, Rech, Rutherford, Stuckenbruck, Telfer, Wagner, Webber, Wheelan, Whitney, Wilson, and Wyllie—53.
NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

HON. WALTER R. LEEDS IN THE CHAIR.

At two o'clock and fifty-five minutes P M., Hon. Walter R. Leeds in the chair.

Senate Bill No. 970—An Act to amend sections nineteen hundred and eighty-six and nineteen hundred and ninety-one of the Code of Civil Procedure, both relating to subpœna.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No 970 finally passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Black, Callan, Cattell, Coghlan, Cogswell, Costar, Cronin, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gillis, Griffiths, Hammon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Macauley, Mendenhall, Moore, Mott, Odom, Otis, O'Neill, Polsley, Preston, Pulcifer, Rech, Rutherford, Silver, Stuckenbruck, Telfer, Wagner, Webber, Whitney, Wilson, and Wyllie—48.
NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No 1141—An Act to amend section one thousand six hundred and ninety-nine of the Code of Civil Procedure, relating to settlement of accounts of trustees after distribution of estates and compensation of trustees.

Bill read third time

The question being on the passage of the bill.

The roll was called, and Senate Bill No 1141 finally passed by the following vote:

AYES—Messrs Barndollar, Beardslee, Beatty, Beban, Black, Callan, Cattell, Cogswell, Costar, Cronin, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gillis, Hammon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, Maher,

McClellan, Mendenhall, Moore, Mott, Odom, Otis, O'Neill, Polsley, Preston, Pulcifer, Rech, Rutherford, Silver, Stuckenbruck, Wagner, Webber, Whitney, Wilson, and Wyllie—49.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1142—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as 1465½, relating to notices to be given of petitions to set aside exempt property for the use of the family.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1142 finally passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Beban, Black, Callan, Cattell, Coghlan, Cogswell, Costar, Cronin, Feeley, Flavelle, Fleisher, Flint, Gerdes, Griffiths, Hammon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, Maher, McClellan, Mendenhall, Moore, Mott, Odom, Otis, O'Neill, Polsley, Preston, Pulcifer, Rutherford, Silver, Telfer, Transue, Wagner, Webber, Wheelan, and Whitney—49.
NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No 1143—An Act to amend Section 1723 of the Code of Civil Procedure, relating to the dispositions of life estates and homestead property on owner's death in certain cases.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1143 finally passed by the following vote:

AYES—Messrs. Barndollar, Beardslee Beatty, Beban, Black, Callan, Cattell, Cogswell, Costar, Cronin, Dean, Feeley, Flavelle, Fleisher, Flint, Gerdes, Hammon, Hawk, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, Maher, McClellan Melrose, Mendenhall, Moore, Mott, Odom, Otis, O'Neill, Polsley, Preston, Pultifer, Rech, Rutherford, Silver, Transue, Wagner Webber, Wheelan, Whitney, and Wyllie—49.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 56—An Act to amend Section 536 of the Penal Code, relating to false statements by consignees and others, and to add a new section to the Penal Code, to be numbered Section 536a, imposing certain duties upon consignees and others.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 56 finally passed by the following vote:

AYES—Messrs Barndollar, Beardslee, Beban, Black, Butler, Cattell, Coghlan, Collier, Dean, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Macauley, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, O'Neill, Polsley, Preston, Pulcifer, Rutherford, Telfer, Transue, Webber, Whitney, Wilson, and Wyllie—47.
NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 342—An Act to prevent persons from unlawfully wearing the button of any labor union of this State.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No 342 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Butler, Cattell, Coghlan, Dean, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Johnson of Sacramento, Juilliard, Kehoe, Leeds, Macauley, Maher, McClellan, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, O'Neill, Preston, Pulcifer, Rutherford, Silver, Telfer, Transue, Wagner, Webber, Wheelan, and Whitney—48

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 979—An Act to add a new section to the Penal Code of California, to be numbered 536*a*, relating to the duties of commission merchants, brokers, factors, and consignees.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No 979 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Butler, Cattell, Coghlan, Collier, Dean, Flavelle, Fleisher, Flint, Gerdes, Gillis, Griffiths, Hammon, Hawk, Holmquist, Hopkins, Johnson of Sacramento, Juilliard, Kehoe, Leeds, Macauley, Maher, Melrose, Moore, Mott, Nelson, Odom, Otis, O'Neill, Preston, Rech, Rutherford, Silver, Transue, Wagner, Wheelan, Whitney, and Wyllie—43.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No 1107—An Act to add a new section to the Political Code to be numbered 4281*a*, relating to and fixing the compensation of grand and trial jurors in the Superior Courts in counties of the fifty-second class.

Bill read third time.

The question being on the passage of the bill.

The roll was called and Senate Bill No. 1107 finally passed by the following vote:

AYES—Messrs Baxter, Beatty, Beban, Black, Butler, Coghlan, Collier, Feeley, Fleisher, Flint, Gerdes, Gillis, Griffiths, Hammon, Hawk, Hayes, Hewitt, Holmquist, Hopkins, Johnson of Sacramento, Johnson of San Diego, Juilliard, Kehoe, Leeds, Macauley, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Preston, Pulcifer, Rech, Rutherford, Silver, Telfer, Transue Wagner, Webber, Wheelan, Whitney, Wilson, and Wyllie—48.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No 593—An Act to amend Section 472 and Section 475 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the duties of the Attorney General, providing for an assistant, a chief deputy, deputies, clerks phonographic reporter, and stenographer in the Attorney General's office, and fixing their salaries.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 593 finally passed by the following vote:

AYES—Messrs Baxter, Beatty, Beban, Black, Butler, Cattell, Coghlan, Cogswell, Collier, Feeley, Fleisher, Flint, Gerdes, Gillis, Griffiths, Hammon, Hawk, Hayes, Hewitt, Holmquist, Hopkins, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Macauley, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Preston, Rech, Rutherford, Silver, Transue, Wagner, Webber, Wheelan, Wilson, and Wyllie—47

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No 1243—An Act to amend section two hundred eighty *b* of the Code of Civil Procedure of California.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Senate Bill No. 1243 finally passed by the following vote:

AYES—Messrs. Baxter, Beatty, Beban, Black, Callan, Cattell, Coghlan, Cogswell, Collier, Costar, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gillis, Griffiths, Hammon, Hawk, Hinkle, Holmquist, Hopkins, Johnson of Sacramento, Johnson of San Diego, Juilliard, Kehoe, Leeds, Macauley, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Polsley, Rutherford, Sackett, Silver, Wagner, and Wheelan—46.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

REQUEST FOR PERMISSION TO INTRODUCE BILL.

The following petition, asking permission to introduce a bill, was presented:

MR. SPEAKER: I hereby ask permission to introduce the following bill, the title of which reads as follows: An Act to amend section three thousand seven hundred and thirteen of the Political Code of the State of California, relating to the levy of taxes

BEARDSLEE,
Member Twenty-third District.

Petition referred to Committee on Introduction of Bills.

WITHDRAWAL OF BILL.

Mr. Transue asked for, and was granted, unanimous consent to withdraw Assembly Bill No. 698.

Assembly Bill No. 698 withdrawn, and ordered stricken from the file.

SENATE BILLS—THIRD READING—(RESUMED).

Senate Bill No 1245—An Act to amend Sections 409 and 410 of the Political Code of California, relating to the distribution of statutes, journals, reports of State officers and commissions, and reports of the Supreme and Appellate Courts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1245 finally passed by the following vote:

AYES—Messrs. Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Coghlan, Collier, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gillis, Hammon, Hawk, Hayes Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San

Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Macauley, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Odom, Otis, Polsley, Rech, Rutherford, Silver, Wagner, Webber, Wheelan, and Whitney—46
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No 1246—An Act to amend section fifteen hundred and seventy-nine of the Code of Civil Procedure, relating to and authorizing executors, administrators, and guardians to make leases of the real estate of decedents.

Bill read third time

The question being on the passage of the bill.

The roll was called, and Senate Bill No 1246 finally passed by the following vote.

AYES—Messrs. Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Coghlan, Cogswell, Costar, Dean, Drew, Feeley, Flint, Gerdes, Gillis, Hammon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Juilliard, Kehoe, Leeds, Macauley, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Polsley, Pulcifer, Rutherford, Transue, Wagner, Webber, Wheelan, Whitney, and Wilson—48.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 132—An Act to amend sections two thousand nine hundred eighty-one and two thousand nine hundred eighty-two of the Political Code, relating to the State Board of Health.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No 132 finally passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Coghlan, Cogswell, Costar, Drew, Feeley, Fleisher, Flint, Gerdes, Gillis, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Juilliard, Leeds, Macauley, Maher, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Polsley, Pulcifer, Rutherford, Silver, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, and Wilson—48
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No 1179—An Act to amend an Act entitled "An Act to prevent deception in the manufacture and sale of butter and cheese, to secure its enforcement, and to appropriate money therefor," approved March 4, 1879, by amending section seventeen of said Act

Bill read third time.

The question being on the passage of the bill

The roll was called, and Senate Bill No. 1179 finally passed by the following vote.

AYES—Messrs. Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Coghlan, Cogswell, Costar, Drew, Feeley, Flint, Gerdes, Gillis, Hammon, Hans, Hawk, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Juilliard, Kehoe, Leeds, Macauley, Maher, Melrose, Moore, Mott, Nelson Otis, O'Neill, Polsley, Pulcifer, Rutherford, Silver Telfer, Wagner, Webber, Whitney, and Wilson—44
NOES—Mr. Wyllie—1

Title read and approved.

Bill ordered transmitted to the Senate

WITHDRAWAL OF BILL.

Mr. Butler asked for, and was granted, unanimous consent to withdraw Assembly Bill No. 1330.

Assembly Bill No. 1330 withdrawn, and ordered stricken from the file.

MOTIONS.

Mr. Johnson of Sacramento moved that the time for considering Senate bills be extended twenty minutes

Motion lost.

Mr. Transue moved that the time be extended one hour

Motion carried.

Senate Bill No 709—An Act legalizing the formation and organization of reclamation district number seven hundred and eighty-seven, in the county of Yolo, State of California.

Bill read third time

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 709 finally passed by the following vote:

AYES—Messrs. Baxter, Beardslee, Beatty, Bohnett, Butler Callan Cattell, Coghlan, Cogswell, Drew, Flavelle, Fleisher, Flint, Gerdes, Gillis, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Macauley, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, O'Neill, Polsley, Pulcifer, Rutherford, Silver, Transue, Wagner, Webber, Whitney, Wilson, and Wyllie—43.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 710—An Act legalizing the formation and organization of reclamation district number seven hundred and eighty-five, in the county of Yolo, State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 710 finally passed by the following vote:

AYES—Messrs. Baxter, Beardslee, Beatty, Beban, Bohnett, Butler, Callan, Coghlan, Cogswell, Drew, Flavelle, Fleisher, Flint, Gillis, Greer, Hammon, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Macauley, Maher, Moore, Mott, Odom, Otis, O'Neill, Rutherford, Silver, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, and Wyllie—43.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1207—An Act providing for the government of consolidated swamp land, levee, or reclamation districts.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Senate Bill No. 1207 finally passed by the following vote.

AYES—Messrs. Beardslee, Beatty, Black, Bohnett, Butler, Callan, Coghlan, Cogswell, Drew, Flavelle, Fleisher, Flint, Gerdes, Gillis, Greer, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist Hopkins Johnson of Sacramento, Johnson of

San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Macauley, Maher, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Rutherford, Silver, Telfer, Transue, Wagner, Whitney, Wilson, and Wyllie—47.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 378—An Act to provide for the establishment and maintenance of public museums of natural and historical objects within municipalities of the fourth, fifth, and sixth class not having a freeholders' charter.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 378 finally passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Beban, Butler, Callan, Coghlan, Cogswell, Drew, Flavelle, Fleisher, Flint, Gillis, Greer, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, Maher, Melrose, Moore, Mott, Odom, Otis, O'Neill, Pugh, Rutherford, Silver, Telfer, Transue, Wagner, Wheelan, Whitney, and Wilson—44.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No 998—An Act to provide for the incorporation, organization, and management of municipal water districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No 998 finally passed by the following vote:

AYES—Messrs. Baxter, Beardslee, Beatty, Beban, Bohnett, Butler Callan, Coghlan, Cogswell, Collier, Collum, Costar, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gillis, Hammon, Hawk, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Leeds, Macauley, Maher, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Silver, Transue, Wagner, Wheelan, Whitney Wilson, and Wyllie—49.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON INTRODUCTION OF BILLS.

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1909

MR SPEAKER: Your Committee on Introduction of Bills, to whom was referred the following bill, herewith return the same with the recommendation that the author be permitted to introduce it. The number of said bill is as follows Assembly Bill No. 1447—An Act to amend section three thousand seven hundred and thirteen of the Political Code of the State of California, relating to the levy of taxes

BEARDSLEE, Vice-Chairman

Mr Beardslee moved the adoption of the report.

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

AYES—Messrs. Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Costar, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Johnson

of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Odom, Otis, O'Neill, Perine, Pulcifer, Rech, Rutherford, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, and Young—61.

NOES—None

INTRODUCTION OF BILL.

The following bill was introduced and referred as indicated:

By Mr Beardslee: Assembly Bill No. 1447—An Act to amend section three thousand seven hundred and thirteen of the Political Code of the State of California, relating to the levy of taxes.

Bill read first time, and ordered on file without reference.

SENATE BILLS—THIRD READING—(RESUMED).

Senate Bill No. 1228—An Act to authorize municipal corporations to issue bonds for the purpose of investing the proceeds arising from the sale thereof in other bonds issued for public improvements.

Bill read third time

The question being on the passage of the bill.

The roll was called, and Senate Bill No 1228 finally passed by the following vote

AYES—Messrs. Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collum, Cronin, Drew, Feeley, Flavelle, Fleisher, Gerdes, Gibbons, Gillis, Greer, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, Maher, Melrose, Mendenhall, Moore, Mott, Odom, Otis, O'Neill, Rech, Rutherford, Silver, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, and Young—56.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No 1060—An Act to provide for the disincorporation and discontinuance of fire districts where the same become wholly or partly within the corporate limits of a town or city, incorporated subsequently to the organization thereof, and providing for the disposal of the property of such districts.

Bill read third time.

The question being on the pasage of the bill.

The roll was called, and Senate Bill No. 1060 finally passed by the following vote:

AYES—Messrs. Baxter, Beardslee, Beatty, Black, Bohnett, Butler, Cattell, Coghlan, Cronin, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Greer, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, Maher, Moore, Odom, Otis, O'Neill, Rech, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, and Young—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 102—An Act making an appropriation for the completion of repairs to the manor house at the California Home for the Care and Training of Feeble-Minded Children.

Bill read third time

The question being on the passage of the bill.

The roll was called, and Senate Bill No 102 finally passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Black, Bohnett, Callan, Coghlan, Collum, Cronin, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gillis, Greer, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, Maher, McManus, Melrose, Moore, Mott, Odom, Otis, O'Neill, Rech, Silver, Telfer, Transue, Wagner, Webber, Wheelan, Wilson, Wyllie, and Young—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 344—An Act to amend Sections 1 and 3 of an Act entitled "An Act to create a fund to be known as the United States forest reserve fund, and to provide for the payment out of such fund to the treasuries of the several counties entitled thereto of certain moneys received from the government of the United States, and also to regulate the manner of expenditure by the counties of the money so paid," approved March 18, 1907.

Bill read third time.

The question being on the passage of the bill

The roll was called and Senate Bill No 344 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Black, Butler, Callan, Cattell, Coghlan, Collier, Collum, Costar, Cronin, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Odom, O'Neill, Rech, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Wyllie, and Young—56

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No 349—An Act making an appropriation for the investigation of agricultural and horticultural problems and conditions in Imperial Valley, providing for the establishment in said county of a branch agricultural experiment station for the purpose of prosecuting said work

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 349 finally passed by the following vote

AYES—Messrs. Barndollar, Baxter, Beardslee, Beban, Black, Bohnett, Butler, Cattell, Coghlan, Collum, Cronin, Drew, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Hammon, Hanlon, Hawk, Hewitt, Hinkle, Holmquist, Hopkins, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Macauley, Maher, McClellan, McManus, Moore, Mott, Odom, Otis, Rech, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Wilson, Wyllie, and Young—50

NOES—Messrs Hayes and Whitney—2.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No 668—An Act to provide for the extension of the light, heating, power, water, and sewer systems at the University Farm and Agricultural School at Davis, and appropriating money therefor.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Senate Bill No. 668 finally passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beban, Black, Bohnett, Callan, Cattell, Collum, Costar, Cronin, Drew, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Greer, Griffiths, Hammon, Hanlon, Hawk, Hewitt, Hinkle, Hopkins, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Macauley, Maher, McManus, Moore, Mott, Odom, Otis, O'Neill, Perine, Rech, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney Wilson, Wyllie, and Young—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate

Senate Bill No. 756—An Act to amend Section 751 of the Political Code, relating to deputies of the Clerk of the Supreme Court

Bill read third time

The question being on the passage of the bill.

The roll was called, and Senate Bill No 756 finally passed by the following vote

AYES—Messrs. Barndollar, Baxter, Beardslee, Bohnett, Cattell, Collier, Collum, Cronin, Dean, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Hopkins, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Macauley, Maher, McManus, Mendenhall, Moore, Mott, Odom, O'Neill, Polsley, Preston, Rech, Rutherford, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, and Young—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 590—An Act to amend Section 425 of the Political Code of the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 590 finally passed by the following vote:

AYES—Messrs Barndollar, Baxter Beardslee, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collum, Cronin, Dean, Drew, Fleisher, Flint, Gerdes, Gibbons, Greer, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Hopkins, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Maher, McClellan, McManus, Mendenhall, Mott, O'Neill, Polsley, Preston, Rech, Rutherford, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, and Wilson—49.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1065—An Act authorizing and directing the State Board of Prison Directors to make an investigation and report to the Governor of and relating to the cost, management, and government of a reformatory institution in this State, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No 1065 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Black, Bohnett, Butler, Cattell, Coghlan, Cogswell, Collum, Dean, Drew, Fleisher, Flint, Gerdes, Gibbons, Greer, Hammon, Hanlon, Hawk, Hayes Hewitt, Hinkle, Hopkins, Johnson of Sacramento, Johnson of Placer Johnston of Contra Costa Juilliard, Kehoe Leeds Macauley,

Maher, McClellan, Mendenhall, Moore, Mott, O'Neill, Perine, Preston, Rech, Rutherford, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, and Young—52.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No 798—An Act to amend Section 1 of an Act entitled "An Act to provide for the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipalities, and for the disticting, government, and municipal control of annexed territory," approved March 19, 1889.

Bill read third time, and passed on file.

Senate Bill No. 982—An Act to amend Sections 3 and 11 of an Act entitled "An Act creating a bureau of building and loan supervision; providing for the appointment of administration officials therefor, to be known as the building and loan commissioners; prescribing their duties, powers, and compensation; providing for a secretary, his powers, and compensation; providing for the rental of offices for the use of the bureau, and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting license fees necessary to meet the salaries and other expenses, providing a course of procedure where violations of law, or unsafe practices are found to exist or are reported by the Commissioner to the Attorney General, providing for involuntary liquidation by trustees and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions, and liens pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioners; providing for succession in office, and repealing all Acts and parts of Acts in conflict herewith" approved March 21, 1905, relating to the powers and duties and salaries of the State Building and Loan Commissioners.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 982 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Black, Bohnett, Butler, Cattell, Coghlan, Cogswell, Collier, Collum, Cronin, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Greer, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, O'Neill, Perine, Preston, Rech, Rutherford Schmitt, Silver, Stuckenbruck, Telfer, Wagner Webber Wheelan, Whitney, and Wilson—54

NOES—None

Title read and approved

Bill ordered transmitted to the Senate.

RESOLUTION.

The following resolution was offered:

By Mr. Johnson of Sacramento:

WHEREAS, The District Court of Appeal of the Third Appellate District kindly gave to the Judiciary Committee of the Assembly the use of its court room for the

meetings of said Judiciary Committee during this thirty-eighth session of the Legislature; and

WHEREAS, The room was so comfortable and convenient that the committee was able to accomplish its work much more pleasantly and expeditiously than they would had they been compelled to meet in the room assigned by the Sergeant-at-Arms; and

WHEREAS, The individual members of the Judiciary Committee appreciate very highly the courtesy thus extended to them by said court, and the Assembly realizes that the action of the court was dictated by a desire to aid this body in the transaction of its public business, therefore, be it

Resolved, That the thanks of the Assembly be, and they are hereby, tendered to the District Court of Appeal of the Third Appellate District for its generous conduct in allowing the Assembly Judiciary Committee the use of its court room;

Resolved, That a copy of this resolution be duly engrossed, and attested by the Speaker and Clerk of the Assembly, and forwarded to the said court.

Resolution read, and on motion adopted.

Also:

By Mr. Transue:

Resolved, That the State Controller be, and is hereby, directed to draw his warrant in favor of Carl Browne for the sum of fifty dollars out of the contingent fund of the Assembly, and the Treasurer is hereby directed to pay the same, being the Assembly's portion (one half) of the expenses incurred for two bas-reliefs, one of Washington and one of Roosevelt, which were ordered on the motion of Senator Wright, and unanimously adopted by the Committee on Washington Memorial Exercises, in the Assembly, February 22, 1909, and were used on said occasion one of Washington and one of Lincoln, and to be placed in the State Library forever.

Mr Transue moved the adoption of the resolution.

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

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Black, Bohnett, Butler, Cattell, Cogswell, Collier, Collum, Cronin Drew, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Greer, Hammon, Hanlon, Hans, Hewitt, Hinkle, Johnson of Sacramento, Johnston of Contra Costa, Leeds, Macauley, Maher, Melrose, Mendenhall, Moore, Mott, O'Neill, Perine, Preston, Rech, Rutherford, Schmitt, Silver, Telfer, Transue, Wagner, Webber, Wheelan, Wilson, Young, and Mr. Speaker—48.

NOES—Messrs. Juilliard and Stuckenbruck—2.

SPEAKER IN CHAIR.

At four o'clock and forty-five minutes P. M., Speaker Stanton in the chair.

RECONSIDERATION.

In compliance with his notice given on a previous day, Mr. Rutherford moved that the vote whereby Senate Bill No. 1100 was passed be reconsidered.

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr Rutherford moved a call of the House.

Motion carried.

Time, five o'clock and five minutes P. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll.

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

Messrs. Barndollar, Baxter, Beardslee, Beban, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Collum, Costar, Dean, Feeley, Flavelle, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Melrose,

Mendenhall, Moore, Mott, Otis, O'Neill, Perine, Polsley, Preston, Pulcifer, Rech, Rutherford, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, and Mr Speaker—63

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH

At five o'clock and ten minutes P. M., further proceedings under the call of the House were dispensed with, on motion of Mr. Beardslee.

The roll of absentees was called, and the vote was reconsidered by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Black, Bohnett, Butler, Cattell, Cogswell, Collier, Collum, Dean, Feeley, Flavelle, Flint, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hayes, Hinkle, Irwin, Johnston of Contra Costa, Juilliard, Kehoe, Lightner, Maher, McManus, Melrose, Moore, Mott, O'Neill, Preston, Pulcifer, Rutherford, Stuckenbruck, Transue, Wagner, Webber, Whitney, Wyllie, and Mr Speaker—42.

NOES—Messrs. Beban, Callan, Costar, Gerdes, Hammon, Hawk, Hewitt, Johnson of Sacramento, Johnson of Placer, Macauley, McClellan, Mendenhall, Otis, Rech, Schmitt, and Wheelan—16

TIME FOR CONSIDERATION OF BILLS CONTINUED.

On motion of Mr. Rutherford, the further consideration of Senate Bill No. 1100 was continued until the next legislative day.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1909.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed

Assembly Bill No. 1432—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, by adding thereto thirty-four new sections, numbered 887 to 921, inclusive, so as to provide for municipal corporations of the seventh class.

Assembly Bill No. 824—An Act to amend an Act entitled "An Act to amend an Act entitled "An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for the appointment of the members of said commission, to be known as "The Commissioners for the Revision and Reform of the Law," and to prescribe their powers and duties; and to authorize the appointment of a secretary and stenographer therefor; and to provide for the compensation and expense of said commission, secretary, and stenographer, and to appropriate money therefor," approved March 28, 1895," approved March 25, 1903, by amending section seven thereof

Assembly Bill No 589—An Act to revise the law relating to the sentence and commitment of persons convicted of crime, and providing for a system of reform, and to repeal all Acts and parts of Acts in conflict therewith.

Assembly Bill No 1225—An Act to amend section one hundred and seventy-seven of the Code of Civil Procedure of the State of California, relating to the power of judicial officers and courts of record.

Assembly Bill No. 1190—An Act to amend Section 608 of the Political Code as to transfers from State to Federal court

Assembly Bill No. 1184—An Act to amend Section 602 of the Political Code as to what constitutes insolvency of an insurance company.

Assembly Bill No. 1178—An Act to amend Section 605 of the Political Code as to filing fees in the Insurance Commissioner's office

Assembly Bill No. 1156—An Act to amend an Act entitled "An Act to provide for the formation of boulevard districts and the construction, maintenance and use of boulevards, and defining the term boulevard," approved March 22, 1905, by amending Sections 2, 6, 7, 8, and 9, in relation to the issuing of bonds, and by amending Section 11 thereof, in relation to gifts and donations, and by amending Section 12 thereof, in relation to reconstruction of county roads and public highways within boulevard districts.

YOUNG, Chairman

The above reported bills ordered on file for third reading.

MOTIONS.

Mr Mott moved that the Assembly take a recess until eight o'clock P. M., then to consider Assembly file only.

Mr. McManus moved, as an amendment, that those Senate bills not considered during the evening session of Monday, March 15, 1909, be also considered.

Mr. Preston moved, as a substitute, that the Assembly take a recess until eight o'clock P. M.

Substitute adopted.

RECESS.

At five o'clock and fifteen minutes P. M., the Assembly was declared at recess until eight o'clock P. M. of this day.

REASSEMBLED.

At eight o'clock P M. the Assembly reconvened.

Speaker P A. Stanton in the chair.

SPECIAL FILE—THIRD READING.

Assembly Bill No. 1421—An Act appropriating three hundred and sixty dollars, to be expended in purchase of a piano for the Whittier State School

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1421 passed by the following vote:

AYES—Messrs. Barndollar, Beatty, Black, Bohnett, Cattell, Cogswell, Collier, Costar, Drew, Flavelle, Fleisher, Gibbons, Gillis, Hammon, Hanlon, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Kehoe, Leeds, Macauley, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, O'Neill, Perine, Polsley, Pulcifer, Rutherford, Schmitt, Silver, Stuckenbruck, Telfer, Wagner, Wheelan, Whitney, Wilson, and Mr. Speaker—43.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

WITHDRAWAL OF BILLS.

Mr. Johnson of Sacramento asked for, and was granted, unanimous consent to withdraw Assembly Bill No. 729.

Assembly Bill No. 729 withdrawn, and ordered stricken from the file.

Mr. Dean asked for, and was granted, unanimous consent to withdraw Assembly Bill No. 1159

Assembly Bill No. 1159 withdrawn, and ordered stricken from the file

Mr. Leeds asked for, and was granted, unanimous consent to withdraw Assembly Bill No. 1366.

Assembly Bill No. 1366 withdrawn, and ordered stricken from the file.

Assembly Bill No. 1246—An Act to amend Subdivision 30 of Section 4041 of the Political Code of the State of California.

Bill read third time, and passed on file.

Assembly Bill No 1224—An Act to amend Section 4300*a* of the Political Code.

Mr. Johnson of Sacramento moved to refer the bill to Committee on Judiciary.

Roll call was regularly demanded

The roll was called, and the motion lost by the following vote:

AYES—Messrs Barndollar, Beatty, Cattell, Cogswell, Costar, Cronin, Drew, Flint, Gibbons, Greer, Hammon, Hanlon, Hayes, Johnson of Sacramento, Maher, Melrose, Mendenhall, Moore, Rutherford, Silver, Stuckenbruck, and Whitney—22.

NOES—Messrs Black, Collier, Collum, Dean, Flavelle, Fleisher, Gillis, Griffiths, Hans, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Placer, Juilliard, Kehoe, Macauley, McManus, Mott, Nelson, Otis, O'Neill, Perine, Polsley, Pulcifer, Schmitt, Wagner, Wheelan, Wilson, and Mr Speaker—30

Bill read third time

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1224 refused passage by the following vote:

AYES—Messrs Baxter, Beardslee, Black, Bohnett, Collum, Fleisher, Gillis, Griffiths, Hammon, Hans, Hayes Hewitt, Juilliard, Macauley, McClellan, McManus, Moore, Mott, Nelson, O'Neill, Polsley, Pulcifer, Schmitt, Stuckenbruck, Wagner, and Mr Speaker—26

NOES—Messrs Barndollar, Beatty, Callan, Cattell, Cogswell, Collier, Costar, Cronin, Dean, Drew, Flavelle, Flint, Gibbons, Hanlon, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Kehoe, Leeds, Maher, Melrose, Mendenhall, Otis, Preston, Rech, Rutherford, Silver, Telfer, Wheelan, and Whitney—31.

NOTICE OF MOTION TO RECONSIDER.

Mr. Wheelan gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 1224 was this day refused passage.

Assembly Bill No. 1247—An Act to amend Section 6 of an Act entitled "An Act to regulate and license the hunting of game birds and animals, and to provide revenue therefrom for game preservation and restoration, and to make appropriation for the purpose of carrying out the objects of this Act," approved March 13, 1907.

Bill read third time, and passed on file

WITHDRAWAL OF BILLS.

Mr. Leeds asked for, and was granted, unanimous consent to withdraw Assembly Bills Nos. 1380 and 1367

Assembly Bills Nos 1380 and 1367 withdrawn, and ordered stricken from the file

Assembly Bill No 1245—An Act to amend Section 1 of an Act entitled "An Act to establish law libraries" approved March 1, 1891, amended March 1, 1907, and relating to the creation of a law library fund

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No 1245 refused passage by the following vote

AYES—Messrs. Beardslee, Black, Butler, Feeley, Fleisher, Hammon, Hans, Hinkle, Mott, Nelson, O'Neill, Schmitt, Wagner, and Wheelan—14.

NOES—Messrs Barndollar, Baxter, Beatty, Bohnett, Callan, Cattell, Cogswell, Collier, Costar, Cronin, Drew, Flavelle, Flint, Gerdes, Gibbons, Gillis, Griffiths,

Hanlon, Hayes, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Maher, Melrose, Mendenhall, Moore, Otis, Preston, Silver, Stuckenbruck, Telfer, Whitney, Young, and Mr. Speaker—38

Assembly Bill No. 1364—An Act to amend Section 1622 of the Political Code, relating to teachers' salaries, and fixing a minimum amount to be paid.

Bill read third time

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1364 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Black, Collier, Collum, Costar, Dean, Feeley, Flavelle, Fleisher, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Kehoe, Leeds, Macauley, Maher, McManus, Melrose, Moore, Mott, Nelson, Otis, O'Neill, Preston, Pugh, Rutherford, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Wilson, Young, and Mr. Speaker—49.

NOES—Messrs. Bohnett, Callan, Cogswell, Drew, Flint, Gerdes, Johnson of Placer, Juilliard, Mendenhall, Polsley, Whitney, and Wyllie—12.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 312—An Act against slot machines and other gambling devices.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 312 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Black, Bohnett, Callan, Cattell, Cogswell, Collier, Costar, Cronin, Drew, Flavelle, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Hanlon, Hans, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Juilliard, Kehoe, Leeds, Maher, Melrose, Mendenhall, Mott, Otis, O'Neill, Perine, Polsley, Pugh, Rech, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—51.

NOES—Messrs. Beatty, Butler, Coghlan, Dean, Feeley, Fleisher, Greer, Irwin, Johnson of Placer, McManus, Moore, Nelson, Rutherford, and Schmitt—14.

Title read and approved.

Bill ordered transmitted to the Senate.

NOTICE OF MOTION TO RECONSIDER.

Mr. O'Neill gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 312 was this day passed

WITHDRAWAL OF BILL.

Mr. Baxter asked for, and was granted, unanimous consent to withdraw Assembly Bill No. 1049.

Assembly Bill No. 1049 withdrawn, and ordered stricken from the file.

Assembly Bill No. 1339—An Act providing for submitting to electors the question of calling a convention to revise the Constitution of the State of California.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 1339 passed by the following vote:

AYES—Messrs Beardslee, Bebau, Bohnett, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Costar, Cronin, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis Greer, Griffiths, Hammon, Hanlon, Hans, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of Placer, Juilliard, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Moore, Mott, Nelson, O'Neill, Perine, Polsley,

Preston, Pulcifer, Rutherford, Schmitt, Silver, Stuckenbruck, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, and Young—56

NOES—Messrs. Barndollar, Beatty, Kehoe, Leeds, Mendenhall, Otis, Rech Telfer, Transue, and Mr. Speaker—10

Title read and approved

Bill ordered transmitted to the Senate.

WITHDRAWAL OF BILL.

Mr Hammon asked for, and was granted, unanimous consent to withdraw Assembly Bill No. 1005.

Assembly Bill No. 1005 withdrawn, and ordered stricken from the file.

Assembly Bill No. 135—An Act to amend an Act entitled "An Act directing the Commissioner of the Bureau of Labor Statistics to collect certain statistics and present them in biennial reports, and making it the duty of certain officers to furnish such statistics in compliance with the provisions of this Act," approved March 18, 1905.

Bill read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 135 passed by the following vote:

AYES—Messrs Barndollar, Beardslee, Bohnett, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Cronin, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Placer, Kehoe, Leeds, Lightner, Macauley, Maher, McManus, Melrose, Mendenhall, Moore, Otis, O'Neill, Perine, Polsley, Pulcifer, Rech, Rutherford, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Young, and Mr. Speaker—57

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 181—An Act to pay the claim of A. G. Lafferty, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 181 refused passage by the following vote:

AYES—Messrs Baxter, Beardslee, Beban, Bohnett, Coghlan, Collum, Costar, Cronin, Feeley, Fleisher, Gillis, Greer, Griffiths, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Lightner, Macauley, McClellan, McManus, Melrose, Moore, Nelson, O'Neill, Pulcifer, Rutherford, Schmitt, Telfer, Transue, Wagner, Webber, Wheelan, and Young—38.

NOES—Messrs. Barndollar, Callan, Drew, Flavelle, Flint, Gerdes, Gibbons, Hanlon, Irwin, Leeds, Maher, Mendenhall, Otis, Perine, Preston, Rech, Stuckenbruck, Whitney, Wyllie, and Mr. Speaker—20.

Assembly Bill No. 1054—An Act to provide for the medical treatment of indigent residents afflicted with incipient pulmonary tuberculosis, to create a fund therefor, to prescribe the duties of the State Board of Health and other public officials with relation thereto, and making an appropriation for the purposes of this Act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1054 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beban, Bohnett, Cattell, Coghlan, Collum, Costar, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, O'Neill, Perine,

Polsley, Preston, Pugh, Pulcifer, Rech, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—59.
NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 939—An Act for the regulation of the practice of medicine, surgery, and obstetrics, osteopathy, and other systems or modes of treating sick or afflicted human beings in the State of California, fixing the standard of preliminary education of students before entering upon the study of medicine, surgery, or obstetrics, osteopathy, or other modes of treating sick or afflicted human beings, the mode of the examination of matriculants, and by whom, the number of hours required in attendance at colleges, schools, or universities before receiving a diploma, standard of colleges, schools, and universities teaching the same, and for the appointment of a Board of Medical Examiners in the matter of said regulation.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 939 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Coghlan, Collum, Costar, Cronin, Drew, Feeley, Flavelle, Fleisher, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hayes, Hinkle, Holmquist, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McManus, Melrose, Mendenhall, Moore, Nelson, O'Neill, Perine, Polsley, Preston, Pugh, Pulcifer, Rutherford, Telfer, Transue, Wagner, Webber, Wheelan, Young, and Mr Speaker—53.
NOES—Mr Rech—1.

Title read and approved.

Bill ordered transmitted to the Senate.

WITHDRAWAL OF BILLS.

Mr. Leeds asked for, and was granted, unanimous consent to withdraw Assembly Bill No 1444.

Assembly Bill No. 1444 withdrawn, and ordered stricken from the file.

Mr. Hanlon asked for, and was granted, unanimous consent to withdraw Assembly Bills Nos. 1217, 1218, and 1219.

Assembly Bills Nos. 1217, 1218, and 1219 withdrawn, and ordered stricken from the file

Assembly Bill No. 1011—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and regulating the procedure to be followed for the annexation of additional territory to municipal corporations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No 1011 refused passage by the following vote:

AYES—Messrs Beardslee, Beatty, Black, Bohnett, Callan, Coghlan, Cogswell, Collum, Cronin, Flavelle, Gerdes Gibbons, Gillis, Hans, Hawk, Hinkle, Johnson of Sacramento, Juilliard, Kehoe, Macauley, Mendenhall, Moore, Mott, Nelson, Otis, Polsley, Preston, Pugh, Rutherford, Silver, Stuckenbruck, Telfer, Wagner, Webber, Wilson, and Wyllie—36
NOES—Messrs Barndollar, Baxter, Beban, Cattell, Costar, Dean, Drew, Feeley, Fleisher, Flint, Greer, Hammon, Hanlon, Hayes, Hewitt, Holmquist, Johnson of San Diego, Johnson of Placer, Leeds, Lightner, Maher, McClellan, McManus, Melrose, O'Neill, Perine, Pulcifer, Rech, Schmitt, Transue, Wheelan, Whitney, and Mr. Speaker—33

NOTICES OF MOTION TO RECONSIDER.

Mr Holmquist gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 1011 was this day refused passage.

Mr. Perine gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 181 was on this day refused passage.

Assembly Bill No. 910—An Act to amend section five of an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State for the construction of sewers and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1891, and as amended by a certain Act approved March 26, 1895

Bill read third time.

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 910 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Cattell, Cogswell, Collum, Costar, Cronin, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Hammon, Haulon, Hawk, Hayes, Hinkle, Holmquist, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Lightner, Macauley, Maher, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Pulcifer, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, and Wyllie—56.

NOES—None.

Title read and approved

Bill ordered transmitted to the Senate.

NOTICE OF MOTION TO RECONSIDER.

Mr. Juilliard gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No 1364 was this day passed.

Assembly Bill No. 975—An Act making an appropriation to pay the claim of George H. P. Shaw against the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 975 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Cattell, Coghlan, Collum, Cronin, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Hammon, Haulon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Placer, Juilliard, Kehoe, Lightner, Macauley, Maher, Melrose, Moore, Mott, Nelson, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Rech, Rutherford, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, and Mr. Speaker—57

NOES—Mr. Johnson of Sacramento—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No 38—An Act to provide for the relief of indigent Union, Spanish-American, Philippine insurrection, and Mexican war

soldiers, sailors, and marines, and the families of those deceased or indigent, and to defray funeral expenses.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 38 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Beban, Bohnett, Cattell, Coghlan, Collum, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Macauley, Maher, McManus, Melrose, Moore, Nelson, Otis, Perine, Polsley, Preston, Rutherford, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, and Mr. Speaker—49.

NOES—Mr. Mendenhall—1.

Title read and approved.

Bill ordered transmitted to the Senate

Assembly Bill No. 36—An Act to amend an Act entitled "An Act to provide for the classification of municipal corporations," approved March 2, 1893.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 36 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Collum, Costar, Cronin, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, O'Neill, Perine, Polsley, Preston, Pulcifer, Rech, Rutherford, Schmitt, Silver, Stuckenbruck, Transue, Wagner, Wheelan, Whitney, Young, and Mr Speaker—58

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 743—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 59 thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 743 passed by the following vote:

AYES—Messrs. Baxter, Beardslee, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Coghlan, Costar, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Maher, McClellan, Mendenhall, Moore, Nelson, Otis, Perine, Polsley, Preston, Pulcifer, Rech, Rutherford, Schmitt, Silver, Stuckenbruck, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Young, and Mr. Speaker—54.

NOES—None.

Title read and approved

Bill ordered transmitted to the Senate

Assembly Bill No. 1404—An Act to amend Section 29 of an Act entitled "An Act to provide for the organization and government of irrigation districts and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such

districts, and also to provide for the distribution of water for irrigation purposes." approved March 31, 1897.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1404 passed by the following vote:

AYES—Messrs Baxter, Beardslee, Beatty, Butler, Callan, Cattell, Cogswell, Collum, Costar, Cronin, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Hanlon, Hawk, Hayes, Hinkle, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Lightner, Macauley, Maher, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, Perine, Polsley, Preston, Pulcifer, Rutherford, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Young, and Mr Speaker—53

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Committee Substitute for Assembly Bill No. 745—An Act to amend Section 14 of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Committee Substitute for Assembly Bill No 745 passed by the following vote.

AYES—Messrs. Baxter, Beatty, Black, Butler, Callan, Cattell, Collum, Costar, Cronin, Dean, Drew, Feeley, Fleisher, Flint, Gerdes, Gillis, Hanlon, Hawk, Hewitt, Hinkle, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Lightner, Macauley, McManus, Melrose, Mendenhall, Mott, Nelson, O'Neill, Perine, Polsley, Preston, Pulcifer, Rutherford, Schmitt, Silver, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Young, and Mr. Speaker—48

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate

Assembly Bill No. 1412—An Act to amend section eight hundred and sixty of the Code of Civil Procedure, relating to demurrer or answer to amend pleadings in the justice courts.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Assembly Bill No 1412 passed by the following vote:

AYES—Messrs Baxter, Beardslee, Beatty, Beban, Butler, Callan, Cattell, Coghlan, Collum, Costar, Cronin, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Johnson of Sacramento, Juilliard, Kehoe, Lightner, Maher, McManus, Melrose, Mendenhall, Moore, Mott, O'Neill, Perine, Polsley, Preston, Rech, Rutherford, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Young, and Mr Speaker—49.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate

Assembly Bill No. 1264—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 1203 thereof, relating to the probation of persons arrested for crime after a plea or verdict of guilty, and the suspending of the imposition or execution of sentence during the term of probation, and the

disposition of such accusation after full compliance with the terms of probation

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1264 passed by the following vote:

AYES—Messrs Baxter, Beardslee, Beatty, Collum, Costar, Cronin, Drew, Fleisher, Flint, Gerdes, Gibbons, Gillis, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Johnson of Sacramento, Juilliard, Kehoe, Lightner, Macauley, Maher, McManus, Melrose, Mendenhall, Moore, Nelson, Otis, O'Neill, Polsley, Preston, Rech, Rutherford, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Young, and Mr. Speaker—46

NOES—None.

Title read and approved

Bill ordered transmitted to the Senate

Assembly Bill No 22—An Act to repeal an Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for appointment of the members of said commission, to be known as "The Commissioners for the Revision and Reform of Law," and to prescribe their powers and duties, and to authorize the appointment of a secretary and stenographer therefor, and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor, approved March 28, 1895," and all Acts amendatory thereof and supplemental thereto

Bill read third time.

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 22 refused passage by the following vote:

AYES—Messrs Feeley, Gibbons, Hammon, Hayes, Johnson of Sacramento, Kehoe, Leeds, Macauley, Maher, Mendenhall, Polsley, Rutherford, Transue, Wilson, Wyllie, and Mr. Speaker—16

NOES—Messrs. Baxter, Beardslee, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Cogswell, Collum, Cronin, Dean, Drew, Fleisher, Flint, Gerdes, Gillis, Greer, Hanlon, Haus, Hewitt, Hinkle, Holmquist, Juilliard, Lightner, McClellan, McManus, Melrose, Moore, Mott, Nelson, Otis, O'Neill, Perine, Preston, Rech, Silver, Stuckenbruck, Telfer, Wagner, Webber, Wheelan, Whitney, and Young—44

NOTICE OF MOTION TO RECONSIDER

Mr. Leeds gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No 939 was this day passed.

Assembly Bill No. 1433—An Act appropriating money to pay the claim of the Bryan Elevator Company against the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1433 passed by the following vote:

AYES—Messrs Baxter, Beardslee, Beatty, Beban, Bohnett, Butler, Callan, Cogswell, Collum, Cronin, Drew, Fleisher, Flint, Gerdes, Gibbons, Gillis, Hammon, Hanlon, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Juilliard, Kehoe, Lightner, Macauley, Maher, McManus, Melrose, Mendenhall, Moore, Nelson, Otis, O'Neill, Polsley, Preston, Rech, Rutherford, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Young, and Mr Speaker—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate

Assembly Bill No. 1434—An Act appropriating money to pay the claim of the Roebling Construction Company against the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No 1434 passed by the following vote:

AYES—Messrs. Baxter, Beardslee, Beatty, Bohnett, Butler, Callan, Cogswell, Collum, Costar, Drew, Fleisher, Flint, Gerdes, Gibbons, Hammon, Hanlon, Hayes, Hinkle, Johnson of Sacramento, Juilliard, Leeds, Macauley, McManus, Melrose Mendenhall, Moore, Mott, Nelson, O'Neill, Perine, Polsley, Preston, Rech, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Young, and Mr. Speaker—44

NOES—None

Title read and approved

Bill ordered transmitted to the Senate.

Assembly Bill No. 1435—An Act appropriating money to pay the claim of James Campbell against the State of California.

Bill read third time

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1435 passed by the following vote:

AYES—Messrs. Baxter, Beardslee, Beatty, Bohnett, Butler, Callan, Collum, Drew, Fleisher, Flint, Gerdes, Gillis, Greer, Hammon, Hanlon, Hayes, Hinkle, Juilliard, Kehoe, Lightner, Macauley, Maher, McManus, Melrose, Mendenhall, Mott, Nelson, Otis, O'Neill, Perine, Polsley, Preston, Pulcifer, Rech, Rutherford, Schmitt, Silver, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Young, and Mr. Speaker—46.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1436—An Act appropriating money to pay the claim of the Russell-Vail Engineering Company against the State of California.

Bill read third time

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1436 passed by the following vote:

AYES—Messrs Baxter, Beardslee, Beatty, Beban, Bohnett, Butler, Cattell, Cogswell, Collum, Dean, Drew, Feeley, Fleisher, Flint, Gerdes, Gillis, Greer, Hammon, Hanlon, Hawk, Hinkle, Johnson of Sacramento, Juilliard, Leeds, Lightner, Maher, McClellan, McManus, Melrose, Mendenhall, Mott, Nelson, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Rutherford, Young, and Mr Speaker—43.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No 1437—An Act appropriating money to pay the claim of the Columbia Marble Company against the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1437 passed by the following vote:

AYES—Messrs Baxter, Beardslee, Beatty, Beban, Bohnett, Butler, Cogswell, Collum, Costar, Dean, Drew, Fleisher, Flint, Gerdes, Gillis, Greer, Hammon, Hanlon, Hayes, Hinkle, Holmquist, Johnson of Sacramento, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson,

Otis, O'Neill, Perine, Polsley, Rutherford, Telfer, Transue, Wagner, Webber, Whitney, Young, and Mr. Speaker—47.
NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1438—An Act appropriating money to pay the claim of A. Merle & Company against the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1438 passed by the following vote:

AYES—Messrs. Baxter, Beardslee, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collum, Drew, Feeley, Fleisher, Flint, Gerdes, Griffiths, Hammon, Hawk, Hayes, Hewitt, Hinkle, Johnson of Sacramento, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, Perine, Polsley, Preston, Pulcifer, Rutherford, Silver, Stuckenbruck, Transue, Wagner, Young, and Mr. Speaker—46.
NOES—None.

Title read and approved

Bill ordered transmitted to the Senate.

Assembly Bill No. 1439—An Act appropriating money to pay the claim of the Palm Iron Works against the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1439 passed by the following vote:

AYES—Messrs Baxter, Beardslee, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Cogswell, Dean, Drew, Feeley, Fleisher, Flint Gerdes, Gillis, Greer, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Johnson of Sacramento, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, O'Neill, Perine, Polsley, Preston, Pulcifer, Rech, Rutherford, and Mr. Speaker—45.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate

Assembly Bill No. 571—An Act to amend Section 632 of the Penal Code, relating to the closed season for certain fish.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 571 passed by the following vote:

AYES—Messrs. Baxter, Beardslee, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collum, Dean, Drew, Feeley, Fleisher, Flint, Gillis, Greer, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Johnson of Sacramento, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, O'Neill, Perine, Polsley, Preston, Pulcifer, Rech, Wagner, Young, and Mr. Speaker—47.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 675—An Act providing for investigations of plant diseases and pests, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 675 passed by the following vote:

AYES—Messrs. Baxter, Beardslee, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Cogswell, Collum Dean, Drew, Feeley, Fleisher, Flint, Gerdes, Gillis, Greer,

Hammon, Hawk, Hayes, Hewitt, Hinkle, Johnson of Sacramento, Juilliard, Kehoe, Leeds, Lightner, Maher, McManus, Melrose, Mendenhall, Moore, Nelson, Otis, O'Neill, Perine, Polsley, Preston, Pulciter, Rech, Rutherford, Schmitt, Silver, Young, and Mr. Speaker—46.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 628—An Act to appropriate money for promoting the study of agriculture in elementary and secondary schools.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No 628 passed by the following vote:

AYES—Messrs. Baxter, Beardslee, Beatty, Bohnett, Butler, Callan, Cattell, Collum, Dean, Drew, Feeley, Fleisher, Flint, Gerdes, Gillis, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Johnson of Sacramento, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, O'Neill, Perine, Polsley, Preston, Pulcifer, Rech, Rutherford, Schmitt, Silver, Stuckenbruck, Young, and Mr Speaker—47.

NOES—None

Title read and approved

Bill ordered transmitted to the Senate

Assembly Bill No. 1238—An Act to prohibit the wanton, wasteful, and unnecessary cutting and destruction of small trees and chaparral growing upon private uncultivated land in this State situated upon the mountains and catchment basins from which cities, towns, and communities receive their water supply, and to regulate the business of lumbering and cutting such trees and chaparral upon said lands, and to provide for the appointment of inspectors for said lands, and making an appropriation to provide for the expenses in connection therewith.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1238 passed by the following vote:

AYES—Messrs. Baxter, Beardslee, Beatty, Bohnett, Butler, Callan, Cattell, Coggswell, Collum, Dean, Drew, Feeley, Fleisher, Flint, Gerdes, Gillis, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Johnson of Sacramento, Juilliard, Kehoe, Leeds, Macauley, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, O'Neill, Perine, Polsley, Preston, Pulcifer, Rech, Rutherford, Schmitt, Silver, Telfer, Transue, Wagner, Webber, Wheelan Whitney, Wilson, Young, and Mr. Speaker—54.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

TITLE AMENDED.

The following amendment to the title was submitted by Mr. Melrose:

Strike out the word "small" on third line of title

Amendment adopted.

Title, as amended, read and approved.

Bill ordered to reprint, and transmitted to the Senate

WITHDRAWAL OF BILLS.

Mr. Dean asked for, and was granted, unanimous consent to withdraw Assembly Bill No. 1081.

Assembly Bill No. 1081 withdrawn, and ordered stricken from the file.

Mr Flint asked for, and was granted, unanimous consent to withdraw Assembly Bill No. 1143.

Assembly Bill No. 1143 withdrawn, and ordered stricken from the file.

Assembly Bill No. 1393—An Act to amend Section 540 of the Code of Civil Procedure of the State of California, relating to whom the writ must be directed and what it shall contain.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1393 passed by the following vote:

AYES—Messrs. Baxter, Beardslee, Beatty, Bohnett, Butler, Callan, Cattell, Coghlan, Collum, Dean, Drew, Feeley, Fleisher, Flint, Gerdes, Gillis, Greer, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Johnson of Sacramento, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Moore, Mott, Nelson, O'Neill, Perine, Preston, Rutherford, Schmitt, Transue, Wagner, Wheelan, Whitney, Wilson, Young, and Mr. Speaker—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate

WITHDRAWAL OF BILL.

Mr. Lightner asked for, and was granted, unanimous consent to withdraw Assembly Bill No 1283

Assembly Bill No. 1283 withdrawn, and ordered stricken from the file.

ADJOURNMENT.

At eleven o'clock and thirty-five minutes P. M., on motion of Mr. Johnson of Sacramento, the Assembly was declared adjourned until ten o'clock A. M. of Wednesday, March 17, 1909.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL.,
Wednesday, March 17, 1909.

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. P. A. Stanton, Speaker of the Assembly, in the chair.

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

Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Costar, Cronin, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Rutherford, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—76.

Quorum present.

LEAVE OF ABSENCE.

On motion, leave of absence for the day was granted to Messrs. Wyatt and Cullen.

PRAYER.

Prayer was offered by the Chaplain, Rev. Seren N. Marsh.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Collum, its further reading was dispensed with.

APPROVAL OF JOURNAL.

On motion of Mr. Transue, the Journals of Monday, March 8, Tuesday, March 9, Wednesday, March 10, Thursday, March 11, Friday, March 12, and Saturday, March 13, 1909, were approved as corrected by the Minute Clerk.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, March 17, 1909.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Senate Bill No. 769—An Act to amend section two hundred and eighty-seven of the Code of Civil Procedure of the State of California, relating to removal or suspension of attorneys and counselors at law—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

JOHNSON OF SACRAMENTO, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 17, 1909.

MR Speaker: Your Committee on Judiciary, to whom was referred Senate Bill No. 996—An Act to amend Section 3076 of the Political Code.

Also: Senate Bill No. 997—An Act to add a new section to the Civil Code of the State of California, to be known as section number 69*a*, relating to the certificate of registry of marriage.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

JOHNSON OF SACRAMENTO, Chairman.

ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 17, 1909

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Senate Bill No. 1199—An Act to amend Section 4260 of the Political Code of California, relating to salaries and fees of officers of counties of the thirty-first class—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

HANS, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 17, 1909.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Senate Bill No. 1131—An Act to amend an Act entitled "An Act to provide for the formation of protection districts in the various counties of this State, for the improvement and rectification of the channels of innavigable streams and water courses, for the prevention of the overflow thereof, by widening, deepening, and straightening and otherwise improving the same, and to authorize the board of supervisors to levy and collect assessments from the property benefited to pay the expenses of the same," approved March 27, 1895, by adding a new section thereto, to be numbered Section 28½, relating to maintenance of protection districts.

Also: Senate Bill No. 1091—An Act to amend an Act entitled "An Act to establish police courts in cities of the second class, to fix their jurisdiction and to provide for officers of said court, and to fix the compensations of said officers thereof," approved March 21, 1905, by repealing Section 7 thereof."

Also: Senate Bill No 1102—An Act to amend section four thousand two hundred and ninety of the Political Code of the State of California, relating to the salaries and fees of county officers.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

HANS, Chairman.

ON ROADS AND HIGHWAYS.

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1909.

MR SPEAKER: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 1319—An Act creating a state highway commission, prescribing its duties, and providing for their compensation.

Also. Assembly Bill No 717—An Act to provide a state highway from Meyer's Station to Tahoe City, and making an appropriation therefor.

Also: Assembly Bill No. 416—An Act to provide a uniform system of administration for public roads and highways, and to provide for building, repairing, and maintaining the same, and to provide revenue for said purposes.

Also: Assembly Bill No. 991—An Act defining state highways, providing for the laying out and adoption of a continuous and connected state highway system and the survey of a right of way therefor, prescribing the powers and duties of the State Department of Engineering in relation thereto, providing for the acquisition of roads and of rights of way and the construction and maintenance of a permanent roadway, and appropriating the money necessary to carry out the provisions of the Act.

Also. Assembly Bill No. 72—An Act to provide for the survey, location and construction of a state highway from Sattley, Sierra County, to Marysville, Yuba County, and to make an appropriation therefor.

Also: Assembly Bill No. 1312—An Act to provide for a state highway from the west bank of the Rincon Creek, Santa Barbara County, at a point near the Pacific Ocean to the east bank of the Ventura River, in the city of San Buenaventura, Ventura County, and to make an appropriation therefor

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

GREER, Chairman.

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, March 17, 1909

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 101—An Act to provide for the maintenance and operating expenses of the forestry station at Santa Monica, Los Angeles County, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BEARDSLEE, Chairman.

The above reported bills ordered on file for second reading.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was taken up and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 16, 1909.

To the Assembly of the State of California

I have the honor to inform your honorable body that I have approved Assembly Bill No 1123—An Act to amend Section 417 of the Political Code of the State of California, relating to the Secretary of State.

Also· Assembly Bill No. 974—An Act providing for the dissemination of knowledge among the people of California as to the best means of preventing the spread of tuberculosis, and making an appropriation therefor.

Also: Assembly Bill No 809—An Act to provide for the wiring of hospital buildings and other buildings in and about the grounds of the Stockton State Hospital, together with the installation of a telephone system in said buildings, consisting of all necessary equipments and fixtures, and making an appropriation therefor.

Also: Assembly Bill No. 830—An Act to amend Sections 415 and 420 of the Political Code, all relating to the office of the Secretary of State.

Also: Assembly Bill No 794—An Act to amend Section 2552 of the Political Code, relating to salaries of officers of the Board of State Harbor Commissioners

Also: Assembly Bill No. 776—An Act to amend section three thousand seven hundred of the Political Code, relating to salaries of the members of the State Board of Equalization.

Also: Assembly Bill No. 756—An Act to amend Section 755 of the Political Code, relating to the salary of the Clerk of the Supreme Court.

Also: Assembly Bill No. 958—An Act appropriating the sum of one thousand dollars for the purpose of installing a plant for distilling water in connection with the ice-making plant at the Veterans' Home of California, located at Yountville, Napa County.

Also: Assembly Bill No. 1103—An Act to amend section 652 of the Civil Code of the State of California, relating to the consolidation of colleges and institutions of higher education.

Also: Assembly Bill No. 1228—An Act to amend Sections 335 and 336 of the Political Code, relating to the salaries of the Private Secretary and the Executive Secretary of the Governor.

J. N. GILLETT, Governor.

SENATE MESSAGES.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, March 16, 1909.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 16—Relative to the encouragement of the viticultural industry of the State of California.

Also: Passed Senate Bill No 1170—An Act to amend Section 4235 of the Political Code of the State of California.

Also: Senate Bill No. 823—An Act to accept from the Old Soldiers' Memorial Camp Association of Northern California and E. F. Winslow Post, No 79, Grand Army of the Republic, Department of California and Nevada, the conveyance of, and to vest the title in, the State of California of certain lands, buildings, and furnishings thereon, at La Tour Soda Springs, Whitmore Postoffice, in Shasta County; and appropriating the sum of ten thousand dollars for the purpose of constructing cottages on said lands, and for the improvement thereof, and to maintain and care for the same as and for a free rooming, camping grounds, resting place, and health resort for aged, indigent ex-soldiers, sailors, and marines of the United States Army and Navy, and wives of such soldiers, sailors, and marines, to be known as Winslow Veterans' Home, and to provide for the government thereof by the State of California

Also: Committee Substitute for Senate Bill No. 214—An Act appropriating money to carry on the work provided for in an Act entitled "An Act authorizing the Governor to appoint an expert in taxation and public finance, to sit as a member of a commission to be composed of himself and a general committee of the Senate and Assembly of the thirty-sixth session of the Legislature of the State of California, of which commission the Governor shall be ex officio a member and chairman, to investigate the system of revenue and taxation in force in this State, and to recommend a plan for the revision and reform thereof, to provide for the creation of said commission, and to define its powers, and making an appropriation therefor," approved March 20, 1905.

LEWIS A. HILBORN, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary

Senate Concurrent Resolution No 16 read first time, and ordered on file without reference.

Senate Bill No. 1170 read first time, and referred to Committee on County and Township Governments.

Senate Bill No. 823 read first time, and ordered on file without reference.

Senate Bill No. 214 read first time, and ordered on file without reference.

Also:

SENATE CHAMBER, SACRAMENTO, March 16, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 844—An Act providing for the purchase of a site for an armory and State arsenal for the National Guard at the city and county of San Francisco California, providing for the appointment of a commission to select and purchase said site, and providing for the erection of an armory and arsenal on said site, and for the maintenance of the same, and appropriating money therefor.

LEWIS A. HILBORN, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Bill ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 15, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to Senate Bill No. 485—An Act to provide for the issuance and sale of State bonds to create a fund for the construction by the Board of State Harbor Commissioners of wharves, piers, state railroad, spurs, betterments, and seawall appurtenances in the city and county of San Francisco, to create a sinking fund for the payment of said bonds, to define the duties of State officers in relation thereto, to make an appropriation of one thousand dollars for the expense of printing said bonds; and to provide for the submission of this Act to a vote of the people.

Also: Senate Bill No 505—An Act to amend section seventeen hundred and seventy-one of the Political Code of California, relative to the powers of the county board of education.

Also: Senate Bill No. 725—An Act to amend Section 1 of an Act to provide for the transfer to the State of California by owners of patented lands therein of the right to preserve and protect wild game on such patented lands; to define the duties of the State Board of Fish Commissioners in relation to the control of such rights, and to declare the hunting of wild game within the exterior boundaries of the land to which right attaches, a misdemeanor, approved March 21, 1907

Also: Senate Bill No. 803—An Act to amend the Political Code by adding thereto two new articles to be designated and numbered Article XIV of Chapter III of Title III of Part III of said Code, to consist of sections numbered 1720, 1721, 1722, 1723, 1724, 1725, 1726, 1727, 1728, 1729, 1730, 1731, 1732, 1733, 1734, 1735, 1736, 1737, 1738, 1739, 1740, 1741, 1742, 1743, 1744, 1745, 1746, 1747, 1748, 1749, 1750, 1751, and Article XV of said chapter to consist of sections numbered 1755, 1756, 1757, 1758, 1759, 1760, 1761, 1762, and 1763, and to appeal sections 1669, 1670, 1671, 1671*a*, and 1681 of said Code, all relating to high schools, and to repeal an Act entitled "An Act to provide for the change of name of high school districts and union high school districts, and the manner of making such change," approved March 23, 1907, and an Act entitled "An Act relating to the meeting place of high school boards within municipal corporations" which became a law without the Governor's signature March 15, 1901, and an Act entitled "An Act creating a fund for the benefit and support of high schools and providing for its distribution, and repealing an Act entitled "An Act creating a fund for the benefit and support of high schools and providing for its distribution,'" approved March 2, 1903, approved March 6, 1905, and all Acts amendatory thereof.

LEWIS A. HILBORN, Secretary of Senate
By FRANK MATTISON, Assistant Secretary.

RESOLUTION.

The following concurrent resolution was offered:

By Mr. Melrose:

ASSEMBLY CONCURRENT RESOLUTION NO. 18.

Resolved by the Assembly, the Senate concurring, That leave of absence for a period longer than sixty days is hereby granted to the following Assemblymen: Grove L. Johnson, Richard Melrose, and Prescott F. Cogswell

Resolution read, and ordered printed in the Journal.

UNFINISHED BUSINESS.

Senate Bill No. 1100—An Act restricting the powers of boards of supervisors in the matter of imposing licenses upon the business of raising, grazing, herding, and pasturing sheep.

During consideration of bill, Mr. Rutherford moved that the Speaker appoint a select committee of one to amend the bill, as follows:

On page 1, Section 1, line 1, strike out the word "two", and insert in lieu thereof the word "three".

Also: On page 1, Section 1, line 6, strike out the word "two", and insert in lieu thereof the word "three".

Motion carried.

The Speaker appointed Mr. Rutherford as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 17, 1909.

MR. SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 1100, with instructions, do now report that the instructions of the Assembly have been carried out

RUTHERFORD, Select Committee.

Report of select committee, and amendments, adopted.

Bill ordered to reprint, and on file for passage.

Assembly Bill No. 186—An Act to provide one additional judge of the superior court of the county of Alameda.

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 186?"

Amend by striking out of title of printed bill the words "two additional judges", and inserting in lieu thereof the following: "one additional judge".

Also: Amend by striking out of Section 1, line 2, of printed bill, the word "seven", and inserting in lieu thereof the following: "six"

Also: Amend by striking out of Section 2, line 2, of printed bill, the words "two additional judges", and inserting in lieu thereof the following: "one additional judge".

Also: Amend by striking out of Section 2, line 5, of printed bill, the word "twelve", and inserting in lieu thereof the following: "eleven".

Also: Amend by striking out of Section 2, line 5, of printed bill, the words "two judges", and inserting in lieu thereof the following: "one judge".

Also: Amend by striking out of Section 3, line 1, of printed bill, the words "two additional judges", and inserting in lieu thereof the following. "one additional judge"

Also: Amend by striking out of Section 4, lines 1 and 2, of printed bill, the words "from and after its passage".

The roll was called, and Senate amendments to Assembly Bill No. 186 were concurred in by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Callan, Cattell, Cogswell, Collum, Costar, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Kehoe, Leeds, Macauley, Maher, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pulcifer, Rutherford, Schmitt, Stuckenbruck, Telfer, Webber, Whitney, Wilson, Wyllie, and Mr. Speaker—54.

NOES—None.

Bill ordered to enrollment.

COUNTY AND TOWNSHIP GOVERNMENT BILLS—THIRD-READING FILE.

Assembly Bill No. 1233—An Act to amend Section 4265 of the Political Code of the State of California, relating to the compensation of officers of counties of the thirty-sixth class, and their deputies and assistants.

Bill read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1233 passed by the following vote:

AYES—Messrs. Barndollar, Beatty, Beban, Bohnett, Callan, Cattell, Cogswell, Collum, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Kehoe, Leeds, Lightner, Maher, Mendenhall, Moore, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pulcifer, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Wilson, Wyllie, and Mr. Speaker—51.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

SPECIAL ORDER.

Assembly Bill No. 939—An Act for the regulation of the practice of medicine, surgery, and obstetrics, osteopathy, and other systems or modes of treating sick or afflicted human beings in the State of California, fixing the standard of preliminary education of students before entering upon the study of medicine, surgery, or obstetrics, osteopathy, or other modes of treating sick or afflicted human beings, the mode of the examination of matriculants, and by whom, the number of hours required in attendance at colleges, schools, or universities before receiv-

ing a diploma, standard of colleges, schools, and universities teaching the same, and for the appointment of a Board of Medical Examiners in the matter of said regulation.

RECONSIDERATION.

In compliance with notice given on a previous day, Mr. Hinkle moved that the vote whereby Assembly Bill No. 939 was passed be reconsidered.

The roll was called, and the same was reconsidered by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Beban, Bohnett, Callan, Cattell, Cogswell, Collum, Costar, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Hammon, Hanlon, Hawk, Holmquist, Irwin, Johnson of Sacramento, Johnston of Contra Costa, Leeds, Macauley, Maher, Melrose, Mendenhall, Mott, Nelson, Odom, Otis, O'Neill, Perine, Preston, Pulcifer, Schmitt, Silver, Telfer, Transue, Webber, and Mr. Speaker—45

NOES—Messrs Cronin, Griffiths, Johnson of Placer, Kehoe, Moore, Poisley, Rech, Stuckenbruck, Wagner, Whitney, and Wyllie—11

During the consideration of bill, Mr. Hinkle moved that the Speaker appoint a select committee of one to amend the bill, as follows:

On page 18, Section 23, line 29, of the printed bill as amended, after the word "Act", insert the following: "; and any person who holds an unrevoked certificate issued by the board of examiners of the Association of Naturopaths of California, incorporated under the laws of the State of California, August 8, 1904, and who shall be practicing naturopathy prior to the passage of this Act, shall be entitled to practice naturopathy in this State, the same as if it had been issued under this Act The Board of Medical Examiners shall endorse said certificates at their first meeting after this Act becomes a law, or at any subsequent meeting of the board, but not later than six months after the passage of this Act, by signature of its president and secretary and affixing its official seal; *provided, however*, that the holder of such certificate has signed his or her name on the back of said certificate, and the president and secretary of the Association of Naturopaths of California have certified over their respective signatures that the holder of said certificate is the rightful owner of same;".

Motion carried.

The Speaker appointed Mr. Hinkle as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 17, 1909

MR SPEAKER. Your select committee of one, to whom was referred Assembly Bill No. 939, with instructions, do now report that the instructions of the Assembly have been carried out.

HINKLE, Select Committee

Report of select committee and amendment adopted.

Bill ordered to reprint, with rush order, and on file for passage, at three o'clock and thirty minutes of this day.

CASE OF URGENCY.

The following resolution was offered:

By Mr. Beardslee:

Resolved, That Assembly Bill No 1447 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Mr. Beardslee moved the adoption of the resolution.

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

AYES—Messrs. Barndollar, Beardslee, Beatty, Beban, Bohnett, Callan, Cattell, Coghlan, Cogswell, Costar, Cronin, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Greer, Griffiths, Hammon, Hanlon, Hawk, Hayes, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Leeds, Lightner, Macauley,

Maher, McClellan, Mendenhall, Moore, Nelson, Odom, O'Neill, Perine, Preston, Pulcifer, Rech, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, and Mr. Speaker—55.

NOES—Messrs. Kehoe, Polsley, and Wyllie—3.

Assembly Bill No. 1447—An Act to amend section three thousand seven hundred and thirteen of the Political Code of the State of California, relating to the levy of taxes.

Bill read second time, and ordered to third reading.

THIRD READING OF BILL.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1447 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beban, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collum, Costar, Cronin, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hawk, Hayes, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Lightner, Macauley, Maher, McClellan, Mendenhall, Moore, Mott, Nelson, Odom, O'Neill, Perine, Polsley, Preston, Pulcifer, Rech, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, and Mr Speaker—61

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

WITHDRAWAL OF BILL.

Mr. Hammon asked for, and was granted, unanimous consent to withdraw Assembly Bill No 1208

Assembly Bill No. 1208 withdrawn, and ordered stricken from the file.

SENATE MESSAGE.

The following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, March 17, 1909.

MR SPEAKER. I am directed to inform your honorable body that the Senate on this day refused to recede from Senate amendments to Assembly Bill No. 167—An Act to amend Sections 1908, 1917, and 1923 of the Political Code of California, all relating to the enrolled militia—and has appointed as a conference committee Senators Martinelli, Hurd, and Finn—and respectfully request the appointment by your honorable body of a like committee to consider said amendments.

LEWIS A HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

APPOINTMENT OF COMMITTEE.

The Speaker announced the appointment of Messrs. Perine, Butler, and Melrose as a Committee on Conference, to meet a like committee from the Senate to consider Senate amendments to Assembly Bill No. 167.

THIRD-READING FILE.

Assembly Bill No. 1426—An Act providing for the disposition of civil or criminal actions or proceedings in which bills of exceptions or statements on motion for new trial have been lost or destroyed by conflagration, or other public calamity.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 1426 passed by the following vote:

AYES—Messers Barndollar, Baxter, Beardslee, Callan, Cattell, Coghlan, Cogswell Collum, Costar, Drew, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths

Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Leeds, Lightner, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pulcifer, Rech, Sackett, Schmitt, Stuckenbruck, Transue, Wheelan, Wilson, Wyllie, and Mr. Speaker—57

NOES.—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 638—An Act to amend Section 261 of the Penal Code of the State of California, defining the crime of rape.

Mr. Coghlan moved that the Assembly go into executive session for the purpose of considering Assembly Bill No. 638.

Motion lost.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 638 passed by the following vote:

AYES—Messrs Barndollar, Bohnett, Cattell, Cogswell, Drew, Flavelle, Fleisher, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hawk, Hayes, Hewitt, Holmquist, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Juilliard, Kehoe, Maher, Melrose, Mendenhall, Moore, Otis, O'Neill, Perine, Polsley, Preston, Pulcifer, Rech, Rutherford, Silver, Telfer, Wagner, Whitney, Wilson, Wyllie, and Young—42.

NOES—Messrs. Baxter, Beatty, Beban, Butler, Coghlan, Collum, Cronin, Feeley, Flint, Hans Hopkins, Irwin, Johnson of Placer, Leeds, Lightner, Macauley, McClellan, Mott Nelson, Odom, Schmitt, Wheelan, and Mr. Speaker—23.

Title read and approved.

Bill ordered transmitted to the Senate.

NOTICE OF MOTION TO RECONSIDER.

Mr. Johnston gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 638 was this day passed.

WITHDRAWAL OF BILL.

Mr. Polsley asked for, and was granted, unanimous consent to withdraw Assembly Bill No. 1116.

Assembly Bill No. 1116 withdrawn, and ordered stricken from the file.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, March 17, 1909.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Senate Bill No. 854—An Act to amend the Penal Code of the State of California, by adding a new section thereto, to be numbered —, relating to the making of false statements in writing by any person respecting his own or another's financial condition, for the purpose of procuring a loan or credit in any form for himself or for another person, and relating to the procuring of credit on such false statements and prescribing penalties therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

JOHNSON OF SACRAMENTO, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 17, 1909.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Senate Bill No 928—An Act to add a new section to the Code of Civil Procedure of California, to be numbered Section 1019, relating to the service of pleadings and papers in actions for divorce—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

JOHNSON OF SACRAMENTO, Chairman.

The above reported bills ordered on file for second reading.

THIRD-READING FILE—(RESUMED).

Assembly Bill No. 1395—An Act to amend Section 868 of the Code of Civil Procedure of the State of California, relating to writ of attachment; the officers to whom the writ may be addressed; the substance of, and the undertaking upon attachment.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No 1395 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collum, Cronin, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Hanlon, Hans, Hawk, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Juilliard, Kehoe, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Preston, Pulcifer, Rech, Rutherford, Silver, Stuckenbruck, Wagner, Webber, Wheelan, Wyllie, Young, and Mr. Speaker—55.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

WITHDRAWAL OF BILL.

Mr. Pulcifer asked for, and was granted, unanimous consent to withdraw Assembly Bill No. 1153.

Assembly Bill No. 1153 withdrawn, and ordered stricken from the file.

Assembly Bill No. 282—An Act to amend Section 775 of the Code of Civil Procedure, relating to sales in actions in partition.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 282 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Bohnett, Butler, Callan, Cattell, Cogswell, Drew, Feeley, Fleisher, Flint, Gerdes, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Polsley, Preston, Pulcifer, Rech, Rutherford, Silver, Stuckenbruck, Wagner, Wheelan, Wyllie, and Mr. Speaker—52

NOES—Messrs Beban, Coghlan, Hopkins, Macauley, and Perine—5.

Title read and approved.

Bill ordered transmitted to the Senate.

RESOLUTION.

The following resolution was offered:

Resolved, That the State Controller be, and he hereby is, directed to draw his warrant on the contingent fund of the Assembly in favor of Chief Clerk Clio Lloyd for the sum of $75 00, and the Treasurer is directed to pay the same, said sum being for continuing the mailing department.

Mr. Drew moved the adoption of the resolution.

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

AYES—Messrs. Barndollar, Baxter, Beardslee, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collum, Cronin, Drew, Feeley, Flavelle, Fleisher, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Maher, McClellan, Melrose, Moore, Mott, Nelson, Odom, Otis, Perine, Polsley, Preston, Pulcifer, Rech, Silver, Stuckenbruck, Transue, Wagner, Webber, Wheelan, Wilson, Wyllie, and Mr. Speaker—56.

NOES—None.

WITHDRAWAL OF BILL.

Mr. Beatty asked for, and was granted, unanimous consent to withdraw Assembly Bill No. 1251.

Assembly Bill No. 1251 withdrawn, and ordered stricken from the file.

THIRD READING FILE—RESUMED.

Assembly Bill No. 221—An Act to amend Section 925 of the Penal Code of the State of California, relating to grand juries, when and from whom they may ask advice, and who may be present at the sessions of grand juries.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 221 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collum, Cronin, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pulcifer, Rech, Rutherford, Schmitt, Silver, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, and Mr. Speaker—63.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 222—An Act to amend Section 988 of the Penal Code, relating to the arraignment of defendants.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 222 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Bohnett, Callan, Cattell, Coghlan, Cogswell, Collum, Cronin, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Polsley, Preston, Pulcifer, Rech, Rutherford, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, and Mr. Speaker—65

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 223—An Act to amend Section 995 of the Penal Code, relating to motion to set aside indictments, etc.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 223 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collum, Cronin, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, Maher, McManus, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, Perine, Polsley, Preston, Pulcifer, Rech, Rutherford, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Webber, Wheelan, Whitney, Wilson, and Mr. Speaker—61.

NOES—Mr. Gillis—1.

Title read and approved.

Bill ordered transmitted to the Senate.

SPECIAL ORDERS.

Senate Bill No. 741—An Act to regulate and license the hunting of game birds and animals, and the fishing for and catching of fish, and to provide revenue therefrom, for game and fish preservation and restoration.

RECONSIDERATION.

In compliance with his notice given on a previous day, Mr. Leeds moved that the vote whereby Senate Bill No. 741 was refused passage be reconsidered.

The roll was called, and the same was reconsidered by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collum, Cronin, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnston, of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pulcifer, Rech, Rutherford, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—71.

NOES—None

During consideration of bill, Mr. Leeds moved that the Speaker appoint a select committee of one to amend the bill, as follows:

On page 1, lines 2 and 3, of the title of the printed bill, strike out the following: "and the fishing for and catching with hook and line of protected fish".

Also: On page 1, Section 1, line 1, of the printed bill, strike out the following: "Except as provided in Section 10 hereof,".

Also: On page 1, Section 1, lines 4 and 5, of the printed bill, strike out the following: "or fishes for or catches with hook and line any of the protected fish of this State."

Also: On page 1, Section 2, lines 2 and 3, of the printed bill, strike out the following: "and to fish for or catch fish with hook and line any of the protected fish of this State", and insert in lieu thereof a comma.

Also: On page 2, Section 2, line 8, of the printed bill, strike out the words "and fishing".

Also: On page 3, Section 5, lines 4 and 5, of the printed bill, strike out the following: "and to fish for and catch fish with hook and line, during the open season fixed therefor by law,".

Also: On page 3, Section 8, lines 2 and 3, of the printed bill, strike out the following: "or killing game or while fishing for or catching fish".

Also: On page 3, Section 8, line 8, of the printed bill, strike out the words "and fishing".

Also: On page 3, of the printed bill, strike out all of Sec 10.

Also: On page 4, of the printed bill, after the word "Sec." strike out the figures "11", and insert in lieu thereof the figures "10".

Also: On page 4, of the printed bill, after the word "Sec." strike out the figures "12", and insert in lieu thereof the figures "11".

Motion carried.

The Speaker appointed Mr. Leeds as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 17, 1909.

MR. SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 741, with instructions, do now report that the instructions of the Assembly have been carried out.

LEEDS, Select Committee

Report of select committee, and amendments, adopted.

Bill ordered to reprint, and on file for passage.

THIRD-READING FILE—(RESUMED)

Assembly Bill No. 610—An Act authorizing and directing the Board of State Capitol Commissioners to erect a monument in Capitol Park, in

the city of Sacramento, to the valor and patriotism of the volunteer Union soldiers and sailors who enlisted from the State of California during the civil war from 1861 to 1865, and making an appropriation therefor.

Bill read third time.

The question being on the paesage of the bill.

The roll was called, and Assembly Bill No. 610 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Cronin, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, O'Neill, Perine, Polsley, Preston, Pulcifer, Rech, Rutherford, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—69.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 838—An Act to appropriate one thousand dollars for the erection of a monument in St. Mary's Cemetery, in the city of Oakland, county of Alameda, State of California, to the memory of Honorable John J. Burke, and appointing a commission to carry out the provisions therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 838 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Collum, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Hammon, Hanlon, Hans, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, O'Neill, Perine, Preston, Pulcifer, Rech, Rutherford, Schmitt, Stuckenbruck, Transue, Wagner, Webber, Young, and Mr Speaker—54.

NOES—Mr Wyllie—1.

Title read and approved.

Bill ordered transmitted to the Senate.

SPECIAL ORDER.

Assembly Bill No. 181—An Act to pay the claim of A. G. Lafferty, and making an appropriation therefor.

RECONSIDERATION.

In compliance with his notice given on a previous day, Mr. Perine moved that the vote whereby Assembly Bill No. 181 was refused passage be reconsidered.

The roll was called, and the same was reconsidered by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Cattell, Coghlan, Cogswell, Collum, Cronin, Drew, Feeley, Flavelle, Fleisher, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hayes, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Leeds, Lightner, Macauley, McClellan, Melrose, Mendenhall, Moore, Mott, O'Neill Perine, Preston, Pulcifer, Rech, Rutherford, Schmitt, Silver, Telfer, Transue, Wagner, Webber, Whitney, Wyllie, Young, and Mr. Speaker—51.

NOES—Messrs Beatty, Butler, Callen, Gerdes, Gibbons, and Maher—6.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 181 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Cattell, Coghlan, Cogswell, Collum, Cronin, Fleisher, Flint, Gillis, Griffiths, Hammon, Hanlon, Hans, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, O'Neill, Perine, Preston, Pulcifer, Rech, Rutherford, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Young, and Mr. Speaker—51.

NOES—Messrs. Beatty, Butler, Callan, Gerdes, Gibbons, and Wyllie—6.

Title read and approved.

Bill ordered transmitted to the Senate.

THIRD-READING FILE - (RESUMED).

Assembly Bill No. 1440—An Act making an appropriation for the maintenance and improvement of the buildings of the Mission of St. Francis de Solano, situated at Sonoma, California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1440 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Butler, Callan, Cattell, Coghlan, Cogswell, Collum, Cronin, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Greer, Griffiths, Hammon, Hanlon, Hans, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, McClellan, McManus, Melrose, Mendenhall, Mott, Nelson, Otis, O'Neill, Preston, Pulcifer, Rech, Rutherford, Schmitt, Silver, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—59

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SPECIAL ORDER.

Assembly Bill No. 1011—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and regulating the procedure to be followed for the annexation of additional territory to municipal corporations.

RECONSIDERATION.

In compliance with his notice given on a previous day, Mr. Holmquist moved that the vote whereby Assembly Bill No. 1011 was refused passage be reconsidered.

The roll was called, and the same was reconsidered by the following vote:

AYES—Messrs. Beardslee, Beatty, Bohnett, Callan, Coghlan, Cogswell, Collum, Cronin, Flavelle, Fleisher, Gerdes, Gibbons, Gillis, Griffiths, Hans, Hawk, Hayes, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Juilliard, Kehoe, Macauley, Mendenhall, Moore, Mott, Otis, Polsley, Preston, Pulcifer, Rutherford, Silver, Telfer, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—41.

NOES—Messrs. Barndollar, Baxter, Butler, Cattell, Drew, Flint, Greer, Hammon, Hanlon, Hewitt, Hinkle, Johnson of San Diego, Johnson of Placer, Leeds, Lightner, Maher, McManus, Melrose, O'Neill, Rech, Schmitt, and Transue—22.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON WAYS AND MEANS

ASSEMBLY CHAMBER, SACRAMENTO, March 17, 1909.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 544—An Act making an appropriation of nineteen thousand dollars ($19,000.00)

for the enlargement of the photographic laboratory, and fireproof vault for astronomical photographs and plates at the Lick Observatory, in Santa Clara County, and for the provision of additional equipment for the Lick Observatory, and for astronomical photographs—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

BEARDSLEE, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 17, 1909

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 108—An Act making an appropriation for fencing at the California Home for the Care and Training of Feeble-Minded Children—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

BEARDSLEE, Chairman.

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 17, 1909.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No 129—An Act making an appropriation for fencing at the California Home for the Care and Training of Feeble-Minded Children

Also: Assembly Bill No. 682—An Act making an appropriation of nineteen thousand dollars ($19,000.00) for the enlargement of the photographic laboratory and fireproof vault for astronomical photographs and plates at the Lick Observatory, in Santa Clara County, and for the provision of additional equipment for the Lick Observatory, and for astronomical photographs.

Have had the same under consideration, and respectfully report the same back, and recommend that they be withdrawn, being identical with Senate Bills Nos. 108 and 544, respectively.

BEARDSLEE, Chairman.

WITHDRAWAL OF BILLS.

Assembly Bills Nos. 129 and 682 were, by unanimous consent, withdrawn.

ON CONSTITUTIONAL AMENDMENTS

ASSEMBLY CHAMBER, SACRAMENTO, March 17, 1909.

MR. SPEAKER: Your Committee on Constitutional Amendments, to whom was referred Assembly Constitutional Amendment No. 26, respectfully report the same back, with six amendments, and recommend that it be adopted as amended.

COGHLAN, Chairman

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 17, 1909

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Assembly Bill No. 1107—An Act to prohibit discrimination or rebates on premiums for policies of insurance companies.

Assembly Bill No. 1332—An Act to amend Section 622*a* of the Political Code, relating to taxes on insurance premiums.

YOUNG, Chairman.

The above reported bills ordered on file for third reading.

RECESS.

At twelve o'clock and thirty minutes P. M., the Assembly was declared at recess until two o'clock P. M. of this day.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.

Speaker pro tem. Geo. M. Perine in the chair.

THIRD-READING FILE—(RESUMED).

Assembly Bill No. 1011—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of munic-

ipal corporations," approved March 13, 1883, and regulating the procedure to be followed for the annexation of additional territory to municipal corporations.

The question being on the passage of the bill.

The roll was called.

SPEAKER IN THE CHAIR.

At two o'clock and twenty-four minutes P. M., Speaker Stanton in the chair.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Cronin moved a call of the House.

Roll call was regularly demanded.

The roll was called, and motion carried by the following vote:

AYES—Messrs. Beardslee, Beatty, Bohnett, Callan, Cattell, Collum, Costar, Cronin, Flavelle, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hanlon, Hayes, Hewitt, Holmquist, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Maher, McClellan, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Polsley, Preston, Pulcifer, Silver, Stuckenbruck, Whitney, Wilson, and Young—38.

NOES—Messrs. Barndollar, Baxter, Dean, Drew, Greer, Hammon, Johnston of Contra Costa. Leeds, McManus, Perine, Rech, Transue, and Mr. Speaker—13.

Time, two o'clock and twenty-five minutes P. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll.

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

Messrs. Barndollar, Baxter, Beardslee, Beatty, Bohnett, Butler, Callan, Cattell, Coghlan, Collum, Costar, Cronin, Cullen, Dean, Drew, Flavelle, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Polsley, Preston, Pulcifer, Rech, Rutherford, Silver, Stuckenbruck, Transue, Wagner, Whitney, Wilson, Young, and Mr Speaker—60.

The Chief Clerk announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the House.

Messrs. O'Neill, Lightner, and Hans were brought before the bar of the House, and, on motion, excused.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At two o'clock and thirty-five minutes P. M., further proceedings under the call of the House were dispensed with, on motion of Mr. McManus.

The roll of absentees was called, and the bill refused passage by the following vote:

AYES—Messrs. Beardslee, Beatty, Bohnett, Callan, Coghlan, Cogswell, Costar, Cronin, Gerdes, Gibbons, Gillis, Hans, Hayes, Hinkle, Holmquist, Johnson of Sacramento, Juilliard, Kehoe, Macauley, Mendenhall, Mott, Nelson, Otis, Polsley, Preston, Pulcifer, Rutherford, Silver, Stuckenbruck, Telfer, Wagner, Whitney, Wilson, and Young—34

NOES—Messrs. Barndollar, Baxter, Butler, Cattell, Collum, Cullen, Dean, Drew, Flavelle, Flint, Greer, Griffiths, Hammon, Hanlon, Hawk, Hewitt, Johnson of Placer, Johnston of Contra Costa, Leeds, Lightner, Maher, McClellan, McManus, Moore, Odom, O'Neill, Perine, Rech, Transue, Wheelan, and Mr Speaker—31

Assembly Bill No. 1012—An Act to amend an Act entitled "An Act to provide for the alteration of the boundaries of, and for the annexation of territory to, incorporated towns and cities, and for the incorporation

of such annexed territory in and as a part of such municipalities, and for the districting, government, and municipal control of annexed territory," approved March 19, 1889, and regulating the procedure to be followed for the annexation of additional territory to incorporated towns and cities.

WITHDRAWAL OF BILL.

Mr Holmquist asked for, and was granted, unanimous consent to withdraw Assembly Bill No. 1012.

Assembly Bill No. 1012 withdrawn, and ordered stricken from the file.

Assembly Bill No. 1243—An Act to amend Sections 3746 and 3756 of the Political Code of the State of California, relating to the publication of notice by the tax collector of the time when taxes become due, and when unpaid taxes become delinquent, and to the penalty on delinquent taxes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1243 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Collum, Costar, Cronin, Cullen, Dean, Drew, Flavelle, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Lightner, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pulcifer, Rech, Rutherford, Silver, Stuckenbruck, Transue, Wagner, Wheelan, Whitney, Wyllie, Young, and Mr Speaker—62

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 17, 1909.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled:

Assembly Concurrent Resolution No. 6—*Resolved by the Assembly, the Senate concurring*, That immediately after the adjournment of the present session of the Legislature, the Superintendent of the State Capitol be, and he is hereby, requested to provide suitable offices in the Capitol building for the State Agricultural Society.

Assembly Concurrent Resolution No. 17—Relative to the Alaska-Yukon-Pacific Exposition.

WHEREAS, The Alaska-Yukon-Pacific Exposition is intended to commemorate an event of great importance in the history of the United States, and more particularly of the entire Pacific coast; and

WHEREAS, It is fit and proper that the State of California shall be officially represented in the exercises incidental to the formal opening of such exposition in the city of Seattle, Washington, June 1, 1909; therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring, That, as part of such celebration, the Lieutenant-Governor shall appoint seven members of the Senate, and the Speaker of the Assembly shall name a like number of members of the Assembly, who, with the Governor, the Lieutenant-Governor, the President pro tem of the Senate, and the Speaker and the Speaker pro tem. of the Assembly, shall represent the State of California at the time and place and the occasion mentioned.

Resolved, That, for the purposes aforesaid, the sum of five thousand dollars is hereby appropriated, one half from the contingent fund of the Senate, and one half from the contingent fund of the Assembly, the same to be expended under the supervision and direction of the select committee authorized. The Controller is hereby directed to draw his warrants in the sum of five thousand dollars, one half from the contingent fund of the Senate, payable to the President of the Senate, and one half from the contingent fund of the Assembly, payable to the Speaker of the Assembly, and the Treasurer is hereby directed to pay the same.

Assembly Bill No. 411—An Act to add a new section to the Political Code, to be known and numbered as Section 4248*a*, relating to the restoration of certificates of birth, marriage licenses, marriage certificates or certificates of death, or the records thereof, which may have been lost, injured, mutilated or destroyed by conflagration or other public calamity, or for the establishment of proof of births, marriages or deaths, occurring at periods when there existed no statutes in this State, for the registration of the same.

Assembly Bill No 633—An Act entitled "An Act to amend Section 1560 of Article IV of the Political Code of California, by providing for joint institutes or conventions of teachers, and providing a penalty for county superintendents who fail to hold institutes."

Assembly Bill No. 25—An Act to amend section one of an Act entitled "An Act imposing a license tax upon itinerant vendors of drugs, nostrums, ointments or appliances sold for the cure of diseases, injuries or deformities," approved March 20, 1903.

Assembly Bill No. 28—An Act to amend the title of and Sections 1, 7, 8 and 9 of an Act entitled "An Act to regulate the sale of poisons in the State of California, and providing a penalty for the violation thereof," approved March 6, 1907

Assembly Bill No. 134—An Act to amend Section 8 of an Act entitled "An Act defining the duties and liabilities of employment agents, making the violation thereof a misdemeanor, and fixing the penalties therefor," approved February 12, 1903, approved March 18, 1905.

Assembly Bill No. 136—An Act to amend an Act entitled "An Act to provide for the proper sanitary condition of factories and workshops, and the preservation of the health of the employees," approved February 6, 1889.

Assembly Bill No. 226—An Act to amend an Act entitled "An Act authorizing the judges of the Superior Court in all counties, and cities and counties, having a population of two hundred thousand inhabitants and over, to appoint a secretary," approved March 26, 1895.

Assembly Bill No. 259—An Act providing for the appointment of a secretary to boards of education in incorporated cities or towns, and adding a new section to the Political Code, to be known as 1616*a*.

Assembly Bill No. 264—An Act to amend section six of an Act entitled "An Act to establish police courts in cities of the first and one-half class, to fix their jurisdiction and provide for officers of said courts, and to fix the compensation of certain officers thereof," approved March 5, 1901, relating to clerks in police courts in cities of the first and one-half class.

Committee Substitute for Assembly Bill No. 298—An Act to amend Section 531 of Article XII of the Political Code, relating to the duties of the Superintendent of State Printing.

Assembly Bill No 1445—An Act making appropriations for the support of the government of the State of California for the sixty-first and sixty-second fiscal years.

YOUNG, Chairman.

THIRD-READING FILE—(RESUMED).

Assembly Bill No. 1065—An Act appropriating money to pay the claim of H. C. Muddox, Chris. Totten, and R. W. Simonds against the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1065 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Black, Bohnett, Butler, Cattell, Coghlan, Collier, Collum, Costar, Cronin, Cullen, Drew, Flavelle, Gerdes, Gibbons, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Holmquist, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Lightner, Macauley, Maher, McManus, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Rutherford, Silver, Transue, Wagner, Wheelan, Whitney, Young, and Mr. Speaker—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1338—An Act entitled an Act to add a new section to the Civil Code, to be known and numbered as Section 1423, relating to appropriations of water by irrigation districts and other municipal corporations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1338 passed by the following vote:

AYES—Messrs Barndollar, Baxter Beardslee, Beatty, Black, Bohnett, Callan, Cattell, Collier, Collum, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Hanlon, Hans, Hawk, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, Maher, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Pugh, Pulcifer, Rech, Rutherford, Silver, Stuckenbruck, Wagner, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—56

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Committee Substitute for Assembly Bill No. 1097—An Act to prevent the sowing, propagation, dissemination, cultivation, or maintenance of certain grasses, plants, or weeds within the State of California, and repealing all Acts and parts of Acts inconsistent with or repugnant to the provisions hereof.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Committee Substitute for Assembly Bill No. 1097 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Bohnett, Callan, Cattell, Cogswell, Collier, Collum, Costar, Cronin, Dean, Drew, Flavelle, Fleisher, Gerdes, Gibbons, Gillis, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Kehoe, Leeds, Macauley, Maher, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, Perine, Preston, Pugh, Pulcifer Rech, Rutherford, Silver, Stuckenbruck, Wagner, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1258— An Act to amend sections thirty-four hundred and forty-six, thirty-four hundred and fifty, thirty-four hundred fifty-two, thirty-four hundred and fifty-three, thirty-four hundred and fifty-four, thirty-four hundred and fifty-five, thirty-four hundred and fifty-six, thirty-four hundred and fifty-nine, thirty-four hundred and sixty-three, thirty-four hundred and sixty-four, thirty-four hundred and sixty-seven, thirty-four hundred and seventy, thirty-four hundred and seventy-one, thirty-four hundred and seventy-four, thirty-four hundred and seventy-six, thirty-four hundred and eighty-one, thirty-four hundred and ninety-one, of the Political Code of the State of California, relating to reclamation districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1258 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Bohnett, Butler, Callan, Coghlan, Cogswell, Collier, Collum, Costar, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Hopkins, Irwin, Johnson of Sacramento, Johnston of Contra Costa, Kehoe, Leeds, Macauley, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Polsley, Preston, Pugh, Rech, Rutherford, Stuckenbruck, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—56.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

NOTICE OF MOTION TO RECONSIDER.

Mr. Hewitt gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 1258 was this day passed.

Assembly Bill No. 840—An Act to amend an Act entitled "An Act to regulate the practice of architecture," approved March 23, 1901.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 840 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Black, Callan, Cattell, Coghlan, Collier, Collum, Costar, Cullen, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hans, Hawk, Hayes, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Kehoe, Macauley, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Preston, Pugh, Rech, Rutherford, Stuckenbruck, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1417—An Act to legalize bonds to be issued and sold by municipalities where the authority for such issuance has already been given by a vote of more than two thirds of the electors of such municipality.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1417 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Black, Callan, Coghlan, Collier, Collum, Costar, Cullen, Dean, Drew, Feeley, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths Hanlon, Hans, Hawk, Hayes, Hewitt, Hopkins, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Kehoe, Leeds, Macauley, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Preston, Pugh, Rech, Rutherford, Stuckenbruck, Transue, Wagner, Wheelan, Whitney, Wyllie, Young, and Mr. Speaker—55

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 944—An Act amending Section 1068 and Section 1074 of the Code of Civil Procedure, relating to writs of review.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 944 passed by the following vote:

AYES—Messrs Baxter, Beardslee, Beban, Black, Butler, Coghlan, Collum, Costar, Cronin, Cullen, Dean, Feeley, Flavelle, Fleisher, Gibbons, Greer, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnston of Contra Costa, Juilliard, Leeds, Lightner, Macauley, McClellan, McManus, Melrose, Moore, Nelson, Odom, O'Neill, Perine, Pugh, Pulcifer, Rech, Rutherford, Stuckenbruck, Transue, Wagner, Wheelan, and Mr Speaker—48.

NOES—Messrs. Barndollar, Beatty, Callan, Cogswell, Drew, Flint, Gerdes, Kehoe, Mendenhall, Otis, Whitney, Wyllie, and Young—13

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 20—An Act providing for the purchase of a site for an armory and State arsenal for the National Guard, at the city of Sacramento, California; providing for the appointment of a commis-

sion to select and purchase said site, and providing for the erection of an armory and arsenal on said site, and appropriating money therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 20 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Black, Callan, Cattell, Coghlan, Collum, Costar, Cronin, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, McClellan, Melrose, Mott, Odom, Otis, O'Neill, Perine, Pulcifer, Rech, Rutherford, Silver, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—54.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

REQUESTS FOR PERMISSION TO INTRODUCE BILLS.

The following petitions, asking permission to introduce bills, were presented:

ASSEMBLY CHAMBER, SACRAMENTO, March 17, 1909.

MR. SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows, viz: "An Act to amend Section 5 of an Act which became a law February 25, 1901, entitled 'An Act authorizing the incurring of indebtedness by cities, towns and municipal corporations for municipal improvements, and regulating the acquisition construction, or completion thereof,' as amended by an Act approved March 19, 1907."

STANTON,
Member Seventy first District.

Also:

ASSEMBLY CHAMBER, SACRAMENTO March 17, 1909

MR. SPEAKER: On behalf of the Committee on Ways and Means, I hereby ask permission to introduce the accompanying bill, the title of which reads as follows: "An Act making an appropriation for the pay of the officers and clerks of the Assembly for the thirty-eighth session of the Legislature of California"

BEARDSLEE, Chairman.

The above petitions referred to Committee on Introduction of Bills.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON INTRODUCTION OF BILLS.

ASSEMBLY CHAMBER, SACRAMENTO, March 17, 1909.

MR. SPEAKER: Your Committee on Introduction of Bills, to whom was referred the following bills, herewith return the same, with the recommendation that the authors be permitted to introduce them. The numbers of said bills are as follows:

Assembly Bill No. 1449—An Act making an appropriation for the pay of the officers and clerks of the Assembly for the thirty-eighth session of the Legislature.

Assembly Bill No. 1448—An Act to amend Section 5 of an Act which became a law February 25, 1901, entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction or completion thereof," as amended by an Act approved March 19, 1907.

LEEDS, Chairman.

Mr. Leeds moved the adoption of the report.

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

AYES—Messrs. Baxter, Beardslee Beatty, Black, Butler, Cattell, Coghlan, Collum, Costar, Cronin, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, Melrose, Mendenhall, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Rech, Rutherford, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—62

NOES—None

INTRODUCTION OF BILLS.

The following bills were introduced, and referred as indicated :

By Mr. Stanton: Assembly Bill No. 1448—An Act to amend Section 5 of an Act which became a law February 25, 1901, entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction or completion thereof," as amended by an Act approved March 19, 1907.

Bill read first time, and ordered on file without reference.

By Committee on Ways and Means: Assembly Bill No. 1449—An Act making an appropriation for the pay of the officers and clerks of the Assembly, for the thirty-eighth session of the Legislature.

Bill read first time, and ordered on file without reference.

SPECIAL ORDERS SET.

On motion of Mr. Beardslee, the consideration of Assembly Bills Nos. 1448 and 1449 were made special orders for Thursday, March 18, 1909, immediately after the reading of the Journal.

THIRD-READING FILE—(RESUMED).

Assembly Bill No. 589—An Act to revise the law relating to the sentence and commitment of persons convicted of crime, and providing for assistance of reform and parole, and to create the necessary offices therefor, defining their powers and duties, and to fix their compensation, and appropriating the money necessary to carry the same into effect, and to repeal all Acts and parts of Acts in conflict therewith.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 589 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Black, Butler, Coghlan, Collum, Cronin, Cullen, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Maher, Melrose, Mendenhall, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pulcifer, Rech, Rutherford, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, and Mr. Speaker—57.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1040—An Act establishing a State Polytechnic School at Escondido, county of San Diego, State of California, and making an appropriation for the construction of said building and maintenance of said school.

Bill read third time

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1040 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardlee, Beatty, Beban, Black, Butler, Coghlan, Costar, Cullen, Drew, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Holmquist, Irwin, Johnson of Sacramento,

Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Maher, McManus, Melrose, Mendenhall, Mott, Odom, Otis, Perine, Polsley, Rech, Rutherford, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wilson, Wyllie, and Mr Speaker—52

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1337—An Act to amend Section 3780 of the Political Code, as amended by Act approved March 28, 1895, relating to the redemption of property sold for delinquent taxes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1337 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Butler, Coghlan, Collum, Cronin, Cullen, Drew, Flavelle, Fleisher, Gerdes, Gibbons, Gillis, Griffiths, Hanlon, Hans, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Kehoe, Lightner, Maher, McClellan, McManus, Melrose, Mendenhall, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Rutherford, Stuckenbruck, Transue, Wagner, Webber, Wheelan, Wilson, Wyllie, and Mr. Speaker—48

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1212—An Act dedicating to public use for street purposes certain lands of the city of Los Angeles, owned by the State of California.

WITHDRAWAL OF BILL.

Mr. Hammon asked for, and was granted, unanimous consent to withdraw Assembly Bill No. 1212.

Assembly Bill No. 1212 withdrawn, and ordered stricken from the file.

Assembly Bill No. 1432—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, by adding thereto thirty-four new sections, numbered 887 to 921, inclusive, so as to provide for municipal corporations of the seventh class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No 1432 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Butler, Cronin, Cullen, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Kehoe, Maher, McClellan, McManus, Mendenhall, Odom, Perine, Polsley, Preston, Pulcifer, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, and Mr Speaker—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 71—An Act to repeal an Act entitled "An Act to create the office of commissioner of transportation, and to define its powers and duties; to fix the maximum charges for transporting passengers and freights on certain railroads, and to prevent extortion and unjust discrimination thereon," approved April 1, 1878, and also to repeal an Act entitled "An Act to organize and define the powers of the Board of Railroad Commissioners," approved April 15, 1880, and to

provide for the organization of the Board of Railroad Commissioners, define its powers and duties, and the powers and duties of employees, and to define offenses by shippers and railroad and transportation companies, their officers, agents and employees, and other persons, and providing penalties for such offenses.

WITHDRAWAL OF BILL.

Mr. Hewitt asked for, and was granted, unanimous consent to withdraw Assembly bill No. 71.

Assembly Bill No 71 withdrawn, and ordered stricken from the file.

Assembly Bill No. 1178—An Act to amend Section 605 of the Political Code, as to filing of fees in the Insurance Commissioner's office.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1178 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Beban, Butler, Coghlan, Costar, Cronin, Cullen, Dean, Drew, Fleisher, Flint, Gibbons, Gillis, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Placer, Johnston of Contra Costa, Juilliard, Maher, McClellan, McManus, Melrose, Mendenhall, Nelson, Odom, Otis, Perine, Polsley, Preston, Pulcifer, Rutherford, Silver, Stuckenbruck, Transue, Wagner, Webber, Wheelan, Young, and Mr. Speaker—49.

NOES—Mr. Johnson of Sacramento—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1184—An Act to amend Section 602 of the Political Code, as to what constitutes insolvency of an insurance company.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1184 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Costar, Cronin, Cullen, Drew, Fleisher, Flint, Gerdes, Gillis, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnston of Contra Costa, Juilliard, Kehoe, Maher, McClellan, McManus, Melrose, Mendenhall, Nelson, Odom, Otis, Perine, Polsley, Pulcifer, Silver, Stuckenbruck, Transue, Wagner, Webber, Wheelan, Young, and Mr. Speaker—42.

NOES—Mr Johnson of Sacramento—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1190—An Act to amend Section 608 of the Political Code, as to transfers from State to Federal court.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1190 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Bohnett, Costar, Cronin, Cullen, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gillis, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Irwin, Johnston of Contra Costa, Juilliard, Kehoe, Maher, McClellan, McManus, Mendenhall, Mott, Nelson, Otis, O'Neill, Perine, Polsley, Preston, Pulcifer, Rech, Rutherford, Silver, Transue, Wagner, Webber, Wheelan, Wilson, Young, and Mr. Speaker—46

NOES—Mr. Johnson of Sacramento—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1225—An Act to amend section one hundred and seventy-seven of the Code of Civil Procedure of the State of California, relating to the power of judicial officers and courts of record.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1225 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Beban, Cattell, Coghlan, Costar, Cronin, Cullen, Drew, Flavelle, Fleisher, Flint, Gerdes, Gillis, Hammon, Hanlon, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnston of Contra Costa, Kehoe, Maher, McClellan, McManus, Mendenhall, Mott, Nelson, Otis, Perine, Polsley, Preston, Pulcifer, Rutherford, Silver, Stuckenbruck, Transue, Wagner, Wheelan, Wilson, and Mr. Speaker—42.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

NOTICE OF MOTION TO RECONSIDER.

Mr. Beatty gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 1065 was this day passed.

Assembly Bill No. 1398—An Act to prohibit any person from treating another to beer, whisky, wine, or intoxicating liquor of any kind whatever.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1398 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Bohnett, Cattell, Cogswell, Collier, Collum, Costar, Cronin, Drew, Flavelle, Fleisher, Flint, Gerdes, Gillis, Hammon, Hanlon, Hayes, Holmquist, Hopkins, Johnson of Sacramento, Johnston of Contra Costa, Juilliard, Kehoe, Maher, Mendenhall, Odom, Otis, Perine, Polsley, Preston, Pulcifer, Rech, Silver, Stuckenbruck, Telfer, Transue, Webber, Wheelan, Whitney, Wilson, Wyllie, and Young—44.

NOES—Messrs. Beatty, Beban, Cullen, Hawk, Hewitt, Irwin, Johnson of Placer, Lightner, Macauley, McClellan, McManus, Mott, Nelson, Pugh, Wagner, and Mr. Speaker—16.

Title read and approved.

Bill ordered transmitted to the Senate.

NOTICE OF MOTION TO RECONSIDER.

Mr. Johnston gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 1398 was this day passed.

Assembly Bill No. 1163—An Act fixing a bounty on coyote scalps.

WITHDRAWAL OF BILLS.

Mr. McClellan asked for, and was granted, unanimaus consent to withdraw Assembly Bill No. 1163.

Assembly Bill No. 1163 withdrawn, and ordered stricken from the file.

Assembly Bill No. 1044—An Act to add a new section to the Penal Code of the State of California, to be numbered 587*c*, to prevent the evading or attempting to evade payment of fare upon railroads.

Mr. Beatty asked for, and was granted, unanimous consent to withdraw Assembly Bill No. 1044.

Assembly Bill No. 1044 withdrawn, and ordered stricken from the file.

Assembly Bill No. 814—An Act making an appropriation to pay the claim of Lauretta Campbell against the State of California.

Mr. Cattell asked for, and was granted, unanimous consent to withdraw Assembly Bill No. 814.

Assembly Bill No. 814 withdrawn, and ordered stricken from the file.

Assembly Bill No. 1212—An Act dedicating to public use for street purposes certain lands of the city of Los Angeles, owned by the State of California.

Mr. Hammon asked for, and was granted, unanimous consent to withdraw Assembly Bill No. 1212.

Assembly Bill No. 1212 withdrawn, and ordered stricken from the file.

SECOND-READING FILE

Assembly Bill No. 582—An Act to prohibit corrupt lobbying and corrupt practices concerning or in opposition or support of the enactment of laws, or the allowance of claims against the State, to provide penalties for the violation of any of the provisions of this Act.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 148—An Act relating to and providing for the remuneration of attorneys and counselors at law for professional services rendered in Superior Courts in the defense of prosecutions conducted against indigent defendants.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 641—An Act to amend Section 1181 of the Penal Code, with reference to the granting of a new trial.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 1215—An Act to amend Section 200 of the Code of Civil Procedure of the State of California, relating to persons exempt from jury service.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 1413—An Act to create the office of attorney for the State Bureau of Labor Statistics.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 270—An Act to amend Sections 3897 and 3898 of the Political Code, relating to the collection of taxes of the State and counties.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 1183—An Act to amend Section 596 of the Political Code of the State of California, relating to the transaction of insurance business.

During second reading of bill the following amendments were submitted by the committee:

AMENDMENT No 1.

On page 1, of the printed bill, line 1, before the word "Section", insert "Section 1".

Amendment adopted.

AMENDMENT No. 2

On page 1, of the printed bill, line 13, after the word "state", insert the following: "unless same is in litigation and in process of adjustment".

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

MOTION.

Mr. Leeds moved that when the Assembly take a recess this afternoon it do so until eight o'clock P. M., at which hour the Assembly should reassemble and continue in session until ten o'clock and thirty minutes P. M.

Motion carried.

HON. J. P. TRANSUE IN THE CHAIR.

At four o'clock and thirty minutes P. M., Hon. J. P. Transue in the chair.

SENATE MESSAGES.

On motion of Mr. Johnson of Sacramento, the following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, March 16, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 1242—An Act to amend section six hundred and five of the Civil Code of the State of California, relating to the consolidation of corporations organized for purposes other than profit.

Also: Senate Bill No. 334—An Act to create the office of State Dental Surgeon, prescribe his duties, fix his manner of appointment, salary and term of office, and to make an appropriation for the expenses of his office.

Also: Senate Bill No. 913—An Act to add a new section to the Political Code of the State of California, to be known as Section 3251 thereof, providing pay for holidays for employees of the State of California or of any political subdivision thereof.

Also: Senate Bill No. 1186—An Act to amend Section 869 of the Penal Code of the State California

Also: Senate Bill No. 508—An Act to provide for a state highway from Moreno to Beaumont, in Riverside County.

Also: Senate Bill No. 941—An Act to permit asexualization of inmates of the State hospitals, and the California Home for the Care and Training of Feeble-Minded Children, and of convicts in the State prisons.

Also: Senate Bill No. 680—An Act to amend an Act entitled "An Act to regulate the practice of optometry, and for the appointment of a board of examiners in the matter of said regulation," approved March 20, 1903, by amending sections one, two, five, eight, eleven, twelve, thirteen, fifteen, and sixteen thereof.

LEWIS A. HILBORN, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Senate Bill No. 1242 read first time, and referred to Committee on Corporations.

Senate Bill No. 334 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 913 read first time, and referred to Committee on Labor and Capital.

Senate Bill No. 1186 read first time, and referred to Committee on Judiciary.

Senate Bill No. 508 read first time, and referred to Committee on Roads and Highways.

Senate Bill No. 941 read first time, and referred to Committee on State Hospitals and Asylums.

Senate Bill No. 680 read first time, and ordered on file without reference.

Also:

SENATE CHAMBER, SACRAMENTO, March 16, 1909

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 1256—An Act to amend Section 3 of an Act entitled "An Act for the registration of deaths, the issuance and registration of burial and disinterment permits, and the establishment of registration districts in counties, cities and counties, cities and incorporated towns, under the superintendence of the State Bureau

of Vital Statistics, and prescribing the powers and duties of registrars, coroners, physicians, undertakers, sextons, and other persons in relation to such registration, and fixing penalties for the violation of this Act," approved March 18, 1905.

Also: Assembly Bill No. 1072—An Act making an appropriation of one thousand seven hundred and twenty-five dollars ($1725), to be applied to the cost of building concrete curb and gutter along the boundary of the grounds of the State Normal School at San Jose, and defining the duties of the Controller and Treasurer in reference thereto.

Also: Assembly Bill No. 806—An Act to amend Section 2687 of the Political Code.

Also: Assembly Bill No. 1051—An Act to amend Section 642 of the Political Code of the State of California, relating to the Fish Commissioners and their assistants, and prescribing their powers and duties.

Also: Assembly Bill No. 1255—An Act to amend the Political Code of the State of California by adding a new section thereto, to be known and numbered as Section 415½, relating to the office of the Secretary of State.

LEWIS A. HILBORN, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Bills ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 17, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day receded from its amendments to Assembly Bill No. 302—An Act to amend Sections 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934, 1935, 1951, 1953, 1954, 1956, 1957, 1058, 1962, 1966, 1985, 2020, 2026, 2076, 2078, 2079, 2081, 2086, 2102, 2111, and 2112, all of the Political Code of the State of California, relating to the National Guard.

LEWIS A. HILBORN, Secretary of Senate
By FRANK MATTISON, Assistant Secretary

Bill ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 16 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day refused to concur in Assembly amendment to Senate Bill No. 64—An Act to amend Section 626*f* of the Penal Code, relating to the protection of deer—and respectfully request your honorable body to recede therefrom.

LEWIS A HILBORN, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary

The question being put: "Shall the Assembly recede from its amendment to Senate Bill No. 64?"

The roll was called, and Assembly amendment to Senate Bill No 64 was receded from by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beban, Black, Cattell, Coghlan, Cogswell, Collier, Collum, Costar, Cronin, Dean, Drew, Feeley, Fleisher Flint, Gibbons, Hanlon, Hawk, Hewitt, Hinkle, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Leeds, Lightner, Macauley, McClellan, Melrose, Mott, Otis, O'Neill, Perine, Polsley, Rech, Schmitt, Silver, Stuckenbruck, Transue, Wagner, and Webber—42

NOES—Messrs. Bohnett, Butler, Callan, Flavelle, Gerdes, Gillis, Johnston of Contra Costa, Juilliard, Kehoe, Maher, Mendenhall, Nelson, Odom, Preston, Telfer, Whitney, Wilson, Wyllie, and Young—19.

Bill ordered transmitted to the Senate.

Also:

SENATE CHAMBER, SACRAMENTO, March 16, 1909

MR. SPEAKER, I am directed to inform your honorable body that the Senate on this day passed, as amended, Assembly Bill No 185—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as Section 67*a*, relating to extra sessions of the Superior Court

Also: Assembly Bill No 27—An Act to provide for the employment of a clerk by certain justices of the peace, and to pay the salaries of such clerk.

Also: Assembly Bill No. 955—An Act to amend Section 4241 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the twelfth class.

Also: Assembly Bill No 1018—An Act to amend section four hundred and fifty-six of the Political Code, relating to the office of the Treasurer of State, his deputy and assistants, and the salaries of the deputy and assistants.

Also: Assembly Bill No. 1237—An Act to amend Section 4244 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the fifteenth class, and their deputies.

Also Assembly Bill No. 1033—An Act to amend Section 4264 of the Political Code relating to salaries and fees of officers of counties of the thirty-fifth class.

LEWIS A. HILBORN, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Assembly Bills Nos. 1033 and 1237 ordered on file as unfinished business.

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 185?"

Amend by striking out of Section 1, lines 3 and 4, the figures and letter "67*a*", and inserting in lieu thereof the following: "67*b*".

Also: By striking out of line 2 of the title the figures and letter "67*a*", and inserting in lieu thereof the following: "67*b*".

The roll was called, and Senate amendments to Assembly Bill No. 185 were concurred in by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Bohnett, Cattell, Cogswell, Collier, Costar, Cronin, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gillis, Greer, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Kehoe, Macauley, Maher, McClellan, McManus, Mendenhall, Mott, Nelson, Odom, Otis, Preston, Rech, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wilson, Wyllie, and Young—49.
NOES—None.

Bill ordered to enrollment.

The question being put: "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 27?"

On page 2, strike out all of Section 3

The roll was called, and Senate amendment to Assembly Bill No. 27 was concurred in by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Bohnett, Cattell, Cogswell, Costar, Cullen, Drew, Feeley, Flavelle, Fleisher, Gerdes, Gibbons, Gillis, Hammon, Hanlon, Hans, Hayes, Hinkle, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Odom, Otis, Preston, Rech, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Wilson, and Young—47.
NOES—None

Bill ordered to enrollment

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 955?"

On page 3, line 82, of the printed bill, strike out the word "five", and insert in lieu thereof the word "one".

Also: On page 4, line 102, of the printed bill, after the word "dollars", insert the words "per annum".

Also: On page 4, line 127, of the printed bill, strike out the figures "18", and insert in lieu thereof the following: "SEC 2"

Also: By adding to Section 1, line 27, after the period after the word annum, the following: "He shall also be allowed one deputy, which office of deputy is hereby created, who shall receive as compensation the sum of nine hundred dollars per annum, payable out of the same fund, and in the same manner, as the salaries of other county officers are paid."

The roll was called, and Senate amendments to Assembly Bill No. 955 were concurred in by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Cattell Cogswell, Costar, Cronin, Dean, Drew, Feeley, Flavelle, Fleisher, Gerdes, Gibbons, Gillis Hammon, Hanlon, Hans, Hayes, Hewitt, Hinkle, Johnson of Sacramento, Johnson of San Diego, Juilliard, Leeds, Lightner, Maher, McClellan, McManus, Melrose, Mendenhall, Nelson, Odom, Otis, Preston, Pugh, Rech, Silver, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Wilson, Wyllie and Young—50.
NOES—None.

Bill ordered to enrollment.

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 1018?"

Amend Section 1, line 4, by striking out the word "clerk", and inserting in lieu thereof the words "assistant bookkeeper"

Also: Amend Section 1, line 6, by striking out the words "three thousand", and inserting in lieu thereof the words "two thousand seven hundred".

Also: Amend Section 1, line 7, by striking out the word "clerk", and inserting in lieu thereof the words "assistant bookkeeper".

Also: Amend Section 1, line 8, by striking out the words "one thousand six hundred", and inserting in lieu thereof the words "two thousand".

The roll was called, and Senate amendments to Assembly Bill No. 1018 were concurred in by the following vote.

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Bohnett, Cattell, Cogswell, Costar, Cronin, Drew, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Johnson of Sacramento, Johnson of San Diego, Juilliard, Kehoe, Leeds, Maher, McClellan, Mendenhall, Nelson, Odom, Otis, Preston, Rech, Schmitt, Silver, Telfer, Transue, Wagner, Wyllie, and Young—42.

NOES—None.

Bill ordered to enrollment.

SENATE BILLS—THIRD-READING FILE.

Senate Bill No 905—An Act to amend an Act entitled "An Act creating a State Commission on voting or balloting machines, defining their powers, and providing for the use, at the option of indicated local authorities, of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result at such elections, and providing for the punishment of all violations of the provisions of this Act," approved March 20, 1903.

During third reading of bill, Mr. Cronin moved that the Speaker appoint a select committee of one to amend the bill, as follows:

AMENDMENT No. 1.

Amend the title by inserting in line 2 thereof, after the word "amend", the following: "Sections 2, 4, 5, 6, 7, 8, 10, 11, 14, and 16 of".

AMENDMENT No. 2.

After the figures "1903", in line 11, of the title, insert the following: "and adding a new section thereto, to be known and designated as Section 16*a*, relating to voting or ballot machines"

AMENDMENT No. 3.

In Section 1, page 1, line 1, strike out the words "the Act hereby amended", and insert in lieu thereof the following: "An Act creating a state commission on voting or balloting machines, defining their powers, and providing for the use at the option of indicated local authorities of voting or balloting machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result at such elections, and providing for the punishment of all violations of the provisions of this Act, approved March 20, 1903."

AMENDMENT No. 4.

Section 5, page 9, line 22, strike out the comma following the word "instructions", and all the remainder of said line, and all of lines 23, 24, 25, 26, and 27 down to and including the word "instruction".

AMENDMENT No. 5.

In Section 7, page 12, line 16, strike out the word "five", and insert in lieu thereof the word "three".

AMENDMENT No. 6.

In Section 7, page 12, line 17, strike out the word "five", and insert in lieu thereof the word "three".

AMENDMENT No. 7.

In Section 2, page 5, line 1, strike out the words "of the Act hereby amended" and the comma following the figure "4", and insert in lieu thereof the words "of said Act".

AMENDMENT No. 8.

In Section 3, page 6, line 1, strike out the comma and the words "of the Act hereby amended", and insert in lieu thereof the words "of said Act".

AMENDMENT No. 9.

In Section 4, page 7, line 1, strike out the words "of the Act hereby amended", and insert in lieu thereof the words "of said Act".

AMENDMENT No. 10.

In Section 5, page 8, line 1, strike out the words "of the Act hereby amended", and insert in lieu thereof the words "of said Act".

AMENDMENT No. 11.

In Section 5, page 9, line 14, after the word "daily", insert the words "or weekly".

AMENDMENT No. 12.

In Section 5, page 9, lines 15 and 16, strike out the following: "if there be a daily or dailies there published, and if not, then in a weekly newspaper,".

AMENDMENT No. 13.

In Section 6, page 10, line 1, strike out the words "the Act hereby amended", and insert in lieu thereof the words "said Act".

AMENDMENT No. 14.

In Section 7, page 12, line 1, strike out the words "the Act hereby amended", and insert in lieu thereof the words "said Act".

AMENDMENT No. 15.

In Section 8, page 13, line 1, strike out the words "the Act hereby amended", and insert in lieu thereof the words "said Act".

AMENDMENT No. 16.

In Section 9, page 14, line 1, strike out the words "the Act hereby amended", and insert in lieu thereof the words "said Act".

AMENDMENT No. 17.

In Section 10, page 14, line 1, strike out the words "the Act hereby amended", and insert in lieu thereof the words "said Act".

AMENDMENT No. 18.

In Section 11, page 17, line 2, strike out the words "the Act hereby amended", and insert in lieu thereof the words "said Act".

Motion carried.

The Speaker appointed Mr. Cronin as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 17, 1909.

MR. SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 905, with instructions, do now report that the instructions of the Assembly have been carried out.

CRONIN, Select Committee.

Report of select committee, and amendments, adopted.

Bill ordered to reprint, and on file for passage.

RESOLUTIONS.

The following resolutions were offered:

By Mr. Beardslee:

Resolved, That the Controller be, and he is hereby, authorized and directed to draw his warrant on the contingent fund of the Assembly, and the State Treasurer is hereby directed to pay the same, for the sum of forty-six and twenty-four one-hundredths dollars ($46.24), in favor of the Postal Telegraph Company, same being for the payment of the attached bill for telegraphing Assembly Joint Resolution to the California United States Senators:

Jan. 21, 1909—To F. P. Flint, Washington	$23 12
21, 1909—To G. C. Perkins, Washington	23 12
	$46 24

Assembly Joint Resolution No. 3 telegraphed under instructions of Assembly, January 20, 1909.

CLIO LLOYD, Chief Clerk of the Assembly.

Mr. Beardslee moved the adoption of the resolution.

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

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Black, Bohnett, Cattell, Cogswell, Collier, Collum, Costar, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Leeds, Lightner, Macauley, Maher, McClellan, Mendenhall, Mott, Nelson, Odom, Otis, O'Neill, Preston, Pugh, Pulcifer, Rech, Rutherford, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wheelan, Whitney, Wilson, Wyllie, and Young—56.

NOES—None.

Also:

Resolved, That the State Controller be, and he is hereby, authorized and directed to draw his warrant on the contingent fund of the Assembly in favor of Geo. C. Bornemann Company, for the sum of three hundred ten dollars and twenty-five cents ($310 25), and the Treasurer is directed to pay the same, said amount being for bill attached.

SAN FRANCISCO, CAL., March 15, 1909.

To GEO. C. BORNEMANN CO *Dr.*

Assembly of State of California:

Rent on 19 typewriters from February 2 to March 20, 1909, inclusive, at $10.00 per month $310 25

Resolution read, and referred to Committee on Contingent Expenses and Accounts.

RECESS.

At five o'clock and fifteen minutes P. M., the Assembly was declared at recess until eight o'clock P. M. of this day.

REASSEMBLED.

At eight o'clock P. M. the Assembly reconvened.

Speaker P. A. Stanton in the chair.

SENATE BILLS—SECOND READING.

Senate Bill No. 1000—An Act to amend Section 3495 of the Political Code of the State of California, relating to school lands belonging to the State, and the affidavit on applications to purchase the same

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1001—An Act to amend Section 3498 of the Political Code of the State of California, relating to approvals of applications for State lands.

Bill read second time, and ordered on file for third reading

Senate Bill No. 999—An Act to add a new section to the Political Code of the State of California, to be known as Section 3495*a*, and relating to applications to purchase State lands, and requiring a deposit of money to accompany the application, and providing for the filing of additional applications.

During second reading of bill, the following amendment was submitted by the committee:

On page 2, Section 1, line 16, of the printed bill, after the word "contained", strike out the words "or by reason of any judgment of court in favor of another applicant".

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No. 624—An Act to define personal property brokers, and regulate their charge and business.

Bill read second time, and ordered on file for third reading.

Senate Bill No 978—An Act relating to ferries across rivers and streams wholly within one county, and empowering the boards of supervisors of such county to purchase, establish, and maintain ferries across such rivers or stream, and to pay the expenses thereof

Bill read second time, and ordered on file for third reading.

Senate Bill No. 672—An Act to amend Section 611 of the Political Code, relative to publication of statements of insurance companies.

Bill read second time, and ordered on file for third reading.

Senate Bill No 732—An Act to prohibit misrepresentations by life insurance companies, their officers, directors, agents, and representatives, fixing the penalty therefor, and prescribing the duties of the Insurance Commissioner in relation thereto

Bill read second time, and ordered on file for third reading.

Senate Bill No 1030—An Act to amend Section 594 of the Political Code, classifying insurance business, and specifying required capital stock and available cash assets.

Bill read second time, and ordered on file for third reading.

Senate Bill No 1247—An Act to amend the Political Code of the State of California by adding a new section, to be numbered section four thousand one hundred and thirty-five *a*, validating improperly recorded instruments, and providing for the indexing thereof.

Senate Bill No 242—An Act to provide for the survey, location, and construction of a state highway from the town of Mariposa, through Bear Creek, Missouri Gulch, and Stockton Creek to the Yosemite Valley Railroad at Bear Creek Station, in Mariposa County, California, and making an appropriation therefor.

Senate Bill No. 446—An Act making an appropriation for the purpose of enlarging the power house at the California Home for the Care and Training of Feeble-Minded Children, and for the purchase and installation therein of two steam boilers, and necessary tools and machinery.

Senate Bill No. 447—An Act making an appropriation for the erection and construction of a building at the California Home for the Care and Training of Feeble-Minded Children, as an addition to the present kitchen, to be used for the accommodation of a cold storage and ice plant; for the purchase and installation in said building of a cold

storage and ice plant; for repairs to the present kitchen at said home; and for the purchase and installation in said kitchen of necessary kitchen ranges and cooking utensils.

Senate Bill No. 161—An Act providing for the investigation of the nature and means of control of destructive diseases of cultivated plants in those portions of the State not benefited by the Southern California Pathological Laboratory, and making an appropriation therefor.

Senate Bill No. 1067—An Act providing for the construction of an executive mansion for the use of the Governor of the State of California, and his family, in the State Capitol grounds, at Sacramento, and also in connection therewith stables and garage, and authorizing and directing the State Engineer to cause the erection thereof, and also providing for the appointment of a commission to be known as the Executive Mansion Commission, to act in conjunction with the State Engineer, and conferring certain powers and duties on said commission, and also making an appropriation for the purposes of this Act.

Senate Bill No. 1068—An Act to provide for the completion of the hospital for insane at Folsom State prison, and making an appropriation therefor.

Mr. Beardslee moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bills

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Senate Bills Nos. 1247, 242, 446, 447, 161, 1067, and 1068 considered

Mr. Beardslee moved that the committee do now rise and report in favor of the passage of the bills.

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 17, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bills Nos. 1247, 242, 446, 447, 161, 1067, and 1068, and do now report the same back, and recommend that they do pass.

STANTON, Chairman.

Bills read second time, and ordered on file for third reading.

Senate Bill No. 782—An Act to amend sections one and two of an Act entitled "An Act to protect the owners of bottles, boxes, siphons, and kegs used in the sale of soda waters, minerals, or aërated water, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, beer, white beer, or other beverages," approved March 31, 1891, amended March 5, 1903.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1111—An Act to amend section four hundred and eighty-four of the Political Code of the State of California.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1112—An Act to amend section five hundred and thirteen of the Political Code of the State of California.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1113—An Act to amend section four hundred and seventy-one of the Political Code of the State of California.

Bill read second time, and ordered on file for third reading.

Senate Bill No 1114—An Act to amend section four hundred and fifty-five of the Political Code of the State of California.

Bill read second time, and ordered on file for third reading

Senate Bill No. 1115—An Act to amend section four hundred and thirty-eight of the Political Code of the State of California.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1116—An Act to amend Section 417 of the Political Code of the State of California.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1118—An Act to amend section three hundred and eighty-four of the Political Code of the State of California.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 816—An Act to amend Section 268 of the Political Code of California, relative to the salaries of officers and employees of the Senate and Assembly.

Mr Beardslee moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Senate Bill No. 816 considered.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by inserting in Section 1, page 1, line 6*a*, before the words "to the assistant secretaries", the following: "to one assistant secretary, who shall be clerk of the Committee on Printing, nine dollars per day".

Amendment adopted.

AMENDMENT No. 2.

Amend by inserting in Section 1, page 2, line 24, before the words "to the", at the end of the line, the following: "to one assistant clerk, who shall be clerk of the Committee on Public Printing, nine dollars per day."

Amendment adopted.

Mr Beardslee moved that the committee do now rise and report in favor of the passage of the bill as amended.

Motion carried

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 17, 1909.

GENTLEMEN The Committee of the Whole have had under consideration Senate Bill No. 816, and do now report the same back, and recommend that it do pass as amended.

STANTON, Chairman.

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No. 464—An Act to provide for the issuance and sale of State bonds to create a fund for the construction by the Board of State Harbor Commissioners for the bay of San Diego of a seawall, wharves, piers, state railroad, spurs, betterments, and appurtenances, in the county of San Diego; to create a sinking fund for the payment of said bonds; to define the duties of State officers in relation thereto; to make an appropriation of one thousand dollars for the expense of printing said bonds and to provide for the submission of this Act to a vote of the people.

Senate Bill No. 1204—An Act providing for the selection of a site for a State Printing Office, at the city of Sacramento, California, providing for the appointment of a commission to select said site, and providing for the erection of a building on said site, and appropriating money therefor

Senate Bill No. 219—An Act making an appropriation to pay the claim of Lauretta Campbell against the State of California.

Senate Bill No. 1240—An Act making an appropriation for the maintenance and improvement of the buildings of the Mission of St. Francis de Solano, situated at Sonoma, California.

Mr Beardslee moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bills.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Senate Bills Nos 464, 1204, 219, and 1240 considered.

Mr Beardslee moved that the committee do now rise and report in favor of the passage of the bills

Motion carried

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

SENATE CHAMBER, SACRAMENTO, March 17, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bills Nos. 464, 1204, 219, and 1240, and do now report the same back, and recommend that they do pass.

STANTON, Chairman.

Bills read second time, and ordered on file for third reading.

Senate Bill No. 467—An Act to amend Section 11 of an Act entitled "An Act to provide for the sale of street railroad and other franchises in counties and municipalities, and providing conditions for the granting of such franchises by the legislative or other governing bodies, and repealing conflicting Acts," approved March 22, 1905

Bill read second time, and ordered on file for third reading

Senate Bill No. 525—An Act to regulate the building and occupancy of tenement houses in incorporated cities, and to provide penalties for the violation thereof.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1173—An Act to amend an Act entitled "An Act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places, within municipalities, for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts, and the assessment of property therein to pay the expenses of such improvement," approved March 24, 1903, by amending Sections 6, 8, 9, 10, 11, 12, 14, and 16 of said Act, and relating to the bringing of actions for the condemnation of property necessary or convenient for the laying out, opening, extending, widening, or straightening of public streets, squares, lanes, alleys, courts, and places within municipalities; to the appointment, powers, duties, and compensation of referees; to the assessing of compensation and damages for the taking of property for said purposes; to the hearing of reports of referees; to the trial and dismissal of such actions, and to the making and completion of assessments for said improvements.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1238—An Act to amend section nine of an Act entitled "An Act to provide for laying out, opening, extending, widening, straightening, or closing up, in whole or in part any street, square, lane, alley, court, or place within municipalities, and to condemn and acquire any and all land and property necessary or convenient for that purpose," approved March 6, 1889.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1009—An Act to provide for the parole of prisoners confined in county jails and city prisons, and authorizing and empowering boards of supervisors and the governing bodies of municipalities to make rules and regulations in relation thereto.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 374—An Act to regulate the work and hours of employees in the occupation of cooks, waiters, and waitresses in public eating houses, and providing a penalty for violation thereof.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 605—An Act to amend section twenty hundred and twenty-four of the Code of Civil Procedure of California, relating to taking depositions out of the State.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 606—An Act to amend section twenty hundred and twenty of the Code of Civil Procedure of California, relating to taking testimony of a witness out of the State.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 608—An Act to amend Section 1678 of the Code of Civil Procedure of California, relating to partition or distribution of estates of deceased persons.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 609—An Act to amend Section 422 of the Code of Civil Procedure of California, relating to cross-complaints.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 610—An Act to amend Section 1723 of the Code of Civil Procedure of California, relating to the disposition of life estates of homesteads of community property in certain cases and joint tenancies.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 620—An Act to amend Section 705 of the Code of Civil Procedure of California, relating to redemption from sheriff's sale.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 622—An Act to amend Section 850 of the Code of Civil Procedure of California, relating to notice of trial or hearing in Justices' Courts.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 859—An Act to amend Section 1265 of the Civil Code of the State of California, relating to the tenure by which homestead is held.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 860—An Act to amend section three thousand and five of the Civil Code of the State of California, relating to the sale of pledged property.

Bill read second time, and ordered on file for third reading.

Senate Bill No 861—An Act to amend section three hundred *a* of the Civil Code of the State of California, relating to corporations.

Bill read second time, and ordered on file for third reading.

Senate Bill No 866—An Act to amend Section 1391 of the Civil Code of the State of California, defining the direct line of descent and ascent, and the degrees thereof.

Bill read second time, and ordered on file for third reading.

Senate Bill No 868—An Act to repeal Section 1392 of the Civil Code of the State of California.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 869—An Act to repeal Section 1393 of the Civil Code of the State of California

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1087—An Act to amend Section 4300*g* of the Political Code of the State of California, relating to witness fees.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1110—An Act to amend section eleven hundred and twenty-six of the Code of Civil Procedure of California.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1117—An Act to amend Section 397 of the Political Code of the State of California

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1122—An Act to amend Section 199 of the Code of Civil Procedure of California, relating to persons not competent to act as jurors.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1177—An Act to add a new section to the Penal Code of the State of California, to be known as Section 1426*a*, relating to the time within which prosecutions for misdemeanor may be commenced

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1232—An Act to legalize, confirm, and validate tax deeds made to the State of California for delinquent taxes, and deeds made to purchasers of property sold under and in pursuance of the provisions of sections three thousand eight hundred and ninety-seven and three thousand eight hundred and ninety-eight of the Political Code

Bill read second time, and ordered on file for third reading.

Senate Bill No. 973—An Act to amend section six hundred and ninety-two of the Code of Civil Procedure, relating to the notice of sale of property on execution.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 618—An Act to amend section five hundred and fifty-three of the Code of Civil Procedure of California, relating to the attachment of property as security for the satisfaction of judgments.

During second reading of bill, the following amendment was submitted by the committee:

Strike out the words "to continue the attachment in force", found in lines 4 and 5, of Section 1, page 1, of the printed bill, and insert in lieu thereof the words "executed and filed".

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No. 867—An Act to amend Section 1390 of the Civil Code of the State of California, defining the degrees of consanguinity, and prescribing methods of tracing the same.

During second reading of bill, the following amendment was submitted by the committee:

After the word "direct", in line 5, Section 1, page 1, of the printed bill, insert the word "or".

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

HON. J. P. TRANSUE IN THE CHAIR.

At nine o'clock and ten minutes P. M., Hon. J. P. Transue in the chair.

Senate Bill No. 960—An Act to add a new section to the Political Code of the State of California, to be known as section four thousand two hundred and sixty-five *a*, relating to the compensation of the county officers in counties of the thirty-sixth and one-half class.

Bill read second time, and ordered on file for third reading

Senate Bill No. 961—An Act to amend section four thousand two hundred and thirty-eight of the Political Code of the State of California, relating to the compensation of officers of counties of the ninth class.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 530—An Act to conserve the artesian and underground waters of the State.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1120—An Act to amend section three thousand six hundred and ninety-six of the Political Code, relating to the levy of taxes.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 133—An Act to amend sections eleven hundred eighty-three, eleven hundred eighty-four, eleven hundred eighty-five, eleven hundred eighty-six, eleven hundred eighty-seven, eleven hundred ninety, eleven hundred ninety-two, and eleven hundred ninety-four of the Code of Civil Procedure of the State of California, and to add two new sections thereto, to be numbered section twelve hundred *a*, and sec-

tion twelve hundred *b*. and to repeal section eleven hundred eighty-eight of said Code. all relating to mechanics' liens.

During second reading of bill. the following amendments were submitted by Mr Leeds:

AMENDMENT No. 1.

On page 4, line 12. of the printed bill, after the word "work", and before the word "or", insert the following "or upon the completion of specified portions of the work."

Amendment adopted.

AMENDMENT No. 2.

On page 6, line 89, strike out the word "disturbed". and insert in lieu thereof the word "distributed".

Amendment adopted.

AMENDMENT No. 3.

On page 11. line 114, of the printed bill. strike out the word "claim". and insert in lieu thereof the following· "claims"

Amendment adopted.

Bill read second time. and ordered to reprint and on file for third reading

SPEAKER IN THE CHAIR.

At nine o'clock and twenty minutes P. M., Speaker Stanton in the chair.

Senate Bill No 1144—An Act to add a new section to the Penal Code, to be known as Section 172*a*, relating to the selling, giving away, or exposing for sale of any vinous or alcoholic liquors upon or within one and one half miles of the university grounds of any university having an enrollment of more than one thousand students. more than five hundred of whom reside or lodge upon said university grounds.

During second reading of bill. the following amendments were submitted by Mr. Schmitt:

AMENDMENT No. 1.

On page 1, Section 1. line 5. of the printed bill, after the word "of", insert the words "the university grounds. or campus upon which are".

AMENDMENT No. 2.

On page 1, Section 1, line 6, strike out the word "located".

AMENDMENT No 3.

On page 1, Section 1. in line 8, after the word "upon", insert the following words "the grounds of".

AMENDMENT No 4.

On page 1, Section 1, line 9. after the word "university", strike out the words "grounds or campus"

Roll call was regularly demanded.

The roll was called, and amendments lost by the following vote:

AYES—Messrs Baxter, Beatty, Beban, Black, Coghlan, Collum, Cullen, Dean, Feeley, Fleisher, Hans. Irwin. Johnson of San Diego, Juilliard, Lightner. Macauley, McManus, Moore, Mott, Nelson, O'Neill, Pugh, Schmitt, and Wheelan—24.

NOES—Messrs. Barndollar. Bohnett, Callan. Cattell, Cogswell, Collier, Costar, Drew. Flint, Gerdes, Gibbons. Gillis, Griffiths, Hammon. Hanlon. Hayes, Hewitt. Hinkle, Holmquist, Johnson of Sacramento, Johnson of Placer. Kehoe, Maher. Melrose, Mendenhall. Otis. Perine, Polsley. Preston, Pulcifer, Rech, Rutherford, Silver, Telfer, Transue, Wagner, Whitney. Wilson, Wyllie. Young, and Mr. Speaker—41.

Also:

By Mr Wheelan:

Amend by striking out on page 2, lines 11 to 22, inclusive, of printed bill

Motion lost.

Also:

By Mr Juilliard:

Amend by striking out of Section 1, line 5, of printed bill, the words "grounds or"; also the words "grounds or", found in line 9, of said Section 1, of printed bill.

Roll call was regularly demanded.

The roll was called, and motion lost by the following vote:

AYES—Messrs. Baxter, Beardslee, Beban, Black, Coghlan, Collum, Cullen, Dean, Feeley, Fleisher, Hans, Irwin, Johnson of San Diego, Juilliard, Lightner, Macauley, McManus, Moore, Mott, Nelson, O'Neil, Pugh, Pulcifer, Schmitt, and Wheelan—25.

NOES—Messrs. Barndollar, Bohnett, Callan, Cattell, Cogswell, Collier, Costar, Drew, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hanlon, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of Placer, Kehoe, Maher, Melrose, Mendenhall, Otis, Perine, Polsley, Preston, Rech, Rutherford, Silver, Telfer, Transue, Wagner, Whitney, Wilson, Wyllie, and Young—38.

Bill read second time, and ordered on file for third reading.

Senate Bill No 468—An Act to add a new section to the Code of Civil Procedure, to be numbered Section 329, relating to the time for bringing suits affecting the title to real property partitioned by decree of court.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT NO 1.

Strike out the word "five", in line 8, Section 1, of the printed bill, and insert in lieu thereof the word "ten".

Amendment adopted.

AMENDMENT NO. 2.

Strike out the figure "5", in line 10, of Section 1, of the printed bill, and insert in lieu thereof the figure "0".

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No. 908—An Act to amend the Code of Civil Procedure by adding a new section thereto, to be numbered 359½, providing for the time when the statute of limitation shall commence to run against the stockholders in all private corporations, and prescribing the time thereafter within which an action may be commenced against the stockholders of any insolvent private corporation.

Mr. Hammon moved that bill be referred to Committee on Judiciary.

Motion lost.

During second reading of bill, the following amendment was submitted by the committee:

After the word "thereof", in line 8, Section 1, of the printed bill, insert the following: "which demand must be made or stoppage of payment done before the cause of action against such corporation is barred by the statute of limitations."

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON INSURANCE AND INSURANCE LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, March 17, 1909.

MR. SPEAKER: Your Committee on Insurance and Insurance Laws, to whom was referred Senate Bill No. 733—An Act to prohibit certain practices by life insurance companies, their agents, officers, employees, and representatives, fixing the penalty therefor and prescribing the duties of the Insurance Commissioner in relation thereto —have had the same under consideration, and a minority thereof, consisting of Messrs. Dean, Hawk, and Pulcifer, respectfully report the same back, and recommend that it do pass.

PULCIFER, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, March 17, 1909.

MR. SPEAKER: Your Committee on Insurance and Insurance Laws, to whom was referred Senate Bill No. 733—An Act to prohibit certain practices by life insurance companies, their agents, officers, employees, and representatives, fixing the penalty therefor and prescribing the duties of the Insurance Commissioner in relation thereto —have had the same under consideration, and a majority thereof, consisting of Messrs. Rech, Beatty, Mendenhall, Melrose, and Callan, respectfully report the same back, and recommend that it it do not pass

PULCIFER, Chairman.

The above reported bill ordered on file for second reading.

Senate Bill No. 812—An Act to amend Section 1313 of the Civil Code, relating to devises or bequests by will.

Bill read second time, and ordered on file for third reading.

SPECIAL ORDER SET.

On motion of Mr. Rech, the consideration of Senate Bill No. 842 was made a special order for Thursday, March 18, 1909, at two o'clock P. M.

ADJOURNMENT.

At ten o'clock and thirty minutes P. M., on motion of Mr. Johnson of Sacramento, the Assembly was declared adjourned until ten o'clock A. M. of Thursday, March 18, 1909.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL.,
Thursday, March 18, 1909.

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. P. A. Stanton, Speaker of the Assembly, in the chair.

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

Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Cogswell, Costar, Cronin, Cullen, Drew, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pulcifer, Rutherford, Schmitt, Silver, Stuckenbruck, Telfer, Trausue, Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—65.

Quorum present.

LEAVES OF ABSENCE.

On motion, leave of absence for the day was granted to Messrs. Wyatt, Pugh, and Cullen.

PRAYER.

Prayer was offered by the Chaplain, Rev. Seren N. Marsh.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Young, its further reading was dispensed with.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1909.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Senate Bill No. 1170—An Act to amend Section 4235 of the Political Code of the State of California, relating to officers and salaries and fees of officers of counties of the sixth class—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

HANS, Chairman.

ON LABOR AND CAPITAL.

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1909.

MR. SPEAKER: Your Committee on Labor and Capital, to whom was referred Senate Bill No. 913—An Act to add a new section to the Political Code of the State of California, to be known as Section 3251 thereof, providing pay for holidays for employees of the State of California or of any political subdivision thereof—have had the same under consideration, and the majority respectfully report the same back, and recommend that it do pass, and the minority report that it do not pass.

NELSON, Chairman.

ON ROADS AND HIGHWAYS.

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1909.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred Senate Bill No. 508—An Act to locate, survey and lay out a state highway from Moreno to Beaumont, in Riverside County, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and be re-referred to Committee on Ways and Means.

GREER, Chairman.

The above reported bills ordered on file for second reading.
Senate Bill No. 508 referred to Committee on Ways and Means.

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1909.

MR SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bill correctly reëngrossed:

Assembly Bill No. 939—An Act for the regulation of the practice of medicine, surgery and obstetrics, osteopathy and other systems or modes of treating sick or afflicted human beings in the State of California, fixing the standard of preliminary education of students before entering upon the study of medicine, surgery or obstetrics, osteopathy or other modes of treating sick and afflicted human beings, the mode of the examination of matriculants and by whom, the number of hours required in the attendance at colleges, schools or universities before receiving a diploma, standard of colleges, schools and universities teaching the same, and for the appointment of a Board of Medical Examiners in the matter of said regulation

YOUNG, Chairman.

The above reported bills ordered on file for third reading.

SPECIAL ORDERS.

The time for the consideration of special orders having arrived, the special order heretofore set for this hour was taken up for consideration.

Assembly Bill No. 1448—An Act to amend Section 5 of an Act which became a law February 25, 1901, entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof," as amended by an Act approved March 19, 1907.

Assembly Bill No. 1449—An Act making an appropriation for the pay of the officers and clerks of the Assembly for the thirty-eighth session of the Legislature.

CASES OF URGENCY.

Resolution by Mr. Transue:

Resolved, That Assembly Bills Nos. 1448 and 1449 present cases of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the second and third times and placed upon their passage

Mr Transue moved the adoption of the resolution.

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

AYES—Messrs. Barndollar, Baxter, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Cogswell, Collum, Costar, Cronin, Drew, Feeley, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, Maher, McClellan, Melrose, Mendenhall, Mott, Nelson, Otis, O'Neill, Perine, Polsley, Preston, Pulcifer, Rutherford, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, Young and Mr. Speaker—60.

NOES—None.

SECOND READING OF BILL.

Assembly Bill No. 1448—An Act to amend Section 5 of an Act which became a law February 25, 1901, entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof," as amended by an Act approved March 19, 1907.

Bill read second time, considered engrossed, and ordered to third reading.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1448 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beatty, Beban, Bohnett Butler, Callan, Cattell, Cogswell, Collum, Costar, Cronin, Drew, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Maher, McClellan, McManus, Melrose, Mendenhall, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pulcifer, Rutherford, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr Speaker—61

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SENATE MESSAGES.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, March 16, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted Senate Joint Resolution No. 20—Relative to a bill in Congress extending pension laws to include the First Battalion Mountaineers, California Volunteers, who served during the late War of the Rebellion.

LEWIS A. HILBORN, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary

CONSIDERATION OF JOINT RESOLUTION.

On motion of Mr. Johnson of Sacramento, Senate Joint Resolution No. 20 was taken up for consideration.

Senate Joint Resolution No. 20 relative to a bill in Congress extending pension laws to include the First Battalion Mountaineers, California Volunteers, who served during the late War of the Rebellion.

Resolution read, on motion adopted, and ordered transmitted to the Senate.

SENATE JOINT RESOLUTION No. 20.

Relative to a bill in Congress extending pension laws to include the First Batallion Mountaineers, California Volunteers, who served during the late War of the Rebellion.

WHEREAS, The officers and privates of the First Battalion Mountaineers, California Volunteers, served during the War of the Rebellion against the Indians of the frontier counties; and

WHEREAS, Under the provisions of the general pension laws, and the several special pension Acts, said volunteers have always been held entitled to the benefit of said pension laws, and have for many years received pensions from the government for said service during the rebellion, which pensions have been in most cases the only means of support of these old volunteer soldiers; and

WHEREAS, Under a recent ruling of the Department of the Interior, it has been held that the pension laws do not include the volunteer soldiers who fought during the War of the Rebellion against the Indians; and

WHEREAS, There is now pending in the Congress of the United States a bill introduced in the Senate and House of Representatives to extend the provisions of the pension laws to include the officers and privates of the First Battalion Mountaineers, California Volunteers, who served during the late War of the Rebellion and were honorably discharged, and to the widows and minor children of such volunteer soldiers; therefore, be it

Resolved by the Senate, the Assembly concurring, That our Senators in Congress be instructed, and our Members in Congress be requested, to use all honorable means to secure the prompt passage by Congress of the bill referred to in the preamble of this resolution.

SENATE MESSAGES—(RESUMED).

SENATE CHAMBER, SACRAMENTO, March 16, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to Senate Bill No 294—An Act providing for the organization of the Board of Railroad Commissioners, defining its powers and duties and the powers and duties of transportation companies, their officers and employees, and defining offenses by transportation companies, their officers, employees, and other persons and providing penalties therefor.

LEWIS A. HILBORN, Secretary of Senate
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 17, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to Senate Bill No. 623—An Act to amend Section 607*e* of the Civil Code of the State of California, relating to the disposition to be made of certain fines, penalties, and forfeitures.

Also: Senate Bill No. 538—An Act to provide for the permanent support and improvement of the University of California by the levy of a rate of taxation, and the creation of a fund therefor.

Also: Senate Bill No. 198—An Act to amend Section 4249 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the twentieth class

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 17, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No 1203—An Act appropriating the sum of five thousand dollars ($5,000.00) for the purposes of repairing the greenhouse, walks and grounds of the State Capitol, at Sacramento.

Also: Senate Bill No. 1108—An Act to amend Section 4265 of the Political Code of the State of California, relating to the compensation of officers of counties of the thirty-sixth class and their deputies and assistants, and fixing the compensation of grand and trial jurors therein.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary

Senate Bill No. 1203, read first time, and referred to Committee on Ways and Means.

Senate Bill No. 1108, read first time, and referred to Committee on County and Township Governments.

Also:

SENATE CHAMBER, SACRAMENTO, March 17, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate amended, and on this day adopted as amended, Assembly Constitutional Amendment No. 14—Proposed amendment to Article I of the Constitution, relating to the right of the people to fish.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

The question being put: "Shall the Assembly concur in the following Senate amendment to Assembly Constitutional Amendment No. 14?"

On page 1, line 8, strike out everything after the figures "25", and insert in lieu thereof the following: "The people shall have the right to fish upon and from the public lands of the State and in the waters thereof, excepting upon lands set aside for fish hatcheries, and no land owned by the State shall ever be sold or transferred without reserving in the people the absolute right to fish thereupon; and no law shall ever be passed making it a crime for the people to enter upon the public lands within this State for the purpose of fishing in any water containing fish that have been planted therein by the State; *provided*, that the Legislature may by statute provide for the season when and the conditions under which the different species of fish may be taken.

The roll was called, and Senate amendment to Assembly Constitutional Amendment No. 14 was concurred in by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Cogswell, Collum, Costar, Cronin, Drew, Feeley, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Haulon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Macauley, Maher, McClellan, McManus, Melrose, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pulcifer, Rutherford, Schmitt, Silver, Transue, Webber, Wheelan, Wilson, Wylie, Young, and Mr Speaker—60.

NOES—None.

Assembly constitutional amendment ordered to enrollment.

HON. W. W. GREER IN THE CHAIR.

At eleven o'clock and thirty minutes A. M., Hon. W. W. Greer in the chair.

UNFINISHED BUSINESS

Assembly Bill No 773—An Act to change, establish, and permanently locate the boundary lines of the county of Kings, and a portion of the south and east boundary lines of the county of Fresno.

Mr. Transue moved that further consideration of Senate amendments to Assembly Bill No. 773 be continued until four o'clock P. M. of this day.

Motion lost.

SPEAKER IN THE CHAIR.

At eleven o'clock and fifty minutes A. M., Speaker Stanton in the chair.

The question being put, on motion of Mr. Webber, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 773?"

In Section 2, line 12, after the words "range nineteen (19)," insert the word "east".

Also: By striking out of Section 1, lines 36 and 37, the word "meri-" "an", and inserting in lieu thereof the following: "meridian."

Also: On page 2, of the printed bill, in Section 1, lines 36 and 37, after the word "meridian," strike out the remainder of Section 1, and in lieu thereof insert the following: "thence east along the township line a distance of eleven and one-half miles, more or less, to the point where said township line intersects the center line of the main channel of Kings River; thence northeasterly and easterly following the meander of the said center line of the main channel of Kings River to the point where said center line intersects the boundary line between the county of Fresno and the county of Kings, as now established by law; thence northeasterly along said boundary line to the corner common to the counties of Tulare, Fresno, and Kings; thence east along the fourth standard parallel line south, Mount Diablo Base and Meridian, to the point of beginning."

Also: On page 3, of the printed bill, in Section 2, line 17, after the word "meridian," strike out all of the remainder of Section 2, and in lieu thereof insert the following: "thence east along the township line a distance of eleven and one-half miles, more or less, to a point where said township line intersects the center line of the main channel of Kings River; thence northeasterly and easterly following the meander of said center line of the main channel of Kings River to the point where said center line of the main channel of Kings River intersects the boundary line between the county of Fresno and the county of Kings, as now established by law, thence northeasterly along said boundary line to the corner common to the counties of Tulare, Fresno, and Kings.

Also: Amend the printed bill by inserting on line 9, Sec. 3, page 3, printed bill, by inserting after the word "organized" the following: "The county superintendent of schools of Fresno County is hereby directed to draw his warrant in favor of the county treasurer of Kings County for all school moneys apportioned or to be apportioned on the basis of the present school year to the school districts situated within the exterior boundaries of the territory described in section one of this Act, and the treasurer of Fresno County is hereby directed to pay the same"

The roll was called, and Senate amendments to Assembly Bill No. 773 were concurred in by the following vote:

AYES—Messrs Barndollar, Beardslee, Beatty, Beban, Black, Cattell, Coghlan, Collum, Cronin, Cullen, Feeley, Flavelle, Fleisher, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hinkle, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, O'Neill, Perine, Polsley, Pulcifer, Rutherford, Schmitt, Stuckenbruck, Transue, Webber, Wheelan, Wilson, Wyllie, and Young—53.

NOES—Messrs. Callan, Cogswell, Costar, Drew, Flint, Gerdes, Holmquist, Odom, Otis, Silver, Telfer, Wagner, and Whitney—13

NOTICE OF MOTION TO RECONSIDER.

Mr. Wyllie gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate amendments to Assembly Bill No. 773 were this day concurred in.

POINT OF ORDER.

Mr. Gibbons rose to the following point of order:

That the question of reconsideration should be taken up at the present time.

POINT OF ORDER NOT WELL TAKEN.

The Speaker ruled the point of order not well taken.

Assembly Bill No. 939—An Act for the regulation of the practice of medicine, surgery and obstetrics, osteopathy, and other systems or modes of treating sick or afflicted human beings in the State of California, fixing the standard of preliminary education of students before

entering upon the study of medicine, surgery, or obstetrics, osteopathy, or other modes of treating sick or afflicted human beings, the mode of the examination of matriculants, and by whom, the number of hours required in attendance at colleges, schools, or universities before receiving a diploma, standard of colleges, schools, and universities teaching the same, and for the appointment of a Board of Medical Examiners in the matter of such regulation.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 939 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Black, Callan, Cattell, Coghlan, Cogswell, Collum, Cullen, Feeley, Fleisher, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, Maher, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, O'Neill, Perine, Polsley, Pulcifer, Rutherford, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—56.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1237—An Act to amend Section 4244 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the fifteenth class, and their deputies.

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 1237?"

On page 1, line 3, of the engrossed bill, strike out the word "Section", also the words "Salaries and fees of officers of".

Also. On page 2, line 52, strike out the character and figures "$2,000 00", and insert in lieu thereof "two thousand dollars".

Also: On page 3, line 57, strike out the character and figures "$75.00", and insert in lieu thereof the words "seventy-five dollars".

Also: On page 3, line 60, strike out the character and figures "$1,200 00", and insert in lieu thereof the words "twelve hundred dollars".

Also: On page 3, line 77, strike out the word "from", and insert in lieu thereof the word "of".

Also: On page 5, line 152, strike out the words "determination of population" and the brackets.

The roll was called, and Senate amendments to Assembly Bill No. 1237 were concurred in by the following vote:

AYES—Messrs. Barndollar, Beatty, Beban, Black, Butler, Callan, Cattell, Cogswell, Collum, Costar, Cullen, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Hammon, Hanlon, Hans, Hawk, Hayes, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, Maher, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Rutherford, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Wilson, Wyllie, Young, and Mr. Speaker—56.

NOES—None

Bill ordered to enrollment.

Assembly Bill No. 1033—An Act to amend Section 4264 of the Political Code, relating to salaries and fees of officers of counties of the thirty-fifth class.

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 1033?"

By inserting in Section 1, Subdivision 13, line 66, the word "not" after the word "and" where it first occurs on said line.

Also: By striking out from said section and subdivision, on line 67, the word "month" where it first occurs therein, and inserting in lieu thereof the word "monthly".

Also: By striking out of Section 1, Subdivision 11, line 39, the word "eighteen", and inserting in lieu thereof the following: "fifteen".

Also: By striking out of Section 1, lines 25 to 29, inclusive, all of Subdivision 7, and inserting in lieu thereof the following:

7. The assessor, one thousand eight hundred dollars per annum, and one deputy at not to exceed five dollars per day for not more than one hundred and twenty-five days in any one year, and one field deputy at not to exceed five dollars per day, for not more than one hundred and twenty-five days in any one year, to be paid out of the county treasury.

Also: By adding a new subdivision to Section 1, to be designated as Subdivision 15, to read as follows:

15. Grand jurors, and jurors in the Superior Court in criminal cases shall be paid three dollars per day for each day's attendance, and for each mile actually traveled in going only while acting as such jurors, fifteen cents; and the judge of said court shall make an order directing the auditor to draw his warrant on the treasurer in favor of each such juror for said per diem and mileage, and the treasurer shall pay the same.

Also: By adding to Subdivision 15, of Section 1, the following: "The provisions of this subdivision shall take effect from and after the passage of this Act."

The roll was called, and Senate amendments to Assembly Bill No. 1033 were concurred in by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Beban, Black, Butler, Cattell, Coghlan, Cogswell, Collum, Costar, Cullen, Flavelle, Fleisher, Flint, Gibbons, Gillis, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Rutherford, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr Speaker—58.

NOES—None.

Bill ordered to enrollment.

Senate Bill No. 1100—An Act restricting the powers of boards of supervisors in the matter of imposing licenses upon the business of raising, grazing, herding, and pasturing sheep.

Bill read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1100 finally passed by the following vote:

AYES—Messrs Barndollar, Beardslee, Beatty, Beban, Butler, Callan, Cattell, Coghlan, Cogswell, Collum, Cronin, Cullen, Drew, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Perine, Polsley, Preston, Rutherford, Schmitt, Silver, Telfer, Transue, Wagner, Whitney. Wyllie, Young, and Mr. Speaker—54.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 741—An Act to regulate and license the hunting of game birds and animals, and the fishing for and catching of fish, and to provide revenue therefrom, for game and fish preservation and restoration.

Bill read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 741 finally passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collum, Cronin, Cullen, Drew, Flavelle, Fleisher, Flint, Gerdes, Greer, Hammon, Hanlon, Hawk, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Kehoe, Leeds, Macauley, Maher, McManus, Melrose. Mendenhall, Moore, Mott, Nelson, Otis, Perine, Polsley, Preston, Pulcifer, Schmitt, Silver, Transue, Wagner, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—53

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1258—An Act to amend sections thirty-four hundred and forty-six, thirty-four hundred and fifty, thirty-four hundred and fifty-two, thirty-four hundred and fifty-three, thirty-four hundred and fifty-four, thirty-four hundred and fifty-five, thirty-four hundred and fifty-six, thirty-four hundred and fifty-nine, thirty-four hundred and sixty-three, thirty-four hundred and sixty-four, thirty-four hundred and sixty-seven, thirty-four hundred and seventy, thirty-four hundred and seventy-one, thirty-four hundred and seventy-four, thirty-four hundred and seventy-six, thirty-four hundred and eighty-one, thirty-four hundred and ninety-one, of the Political Code of the State of California, relating to reclamation districts.

RECONSIDERATION.

In compliance with his notice given on a previous day, Mr. Hewitt moved that the vote whereby Assembly Bill No. 1258 was passed be reconsidered.

The roll was called, and the same was refused reconsideration by the following vote:

AYES—Messrs. Hammon, Hanlon, and McManus—3.

NOES—Messrs Barndollar, Beardslee, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Cogswell, Collum, Cronin, Cullen, Drew, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, Maher, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Polsley, Preston, Rutherford, Schmitt, Silver, Telfer, Transue, Wagner, Wheelan, Wilson, Wyllie, Young, and Mr. Speaker—55.

Bill ordered transmitted to the Senate.

RECESS.

At twelve o'clock and thirty minutes P. M., the Assembly was declared at recess until two o'clock P. M. of this day.

REASSEMBLED.

At two o'clock P. M., the Assembly reconvened.

Speaker pro tem. George M. Perine in the chair.

SPECIAL ORDERS.

Senate Bill No. 842—An Act to amend Article I, of Chapter I, of Title VIII, of Part III, of the Political Code, relating to State school land.

During third reading of bill, Mr. Johnson of Sacramento moved that the Speaker appoint a select committee of one to amend the bill, as follows:

Strike out from the word "unless", in line 27, of Section 9, of page 8, of the printed bill, to the word "lands", in line 31, of Section 9, of page 8, of the printed bill, both inclusive.

Motion lost.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Senate Bill No. 842 finally passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Costar, Cullen, Drew, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Hammon, Hanlon, Hawk, Hayes, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds,

Macauley, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Polsley, Preston, Rutherford, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Wilson, Wyllie, and Young—56.
NOES—None.

Title read and approved.
Bill ordered transmitted to the Senate.

CASE OF URGENCY—SECOND READING OF BILL.

Assembly Bill No. 1449—An Act making an appropriation for the pay of the officers and clerks of the Assembly for the thirty-eighth session of the Legislature.

Mr. Beardslee moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Perine in the chair.

Assembly Bill No. 1449 considered.

Mr. Beardslee moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker pro tem. Perine in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 1449, and do now report the same back, and recommend that it do pass.

PERINE, Chairman.

Bill read second time, considered engrossed, and ordered to third reading.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1449 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Bohnett, Butler, Callan, Cattell, Cogswell, Costar, Cullen, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Hammon, Hanlon, Hayes, Hewitt, Hinkle, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Maher, McClellan, Melrose, Moore, Mott, Nelson, Odom, Otis, Perine, Polsley, Rech, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wilson, and Wyllie—48.
NOES—None.

Title read and approved.
Bill ordered transmitted to the Senate.

REPORT OF COMMITTEE ON CONFERENCE.

The following report of Committee on Conference was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1909.

MR. SPEAKER: Your Committee on Conference concerning Assembly Bill No. 31—An Act to amend Section 2957 of the Civil Code, relating to chattel mortgages and the circumstances under which the same are void as to creditors and subsequent purchasers

and incumbrancers—report that we have met a like committee of the Senate, consisting of Senators Willis, McCartney, and Wright, and we report that the Conference Committee was unable to agree, and we recommend that a Committee on Free Conference be appointed.

JOHNSON OF SACRAMENTO,
JOHNSTON OF CONTRA COSTA,
DREW,
Committee on Conference

Mr. Johnson of Sacramento moved the adoption of the report.

Motion carried.

APPOINTMENT OF COMMITTEE.

The Speaker announced the appointment of Messrs. Johnson of Sacramento, Johnston, and Drew as a Committee on Free Conference, to meet with a like committee of the Senate, to consider Senate amendments to Assembly Bill No. 31.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, March 17, 1909.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 544—An Act making an appropriation of nineteen thousand dollars ($19,000 00) for the enlargement of the photographic laboratory and fireproof vault for astronomical photographs and plates at the Lick Observatory, in Santa Clara County, and for the provision of additional equipment for the Lick Observatory, and for astronomical photographs—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

BEARDSLEE, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1909.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 508—An Act to provide for a State highway from Moreno to Beaumont, in Riverside County—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BEARDSLEE, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1909.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 939—An Act to promote education regarding the laws of nature, governing the parents, governing reproduction, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, without recommendation.

BEARDSLEE, Chairman.

ON STATE HOSPITALS AND ASYLUMS.

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1909.

MR. SPEAKER: Your Committee on State Hospitals and Asylums, to whom was referred Senate Bill No. 941—An Act to permit asexualization of inmates of the State hospitals and the California Home for the Care and Training of Feeble-Minded Children, and of convicts in the State prisons—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

FLAVELLE, Chairman.

The above reported bills ordered on file for second reading.

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1909.

MR SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed.

Assembly Constitutional Amendment No. 29—A resolution proposing to add a new section to Article XIII of the Constitution, relating to taxes on live stock.

Assembly Constitutional Amendment No. 18—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California providing for the separation of State and local taxation, providing for the taxation of public service and other corporations for the benefit of the State, and

to that end adding to article thirteen a new section, to be numbered section fourteen, amending section ten of article thirteen, and repealing section ten of article eleven thereof, all relating to revenue and taxation.

Assembly Bill No. 1188—An Act to amend Section 594 of the Political Code, classifying insurance business and specifying required capital stock and available cash assets.

Assembly Bill No 1189—An Act to add a new section to the Political Code of the State of California, to be known as and numbered Section 633b, relating to resident agents for insurance companies.

Assembly Bill No. 1182—An Act to amend Section 623 of the Political Code, as to bonds of insurance companies.

Assembly Bill No. 582—An Act to prohibit corrupt lobbying and corrupt practices concerning or in opposition or support of the enactment of laws or the allowance of claims against the State, to provide penalties for the violation of any of the provisions of this Act.

Assembly Bill No. 148—An Act relating to and providing for the remuneration of attorneys and counselors at law, for professional services rendered in Superior Courts in the defense of prosecutions conducted against indigent defendants

Assembly Bill No. 641—An Act to amend section eleven hundred and eighty-one of the Penal Code, with reference to the granting of a new trial.

Assembly Bill No. 1215—An Act to amend Section 200 of the Code of Civil Procedure of the State of California, relating to persons exempt from jury service.

Assembly Bill No. 1413—An Act to create the office of attorney for the State Bureau of Labor Statistics.

Assembly Bill No. 270—An Act to amend sections three thousand eight hundred ninety-seven and three thousand eight hundred ninety-eight of the Political Code, relating to the collection of taxes of the State and counties.

YOUNG, Chairman.

The above reported bills ordered on file for third reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1909.

MR SPEAKER. Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bill correctly reengrossed:

Assembly Bill No. 1238—An Act to prohibit the wanton, wasteful and unnecessary cutting and destruction of trees and chaparral growing upon private uncultivated land in this State, situated upon the mountains and catchment basins, from which cities, towns and communities receive their water supply, and to regulate the business of lumbering and cutting such trees and chaparral upon said lands, and to provide for the appointment of inspectors for said lands, and making an appropriation to provide for the expenses in connection therewith.

YOUNG, Chairman

UNFINISHED BUSINESS—(RESUMED).

Senate Constitutional Amendment No. 37—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 7, Article IX thereof, relating to boards of education.

The question being on the adoption of the constitutional amendment.

The roll was called, and Senate Constitutional Amendment No. 37 finally adopted by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Costar, Cronin, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Hammon, Hanlon, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis Perine, Polsley, Preston, Rech, Sackett, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, and Young—56.

NOES—Messrs. Coghlan, Collier, Cullen, and Johnson of Sacramento—4

Senate Constitutional Amendment No. 37 ordered transmitted to the Senate.

SENATE CONSTITUTIONAL AMENDMENT NO. 37.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending section seven of article nine thereof, relating to boards of election.

The Legislature of the State of California, at its regular session, commencing on the fourth day of January, one thousand nine hundred and nine, and two

thirds of all the members elected to each of the houses of Legislature voting in favor thereof, hereby propose that section seven of article nine of the Constitution of the State of California be amended so as to read as follows

Section 7. The Governor, the Superintendent of Public Instruction, the President of the University of California, the head of the department of education therein, and the head of the department of education of Leland Stanford Junior University shall be ex officio members of the State Board of Education Prior to the first day of July after the adoption of this amendment, by a majority vote of the said ex officio members, one of which majority shall be the Governor, there shall be appointed four additional members of the State Board of Education, as follows: One person who at the time of his appointment is a president of a State normal school, one who at such time is a county superintendent of schools, one who at such time is principal of a secondary school and one who at such time is city superintendent of schools, no two of whom shall be from the same county. The term of office of one of the members so appointed shall end one year after said first day of July, and that of one member each first day of July thereafter, until the term of each appointive member has expired. The order in which the terms of the several members expire shall be determined by lot at the first meeting of the board of education held under this provision. Whenever the term of an appointive member expires, his successor shall be appointed by a majority vote of the ex officio members of the board, including the Governor. Each member appointed to succeed one of the members first appointed shall hold office for four years from the time when the term of his predecessor expired. The board herein provided shall enter on its functions on the first day of July after the adoption of this amendment.

The State Board of Education shall compile or cause to be compiled, and adopt a uniform series of text-books for use in the elementary schools throughout the State. The State board may cause such text-books, when adopted, to be printed and published by the Superintendent of State Printing, at the State Printing Office, and, when so printed and published, to be distributed and sold at the cost price of printing, publishing, and distributing the same. The text-books so adopted shall continue in use not less than four years.

The State Board of Education shall prescribe, subject to legislative enactment, the credentials, upon which secondary school certificates may be issued by county superintendents and county boards of education.

The Legislature shall provide for a county board of education in each county in the State. The county superintendents of schools and the county boards of education shall have control of the examination of teachers for elementary and special certificates, and the granting of all teachers' certificates within their respective jurisdictions

Assembly Bill No. 686—An Act to amend Section 1663 of the Political Code by classifying the day and evening elementary and secondary schools of California, determining who may be employed to teach in said schools, and by defining the powers of county and city and county boards of education with respect to courses of study, and the examination and graduation of pupils.

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 686?"

On page 1 amend the title by striking out all of line 2 thereof, after the word "Code", and all the remainder of the title, and by inserting in lieu thereof the following: "relating to the public schools."

Also: On page 1, line 3, of printed bill, strike out the word "section".

The roll was called, and Senate amendments to Assembly Bill No. 686 were concurred in by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Black, Bohnett, Callan, Cattell, Cogswell, Collier, Costar, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Hammon, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, Maher, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, Perine, Polsley, Preston, Rech, Sackett, Silver, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, and Young—52

NOES—None

Bill ordered to enrollment.

SENATE BILLS—SECOND-READING FILE.

Senate Bill No. 108—An Act making an appropriation for fencing at the California Home for the Care and Training of Feeble-Minded Children.

Senate Bill No. 544—An Act making an appropriation of nineteen thousand dollars ($19,000.00) for the enlargement of the photographic laboratory and fireproof vault for astronomical photographs and plates at the Lick Observatory in Santa Clara County, and for the provision of additional equipment for the Lick Observatory, and for astronomical photographs.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bills.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Perine in the chair.

Senate Bills Nos. 108 and 544 considered.

Senate Bill No. 108 read second time.

During second reading of Senate Bill No. 544, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 1, of the printed bill, amend the title so that the same shall read as follows. "An Act making an appropriation of nine thousand dollars for the construction and installation of a tank at the Lick Observatory, in the county of Santa Clara, for making photographic copies of the principal astronomical photographs at said observatory, and for additional equipment for said observatory"

Amendment adopted.

AMENDMENT No. 2.

On page 1, Section 1, lines 1 and 2, of the printed bill, strike out the words and figures "nineteen thousand dollars ($19,000)", and insert in lieu thereof the following "nine thousand dollars".

Amendment adopted.

AMENDMENT No. 3.

On page 1, Section 1, of the printed bill, strike out everything from and including the word "provide", in line 3, to and including the word "county", in line 8, and insert in lieu thereof the following: "be expended by the Regents of the University of California for the construction and installation of a tank at the Lick Observatory, in the county of Santa Clara, in this State, with an approximate capacity of one hundred and forty-four thousand gallons of water; for making eight sets of photographic copies on glass of the most important astronomical photographs of the Lick Observatory, to be deposited with eight (8) leading academies of science in eight (8) of the leading countries of the world, that these photographs may be available for measurement and study by all qualified students of the subject; for a stereocomparator; for a precision bench lathe in the instrument-making shop; and for additions to the library and to the scientific equipment of the Lick Observatory.

Amendment adopted.

AMENDMENT No. 4.

On page 2, Section 2, line 3, of the printed bill, strike out the word "treasurer", and insert in lieu thereof the word "Regents"

Amendment adopted.

Bill read second time.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bills.

Motion carried

IN ASSEMBLY.

Speaker pro tem. Perine in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read.

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bills Nos. 108 and 544, and do now report the same back, and recommend that Senate Bill No 108 do pass, and that Senate Bill No. 544 do pass as amended.

PERINE, Chairman.

Senate Bill No. 108 ordered on file for third reading.

Senate Bill No. 544 ordered to reprint, and on file for third reading.

SENATE MESSAGES.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, March 18, 1909.

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day passed, as a case of urgency, Senate Bill No. 1250—An Act making an appropriation for the pay of officers and clerks of the Senate of the thirty-eighth session of the Legislature

Also: Assembly Bill No. 1448—An Act to amend Section 5 of an Act which became a law February 25, 1901, entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction or completion thereof," as amended by an Act approved March 19, 1907

LEWIS A. HILBORN, Secretary of Senate.
By J W KAVANAGH, Assistant Secretary.

Senate Bill No. 1250 read first time, and referred to Committee on Ways and Means.

Assembly Bill No 1448 ordered to enrollment

Also.

SENATE CHAMBER, SACRAMENTO, March 17, 1909

MR SPEAKER I am directed to inform your honorable body that the Senate amended and on this day passed as amended, Assembly Bill No. 16—An Act to prevent any minor under the age of eighteen years to visit any race, racetrack, racecourse, prize fight, cock fight, or place where any race, prize fight, or cock fight is advertised or represented to take place, and to provide a punishment therefor.

Also: Assembly Bill No. 727—An Act to amend Section 1636 of the Political Code of the State of California, relating to taking the school census, by providing for signature of parent or guardian to census, and by providing a fine for those refusing to give in the school census.

Also: Assembly Bill No. 790—An Act to amend Section 1259 of the Penal Code of the State of California, relating to what may be reviewed upon appeal by the defendant.

Also: Assembly Bill No 654—An Act to amend Section 870 of the Penal Code, relating to the keeping and furnishing of depositions on examinations in criminal charges

Also. Assembly Bill No. 1031—An Act to amend Section 3514 of the Political Code of the State of California, relative to the issuance of certificates of purchase for State land.

Also. Assembly Bill No. 1220—An Act to amend Section 928 of the Penal Code of the State of California, relating to the duties of grand juries.

Also: Assembly Bill No. 141—An Act to amend Section 3617 of the Political Code, relating to the definition of terms and words.

Also: Assembly Bill No. 231—An Act to amend Chapter II, Title IV, of Part III of the Code of Civil Procedure of the State of California, relating to liens of mechanics, laborers, persons furnishing material, and other persons, upon real property by adding a new section to said chapter, to be numbered one thousand one hundred and eighty-three and one half, providing for liens in favor of persons furnishing power in the construction, alteration, addition to, or repair, either in whole or in part, of any building, wharf, bridge, ditch, flume, aqueduct, well, tunnel, fence, machinery, railroad, wagon road, or other structure, or in transporting the material furnished and to be used for such purposes, and declaring the rank of such liens.

Also Assembly Bill No 1099—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as Section 1191*a*, relating to liens upon real estate, where reputed owner, after notice from health officer or governing board of any city, town, or sanitary district, refuses, neglects, or fails to connect dwelling house and plumbing with sewer and work and materials furnished to be

held to have been done at the instance of such owner, or person claiming any interest therein.

Also: Assembly Bill No. 1403—An Act to add four new sections to the Political Code of the State of California, relating to preparing a State budget.

Also: Assembly Bill No. 579—An Act amending Section 1856 of the Civil Code, relative to lien of depositary for hire on property.

Also: Assembly Bill No. 580—An Act to amend Section 2144 of the Civil Code, relative to carrier's lien on property.

Also: Assembly Bill No. 802—An Act authorizing the payment into the general fund of the State treasury of moneys held for the redemption of certain coupons of the civil bonds of 1867, and providing for the redemption of said coupons

Also: Assembly Bill No. 803—An Act authorizing the payment of moneys held for the redemption of certain coupons of the Central Pacific Railroad bonds of 1864, and providing for the redemption of said coupons.

Also: Assembly Bill No. 1144—An Act to amend Section 3498 of the Political Code of the State of California, relating to approvals of applications for State lands.

Also: Assembly Bill No. 1145—An Act to amend Section 3495 of the Political Code of the State of California, relating to school lands belonging to the State, and the affidavit on application to purchase the same.

Also: Assembly Bill No. 724—An Act to amend Section 1874 of the Political Code, adding certain new sections, and changing the number of Section 1874*a*, all relating to text-books.

Also: Assembly Bill No 106—An Act authorizing certain suits against the State, and regulating the procedure therein.

Also: Assembly Bill No. 1234—An Act for the establishment in the city of Santa Barbara of a State Normal School of Manual Arts and Home Economics, and making an appropriation therefor.

Also: Assembly Bill No. 114—An Act appropriating money for the building and equipping of a central heating and power station, and to make the necessary changes in the plumbing at the Preston School of Industry.

Also. Assembly Bill No. 116—An Act appropriating money for finishing and furnishing assembly hall, and equipping gymnasium at the Preston School of Industry.

Also: Assembly Bill No. 1092—An Act to amend Article XXX, Section 4259, of an Act entitled "An Act to repeal Title II of Part IV of the Political Code, and to add a new Title II of Part IV of said Code in place thereof, relating to the establishment of a uniform system of county and township government.

Also: Assembly Bill No. 317—An Act to promote the safety of employees and travelers upon railroads by compelling common carriers by railroad to properly man their trains.

And respectfully request your honorable body to concur in said amendments.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary

Also:

SENATE CHAMBER, SACRAMENTO, March 18, 1909

MR. SPEAKER: I am directed to inform your honorable body that the Senate amended and on this day passed as amended Assembly Bill No 1356—An Act to amend Section 4270 of the Political Code of the State of California, relating to the compensation of officers of counties of the forty-first class.

Also: Assembly Bill No. 1125—An Act to amend Section 1195 of the Political Code, relating to constitutional amendments, how submitted.

Also: Assembly Bill No. 688—An Act to amend Section 1662 of the Political Code, by determining the number of years of instruction in the day and evening elementary schools; determining the age of admission to the day and evening elementary schools, and providing for separate schools for Indian, Mongolian, and Chinese children, and authorizing the exclusion of children of filthy and vicious habits.

Also: Assembly Bill No. 642—An Act to present false and incorrect representations and advertisements concerning articles offered for sale, and prescribing a punishment for the violation thereof

Also: Assembly Bill No. 1355—An Act to amend Section 4275 of the Political Code of the State of California, relating to the compensation of officers of counties of the forty-sixth class.

And respectfully request that your honorable body concur in said amendments

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 18, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate amended, and on this day passed as amended, Assembly Bill No. 1002—An Act to amend Section 650 of the Code of Civil Procedure, relating to bills of exceptions—and respectfully request your honorable body to concur in said amendments.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

The question being put: "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 16?"

On page 1, Section 1, line 2, strike out the word "eighteen", and insert in lieu thereof the following, "sixteen."

The roll was called, and Senate amendment to Assembly Bill No. 16 was concurred in by the following vote.

AYES—Messrs. Barndollar, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Collum, Costar, Cronin, Drew, Feeley, Fleisher, Gerdes, Gibbons, Gillis, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Leeds, Macauley, McManus, Melrose, Mendenhall, Moore, Nelson, Otis, O'Neill, Perine, Polsley, Preston, Rutherford, Schmitt, Silver, Stuckenbruck, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—56

NOES—Messrs Kehoe, Maher, and Telfer—3

Bill ordered to enrollment.

The question being put, on motion of Mr. Bohnett, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 727?"

AMENDMENT No 1.

On page 1, line 3, strike out the word "section" before the number "1636".

AMENDMENT No 2.

On page 3, Section 2, line 1, after the word "effect", strike out the remainder of the section, and insert in lieu thereof the words "July first, 1909".

The roll was called, and Senate amendments to Assembly Bill No. 727 were concurred in by the following vote

AYES—Messrs Barndollar, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Collum, Cronin, Drew, Feeley Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hanlon, Hans, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Maher, McManus, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pulcifer, Rutherford, Schmitt, Silver, Telfer, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—58.

NOES—None

Bill ordered to enrollment.

The question being put: "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 790?"

On page 1, Section 1, line 8, after the word "in", insert the words "and considered by"

The roll was called, and Senate amendment to Assembly Bill No. 790 was concurred in by the following vote:

AYES—Messrs. Barndollar, Beatty, Beban, Black, Bohnett, Callan, Cattell, Cogswell, Collum, Cronin, Drew, Feeley, Flavelle, Fleisher, Gerdes, Gibbons, Gillis, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, Maher, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Rutherford, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—56.

NOES—None.

Bill ordered to enrollment.

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 1031?"

AMENDMENT No 1

On page one, section one, strike out the parenthetical marks on lines 5 and 7

AMENDMENT No 2.

On page one, strike out all of Section 3.

The roll was called, and Senate amendments to Assembly Bill No. 1031 were concurred in by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Costar, Drew, Flavelle, Fleisher, Gillis, Hammon, Hanlon, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, Mendenhall, Moore, Nelson, Odom, Otis, Perine, Polsley, Preston, Pulcifer, Rech, Rutherford, Silver Stuckenbruck, Transue, Wagner, Wheelan, Whitney, and Young—48.
NOES—None.

Bill ordered to enrollment.

Assembly Bill No. 1220, on motion of Mr. Johnson of Sacramento, was referred to the Committee on Judiciary, for the purpose of considering Senate amendments.

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 141 ?"

AMENDMENT NO. 1.

Amend the title of the bill by adding after the word "Code", in line 2 thereof, the words "of the State of California,".

AMENDMENT NO. 2.

On page 1, Section 1, line 3, after the word "Code", insert the words "of the State of California,".

The roll was called, and Senate amendments to Assembly Bill No. 141 were concurred in by the following vote:

AYES—Messrs Barndollar, Beardslee, Beatty, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Costar, Cronin, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gillis, Greer, Hanlon, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Preston, Pulcifer, Rech, Rutherford, Sackett, Silver, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, and Young—57
NOES—None.

Bill ordered to enrollment

Assembly Bill No. 231—An Act to amend Chapter II, Title IV, of Part III of the Code of Civil Procedure of the State of California, relating to liens of mechanics, laborers, persons furnishing material, and other persons, upon real property by adding a new section to said chapter, to be numbered one thousand one hundred and eighty-three and one-half, providing for liens in favor of persons furnishing power in the construction, alteration, addition to, or repair, either in whole or in part of any building, wharf, bridge, ditch, flume, aqueduct, well, tunnel, fence, machinery, railroad, wagon road, or other structure, or in transporting the material furnished and to be used for such purposes, and declaring the rank of such liens.

Assembly Bill No. 231 ordered on file as unfinished business.

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 654?"

AMENDMENT NO. 1.

On page 1, Section 1, line 2, after the word "Code", insert the word "of California".

AMENDMENT NO. 2.

On page 1, Section 1, line 3, strike out the word "Sec".

AMENDMENT NO 3

On page 1, Section 1, line 16, after the word "compensation", insert the following: "and be paid by the county".

AMENDMENT No. 4.

On page 1, strike out all of Section 2.

AMENDMENT No 5

Amend title of the bill by inserting after the word "Code", the words "of California".

The roll was called, and Senate amendments to Assembly Bill No. 654 were concurred in by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Bohnett, Butler, Callan, Cattell, Cogswell, Costar, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Hanlon, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Leeds, Lightner, Macauley, Maher, Mendenhall, Moore, Mott, Nelson, Otis, Perine, Preston, Pulcifer, Rech, Rutherford, Silver. Telfer, Transue, Wagner, Webber, Wheelan, and Young—49.
NOES—None.

Bill ordered to enrollment.

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 1099?"

AMENDMENT No. 1

On page 1, Section 1, line 4, after the word "the", insert the words "owner or"

AMENDMENT No 2

On page 1, Section 1, line 6, after the word "such", insert the words "owner or".

AMENDMENT No. 3

On page 2, line 15, after the word "such", insert the words "owner or".

The roll was called, and Senate amendments to Assembly Bill No 1099 were concurred in by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Cronin, Drew, Feeley, Flavelle, Fleisher, Gerdes, Gibbons, Gillis, Hanlon, Hawk, Hayes, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Polsley, Preston, Pulcifer, Rech, Silver, Telfer, Transue, Wagner, Webber, Wheelan, Wilson, and Young—53.
NOES—None.

Bill ordered to enrollment.

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 1403?"

AMENDMENT No. 1.

On page 1, Section 1, line 4, strike out the word "Section.

AMENDMENT No. 2.

On page 2, line 22, strike out the word "Section."

AMENDMENT No. 3.

On page 2, line 28, strike out the word "Section"

AMENDMENT No. 4

On page 2, line 34, strike out the word "Section"

The roll was called, and Senate amendments to Assembly Bill No. 1403 were concurred in by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Costar, Cronin, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Hanlon, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Polsley, Pulcifer, Rech, Rutherford, Silver, and Young—52
NOES—None

Bill ordered to enrollment.

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 579?"

AMENDMENT No. 1.

Amend the title of the bill by adding after the word "Code", in line 1 thereof, the words "of the State of California."

AMENDMENT No. 2

On page 1, Section 1, line 1, after the word "Code", insert the words "of the State of California."

AMENDMENT No. 3

On page 1, Section 1, line 3, strike out the word "Section", and the parenthetical marks before the letter "a".

The roll was called, and Senate amendments to Assembly Bill No. 579 were concurred in by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Costar, Cronin, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Hanlon, Hawk, Hayes, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Macauley, McClellan, Mendenhall, Moore, Mott, Nelson, Otis, O'Neill, Perine, Polsley, Preston, Pulcifer, Rutherford, Wagner, Whitney, Wilson, Wyllie, and Young—53.
NOES—None

Bill ordered to enrollment.

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 580?"

AMENDMENT No. 1.

Page 1, amend the title of the bill by adding after the word "Code", in line 1 thereof, the words "of the State of California".

AMENDMENT No. 2

On page 1, Section 1, line 1 after the word "Code", insert the words "of the State of California".

AMENDMENT No 3.

On page 1, Section 1, line 3, strike out the word "Section".
Also: By striking out of Section 1, line 4, the words "The owners request" and inserting in lieu thereof the following: "request of shipper or consignee".
Also: By striking out of Section 1, line 6, the words "The owners request" and inserting in lieu thereof the following: "request of shipper or consignee".

The roll was called, and Senate amendments to Assembly Bill No. 580 were concurred in by the following vote:

AYES—Messrs, Barndollar, Baxter, Beardslee, Beatty, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Costar, Cronin, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Hawk, Hinkle, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, McClellan, Mendenhall, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pulcifer, Rutherford, Silver, Transue, Wagner, Whitney, Wilson, Wyllie, and Young—50.
NOES—None.

Bill ordered to enrollment.

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 802?"

AMENDMENT No. 1.

After the title, strike out everything down to the enacting clause, on page 2.

AMENDMENT No. 2.

Amend by striking out of Section 1, line 6, the period, and inserting in lieu thereof a comma and the following: "bearing the number and for the amount, respectively, as follows: Coupon number twenty-seven of bond number five hundred and fifty-two, thirty-five dollars; coupon number twenty-seven of bond number five hundred and seventy-six, seventeen and one-half dollars; coupon number twenty-seven of bond number six hundred and twenty-five, seventeen and one-half dollars; coupon number

twenty-nine of bond number eight hundred and forty-six, seventeen and one-half dollars; coupon number thirty-one of bond number eleven hundred and twenty, seventeen and one-half dollars; and coupon number thirty-three of bond number twenty-four hundred and eighty-three, thirty-five dollars.

The roll was called, and Senate amendments to Assembly Bill No. 802 were concurred in by the following vote:

AYES—Messrs Barndollar, Beardslee, Beatty, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Costar, Cronin, Drew, Feeley, Fleisher, Flint, Gerdes, Gibbons, Gillis, Hammon, Hanlon, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, McClellan, Melrose, Mendenhall, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Rech, Rutherford, Silver, Transue, Wagner, Wheelan, Wilson, Wylie, and Young—54.
NOES—None.

Bill ordered to enrollment.

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 803?"

AMENDMENT No. 1.

By striking out of Section 1, line 6, the period, and inserting in lieu thereof a comma and the following. "bearing the number and for the amount, respectively, as follows: Coupon number twenty five, thirty-five dollars; coupon number twenty-seven, three hundred and eighty-five dollars; coupon number thirty-one, thirty-five dollars; coupon number thirty-two, seventy dollars; coupon number thirty-six, thirty-five dollars; coupon number thirty-seven, four hundred and ninety dollars; and coupon number thirty-nine, thirty-five dollars."

AMENDMENT No 2.

After the title, strike out everything down to the enacting clause, on page 2.

The roll was called, and Senate amendments to Assembly Bill No. 803 were concurred in by the following vote:

AYES—Messrs Barndollar, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Costar, Cronin, Drew, Flavelle, Fleisher, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, McClellan, Melrose, Mendenhall, Mott, Nelson, Odom, Otis, O'Neill, Perine, Preston, Rech, Rutherford, and Young—47.
NOES—None.

Bill ordered to enrollment.

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 1144?"

AMENDMENT No. 1.

On page 2, Section 1, line 22, strike out the word "contains", and insert in lieu thereof the word "describes".

AMENDMENT No. 2

On page 2, strike out all of Sections 2 and 3

The roll was called, and Senate amendments to Assembly Bill No 1144 were concurred in by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Costar, Cronin, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Greer, Griffiths, Hanlon, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, McClellan, Melrose, Mendenhall, Mott, Nelson, Otis, O'Neill, Perine, Polsley, Preston, Pulcifer, Rech, Rutherford, Wagner, Wheelan, Whitney, Wylie, and Young—50
NOES—None.

Bill ordered to enrollment.

The question being put· "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 1145?"

On page 3, of the printed bill, strike out all of Sections 2 and 3

The roll was called, and Senate amendment to Assembly Bill No 1145 was concurred in by the following vote:

AYES—Messrs. Baxter, Beardslee, Beatty, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Costar, Dean, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hanlon, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Macauley, McClellan, Melrose, Mendenhall, Mott, Nelson, Otis, O'Neill, Perine, Polsley, Preston, Rech, Rutherford, Wagner, and Wheelan—47.
NOES—None.

Bill ordered to enrollment.

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 724?"

AMENDMENT No. 1

On page 2, line 43, of the printed bill, strike out the word "section" before the number "1874*a*".

AMENDMENT No. 2.

In line 62, of the printed bill, strike out the word "section". before the number "1874*b*".

AMENDMENT No. 3.

On page 3, line 90, of the printed bill, strike out the word "Section ' before the number "1874*c*".

AMENDMENT No. 4.

On page 4, line 97, of the printed bill, strike out the word "section" before the number "1874*d*".

AMENDMENT No. 5.

On page 4, line 107, of the printed bill, strike out the word "section" before the number "1874*e*"

AMENDMENT No. 6.

On page 5, line 129, of the printed bill, strike out the word "section" before the number "1874*f*".

AMENDMENT No. 7.

On page 5, of the printed bill, line 145, strike out the word " section 'before the number "1874*g*".

AMENDMENT No. 8.

On page 6, line 167, of the printed bill, strike out the word " section " before the number "1874*h*".

AMENDMENT No. 9.

On page 6, line 179, of the printed bill, strike out the word " section " before the number " 1874*i*".

AMENDMENT No. 10.

On page 6, line 182, of the printed bill, strike out the word " section " before the number 1874*j*"

The roll was called, and Senate amendments to Assembly Bill No. 724 were concurred in by the following vote·

AYES—Messrs. Barndollar, Black, Bohnett, Butler, Cattell, Coghlan, Costar, Drew, Feeley, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Hanlon, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Leeds, Lightner, Macauley, Mendenhall, Mott, Nelson, Otis, O'Neill, Perine, Polsley, Preston, Pulcifer, Rech, Rutherford, Wagner, Whitney, Wilson, Wyllie, and Young—43.
NOES—None.

Bill ordered to enrollment.

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 106?"

AMENDMENT No. 1.

On page 1, Section 1, line 7, strike out the words: "and dealt with the same", and insert in lieu thereof the words "in the same manner".

AMENDMENT No. 2.

On page 2, after the last word in Section 4, add the following: ' No costs shall be recovered against the State in such suit "

AMENDMENT No 3

Strike out all of Section 5 after the figure "5", and insert in lieu thereof the following: "In such suit no inquiry shall be had as to the validity of any assessment or proceedings subsequent thereto, including the tax deed whereby the State acquired title to such lands or any part thereof, and such lands shall be partitioned, and the interest owned by the State set apart to it, and the same shall not be sold under judgment or decree".

AMENDMENT No. 4.

Strike out Section 6, and renumber Section 7 to be Section 6.

The roll was called, and Senate amendments to Assembly Bill No. 106 were concurred in by the following vote:

AYES—Messrs. Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Costar, Cronin, Drew, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, Mendenhall, Nelson, Otis, O'Neill, Perine, Polsley, Preston, and Rech—47.

NOES—None.

Bill ordered to enrollment.

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 1234?"

AMENDMENT No. 1.

After the word "kind", in line 7, Section 4, page 2, of the printed bill, strike out the period and insert a comma and add the following: "and shall be entitled to their necessary and actual traveling expenses while engaged in the discharge of their duties under this Act"

AMENDMENT No. 2.

Strike out all of Section 5, and insert in lieu thereof the following: "Sec. 5. The sum of ten thousand dollars is hereby appropriated out of any moneys belonging to the State not otherwise appropriated, for the maintenance of said school and improving the grounds conveyed to this State under Section 3 hereof."

AMENDMENT No. 3.

In line 4, Section 6, page 2, of the printed bill, strike out the following "October 1, 1909," and insert in lieu thereof the following: 'January 1, 1910"

The roll was called, and Senate amendments to Assembly Bill No. 1234 were concurred in by the following vote:

AYES—Messrs. Barndollar, Baxter, Black, Bohnett, Butler, Callan, Cattell, Cronin, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hayes, Hinkle, Holmquist, Irwin, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, Mendenhall, Mott, Nelson, Otis, O'Neill, Perine, Polsley, Preston, Rech, Rutherford, Wagner, Whitney, Wilson, Wyllie, and Young—48.

NOES—None.

Bill ordered to enrollment.

The question being put: "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 114?"

By striking out of Section 3, page 2, lines 7, 8, 9, 10, 11, and 12, the words "it shall not be necessary to obtain the approval or sanction of any other board, officer, or person, and this Act shall be exempt from the provisions of any other Act or Acts requiring the sanction or approval, of any other person officer, or board not herein specially mentioned, and".

The roll was called, and Senate amendment to Assembly Bill No. 114 was concurred in by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Black, Bohnett, Butler, Callan, Coghlan, Collum, Costar, Cullen, Feeley, Flavelle, Fleisher, Flint, Gillis, Griffiths Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, Mendenhall, Moore, Mott, Odom, Otis, Perine, Polsley, Preston, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Webber, Whitney, Wilson, Wyllie, and Young—54.

NOES—None.

Bill ordered to enrollment.

The question being put: "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 116.

By striking out of Section 3, line 7, page 1, and lines 8, 9, 10, 11, and 12, on page 2, the following: "It shall not be necessary to obtain the approval or sanction of any board, officer, or person, and this Act shall be exempt from the provisions of any other Act or Acts requiring the sanction or approval of any other person, officer, or board, not herein specially mentioned and"

The roll was called, and Senate amendment to Assembly Bill No. 116 was concurred in by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Coghlan, Cogswell, Collum, Cullen, Feeley, Flavelle, Fleisher, Flint, Gillis, Griffiths, Hammon, Hanlon, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, Mendenhall, Moore, Mott, Nelson, Odom, Perine, Polsley, Pulcifer, Rech, Rutherford, Schmitt, Silver, Wagner, Webber, Whitney, and Young—50.
NOES—None

Bill ordered to enrollment.

The question being put, on motion of Mr. Bohnett, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 1092?"

AMENDMENT No 1.

Amend the title by striking out all after the first line, and inserting in lieu thereof "to amend Section 4259 of the Political Code of the State of California, relating to the salaries and fees of officers of counties of the thirtieth class, their duties and assistants."

AMENDMENT No. 2

On line 6, page 1, of the engrossed bill strike out the words "thirty-three hundred", and insert in lieu thereof the words "three thousand."

The roll was called, and Senate amendments to Assembly Bill No. 1092 were concurred in by the following vote:

AYES—Messrs. Barndollar, Baxter, Beban, Black, Bohnett, Butler, Callan, Cattell, Costar, Cronin, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hayes, Hewitt, Hinkle, Irwin, Johnson of Placer, Johnston of Contra Costa, Julliard, Kehoe, Leeds, Lightner, Macauley, Mendenhall, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Rech, Rutherford, Wagner, Whitney, Wyllie, and Young—48.
NOES—None.

Bill ordered to enrollment.

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 317?"

AMENDMENT No. 1.

On page 3, strike out all of Section 6

AMENDMENT No. 2.

On page 3, strike out the word and figure "Sec. 7."

The roll was called, and Senate amendments to Assembly Bill No. 317 were concurred in by the following vote:

AYES—Messrs. Barndollar, Baxter, Black, Bohnett, Callan, Cattell, Costar, Cronin, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gibbons, Greer, Griffiths, Hammon, Hanlon, Hayes, Hinkle, Holmquist, Irwin, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Mendenhall, Mott, Nelson, Odom, O'Neill, Perine, Preston, Rech, Rutherford, Stuckenbruck, Wagner, Whitney, Wilson, Wyllie, and Young—46.
NOES—None

Bill ordered to enrollment.

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 1356?"

AMENDMENT No. 1.

On page 2, line 31c, of the reengrossed bill, strike out the word "July", and insert in lieu thereof "June".

AMENDMENT No. 2.

On page 3, line 51, of the reengrossed bill, after the word "shall", insert the word "each".

Also: By striking out of Section 1, line 4, the words "not less than"

Also: Strike out on lines 4 and 5, same section, the words "nor more than ten"

Also: Strike out on line 5, same section, the words "of study".

Also: Strike out on line 6, same section, the words "not less than".

Also: Strike out on line 7, same section, the words "the day elementary", and insert in lieu thereof the word "such".

The roll was called, and Senate amendments to Assembly Bill No. 1356 were concurred in by the following vote:

AYES—Messrs. Barndollar, Baxter, Black, Butler, Callan, Cattell, Collier, Costar, Cronin, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gibbons, Gillis, Griffiths, Hammon, Hanlon, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Melrose, Mendenhall, Mott, Odom, O'Neill, Perine, Preston, Pulcifer, Rech, Rutherford, Stuckenbruck, Wagner, Wheelan, Whitney, Wilson, Wyllie, and Young—52.

NOES—None.

Bill ordered to enrollment.

The question being put: "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 1125?"

By striking out of Section 1, line 15, the word "order", and all after the word "order", to and including the words "last amendment", at the end of the sentence, on line 18, and inserting in lieu thereof the following: "following order: first, the Senate constitutional amendments in the order of their introduction; next, the Assembly constitutional amendments in the order of their introduction; finally, the propositions in the order in which they are passed by the Legislature The first Assembly amendment shall follow numerically the last Senate amendment, and the first proposition shall follow numerically the last Assembly amendment"

The roll was called, and Senate amendment to Assembly Bill No. 1125 was concurred in by the following vote:

AYES—Messrs Barndollar, Baxter, Black, Bohnett, Butler, Callan, Cattell, Collier, Costar, Cronin, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gibbons, Gillis, Griffiths, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Melrose, Mendenhall, Mott, Nelson, O'Neill, Perine, Preston, Pulcifer, Rech, Rutherford, Wagner, Wheelan, Whitney, Wilson, and Young—49.

NOES—None.

Bill ordered to enrollment.

The question being put, on motion of Mr. Bohnett, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 688?"

AMENDMENT No. 1.

On page 1, Section 1, line 3, of the printed bill, strike out the word "section", before the number "1662".

AMENDMENT No. 2.

On page 1, Section 1, line 9, of the printed bill, after the word "instruction", strike out the following: "in the day elementary schools", and insert a period.

AMENDMENT No 3.

On page 2, Section 1, line 22, of the printed bill, after the word "age", insert the following: "*provided* that the average daily attendance of deaf children who are six years of age or older shall be counted as part of the average daily attendance in the day elementary schools."

The roll was called, and Senate amendments to Assembly Bill No. 688 were concurred in by the following vote:

AYES—Messrs. Barndollar, Baxter, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Costar, Cronin, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gibbons, Gillis,

Greer, Griffiths, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, O'Neill, Perine, Pulcifer, Rech, Rutherford, Silver, Young, and Mr. Speaker—50.
NOES—None

Bill ordered to enrollment.

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 642?"

AMENDMENT No. 1.

On page 1, Section 1, line 1, strike out the quotation marks before the word "any".

AMENDMENT No. 2.

Strike out all of Sections 2, 3, 4, 5, 6, and 7

The roll was called, and Senate amendments to Assembly Bill No. 642 were concurred in by the following vote:

AYES—Messrs. Barndollar, Baxter, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Collier, Cronin, Drew, Feeley, Flavelle, Fleisher, Flint, Gibbons, Griffiths, Hanlon, Hayes, Hewitt, Hinkle, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, O'Neill, Perine, Preston, Pulcifer, Rech, Rutherford, Silver, and Young—46.
NOES—None

Bill ordered to enrollment.

The question being put: "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 1355?"

Amend the reëngrossed bill by striking out of line 23, page 2, the word "twelve", and inserting in lieu thereof the word "sixteen".

The roll was called, and Senate amendment to Assembly Bill No. 1355 was concurred in by the following vote:

AYES—Messrs Barndollar, Baxter, Beatty, Black, Bohnett, Butler, Coghlan, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gillis, Hanlon, Hayes, Hewitt, Hinkle, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, O'Neill, Perine, Preston, Pulcifer, Rech, Rutherford, Silver, Wagner, Wheelan, Wilson, and Young—46
NOES—None.

Bill ordered to enrollment.

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 1002?"

AMENDMENT No. 1.

On page 1, Section 1, line 3, strike out the word "Sec"

AMENDMENT No. 2.

On page 2, strike out all of Section 2

The roll was called, and Senate amendments to Assembly Bill No. 1002 were concurred in by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Black, Bohnett, Butler, Callan, Cogswell, Collum, Costar, Cronin, Cullen, Drew, Feeley, Flavelle, Fleisher, Flint, Gibbons, Gillis, Griffiths, Hammon, Hanlon, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pulcifer, Rutherford, Silver, Stuckenbruck, Wagner, Wheelan, Whitney, Wilson, Wyllie, and Young—59.
NOES—None.

Bill ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 18, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate amended, and on this day adopted, Assembly Concurrent Resolution No 8—Relative to the appointment of a committee of five by the Governor to investigate the feasibility of dividing the State into fish and game districts

LEWIS A. HILBORN, Secretary of Senate.
By J. W KAVANAGH, Assistant Secretary

The question being put: "Shall the Assembly concur in the following Senate amendment to Assembly Concurrent Resolution No. 8?"

On page 2, lines 20, 21, and 22, strike out after the word "payable", on line 20, the following: "one half out of the contingent fund of the Assembly and one half out of the contingent fund of the Senate," and insert in lieu thereof the following: 'out of the game preservation fund".

The roll was called, and Senate amendment to Assembly Concurrent Resolution No. 8 was concurred in by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Black Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Costar, Cronin, Feeley, Fleisher, Flint, Gerdes, Gillis, Greer, Hanlon, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Maher, Mendenhall, Moore, Nelson, Otis, Perine, Polsley, Pulcifer, Rech, Rutherford, Schmitt, Silver, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, and Young—49.
NOES—Mr. Johnson of Sacramento—1

NOTICE OF MOTION TO RECONSIDER.

Mr. Bohnett gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate amendments to Assembly Concurrent Resolution No. 8 were this day concurred in.

Also.

SENATE CHAMBER, SACRAMENTO, March 17, 1909.

MR SPEAKER I am directed to inform your honorable body that the Senate on this day refused to concur in Assembly amendments to Senate Bill No. 625—An Act to amend Sections 4, 14, and 19 of an Act entitled "An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions, and transfers, to provide for its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act, and for suits to quiet title against claims of lien arising hereunder; to repeal an Act entitled "An Act to establish a tax on collaterals, inheritances, bequests, and devises, to provide for the collection and to direct the disposition of its proceeds," approved March 23, 1893, and all amendments thereto, and all Acts and parts of Acts in conflict with this Act," approved March 20, 1905, and to add a new section thereto, to be known and numbered as Section 14½—and respectfully request your honorable body to recede from said amendments.

LEWIS A. HILBORN, Secretary of Senate
By J. W. KAVANAGH, Assistant Secretary.

The question being put: "Shall the Assembly recede from its amendments to Senate Bill No. 625?"

The roll was called, and the Assembly refused to recede by the following vote:

AYES—Messrs Callan, and Silver—2
NOES—Messrs Barndollar, Baxter, Beatty, Black, Butler, Cattell, Collum, Costar, Cronin, Drew, Flavelle, Fleisher, Gibbons, Gillis Griffiths, Hammon, Hanlon, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe Leeds, Lightner Macauley, Maher, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, Perine, Polsley, Preston, Pulcifer, Rech, Rutherford, Schmitt, Stuckenbruck, Wagner, Whitney, Wilson, and Wyllie—47.

APPOINTMENT OF COMMITTEE ON CONFERENCE.

The Speaker announced the appointment of Messrs. Johnson of Sacramento, Kehoe, and Gibbons as a Committee on Conference, to consider Assembly amendments to Senate Bill No. 625.

Also:

SENATE CHAMBER, SACRAMENTO, March 18, 1909.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 1202—An Act to amend Section 622*a* of the Political Code, relating to taxes on insurance premiums

Also: Committee Substitute for Senate Bill No 1148—An Act to provide for the formation, government, and control of overflow districts.

Also: Committee Substitute for Senate Bill No. 566—An Act to amend Sections 15, 16, 17, 18, and 19 of an Act entitled "An Act to establish a school of industry, to provide for the maintenance and management of the same, and to make an appropriation therefor," approved March 11, 1889, and as amended by Act approved February 27, 1893, and to add thereto three new sections, to be numbered Section 15*a*, Section 15*b*, Section 15*c*, respectively, all relating to commitments to, or paroles and discharges from said school.

LEWIS A HILBORN, Secretary of Senate
By J W. KAVANAGH, Assistant Secretary

Senate Bill No. 1202 read first time, and referred to Committee on Insurance and Insurance Laws.

Committee Substitute for Senate Bill No. 1148 read first time, and referred to Committee on Swamp and Overflowed Lands and Levees and River Improvements and Drainage.

Committee Substitute for Senate Bill No. 566 read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Also:

SENATE CHAMBER, SACRAMENTO, March 18, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 1025—An Act to amend Section 4261 of the Political Code, relating to salaries and fees of officers in counties of the thirty-second class.

Also Assembly Bill No. 1429—An Act to amend section four thousand two hundred and seventy-one of the Political Code, relating to the compensation of officers in counties of the forty-second class

Also Assembly Bill No. 128—An Act authorizing and directing the board of managers of the California Home for the Care and Training of Feeble-Minded Children to enlarge and repair the hospital building at the California Home for the Care and Training of Feeble-Minded Children, and making an appropriation therefor.

Also: Assembly Bill No. 131—An Act authorizing and directing the board of managers of the California Home for the Care and Training of Feeble-Minded Children to develop the water supply at the California Home for the Care and Training of Feeble-Minded Children, and making an appropriation therefor.

Also: Assembly Bill No. 233—Proposed amendments to municipal library law.

Also: Assembly Bill No. 1164—An Act to amend an Act approved March 6, 1889, entitled "An Act to provide for laying out, opening, widening, extending, straightening, or closing up, in whole or in part, of any street, square, lane, alley, court, or place within the bounds of such city, and to condemn and acquire any and all land and property necessary or convenient for that purpose.

Also: Assembly Bill No. 1280—An Act to provide for the refurnishing of the offices of the Board of Railroad Commissioners of the State of California, and to make appropriation therefor.

Also: Assembly Bill No. 594—An Act to provide for the establishment and maintenance of public museums of natural and historical objects within municipalities.

Also: Assembly Bill No. 1414—An Act to amend an Act entitled "An Act to amend an Act to allow incorporated towns and villages to equip and maintain a fire department, and to assess and collect taxes from time to time for such purpose, and to create a board of fire commissioners," approved March 4, 1881, amended March 6, 1899.

Also: Assembly Bill No. 1405—An Act to amend Section 1251 of the Code of Civil Procedure of the State of California, relating to proceedings to exercise the right of eminent domain.

Also: Assembly Bill No. 159—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding thereto a new section, to be numbered 1380, relating to giving special notices to heirs, devisees, and legatees during the administration of estates of decedents.

Also: Assembly Bill No. 1024—An Act to amend Section 3 of an Act entitled "An Act to prevent the waste and flow of water from artesian wells, and prescribing penalties therefor, and defining waste and artesian wells," approved March, 1907.

Also Assembly Bill No 563—An Act to amend Section 1793 of the Code of Civil Procedure of the State of California, relating to guardians

Also Assembly Bill No. 705—An Act to amend Section 597 of the Penal Code, relating to cruelty to animals

Also: Assembly Bill No. 1357—An Act to amend Section 4252 of the Political Code of the State of California, relating to salaries, fees, and compensation of officers of counties of the twenty-third class.

Also: Assembly Bill No. 423—An Act to prohibit the sale of intoxicating liquors within a certain distance of any camp or assembly of men, numbering twenty-five or more, engaged upon the construction, repair, or operation of any public work, improvement, or utility.

LEWIS A. HILBORN, Secretary of Senate
By J. W. KAVANAGH, Assistant Secretary.

Bills ordered to enrollment.

Also·

SENATE CHAMBER, SACRAMENTO, March 17, 1909.

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 315—An Act to repeal an Act entitled "An Act to incorporate the town of Coloma," approved April 21, 1858

Also: Assembly Bill No. 203—An Act to amend Section 1491 of the Code of Civil Procedure of the State of California, relating to notice to creditors of deceased persons.

Also: Assembly Bill No. 205—An Act to amend the Code of Civil Procedure of the State of California, by adding a new section thereto, to be known as Section 554*2a*, relating to attachments.

Also· Assembly Bill No. 661—An Act to amend Section 717 of the Civil Code of the State of California, relating to the time that agricultural lands may be leased for agricultural or horticultural purposes.

Also: Assembly Bill No. 1104—An Act to add a new section to the Code of Civil Procedure of California, to be known as Section 1789*a*, relating to conveyances by guardians.

Also Assembly Bill No. 26—An Act to amend Sections 3, 4, 5, 6, 7, 11, 13, 14, and 16 of an Act entitled "An Act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California State Board of Pharmacy," approved March 20, 1905, and amended March 21, 1907.

Also Assembly Bill No 1048—An Act to amend Section 1619 of the Code of Civil Procedure, relating to fees of attorneys of executors and administrators.

Also Assembly Bill No 1075—An Act to amend Section 1321 of the Political Code, relating to the compensation of presidential electors.

Also: Assembly Bill No. 204—An Act to amend Sections 1103 and 1115 of the Political Code of the State of California, relating to the compiling and indexing of a register of voters.

Also Assembly Bill No. 177—An Act to amend Section 1115 of the Code of Civil Procedure, relative to contesting certain elections.

Also Assembly Bill No 1105—An Act to add a new section to the Code of Civil Procedure of California, to be known as Section 1810*a*, relating to conveyances by guardians.

Also· Assembly Bill No. 104—An Act to repeal three sections of the Code of Civil Procedure, numbered 953*a*, 953*b*, and 953*c*, respectively, relating to a new and alternative method for the preparation of records to be used on appeals from judgments, orders, or decrees of the Superior Court to the Supreme Court or District Courts of Appeal.

Also Assembly Bill No 630—An Act entitled "An Act to amend Section 1564 of Article IV of the Political Code by increasing the allowance of money for conducting separate teachers' institutes."

Also, Assembly Bill No 735—An Act to amend Section 1575*a* of the Political Code of the State of California, relating to clerks of school districts.

Also: Assembly Bill No. 1102—An Act to amend Section 1696 of the Political Code of the State of California, relating to the duties of teachers.

Also: Assembly Bill No. 1431—An Act to allow unincorporated towns and villages to establish, equip, and maintain public libraries; to provide for the formation, government, and operation of library districts; the acquisition of property thereby; the calling and holding of elections in such districts; the assessment, collection, custody, and disbursement of taxes therein; and to create boards of library trustees

Also Assembly Bill No 961—An Act to amend Section 8 of an Act entitled "An Act to provide for the organization and government of drainage districts for the drainage of agricultural lands other than swamp and overflowed lands, and to provide for the acquisition or construction thereby of works for the drainage of the lands embraced within such district," approved March 20, 1903.

Also Assembly Bill No. 781—An Act to authorize the local boards of managers of the several State hospitals for the insane and homes for the feeble-minded of the State of California to employ regularly ordained ministers and priests to visit and perform spiritual duties and ministrations to the inmates of said State hospitals and homes for the feeble-minded, and to provide for their compensation

Also: Assembly Bill No. 137—An Act to amend sections two, three, and four of an Act entitled "An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation thereof," approved February 20, 1905.

Also: Assembly Bill No 84—An Act to amend an Act entitled "An Act to provide for the organization and management of county fire insurance companies," approved April 1, 1897, and Acts amendatory thereof, by amending Sections 10 and 11 thereof.

Also: Assembly Bill No 1284—An Act validating the title to lands selected by the State in lieu of surveyed school sections situated within the exterior boundaries of national reservations created by proclamation of the President of the United States, and vesting the title of the State to such surveyed school sections of the United States.

Also: Assembly Bill No. 639—An Act governing and regulating plumbing, providing a State Plumbing Board, local boards of examiners and State Inspector of Plumbing, and defining their duties, and providing for the licensing of plumbers

Also: Assembly Bill No. 179—An Act to provide for the appointment of a bake-shop inspector and four deputies, to provide for their compensation, and to define their powers and duties relating to the inspection of bake shops and bakeries.

Also: Assembly Bill No. 241—An Act providing for an assistant gardener for Sutter's Fort.

Also: Assembly Bill No. 963—An Act making an appropriation for the erection of a combined power and lighting plant, with a mechanical and electrical laboratory, at the California Polytechnic School.

Also: Assembly Bill No. 964—An Act making an appropriation for the construction and equipment of barns at the California Polytechnic School.

LEWIS A. HILBORN, *Secretary of Senate*
By J. W. KAVANAGH, Assistant Secretary.

Bills ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 18, 1909

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 1032—An Act to add a new section to the Political Code of the State of California, to be numbered four hundred and twenty-six, relating to gardeners for State Capitol grounds

Also: Assembly Bill No. 596—An Act making an appropriation for the erection and construction of a building at the California Home for the Care and Training of Feeble-Minded Children, as an addition to the present kitchen, to be used for the accommodation of cold storage and ice plant; for the purchase and installation in the said building of a cold storage and ice plant; for repairs to the present kitchen at said home, and for the purchase and installation in said kitchen of necessary kitchen ranges and cooking utensils.

Also: Assembly Bill No. 1334—An Act to provide for the acquisition by municipalities of land for public park or public playground purposes by condemnation, and for the establishment of assessment districts and the assessment of property therein to pay the expenses of acquiring such land.

LEWIS A. HILBORN, Secretary of Senate
By J. W. KAVANAGH, Assistant Secretary

Bills ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 18, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate this day adopted Assembly Concurrent Resolution No. 14—Relative to polygamy.

Also:

Assembly Joint Resolution No. 1—Authorizing and requesting the Governor to appoint a commission to coöperate with the Federal authorities for the drafting of a law and the formation of a legal plan for the improvement of the Sacramento River, and the reclamation of adjacent overflowed lands for irrigation, and the conservation of water.

LEWIS A. HILBORN, Secretary of Senate
By J. W. KAVANAGH, Assistant Secretary

Resolutions ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 18, 1909

MR SPEAKER I am directed to inform your honorable body that the Senate on this day denied passage to Assembly Bill No 826—An Act to amend Section 198, Code of Civil Procedure, relating to jurors.

LEWIS A. HILBORN, Secretary of Senate
By J. W. KAVANAGH, Assistant Secretary

RESOLUTIONS.

The following resolutions were offered:

By Mr Cogswell:

WHEREAS, Divine Providence has by death removed from among us an esteemed member of the thirty-seventh session of the Assembly; therefore, be it

Resolved, That the Speaker be requested to appoint a committee of five to draft a suitable resolution to be reported to this House on Friday morning, and that the same be suitably engrossed, framed, and presented to the family of the late Assemblyman E. M. Pyle

Resolution read and adopted.

By Mr. Transue:

Resolved, That the Chief Clerk of the Assembly be, and he is hereby, authorized and directed to compile, prepare, and have printed after final adjournment, a final calendar of the legislative business of the thirty-eighth session, comprising the history of all bills introduced, their authors, the number that became laws, those that have been read on second readings, and all other information that will create a perfect guide and history to the session's business; together with this, shall be the expenditures of the Senate and Assembly, and of printing, such information being prepared not only for the book, but as a guide for the thirty-ninth session of the Legislature.

When said calendar is finally prepared the Chief Clerk of the Assembly is directed to mail or express one copy of said calendar to each member of the Assembly. For the purpose of carrying out the purpose of this resolution, and to pay the necessary expenditures therefor, the Controller is directed to draw his warrant in favor of Clio Lloyd, Chief Clerk of the Assembly, in the sum of $750 00, the same payable out of the contingent fund of the Assembly, and the Treasurer is hereby directed to pay the same.

Mr Transue moved the adoption of the resolution.

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

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Costar, Cronin, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gillis, Greer, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, Melrose, Moore, Mott, Nelson, Odom, Otis, Preston, Pulcifer, Rech, Rutherford, Schmitt, Silver, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr Speaker—57

NOES—None.

By Mr Hammon:

Resolved, That the State Controller be, and he is hereby, authorized and directed to draw his warrant on the contingent fund of the Assembly in favor of John T. Stafford for the sum of one hundred and ninety-two dollars ($192.00), and the State Treasurer is directed to pay the same, said amount being for bills attached:

Western Union Telegraph Company	$2 85
F. Y. Forbes	1 90
Kane & Trainor	40 00
Whisky Hill Water Company	60 00
John Breuner Company	3 00
Mrs C. Mackall	8 00
F. R. Pulford	8 45
H. S. Crocker Company	21 00
W. F. Purnell	46 80
	$192 00

Resolution read, and referred to Committee on Contingent Expenses and Accounts.

CORRECTION OF JOURNAL.

Mr. Transue moved to correct the Journal of Wednesday, March 17, 1909, by striking out all reference to Senate Bill No. 1171.

Motion carried.

SECOND READING OF SENATE BILL.

Senate Bill No. 1171—An Act to amend section one of an Act entitled "An Act authorizing and directing the completion of the main buildings at the California Home for the Care and Training of Feeble-Minded Children, near Eldridge, California, and making an appropriation therefor," approved March 11, 1907.

Mr Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair

Senate Bill No. 1171 considered.

Mr Transue moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE

The following report of the Committee of the Whole was received and read.

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1909

GENTLEMEN The Committee of the Whole have had under consideration Senate Bill No 1171, and do now report the same back, and recommend that it do pass

STANTON, Chairman

Bill read second time, and ordered on file for third reading

REPORTS OF STANDING COMMITTEES

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1909

MR SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Assembly Bill No. 133—An Act providing for the management of the California Redwood Park, and creating a board of five commissioners with power to manage said California Redwood Park.

YOUNG, Chairman

The above reported bill ordered on file for third reading

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1909

MR SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled:

Assembly Bill No. 651—An Act to make uniform the law of warehouse receipts.

Assembly Bill No. 656—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to amend an Act entitled "An Act to amend section six of an Act entitled "An Act concerning the water front of the city and county of San Francisco,' approved March 15, 1878, and to confer further powers upon the Board of State Harbor Commissioners," approved March 17, 1880,' approved March 19, 1889, conferring further powers upon the said board," approved March 26, 1895,' approved March 23, 1901," approved March 18, 1905

Assembly Bill No. 784—An Act amending section two thousand three hundred forty-nine of the Political Code, relating to certain streams and waters declared public ways.

Assembly Bill No 1043—An Act to add to the Penal Code of the State of California a new section, to be numbered 587*a*, prohibiting unauthorized persons from manipulating, tampering, or interfering with railroad appliances, and prescribing punishment for violation of such prohibition.

Assembly Bill No. 1210—An Act to amend Section 2 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, relating to street improvements

ASSEMBLY JOINT RESOLUTION No. 7.

WHEREAS, The defense of the Pacific seaboard by a fleet adequate in point of numbers and power to meet and repel, if need be, the attempted invasion of the territory of the United States by any enemy, and commensurate with the dignity, affluence and commercial importance of that portion of the country which faces the Pacific Ocean, is at least, as necessary to the welfare of the nation as is the defense of the Atlantic seaboard; and

WHEREAS, A fleet of sufficient strength riding the waters of the Pacific would conduce to the establishment of confidence and the preservation of peace among the nations of the earth, and

WHEREAS, It is the duty and indisputable right of the Federal Government to provide adequately for the protection of the sovereign people, and the sovereign states; and

WHEREAS, Although we believe in the protestations of good will of all nations toward this union of states, nevertheless, it is unwise and unfair to the people, interests and states on the Pacific coast to refuse them ample protection against any contingency which may hereafter arise to menace their lives, their liberty or their property; therefore, be it

Resolved by the Assembly and Senate of the State of California jointly That our Senators in Congress be instructed, and our Representatives in Congress be requested, to use all honorable means necessary to effect the immediate assignment to the waters of the Pacific of ships of war in such numbers and of such power as to place this nation on an equal footing on its western coast with those nations which now maintain fleets of ships of war in the Pacific waters

Assembly Bill No 44—An Act to amend an Act entitled "An Act to create a firemen's relief, health, life insurance, and pension fund in the several counties, cities and counties, cities and towns of the State," approved March 20, 1905.

Assembly Bill No 54—An Act providing for an appropriation of thirty thousand dollars for the purpose of purchasing additional land for the Whittier State School

Assembly Bill No 139—An Act to aid the enforcement of an Act entitled "An Act to enforce the educational rights of children and providing penalties for violation of the Act," approved March 24, 1903, approved March 24, 1903

Assembly Bill No. 196—An Act to provide county library systems

Assembly Bill No. 430—An Act to amend section eight hundred and sixty-two of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and all amendments thereto.

Assembly Bill No 625—An Act to amend Section 1199 of the Political Code of the State of California, relating to printing of ballots

Assembly Bill No. 690—An Act to amend section five hundred fifteen of the Political Code, and to provide for the appointment of a statistician, a bookkeeper, and a clerk and stenographer, for the Superintendent of Public Instruction, and to fix their compensation

Assembly Bill No 730—An Act authorizing the board of supervisors of the county of Shasta to audit and pay the claim of George W. Bush for services as judge of the Superior Court of Shasta County

Assembly Bill No 742—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 47 thereof

Assembly Bill, No 827—An Act authorizing any incorporated town city, or municipal corporation to permit the construction and maintenance of any State or county highway or boulevard over highways or streets in its incorporated limits or any portion thereof, by the supervisors or highway commissioners of the county

Assembly Bill No 1066—An Act to amend sections six, seven, fifteen, seventeen, and nineteen of an Act entitled "An Act to create for the State of California a Department of Engineering, to provide for the appointment of the officers and employees thereof, defining its powers and prescribing the duties of said department, its officers and employees, to provide the compensation of such officers and employees, to make an appropriation for the salaries and other expenses for the remainder of the fifty-eighth fiscal year and making certain acts a felony, and repealing an Act entitled 'An Act creating a Commissioner of Public Works, defining his duties and

powers and fixing his compensation,' approved February ninth, nineteen hundred, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled 'An Act to create a Department of Highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employees thereof, and to provide for the compensation of said officers and employees, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year,' approved April first, eighteen hundred and ninety-seven, also repealing an Act entitled 'An Act providing for the appointment of an auditing board to the Commissioner of Public Works, authorizing and directing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredges, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn lands and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this Act,' approved March seventeenth, eighteen hundred and ninety-seven, and all Acts or parts of Acts amendatory thereof, also repealing an Act entitled 'An Act to provide for the appointment, duties, and compensation of a Débris Commissioner, and to make an appropriation to be expended under his directions in the discharge of his duties as such commissioner,' approved March twenty-fourth, eighteen hundred and ninety-three, and all Acts or parts of Acts amendatory thereof; also, repealing an Act entitled 'An Act to create the office of Lake Tahoe Wagon Road Commissioner, providing for the term of office and compensation of such commissioner, defining his duties, and making an appropriation for the salary and expenditures provided for and authorized by this Act,' approved April first, eighteen hundred and ninety-seven, and all Acts or parts of Acts amendatory thereof,' approved March eleventh, nineteen hundred and seven, relating to the officers and employees of the Department of Engineering, their powers, duties, and salaries, and appropriating money to provide a revolving fund for said department.

Assembly Bill No 992—An Act to amend sections one, two, three, and four of an Act entitled "An Act to encourage and provide for a general vaccination in the State of California," approved February 20, 1889.

Assembly Bill No 1112—An Act to amend an Act entitled "An Act to add a new title to Part III of the Penal Code, to be known as Title I thereof, relating to the government and management of State prisons," approved March 18, 1907, by amending Sections 1572, 1574, 1577, 1578, and 1582 of the Penal Code, relating to the government and management of State prisons

Assembly Bill No 1138—An Act to amend Section 1552 of the Political Code of the State of California, relating to the traveling expenses of county, and city and county superintendents

Assembly Bill No 1254—An Act to authorize the deposit of certain newspaper files kept in recorders' offices, in free public libraries

Assembly Bill No 1261—An Act to amend Section 12 of an Act entitled "An Act to establish police courts in cities of the first and one-half class, to fix their jurisdiction, and to provide for officers of said courts and fix the compensation of certain officers thereof," approved March 5, 1901, relating to the imprisonment of persons convicted in police courts in cities of the first and one-half class

Assembly Bill No. 42—An Act to amend Section 758 of the Political Code, relating to the employment and compensation of the officers of the District Courts of Appeal

Assembly Bill No 169—An Act to amend the Political Code of the State of California by adding two new sections thereto, to be known and designated as section one thousand nine hundred and eighty-seven, and section two thousand one hundred and seven, both relating to the National Guard

Assembly Bill No 274—An Act to amend an Act entitled "An Act to protect domestic live stock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this Act, and to provide an appropriation therefor" which became a law March 18, 1899, and as amended March 20, 1905, and as further amended March 23, 1907, by amending section one thereof as amended March 23, 1907, section two thereof as amended March 23, 1907, section four thereof, section five thereof, section six thereof, section seven thereof, and section eight thereof, and by adding a new section thereto, to be known and numbered as section seven and one half, providing for additional officers and employees and fixing salaries.

Assembly Bill No 650—An Act to amend Section 637*a* of the Penal Code of California and to add thereto three new sections, to be numbered 637*c*, 637*d*, and 637*e*, all relating to protection of wild birds other than game birds and their nests and eggs

Assembly Bill No 699—An Act to amend Section 384 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, and to add a new section thereto, to be numbered 387, relating to the powers of the Governor, his salary and the salaries of certain appointees.

Assembly Bill No 833—An Act to add a new section to the Penal Code of California, to be numbered four hundred and two *e*, making it a misdemeanor for any practitioner of veterinary medicine who fails to report to the State Veterinarian certain diseases among animals.

Assembly Bill No 763—An Act to allow unincorporated towns and villages to establish, equip and maintain systems of street lights on public highways, to pro-

vide for the formation, government, and operation of highway lighting districts; the calling and holding of elections in such districts; the assessment, collection, custody, and disbursement of taxes therein; and the creation of ex officio boards of supervisors

Assembly Bill No 931—An Act to amend section four hundred and forty-four of the Political Code of the State of California, relating to transfers of money from one fund to another.

And were presented to the Governor March eighteenth, at one o'clock P. M

YOUNG, Chairman.

ON JUDICIARY

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1909

MR. SPEAKER A majority of your Committee on Judiciary, to whom was referred Assembly Bill No. 190—An Act to provide compensation for injuries to employees—have had the same under consideration, and report the same back, without recommendation

JOHNSON of Sacramento
MELROSE
DREW.
CRONIN
IRWIN
BEATTY.
BUTLER
JOHNSTON
COGHLAN
WHEELAN
OTIS

We dissent LEEDS
PRESTON.
HAMMON
GIBBONS
HANLON

Also:

SENATE CHAMBER, SACRAMENTO, March 17, 1909.

MR SPEAKER. Your Committee on Judiciary to whom was referred Senate Bill No 1212—An Act to amend Section 4187 of the Political Code of the State of California, relating to the duties of constables—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

JOHNSON OF SACRAMENTO, Chairman.

The above reported bills ordered on file for second reading

MOTION.

Mr Mott moved that the Assembly take a recess until eight o'clock P M., at which hour the Assembly should reassemble and continue in session until ten o'clock and thirty minutes P. M.

Motion carried.

RECESS.

At five o'clock and ten minutes P. M., the Assembly was declared at recess until 8 o'clock P. M. of this day.

REASSEMBLED.

At eight o'clock P M the Assembly reconvened.

Speaker P A Stanton in the chair.

SPECIAL FILE—THIRD READING.

Assembly Constitutional Amendment No. 26—Proposed amendment of Article IV of the Constitution relative to the time of holding sessions of the Legislature.

During the consideration of the Assembly constitutional amendment, the following amendments were submitted by the committee:

AMENDMENT No. 1.

After the word "members", in line 9, page 1, of the printed bill, strike out the period, and insert in lieu thereof a comma and add the words "and after the election held in the year 1880 shall be biennial, unless the Governor shall, in the interim, convene the Legislature by proclamation"

Amendment adopted.

AMENDMENT No 2

In line 16, page 1, of the printed bill, strike out the word "sixty" and insert in lieu thereof the word "thirty"

Amendment adopted.

AMENDMENT No 3

After the word "adjournment", in line 18, page 1, of the printed bill, strike out the period, and insert in lieu thereof a semicolon and add the words "except bills to pay salaries of members, and of attachés and employés, and for contingent expenses; or, except by a three-fourths vote of all the members elected"

Amendment adopted.

AMENDMENT No. 4.

In line 21, of page 1, of the printed bill, strike out the word "each", and insert in lieu thereof the word "the".

Amendment adopted.

AMENDMENT No. 5.

Strike out the amendment after the word "session", in line 21, Section 23, page 1, of the printed bill, as follows "prior to adjournment, and one thousand dollars each for the remainder of each regular session."

Amendment adopted.

AMENDMENT No 6.

Strike out all after the word "for", in line 33, page 2, of the printed bill, and insert the following: "the Senate and six hundred dollars for the Assembly, nor the sum of two hundred dollars per day for the Senate and two hundred and fifty dollars per day for the Assembly, at any special or extraordinary session. Nor shall the pay of any officer, employé, or attaché be increased after he is elected or appointed. Every member of each house shall have the naming of one such attaché or employé, all additional help being appointed as each house may determine, except that the Chief Clerk of the Assembly and the Secretary of the Senate shall have power to appoint six expert clerks"

Amendment adopted.

Assembly constitutional amendment ordered to reprint, and on file for adoption.

Assembly Bill No. 1246—An Act to amend Subdivision 30 of Section 4041 of the Political Code of the State of California.

During third reading of bill, Mr. Hans moved that the Speaker appoint a select committee of one to amend the bill, as follows:

Amend the title by striking out the words "subdivision 30 of".

Also Amend by striking out all after the enacting clause, and inserting in place thereof the following.

SECTION 1. Section four thousand forty-one of the Political Code of California is hereby amended to read as follows.

4041. The boards of supervisors, in their respective counties, shall have jurisdiction and power, under such limitations and restrictions as are prescribed by law

1. To supervise the official conduct of all county officers, and officers of all districts and other subdivisions of the county charged with the assessing, collecting, safekeeping, management, or disbursement of the public revenues; to see that they faithfully perform their duties, direct prosecutions for delinquencies, and, when necessary, require them to renew their official bonds, make reports and present their books and accounts for inspection.

2. To divide the counties into townships, election, school, road, supervisor, sanitary, and other districts required by law, change the same, create others, as convenience requires.

3. To establish, abolish, and change election precincts, and to appoint inspectors, clerks, and judges of election, canvass all election returns, declare the result, and order the county clerk to issue certificates therefor; but no election precinct shall be established or abolished, or the boundaries of any precinct changed, within ninety days prior to any election.

4. To lay out, maintain, control, construct, repair, and manage public roads, turnpikes, ferries, wharves, chutes, and other shipping facilities and bridges within the county, unless otherwise provided by law, and to grant franchises and licenses to collect tolls thereon; *provided*, where the cost of construction of any bridge, wharf, chute, or other shipping facilities that may be built under the provisions of this subdivision exceeds the sum of five hundred dollars they must cause to be prepared and must adopt plans and specifications, strain sheets, and working details, and must advertise for bids for the construction of such bridge, wharves, chutes, or other shipping facilities, unless otherwise provided by law, in accordance with the plans and specifications so adopted. All bidders shall be afforded opportunity to examine such plans and specifications, and said board shall award the contract to the lowest responsible bidder, and the plans and specifications so adopted shall be attached to and become a part of the contract; and the person or corporation to whom the contract is awarded shall be required to execute a bond, to be approved by said board, for the faithful performance of such contract; *provided*, that after the submission of the bids as herein provided, the board of supervisors being advised by the county surveyor that the work can be done for a sum less than the lowest responsible bid, it shall then be their privilege to reject all bids and to order the work done or structure built by day's work, under the supervision and control of said surveyor; *provided further*, that the surveyor in such cases shall be held personally responsible under his official bond, to construct said bridge or structure according to his plans and specifications, at a cost not to exceed the amount of the lowest responsible bid received; *provided*, that the road commissioners or road overseers in their respective districts shall employ all labor required and direct the conduct of work of any kind upon any and all public roads; *provided further*, that in cases of great emergency, by the unanimous consent of the whole board, they may proceed at once to replace or repair any and all bridges and structures without notice

5. To construct or lease, officer and maintain, hospitals and almshouses, or otherwise, in their discretion, provide for the care and maintenance of the indigent sick or dependent poor of the county, and for such purposes to levy the necessary property or poll taxes, or both The board of supervisors shall appoint some suitable person to take care of and maintain such hospitals and almshouses, and shall also appoint some suitable graduate or graduates in medicine to attend to such indigent sick or dependent poor and to the patients in such hospitals and almshouses. The board shall not let the care, maintenance, or attendance of such indigent sick or dependent poor by contract to the lowest bidder

6 To provide a farm, in connection with the county hospital, or almshouse, and make regulations for working the same.

7 To purchase, receive by donation, lease, or otherwise acquire real or personal property or water rights necessary for use of the county to purchase receive by donation, or otherwise acquire real property for public pleasure grounds, or public parks, and to improve, preserve, take care of, manage, and control the same, to purchase, receive by donation, lease, or otherwise acquire real property upon which to sink wells to obtain water for sprinkling roads and other county purposes, and to erect thereon tanks and reservoirs for the storage of water for such purposes, and to erect pumping apparatus for obtaining the same, to preserve, take care of, and manage and control the same, but no purchase of real property shall be made unless a notice of the intention of the board to make such purchase, describing the property to be purchased, the price to be paid therefor, from whom it is proposed to be purchased, and fixing the time when the board will meet to consummate such purchase, has been published for at least three weeks in some newspaper of general circulation, published in the county, or if none be published in the county, then has been posted at least three weeks prior to the time when the board meets to consummate such purchase, in at least three public places in each supervisor district.

8 To cause to be erected, or rebuilt, or furnished, a courthouse, jail, hospital, historical museum, art gallery, and such other public buildings as may be necessary, or to provide suitable buildings for such purposes None of the aforesaid buildings shall be erected or constructed until the plans and specifications have been made therefor and adopted by the board. All such buildings must be erected by contract, let to the lowest responsible bidder, after notice by publication in a newspaper of general circulation published in such county, for at least thirty days. In case there is no newspaper published in such county, then such notice shall be given by posting in three public places

9 To sell at public auction, at the courthouse door, or at such other place within the county as the board may, by a four-fifths vote, order after thirty days' notice, given either by publication in a newspaper published in the county, or by posting in five public places in the county, and convey to the highest bidder for

cash, any property belonging to the county not required for public use paying the proceeds into the county treasury for the use of the county. *provided*, if in the unanimous judgment of the board, the property does not exceed in value the sum of seventy-five dollars, or if it be the product of the county farm, the same may be sold at private sale without advertising, by any member of the board empowered for that purpose by a majority of the board.

10. To examine and audit, at least every twelve months, the accounts of all officers having the care, management, collection, or disbursement of moneys belonging to the county, or moneys received or disbursed by them under authority of law.

11. To examine, settle, and allow all accounts legally chargeable against the county, except salaries of officers, and such demands as are authorized by law to be allowed by some other person or tribunal and order warrants to be drawn on the county treasurer therefor.

12 To levy taxes upon the taxable property of their respective counties for all county purposes, and also upon the taxable property of any district, for the construction and repair of roads and highways and other district purposes; *provided*, that no tax shall be levied upon any district until the proposition to levy the same has been submitted to the qualified electors of such district and received a majority of all the legal votes cast upon such proposition

13 To acquire and take by purchase, condemnation, or otherwise, land for the uses and purposes of public boulevards, to lay out, establish and improve public boulevards and to incur a bonded indebtedness for any of such purposes; *provided*, that no such indebtedness shall be incurred for any of such purposes until after the question of the issue of bonds therefor shall have been submitted to the qualified electors of the county, at a special election called for that purpose and two thirds of the electors of the county voting at such election shall have voted in favor of issuing such bonds said election to be called and held, and said bonds, if authorized, to be issued, sold and made payable in the manner and form prescribed by section four thousand and eighty-eight of this Code Said boards shall also have power to maintain public boulevards, established and laid out under the provisions of this title, and to make and enforce rules and regulations for the protection, management, control, and use of such boulevards

14 To maintain, regulate, and govern public pounds, fix the limits within which animals shall not run at large, and appoint poundkeepers who shall be paid out of the fines imposed and collected from the owners of impounded animals, and from no other source.

15. To equalize assessments

16. To direct and control the prosecution and defense of all suits to which the county is a party, and, by a two-thirds vote of all the members, may employ counsel to assist the district attorney in conducting the same.

17. To insure the county buildings and other property in the name of and for the benefit of the county.

18 To establish a salary fund, and such other county funds as they may deem necessary for the proper transaction of the business of the county, and to transfer moneys from one fund to another, as the public interest may require.

19 To fill, by appointment, all vacancies that may occur in any office filled by the appointment of the board of supervisors and elective county or townships officers, except in those of judge of the Superior Court and supervisor, the appointee to hold office for the unexpired term or until the next general election.

19*a*. To employ the copyists necessary to reproduce any of the county records that may be in danger of destruction by age, obliteration, or constant use in any of the county offices

19*b*. To employ a purchasing agent, whose duties shall be to purchase for the county and the offices thereof, all stationery, clothing, bedding, groceries, provisions, drugs, medicines, and all other supplies, the same to be purchased only upon a proper requisition therefor. Also to employ for said purchasing agent such assistants as may be necessary for him to properly fulfill his duties.

20. To make and enforce such rules and regulations for the government of their body, the preservation of order, and the transaction of business, as may be necessary.

21. To adopt a seal for the board, a description and impression of which must be filed in the office of the county clerk and of the Secretary of State.

22 To license, in the exercise of their police powers, and for the purpose of regulation, as herein provided, and not otherwise, all and every kind of business not prohibited by law, and transacted and carried on within the limits of their respective jurisdictions, and all shows, exhibitions, and lawful games carried on therein, to fix the rates of license tax upon the same, and to provide for the collection of the same by suit or otherwise; *provided*, that every honorably discharged soldier, sailor, or marine of the United States, who is unable to obtain a livelihood by manual labor, shall have the right to hawk, peddle, and vend any goods, wares, or merchandise, except spirituous, malt, vinous, or other intoxicating liquor, without payment of any license, tax, or fee whatsoever, whether municipal, county, or State; and the board of supervisors or legislative body shall issue to such soldier, sailor, or marine without cost, a license therefor; *provided, however*, no license can be collected, or any penalty for the non-payment thereof enforced against any commercial traveler whose business is limited to the goods, wares and merchandise sold or dealt in in this State at wholesale.

23. To provide for the destruction of gophers, squirrels, other wild animals, noxious weeds, and insects injurious to fruit or fruit trees, or vines, or vegetable, or plant life.

24 To provide for the prevention of injuries to sheep by dogs, and to tax dogs and direct the application of the tax

25. To provide, by ordinances not in conflict with the general laws of the State, for the protection of fish and game, and may shorten the season for the taking or killing of fish and game, within the dates fixed by the general State laws, but shall not lengthen the same

26 To provide for the working of prisoners confined in the county jail, under judgment of conviction of misdemeanor, under the direction of some responsible person, to be appointed by the sheriff, whose compensation shall not exceed one hundred dollars per month, upon the public grounds, roads, streets, alleys, highways, or public buildings, or in such other places as may be deemed advisable, for the benefit of the county

27. To provide for the burying of the indigent dead.

28. To make and enforce, within the limits of their county, all such local police, sanitary, and other regulations as are not in conflict with general laws.

29. To adopt such rules and regulations, within their respective counties, with regard to keeping and storing of every description of gunpowder, Hercules powder, giant powder, or other explosive or combustible material, as the safety and protection of the lives and property of individuals may require

30. To appropriate from the general fund of the county, unless otherwise in this title provided, not to exceed, in counties of the first and second class, the sum of three thousand dollars, in counties of the third class, the sum of five thousand dollars, and in all other counties the sum of two thousand dollars, to aid or carry on the work of inducing immigration thereto, or for the purpose of exhibiting or advertising the agricultural, mineral, manufacturing, or other resources of the county.

31. To enforce, by ordinance, within the limits of their counties all such regulations concerning the size of wagons and vehicles of all kinds to be used on the roads or highways, and the width of tires on same, as are not in conflict with general laws

32 To grant licenses and franchises for constructing, keeping and taking tolls on roads, bridges, ferries, wharves, chutes, booms, and piers, and to grant franchises along and over the public roads and highways for all lawful purposes, upon such terms and conditions and restrictions as in their judgment may be necessary and proper, and in such manner as to present the least possible obstruction and inconvenience to the traveling public.

33 To grant, on such terms, conditions, and restrictions as in their judgment may be necessary and proper, licenses and franchises for taking tolls on public roads or highways, whenever in their judgment the expense necessary to operate or maintain such public roads or highways as free public highways is too great to justify the county in so operating or maintaining them. It shall always be a condition attached to the granting of such licenses and franchises, that such roads or highways shall be kept in reasonable repair by the person or persons to whom such licenses or franchises may be granted.

34 To enact ordinances and regulations for the construction, alteration, repair, and control of all public roads and highways in the county, unless otherwise provided by law.

35. To levy a special road fund tax, not to exceed two (2) mills on the one dollar of assessed valuation, on all property in such counties, outside of any incorporated city or town Such tax shall be in addition to all taxes otherwise provided for, and the fund so created shall be expended for the construction and maintenance of the main public roads or county highways in the several districts, in proportion to the amount collected from such districts, *provided*, that in addition to the tax mentioned in this subdivision the board of supervisors shall have the power and it shall be their duty, upon the petition of a majority of the property owners of any road district, to levy a special road fund tax not to exceed two mills of the one dollar of assessed valuation of all the property in such road districts, to be expended in the maintenance of the public roads in such district.

To levy a special sanitary tax, not to exceed one half (½) mill on the one dollar of assessed valuation, on all the property in such counties, outside of any incorporated city or town Such tax shall be in addition to all taxes otherwise provided for, and the fund so created shall be used to prevent the introduction of dangerous, infectious or communicable diseases and to eradicate them if introduced, and for the purpose of general sanitation.

36 To encourage, under such regulations as they may adopt, the planting and preservation of shade and ornamental trees on the public roads and highways, and on and about the public grounds and buildings of the county, and to pay to persons planting and cultivating the same, for every living tree thus planted, at the age of four years, a sum not exceeding one dollar.

37. To provide by ordinance for the organization and government of districts, to protect and preserve the banks of rivers and streams and lands lying contiguous thereto from injury by overflow or the washing thereof, and to provide for the improvement of said rivers and streams, and prevent the obstruction thereof, and to provide for the assessment, levy, and collection within such districts of a tax thereof.

To appropriate a sum not exceeding two cents per one hundred dollars of the assessed valuation of their county in any one year, in addition to any sum which may be chargeable to the county for the repayment of money expended by the State for protection against fire in such county, for the purpose of protecting forest, brush and grass lands therein, against fire or other injury, and of aiding the State and Federal authorities in forestry work.

38. To do and perform all other acts and things required by law not in this title enumerated, or which may be necessary to the full discharge of the duties of the legislative authority of the county government

Motion carried.

The Speaker appointed Mr Hans as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1909.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 1246, with instructions, do now report that the instructions of the Assembly have been carried out.

HANS, Select Committee.

Report of select committee, and amendment, adopted

Bill ordered to reprint, reëngrossment, and on file for passage

Assembly Bill No. 1427—An Act to legalize, confirm and validate tax deeds made to the State of California for delinquent taxes, and deeds made to purchasers of property sold under and in pursuance of the provisions of sections three thousand eight hundred and ninety-seven and three thousand eight hundred and ninety-eight of the Political Code.

WITHDRAWAL OF BILLS.

Mr. Johnson of Sacramento asked for, and was granted, unanimous consent to withdraw Assembly Bill No. 1427.

Assembly Bill No. 1427 withdrawn, and ordered stricken from the file.

Assembly Bill No. 950—An Act to amend Section 286 of the Penal Code of the State of California, relating to crime against nature.

Mr. Collier asked for, and was granted, unanimous consent to withdraw Assembly Bill No. 950

Assembly Bill No. 950 withdrawn, and ordered stricken from the file.

Assembly Bill No. 643—An Act to amend Chapter 433 of the Statutes of California in regard to game preserves.

Mr Polsley asked for, and was granted, unanimous consent to withdraw Assembly Bill No. 643

Assembly Bill No. 643 withdrawn, and ordered stricken from the file.

SPECIAL FILE—THIRD READING—(RESUMED).

Assembly Bill No 725—An Act to amend Section 642 of the Political Code of the State of California, relative to the duties of the Fish Commissioners.

Bill read third time

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 725 refused passage by the following vote:

AYES—Messrs Cronin, Flavelle, Gibbons, Hewitt, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Mendenhall, Mott, Perine, Polsley, Preston, Stuckenbruck, Telfer, and Wyllie—16.

NOES—Messrs Barndollar, Baxter, Beatty, Black, Bohnett Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Costar, Dean, Drew, Fleisher, Flint, Gerdes,

Gillis, Griffiths, Hammon, Hanlon, Hawk, Hayes, Hinkle, Holmquist, Johnston of Contra Costa, Leeds, Macauley, McClellan, Moore, Otis, Pulcifer, Rech, Rutherford, Schmitt, Silver, Transue, Wagner, Whitney, Wilson, Young, and Mr. Speaker—43.

Assembly Bill No. 824—An Act to amend an Act entitled "An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for the appointment of the members of said commission, to be known as the Commissioners for the Revision and Reform of Laws, and to prescribe their powers and duties; and to authorize the appointment of a secretary and stenographer therefor; and to provide for the compensation and expense of said commission, secretary and stenographer, and to appropriate money therefor," approved March 28, 1895, approved March 25, 1903, by amending Section 7 thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No 824 refused passage by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cronin, Dean, Feeley, Fleisher, Greer, Griffiths, Hayes, Hewitt, Hinkle, Holmquist, Juilliard, McClellan, Moore, Mott, Odom, Otis, Perine, Polsley, Pulcifer, Rutherford, Schmitt, and Wagner—31.

NOES—Messrs. Cattell, Cogswell, Collum, Drew, Flavelle, Gerdes, Gibbons, Gillis, Hanlon, Kehoe, Leeds, Maher, Melrose, Mendenhall, Silver, Stuckenbruck, Telfer, Whitney, Wilson, Wyllie, Young, and Mr Speaker—22.

Assembly Bill No 796—An Act to prohibit misrepresentations of life insurance companies, their officers, directors, agents, and representatives, fixing the penalty therefor, and prescribing the duties of the Insurance Commissioner in relation thereto

WITHDRAWAL OF BILL.

Mr. Leeds asked for, and was granted unanimous consent to withdraw Assembly Bill No. 796.

Assembly Bill No. 796 withdrawn, and ordered stricken from the file.

Assembly Bill No. 1008—An Act to accept from the Old Soldiers' Memorial Association of Northern California and E. F. Winslow Post No. 79, Grand Army of the Republic, Department of California and Nevada, the conveyance of and to vest title in the State of California of certain lands, buildings and furnishings thereon, at La Tour Soda Springs, Whitmore Postoffice, in Shasta County; and appropriating the sum of ten thousand dollars for the purpose of constructing cottages on said lands and for the improvement thereof, and to maintain and care for the same as and for a free rooming, camping ground, resting place, and health resort for aged, indigent ex-soldiers, sailors and marines of the United States Army and Navy, and wives of such soldiers, sailors, and marines; to be known as Winslow Veterans' Home; and to provide for the government thereof by the State of California

Bill read third time.

The question being on the passage of the bill

The roll was called, and Assembly Bill No 1008 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty Beban Black, Bohnett Callan, Cattell, Cogswell, Collum, Costar, Cullen, Dean, Drew, Feeley, Flavelle Fleisher Flint Gerdes, Gibbons, Gillis, Hammon Hanlon, Hans, Hayes, Hewitt,

Hinkle, Holmquist, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Macauley, Maher, Melrose, Mott, Nelson, Otis, Perine, Polsley, Preston, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Young, and Mr. Speaker—51

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate

NOTICE OF MOTION TO RECONSIDER

Mr. Leeds gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 824 was this day refused passage.

Assembly Bill No. 1156—An Act to amend an Act entitled "An Act to provide for the formation of boulevard districts, and the construction, maintenance, and use of boulevards, and defining the term boulevard," approved March 22, 1905, by amending Sections 2, 6, 7, 8, and 9, in relation to the issuing of bonds, and by amending Section 11 thereof, in relation to gifts and donations, and by amending Section 12 thereof, in relation to reconstruction of county roads and public highways within boulevard districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1156 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gibbons, Gillis, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Placer, Kehoe, Leeds, Melrose, Mendenhall, Mott, Odom, Otis, Perine, Preston, Pulcifer, Rech, Rutherford, Whitney, Wilson, Wyllie, Young, and Mr Speaker—51.

NOES—None

Title read and approved

Bill ordered transmitted to the Senate

Assembly Bill No. 1107—An Act to prohibit discrimination or rebates on premiums for policies of insurance companies.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1107 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Black, Butler, Callan, Coghlan, Cogswell, Collum, Costar, Cullen, Dean, Drew, Feeley, Fleisher, Flint, Gerdes, Griffiths, Hans, Hawk, Hayes, Hewitt, Holmquist, Johnston of Contra Costa, Juilliard, Leeds, Macauley, Maher, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, Preston, Pulcifer, Rutherford, Schmitt, Stuckenbruck, Wilson, Wyllie, Young, and Mr. Speaker—43

NOES—Messrs. Beban, Bohnett, Cattell, Collier, Cronin, Flavelle, Gillis, Greer, Hammon, Hanlon, Johnson of Sacramento, Johnson of Placer, Kehoe, Odom, Perine, Polsley, Silver, Telfer, Wagner, Wheelan, and Whitney—21.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1182—An Act to amend Section 623 of the Political Code, as to bonds of insurance companies.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No 1182 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beban, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Collier, Collum, Costar, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes,

Gillis, Greer, Hammon, Hanlon, Hans, Hayes, Hewitt, Hinkle, Holmquist, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, Maher, Melrose, Mendenhall, Odom, Otis, Polsley, Preston, Pulcifer, Rutherford, Transue, Wagner, Wheelan, Wilson, Wyllie, Young, and Mr. Speaker—48

NOES—Messrs Johnson of Sacramento and Perine—2

Title read and approved

Bill ordered transmitted to the Senate.

Assembly Bill No. 1189—An Act to add a new section to the Political Code of the State of California, to be known and numbered as Section 633*b*, relating to resident agents for insurance companies.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No 1189 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Black, Butler, Cattell, Costar, Cronin, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Holmquist, Johnston of Contra Costa, Kehoe, Leeds, Macauley, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Polsley, Preston, Pulcifer, Rech, Rutherford, Schmitt, Silver, Stuckenbruck, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1332—An Act to amend Section 622*a* of the Political Code, relating to taxes on insurance premiums.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 1332 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beban, Black, Butler, Cattell, Coghlan, Cogswell, Collum, Costar, Cronin, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Gillis, Greer, Griffiths, Hanlon, Hans, Hawk, Hewitt, Hinkle, Holmquist, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, Maher, McClellan, Moore, Nelson, Otis, Perine, Preston, Pulcifer, Rech, Rutherford, Schmitt, Silver, Transue, Wagner, Wheelan, Wilson, Wyllie, Young, and Mr. Speaker—50

NOES—Messrs. Johnson of Sacramento and Stuckenbruck—2

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 627—An Act to amend Section 3366 of an Act entitled "An Act to establish a Political Code," approved March 12, 1892, giving power to legislative bodies to fix a license tax, and upon whom it may be imposed.

Bill withdrawn by unanimous consent.

Assembly Bill No. 148—An Act relating to and providing for the remuneration of attorneys and counselors at law for professional services rendered in superior courts in the defense of prosecutions conducted against indigent defendants.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 148 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Black, Callan, Cattell, Coghlan, Collier, Collum, Costar, Cronin, Cullen, Drew, Flavelle, Fleisher, Flint, Gerdes, Gillis, Greer, Hanlon, Hans, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Leeds, Macauley, Melrose,

Mendenhall, Nelson, Odom, Pugh, Pulcifer, Rech, Rutherford, Schmitt, Silver, Stuckenbruck, Telfer, Wagner, Wheelan, Wilson, Wyllie, and Mr. Speaker—47.
NOES—Messrs Juilliard, Kehoe, Mott, Otis, Perine, Preston, Whitney, and Young—8

Title read and approved.

Bill ordered transmitted to the Senate

Assembly Bill No. 641—An Act to amend Section 1181 of the Penal Code with reference to the granting of a new trial.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 641 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Costar, Cronin, Dean, Flavelle, Fleisher, Flint, Gerdes, Gillis, Greer, Griffiths, Hanlon, Hans, Hawk, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, Maher, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Polsley Preston, Rech, Rutherford, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wyllie, and Mr. Speaker—59
NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1215—An Act to amend Section 200 of the Code of Civil Procedure of the State of California, relating to persons exempt from jury service.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1215 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Bohnett, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Costar, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley, Maher, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Preston, Rutherford, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—60
NOES—None

Title read and approved

Bill ordered transmitted to the Senate.

Assembly Bill No. 1413—An Act to create the office of attorney for the State Bureau of Labor Statistics.

Bill read third time

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1413 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Costar, Cronin, Dean, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gillis, Greer, Hammon, Hanlon, Hans, Hawk, Hayes, Hinkle, Holmquist, Johnson of Sacramento, Johnston of Contra Costa, Kehoe, Leeds, Macauley, Maher, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Polsley, Preston, Rech, Rutherford, Schmitt, Telfer, Transue, Wagner, Wilson, Young, and Mr. Speaker—55.
NOES—Mr Wyllie—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1206—An Act to amend Sections 1068 and 1069 of the Code of Civil Procedure, relating to the writ of review.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1206 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Butler, Callan, Cattell, Coghlan, Collier, Collum, Costar, Cronin, Dean, Drew, Feeley, Fleisher, Flint, Gerdes, Gillis, Greer, Griffiths, Hanlon, Hawk, Hayes, Hewitt, Holmquist, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Melrose, Mendenhall, Nelson, Perine, Polsley, Preston, Rech, Rutherford, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, and Mr Speaker—53

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1188—An Act to amend Section 594 of the Political Code, classifying insurance business and specifying required capital stock and available cash assets.

Bill withdrawn by unanimous consent.

Assembly Bill No. 133—An Act to amend Sections 1 and 2 of an Act entitled "An Act to provide for the regulation of fires on, and the protection and management of public and private forest lands within the State of California, creating a State Board of Forestry and certain officers, subordinate to said board, prescribing the duties of such officers, creating a forestry fund, and appropriating the moneys in said fund, and defining and providing for the punishment of certain offenses for violations of the provisions of this Act, and making an appropriation therefor," approved March 18, 1905, providing for the appointment of a State Board of Forestry, and the appointment of a State Forester, and relating to their duties and term of office.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 133 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Collum, Costar, Cronin, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gillis, Griffiths, Hammon, Hanlon, Hawk, Hewitt, Holmquist, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, Perine, Polsley, Preston, Pulcifer, Rech, Rutherford, Schmitt, Stuckenbruck, Telfer, Young, and Mr. Speaker—53

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1909

MR SPEAKER Your Committee on Judiciary, to whom was referred Senate Bill No 253—An Act to amend Section 1474 of the Code of Civil Procedure of the State of California—the undersigned members of the Judiciary Committee vote as follows on the above bill:

AYES—Messrs. Rech, Leeds, Melrose, Cronin, Irwin, Preston, Butler, Beatty, and Coghlan.

NOES—Messrs. Gibbons, Johnson of Sacramento, Otis, Hammon, Rutherford, Hanlon, Schmitt, Johnston, Kehoe, Wilson, and Drew.

JOHNSON OF SACRAMENTO, Chairman.

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1909.

MR SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 334—An Act to create the office of State Dental Surgeon, prescribing his duties, fixing his manner of appointment, salary, and term of office, and making an appropriation for the expenses of his office—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BEARDSLEE, Chairman.

ON SWAMP AND OVERFLOWED LANDS AND LEVEES AND RIVER IMPROVEMENT AND DRAINAGE.

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1909

MR SPEAKER: Your Committee on Swamp and Overflowed Lands and Levees and River Improvement and Drainage, to whom was referred Senate Bill No. 1148—An Act to provide for the formation, government, and control of overflow districts—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

HEWITT, Chairman

The above reported bills ordered on file for second reading.

MOTION.

Mr Rech moved that the Assembly Code bills be taken up for consideration

Motion carried.

ASSEMBLY CODE BILLS—THIRD READING.

Assembly Bill No. 321—An Act to repeal an Act entitled "An Act making a conspiracy to commit any crime against the person of, or an attempt to kill or commit any assault upon, the President or Vice-President of the United States, or Governor of any state or territory, any United States Justice or Judge, or the secretary of any executive department of the United States, a felony, and providing a penalty therefor," approved February 28, 1903

Bill read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No 321 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Black, Bohnett, Callan, Collum, Costar, Cronin, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds Macauley, Maher, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Rutherford, Schmitt, Silver, Wagner, Young, and Mr Speaker—47

NOES—Messrs Butler and Coghlan—2.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 322—An Act to amend Section 183 of the Penal Code of the State of California, relating to a conspiracy to commit any crime against the person of the President or Vice-President of the United States, or Governor of any state or territory, or any United States Justice or Judge, or the secretary of any executive department of the United States, and providing a penalty therefor.

Bill read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No 322 passed by the following vote:

AYES—Messrs Barndollar Baxter, Beardslee, Beatty, Bohnett, Butler, Callan, Cattell, Cogswell, Costar, Cronin, Cullen, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Holmquist, Johnson

of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Maher, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, Perine, Polsley, Preston, Pulcifer, Rech, Schmitt, Silver, Stuckenbruck, Telfer, Young, and Mr. Speaker—50

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 323—An Act to add a new section to the Penal Code of the State of California, to be known as Section 186, making an attempt to kill or commit any assault upon the President or Vice-President of the United States, the Governor of any state or territory, or any United States Justice or Judge, or the secretary of any executive department of the United States, a felony, and providing a penalty therefor.

Bill read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 323 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Bohnett, Butler, Callan, Cattell, Cogswell, Collum, Costar, Cronin, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Greer, Hammon, Hanlon, Hans, Hawk, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Odom, Otis, Perine, Polsley, Preston, Rech, Silver, Telfer, Wagner, Whitney, Young, and Mr. Speaker—51.

NOES—Mr. Black—1

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 324—An Act to repeal an Act entitled "An Act making the cost of certain bonds of receivers, assignees, trustees, guardians, administrators, and executors chargeable to a certain extent against the trust estate," approved March 20, 1905.

Bill read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 324 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Beban, Bohnett, Butler, Callan, Coghlan, Costar, Cronin, Drew, Flavelle, Fleisher, Flint, Gibbons, Greer, Griffiths, Hanlon, Hawk, Hewitt, Hinkle, Johnson of Sacramento, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Maher, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, Perine, Preston, Pulcifer, Silver, Stuckenbruck, Wagner, Webber, Wheelan, Whitney, Wyllie, Young, and Mr. Speaker—47.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No 325—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as Section 1060, relating to bonds of receivers, assignees, trustees, guardians, administrators, and executors, against trust estates.

Bill read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 325 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Callan, Cattell, Coghlan, Cogswell, Collum, Dean, Drew, Flavelle, Fleisher, Gibbons, Gillis, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hinkle, Holmquist, Johnson of Sacramento, Johnston of Contra Costa, Juilliard, Leeds, Macauley, Maher, Melrose, Mendenhall, Moore, Nelson, Odom, Perine, Preston, Pulcifer, Rech, Rutherford, Silver, Stuckenbruck,

Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—50.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 327—An Act to add a new section to the Political Code of the State of California, to be known as Section 2329, relating to forbidding the employment of the inmates of State institutions in the manufacture or production of articles for the use of State officers, or the officers and employees of State institutions.

Bill read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 327 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Callan, Cattell, Coghlan, Cogswell, Collier, Cronin, Cullen, Feeley, Flavelle, Fleisher, Gerdes, Gillis, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Irwin, Johnson of Sacramento, Juilliard, Kehoe, Leeds, Lightner, Macauley, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Perine, Preston, Pugh, Pulcifer, Rech, Rutherford, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—56.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 330—An Act to add a new section to the Penal Code of the State of California, to be known as Section 79, relating to school officers and teachers acting as agents.

Bill read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 330 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Butler, Callan, Cattell, Coghlan, Cogswell, Costar, Cronin, Dean, Feeley, Fleisher, Flint, Gillis, Hammon, Hanlon, Hans, Hawk, Hayes, Hinkle, Holmquist, Johnson of Sacramento, Juilliard, Kehoe, Leeds, Macauley, Maher, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Rutherford, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wilson, Wyllie, Young, and Mr. Speaker—54.
NOES—Mr. Flavelle—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 326—An Act to repeal an Act entitled "An Act forbidding the employment of the inmates of State institutions in the manufacture or production of articles for the use of State officers, or the officers and employees of State institutions," approved March 19, 1903.

Bill read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 326 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Black, Callan, Cattell, Coghlan, Cogswell, Costar, Cronin, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hans, Hawk, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnston of Contra Costa, Juilliard, Leeds, Lightner, Maher, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Preston, Pulcifer, Rech, Rutherford, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney Wilson, Young, and Mr Speaker—56.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 334—An Act to repeal an Act entitled "An Act to prevent the destruction of forests by fire on public lands," approved February 13, 1872.

Bill read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 334 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Costar, Cronin, Drew, Feeley, Flavelle, Fleisher, Gillis, Greer, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Maher, Melrose, Mendenhall, Moore, Mott, Odom, Otis, Perine, Preston Pulcifer, Rech, Silver, Stuckenbruck, Telfer, Transue, Whitney, Wilson, Young, and Mr. Speaker—49.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate

Assembly Bill No. 341—An Act to repeal an Act entitled "An Act to regulate the disposition of the hides of cattle killed or slaughtered in the State of California," approved March 23, 1893.

Bill read third time on previous day.

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 341 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Coghlan, Cogswell, Costar, Cronin, Drew, Feeley, Flavelle, Flint, Gibbons, Greer, Griffiths, Hammon, Hanlon, Hawk, Hewitt, Hinkle, Irwin, Johnston of Contra Costa Juilliard, Kehoe, Leeds, Macauley, Maher, Melrose, Mendenhall, Mott, Nelson, Odom, Otis, Perine, Preston, Pugh, Pulcifer, Rech, Rutherford, Silver, Stuckenbruck, Transue, Wagner, Whitney, Wilson, Wyllie, and Young—52

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 342—An Act to repeal an Act entitled "An Act to provide for the registration of bonds issued by common school, high school, or union high school districts," approved March 18, 1905.

Bill read third time on previous day

The question being on the passage of the bill.

The roll was called, and Assembly Bill No 342 passed by the following vote·

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Cattell, Coghlan, Cogswell, Collum, Costar, Cronin, Cullen, Drew, Feeley, Flavelle, Fleisher, Flint, Gibbons, Greer, Griffiths, Hammon, Hanlon, Hawk, Hewitt, Hinkle, Holmquist, Hopkins, Johnson of Sacramento, Johnston of Contra Costra, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, Melrose, Mendenhall, Moore, Mott, Odom, Otis, O'Neill, Perine, Preston, Pulcifer, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, and Young—59

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 344—An Act to repeal an Act entitled "An Act to prohibit the collection of accounts for liquors sold at retail," approved March 20, 1874.

Bill read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 344 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Black, Bohnett, Butler, Cattell, Coghlan, Cogswell, Costar, Cronin, Cullen, Drew, Flavelle, Fleisher, Gerdes, Gibbons,

Gillis, Greer, Griffiths, Hanlon, Hawk, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnston of Contra Costa, Juilliard, Leeds, Lightner, Macauley, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine Polsley, Preston, Rech, Rutherford, Schmitt, Silver, Stuckenbruck, Transue, Wagner, Wheelan, Whitney, Wilson, Young, and Mr. Speaker—55.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 348—An Act to repeal an Act entitled "An Act to declare valid writs, process, and certificates issued by the Superior Court of this State, or the clerks thereof, before such courts shall have been legally provided with seals." approved March 31, 1880.

Bill read third time on previous day

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 348 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Black, Bohnett, Butler, Cattell, Coghlan, Cogswell, Collum, Costar, Cronin, Drew, Feeley, Flavelle, Fleisher, Flint, Gillis, Greer, Hammon, Hanlon, Hans, Hawk, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Polsley, Preston, Pulcifer, Rech, Rutherford, Sackett, Silver, Telfer, Transue, Wagner, Webber, Whitney, Wilson, Young, and Mr Speaker—58.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 349—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as Section 80, relating to the validity of writs, process, and certificates issued by the Superior Courts or the clerks thereof, before such courts shall have been legally provided with seals.

Bill read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 349 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Cattell, Coghlan, Cogswell, Collier, Collum, Costar, Drew, Feeley, Fleisher, Flint, Gerdes, Gibbons, Greer, Griffiths, Hammon, Hanlon, Hawk, Hewitt, Holmquist, Johnson of Sacramento, Johnston of Contra Costa, Juilliard, Leeds, Lightner, Maher, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Polsley, Preston, Pugh, Rech, Rutherford, Silver, Telfer, Transue, Wagner, Webber, Wheelan, Wilson, and Young—54

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 343—An Act to add two new sections to the Political Code of the State of California, to be known as Sections 1893 and 1894, providing for the registration of bonds issued by common school, high school, or union high school districts.

Bill read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 343 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Black, Bohnett, Butler, Cattell, Coghlan, Cogswell, Collier, Collum, Costar, Cronin, Dean, Drew, Flavelle, Fleisher, Flint, Gibbons, Gillis, Greer, Griffiths, Hammon, Hans, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Macauley,

Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Perine, Preston, Rech, Rutherford, Schmitt, Silver, Transue, Webber, Wheelan, Whitney, Young, and Mr Speaker—54.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 345—An Act to add a new section to the Civil Code of the State of California, to be known as section thirty-four hundred and thirty-four, relating to the collection of accounts for liquors sold at retail.

Bill read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 345 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collum, Drew, Feeley, Flavelle, Fleisher Flint, Gibbons, Gillis, Greer, Griffiths, Hans, Hawk, Hewitt, Hinkle, Johnson of Sacramento, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Maher, Melrose, Mendenhall, Moore, Mott, Odom, Otis, Perine, Polsley, Preston, Pulcifer, Rech, Rutherford, Schmitt, Silver, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, and Young—54.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 340—An Act to add a new section to the Penal Code of the State of California, to be known as section one hundred and thirty-nine, relating to keeping the hides of animals killed or slaughtered, and providing a penalty for the violation thereof.

Bill read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 340 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Costar, Cronin, Drew, Feeley, Flavelle, Fleisher, Flint, Gibbons, Gillis, Hanlon, Hans, Hawk, Hinkle, Holmquist, Johnson of Sacramento, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Odom, Otis, Perine, Polsley, Preston, Rech, Rutherford, Schmitt, Silver, Transue, Webber, Wheelan, Whitney, Wilson, Young, and Mr. Speaker—55.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 333—An Act to repeal Sections 1868, 1869, and 1870 of the Political Code of the State of California.

Bill read third time on previous day.

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 333 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Black, Bohnett, Cattell, Coghlan, Cogswell, Collier, Collum, Costar, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hinkle, Holmquist, Johnson of Sacramento, Johnston of Contra Costa, Juilliard, Kehoe, Maher, Melrose, Mendenhall, Mott, Nelson, Otis, Perine, Preston, Rech, Sackett, Silver, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Young, and Mr Speaker—49.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 331—An Act to add a new section to the Penal Code of the State of California, to be known as Section 78, relating to the prevention of irregular issuance of teachers' certificates.

Bill read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 331 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Callan, Cattell, Coghlan, Cogswell, Collier, Costar, Cronin, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, Perine, Preston, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Transue, Webber, Whitney, Wilson, Wyllie, and Young—60.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 346—An Act to repeal an Act entitled "An Act relative to the non-insurance of property belonging to the State against risk of damage or destruction by fire," approved March 10, 1891.

Bill read third time, on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 346 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Beban, Bohnett, Butler, Cattell, Coghlan, Costar, Cullen, Drew, Feeley, Flavelle, Gillis, Greer, Griffiths, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Maher, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, O'Neill, Perine, Preston, Pulcifer, Rech, Rutherford, Schmitt, Silver, Telfer, Transue, Wagner, Whitney, Wyllie, Young, and Mr. Speaker—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 347—An Act to add a new section to the Political Code of the State of California, to be known as Section 3236, relating to insurance on public buildings.

Bill read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 347 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Cattell, Coghlan, Cogswell, Costar, Drew, Feeley, Flavelle, Fleisher, Gillis, Griffiths, Hammon, Hanlon, Hawk, Hewitt, Hinkle, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Macauley, Maher, Melrose, Mendenhall, Moore, Mott, Odom, Perine, Preston, Pulcifer, Rech, Silver, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Wilson, Wyllie, Young, and Mr Speaker—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 332—An Act to add a new section to the Penal Code of the State of California, to be known as Section 422, relating to disturbing schools or school meetings.

Bill read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 332 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty Beban, Butler, Cattell, Coghlan, Cogswell, Costar, Drew, Flavelle, Fleisher, Flint, Gillis, Greer, Griffiths, Hammon,

Hanlon, Hawk, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of Placer, Johnston of Contra Costa, Kehoe, Leeds, Lightner, Macauley, Maher, Melrose, Mendenhall, Moore, Mott, Odom, Otis, Perine, Polsley, Preston, Rech, Rutherford, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Wyllie, Young, and Mr Speaker—51.
NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 350—An Act to repeal an Act entitled "An Act forfeiting to the State of California all payments for State lands where fraudulent title was sought to be obtained thereto," approved March 20, 1905.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 350 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Black, Bohnett, Butler, Cattell, Coghlan, Cogswell, Costar, Cronin, Drew, Feeley, Flavelle, Fleisher, Flint, Gibbons, Gillis, Griffiths, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Juilliard, Kehoe, Leeds, Macauley, McClellan, Melrose, Mendenhall, Moore, Mott, Odom, Otis, Perine, Polsley, Preston, Rech, Rutherford, Stuckenbruck, Telfer, Transue, Whitney, and Mr. Speaker—49.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 351—An Act to add a new section to the Political Code of the State of California, to be known as Section 3575, relating to forfeiture of title to lands sold by the State.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 351 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Bohnett, Butler, Cattell, Coghlan, Cogswell, Collum, Cronin, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gillis, Griffiths, Hammon, Hanlon, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Juilliard, Kehoe, Leeds, Macauley, Maher, Melrose, Mendenhall, Moore, Mott, Odom, Otis, Perine, Preston Pulcifer, Rech, Rutherford, Schmitt, Stuckenbruck, Transue, Webber, Whitney, Wyllie, Young, and Mr. Speaker—50.
NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 353—An Act to repeal an Act entitled "An Act to regulate the use of illuminating gas," approved March 20, 1903.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 353 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Costar, Cronin, Drew, Flavelle, Fleisher, Flint, Gillis, Griffiths, Hammon, Hawk, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Preston, Pulcifer, Rech, Silver, Stuckenbruck, Transue, Wagner, Wheelan, Whitney, Wyllie, Young, and Mr. Speaker—50.
NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 354—An Act to add a new section to the Penal Code of the State of California, to be known as six hundred and fifty-

three *e*, regulating the use of illuminating gas, and providing a penalty for the violation thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 354 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Butler, Cattell, Cogswell, Costar, Cronin, Drew, Feeley, Fleisher, Flint, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Maher, McClellan, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Preston, Pulcifer, Rech Rutherford, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr Speaker—54.

NOES—Mr. Flavelle—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 355—An Act to repeal an Act entitled "An Act to provide for the change of name of school districts, and the manner of making such change," approved March 16, 1903.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 355 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Black, Bohnett, Butler, Coghlan, Cogswell, Collier, Collum, Costar, Cronin, Drew, Flavelle, Fleisher, Flint, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hawk, Hayes, Hewitt, Holmquist, Johnson of Sacramento, Johnston of Contra Costa, Juilliard, Kehoe Leeds, Maher, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Polsley, Rech, Rutherford, Silver, Telfer, Transue, Wagner, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 356—An Act to add a new section to the Political Code of the State of California, to be known as Section 1575*a*, providing for the change of name of school districts, and the manner of making such change.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 356 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Black, Butler, Callan, Cogswell, Collier, Costar, Cronin, Dean, Drew, Gerdes, Gillis, Greer, Griffiths Hammon, Hanlon, Hans, Hayes, Hewitt, Hinkle, Johnson of Sacramento, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Maher, McClellan, McManus, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Polsley, Preston, Rech, Rutherford, Schmitt, Silver, Telfer, Transue, Webber, Wheelan, Whitney, Young, and Mr. Speaker—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 357—An Act to repeal an Act entitled "An Act to provide for the disposal of moneys remaining in the building fund of any school district, after all bonds and indebtedness shall have been paid and liquidated, arising from the construction of school buildings," approved March 13, 1883.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 357 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Black, Butler, Cattell, Coghlan, Costar, Drew, Feeley, Fleisher, Flint, Gibbons, Gillis, Greer, Griffiths, Hans, Hawk, Hayes, Holmquist, Johnson of Sacramento, Johnston of Contra Costa, Juilliard, Leeds, Macauley, Maher, McClellan, Melrose, Mendenhall, Mott, Nelson, Odom, Otis, Perine, Preston, Rech, Rutherford, Schmitt, Silver, Transue, Wagner, Webber, Whitney, Wilson, Young and Mr. Speaker—46.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 358—An Act to add a new section to the Political Code of the State of California, to be known as Section 1892, providing for moneys remaining in the building fund of any school district, after all bonds and indebtedness shall have been paid and liquidated, arising from the construction of school buildings.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 358 passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Costar, Drew, Feeley, Fleisher, Flint, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnston of Contra Costa, Juilliard, Kehoe, Lightner, Macauley, McClellan, Melrose, Mendenhall, Moore, Mott, Odom, Otis, Perine, Polsley, Preston, Rech, Rutherford, Schmitt, Silver, Telfer, Transue, Wagner, Whitney, Wilson, Wyatt, Young, and Mr Speaker—54.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 359—An Act to add a new section to the Political Code of the State of California, to be known as Section 4221 relating to the markings of government survey.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 359 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Black, Bohnett, Butler, Callan, Cogswell, Collum, Dean, Drew, Feeley, Flavelle, Flint, Gerdes, Greer, Griffiths, Hanlon, Hawk, Hewitt, Holmquist, Johnson of Sacramento, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Maher, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Preston, Rech, Rutherford, Silver, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Young, and Mr. Speaker—48.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 360—An Act to repeal an Act entitled "An Act to further perpetuate the markings of the government survey," approved March 18, 1905.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 360 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Costar, Drew, Feeley, Fleisher, Flint, Gibbons, Gillis, Greer, Griffiths, Hammon, Hans, Hawk, Hayes, Hewitt, Holmquist, Johnson of Sacramento, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Maher,

McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Rutherford, Schmitt, Silver, Transue, Wagner, Webber, Whitney, Wyllie, Young, and Mr. Speaker—56.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

RESOLUTION.

The following resolution was offered:

By Mr. Beardslee:

Resolved, That the Controller be, and he is hereby, authorized and directed to draw his warrant on the contingent fund of the Assembly, and the State Treasurer is hereby authorized and directed to pay the same, for the sum of twenty-five dollars, in favor of Ralph A. Sollars, same being for the payment of use of typewriter in connection with work of the Committee on Ways and Means.

Mr. Beardslee moved the adoption of the resolution.

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

AYES—Messrs Barndollar, Beardslee, Beatty, Black, Bohnett, Butler, Coghlan, Cogswell, Collum, Costar, Cronin, Drew, Feeley, Flavelle, Fleisher, Flint, Gillis, Greer, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Johnson of Sacramento, Johnson of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, McCauley, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Polsley, Preston, Pulcifer, Rech, Rutherford, Schmitt, Silver, Telfer, Transue, Wagner, Whitney, Wilson, Young, and Mr. Speaker—58.

NOES—None.

ASSEMBLY CONCURRENT RESOLUTION NO 19.

Relative to adjourning *sine die*.

Resolved by the Assembly, the Senate concurring, That the thirty-eighth session of the Legislature adjourn *sine die* at twelve o'clock meridian Monday, March 22, 1909.

Resolution read, adopted, and ordered transmitted to the Senate.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1909.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 87—An Act to amend Section 330 of the Penal Code, relating to gambling. We recommend the passage of the above bill, as amended.

JOHNSON of Sacramento.
DREW.
CRONIN.
RUTHERFORD.
KEHOE.
HANLON.
BUTLER
MELROSE
WILSON.
OTIS.
COGHLAN.

We dissent
LEEDS.
PRESTON.
SCHMITT.
JOHNSTON of Contra Costa
WHEELAN.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Assembly Bill No. 87—An Act to amend Section 330 of the Penal Code, relating to gambling.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 1, strike out all of line 2, of the title of the printed bill, and insert in lieu thereof the following "To add a new section to the Penal Code, to be numbered 330*a*, relating to gambling."

Amendment lost.

AMENDMENT No 2

On page 1, Section 1, strike out all of lines 1 and 2 of the printed bill, and insert in lieu thereof the following: "SECTION 1 A new section is hereby added to the Penal Code, to be numbered 330*a*, and to read as follows ".

Amendment lost.

AMENDMENT No. 3.

On page 1, Section 1, line 3, of the printed bill, strike out the number "330", and insert in lieu thereof the number "330*a*."

Amendment lost.

AMENDMENT No. 4.

On page 1, Section 1, line 3, of the printed bill, strike out the word "plays"

Amendment lost.

AMENDMENT No 5.

On page 1, Section 1, lines 7 and 8, of the printed bill, strike out the following: "and every person who bets or plays at or against any such game.".

Amendment lost.

Bill read second time, and ordered to engrossment.

SECOND-READING FILE.

Assembly Bill No. 1028—An Act authorizing and directing the Surveyor General to select lands under the laws of the United States, in lieu of any sixteenth and thirty-sixth sections included within any reservation of public lands, providing for necessary additional employees of the Surveyor General's office, and the fees and procedure for effecting the exchanges.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 421—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a section thereto, to be designated and known as Section 1716, relating to the payment and enforcement of claims against municipal corporations in certain cases

Bill read second time, and ordered to engrossment.

SENATE BILLS—SECOND-READING FILE.

Senate Bill No. 680—An Act to amend an Act entitled "An Act to regulate the practice of optometry, and for the appointment of a board of examiners in the matter of said regulation," approved March 20, 1903, by amending sections one, two, five, eight, eleven, twelve, thirteen, fifteen, and sixteen thereof.

During second reading of bill, the following amendments were submitted:

AMENDMENT No. 1.

Strike out all of Section 1 after the word "sold" where it occurs in line 12, page 2, printed bill, and insert in lieu thereof a period.

Amendment adopted.

AMENDMENT No. 2.

Insert after the word "revoked", in line 29, page 6, printed bill, the words "or suspended"

Amendment adopted.

AMENDMENT No. 3

Strike out all of Section 9 after the word "merchandise" where it occurs in line 8, page 6, printed bill, and insert in lieu thereof a period.

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No. 334—An Act to create the office of State Dental Surgeon, prescribe his duties, fix his manner of appointment, salary, and term of office, and to make an appropriation for the expenses of his office.

Mr Beardslee moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Senate Bill No. 334 considered

Mr Beardslee moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair

REPORT OF COMMITTEE OF THE WHOLE

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1909

GENTLEMEN The Committee of the Whole have had under consideration Senate Bill No. 334, and do now report the same back, and recommend that it do pass.

STANTON, Chairman.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1199—An Act to amend Section 4260 of the Political Code of California, relating to salaries and fees of officers of counties of the thirty-first class.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Strike out lines 27, 28, 29, 30, 31, and 32, of the printed bill, and insert the following: "The county surveyor shall be allowed ten dollars per day for the time he is engaged in county work, for which per diem he shall also furnish all necessary instruments and his transportation expenses while engaged in field work for the county."

Amendment adopted.

AMENDMENT No. 2.

At the end of the printed bill, add the following: "Section 2. This Act shall take effect January 1, 1911."

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

NOTICE OF MOTION TO RECONSIDER.

Mr Cogswell gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 1107 was this day passed.

SENATE BILL—THIRD READING.

Senate Bill No. 1170—An Act to amend Section 4235 of the Political Code of the State of California, relating to officers, and salaries and fees of officers, of counties of the sixth class

During third reading of bill, Mr. Juilliard moved that the Speaker appoint a select committee of one to amend the bill, as follows:

AMENDMENT No. 1.

Strike out the word "four", in line 22, Section 2, page 2, of printed bill, and insert in lieu thereof the word "three".

AMENDMENT No. 1½.

After the word "California", in line 40, Section 2, page 2, of the printed bill, strike out the period and insert in lieu thereof a comma and add the following words: "except, that for traveling in the service of any paper required by law to be served, for each mile actually and necessarily traveled, one way only, fifteen cents. No constructive mileage to be allowed. *And provided further*, that said sheriff shall receive for traveling outside of his said county in the service of criminal process, no mileage, but shall be allowed his actual and necessary expenses therefor."

AMENDMENT No. 2.

Strike out the following words in lines 42 and 43, Section 3, page 2, of the printed bill: "one deputy at a salary of fifteen hundred dollars per annum and one deputy", and insert in lieu thereof the words "two deputies".

AMENDMENT No. 3.

Insert after the word "dollars", in line 44, Section 3, page 2, of the printed bill, the word "each"

AMENDMENT No. 4.

Strike out the word "three", in line 44, Section 3, page 2, of printed bill, and insert in lieu thereof the word "two".

AMENDMENT No. 4½.

Insert after the word "thousand", in line 64, Section 6, page 3, of the printed bill, the words "one hundred".

AMENDMENT No. 5.

Strike out the word "fifteen" in line 65, Section 6, page 3, of the printed bill, and insert in lieu thereof the word "twelve".

AMENDMENT No. 6.

Strike out the semicolon in line 66, Section 6, page 3, of the printed bill.

AMENDMENT. No. 7.

Strike out the following words in lines 66 and 67, Section 6, page 3, of the printed bill "one clerk at a salary of twelve hundred dollars per annum:".

AMENDMENT No. 8

Strike out lines 69 and 70, Section 6, page 3, of the printed bill, and insert in lieu thereof the following "said tax collector shall receive such fees as are now or may be hereafter allowed him by law for the collection of all county licenses; *and provided further*, that said tax collector shall appoint as many deputies as may be necessary, the salaries of all of such deputies shall be paid out of the compensation hereinabove named"

AMENDMENT No 9

Strike out the word "two", in line 71, Section 7, page 3, of the printed bill, and insert in lieu thereof the word "three"

AMENDMENT No 10.

Strike out the following words in line 73 and 74 of Section 7, page 3, of the printed bill, to wit: "(and one deputy at a salary of twelve hundred dollars per annum,)".

AMENDMENT No. 11.

Strike out the following words in line 92, Section 9, page 3, of the printed bill, to wit: "(six hundred) dollars per annum, and".

AMENDMENT No. 12.

Strike out the word "twelve", in line 99, Section 11, page 4, of the printed bill, and insert in lieu thereof the word "nine".

AMENDMENT No. 13.

Strike out the word "twelve", in line 117, Section 12, page 4, of the printed bill, and insert in lieu thereof the word "nine".

AMENDMENT No. 14.

Strike out the word "fifteen", in line 130, Section 13, page 4, of the printed bill, and insert in lieu thereof the word "twenty".

AMENDMENT No. 15.

Strike out the word "ten", in line 132, Section 13, page 4, of the printed bill, and insert in lieu thereof the word "fifteen".

AMENDMENT No. 16

Strike out the word "five", in line 134, Section 13, page 5, of the printed bill, and insert in lieu thereof the word "ten".

AMENDMENT No. 17.

Strike out the word "six", in line 144, Section 13, page 5, of the printed bill, and insert in lieu thereof the word "eight".

AMENDMENT No. 17A.

After the word "township", in line 161, Section 14, page 5, of the printed bill, insert the following: "but within his own county".

AMENDMENT No. 17B.

Strike out the following words in lines 161 and 162, Section 14, page 5, of the printed bill: "warrant of arrest or other", and insert in lieu thereof the following: "civil or criminal".

AMENDMENT No. 17C

Strike out the following words in line 162, Section 14, page 5, of the printed bill: "in a criminal case"; also the word "five", and in lieu of the last named word insert the word "fifteen".

AMENDMENT No. 17D.

After the word "traveled", in line 163, Section 14, page 5, of the printed bill, strike out the semicolon, and insert in lieu thereof a comma and add the following words: "one way only, no constructive mileage to be allowed".

AMENDMENT No. 18.

Strike out the word "six", in line 175, Section 14, page 6, of the printed bill, and insert in lieu thereof the word "eight".

AMENDMENT No. 19.

Strike out the word "twelve", in line 178, Section 15, page 6, of the printed bill, and insert in lieu thereof the word "ten".

AMENDMENT No. 20.

Strike out the word "fifteen", in line 185, Section 15, page 6, of the printed bill, and insert in lieu thereof the word "thirty".

AMENDMENT No. 21.

Strike out all of that portion of Section 15, page 6, of the printed bill, beginning with the word "each", in line 188 thereof, down to and including the word "day" and the semicolon, in line 191 thereof.

Motion carried.

The Speaker appointed Mr Juilliard as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1909.

MR. SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 1170, with instructions, do now report that the instructions of the Assembly have been carried out.

JUILLIARD, Select Committee

Report of select committee, and amendments, adopted.
Bill ordered to reprint, and on file for passage.

APPOINTMENT OF SELECT COMMITTEE.

In accordance with the resolution by Mr. Cogswell, adopted on this day, relative to the death of Hon. E. M. Pyle, the Speaker announced the appointment of Messrs. Cogswell, Hewitt, Drew, Costar, and Johnson of Sacramento as a committee to draft resolutions.

REPORTS OF STANDING COMMITTEES

The following reports of standing committees were received and read:

ON ROADS AND HIGHWAYS.

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1909

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred Senate Bill No. 322—An Act to make an appropriation for the repair and maintenance under the supervision, management, and control of the Department of Engineering of the State of California, of that certain state highway commencing at Pine Grove, in Amador County, and running thence via Hope Valley to connect at Osgood's Place, in El Dorado County, with the Lake Tahoe wagon road, and via Markleeville, in Alpine County, to connect at Junction, in Mono County, with the Sonora and Mono road; to place such highway under the supervision, management and control of such Department of Engineering, and to designate and name such state highway as the Alpine State Highway—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and be re-referred to Committee on Ways and Means

GREER, Chairman

ON CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1909

MR. SPEAKER: Your Committee on Corporations, to whom was referred Assembly Bill No. 1361—An Act to add a new section to the Civil Code, to be numbered 290*b*, regulating the increase of the capital stock of corporations—have had the same under consideration, and respectfully report the same back, without recommendation

BEATTY, Chairman

ON STATE PRISONS AND REFORMATORY INSTITUTIONS.

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1909

MR. SPEAKER: Your Committee on State Prisons and Reformatory Institutions, to whom was referred Senate Bill No. 566—An Act to amend Sections 18 and 19 of an Act entitled "An Act to establish a School of Industry, to provide for the maintenance and management of the same, and to make an appropriation therefor," approved March 11, 1889, and as amended by Act approved February 11, 1893, all relating to commitments to or paroles and discharges from said school—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

HAMMON, Chairman

ON COUNTY AND TOWNSHIP GOVERNMENTS

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1909.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Senate Bill No. 1108—AN Act to amend Section 4265 of the Political Code of the State of California, relating to the compensation of officers of counties of the thirty-sixth class, and their deputies and assistants, and fixing the compen-

sation of grand and trial jurors therein—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

HANS, Chairman.

The above reported bills ordered on file for second reading.

Senate Bill No. 322 referred to Committee on Ways and Means.

ADJOURNMENT.

At ten o'clock and thirty minutes P. M., on motion of Mr. Johnson of Sacramento, the Assembly was declared adjourned until ten o'clock A. M. of Friday, March 19, 1909.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL.,
Friday, March 19, 1909.

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. P. A. Stanton, Speaker of the Assembly, in the chair.

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

Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Coghlan Cogswell, Collier, Collum, Costar, Cronin, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—76.

Quorum present.

LEAVES OF ABSENCE.

On motion, leave of absence for the day was granted to Messrs. Wyatt and Hopkins.

PRAYER

Prayer was offered by the Chaplain, Rev Seren N. Marsh.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Hanlon, its further reading was dispensed with.

SPECIAL ORDERS.

Senate Bill No. 842—An Act to amend Article I, of Chapter I, of Title VIII, of Part III, of the Political Code, relating to State school land.

RECONSIDERATION.

In compliance with notice given on a previous day, Mr. Preston moved that the vote whereby Senate Bill No. 842 passed be reconsidered.

CONSIDERATION OF MOTION POSTPONED.

Mr. Johnson of Sacramento moved that further consideration of Senate Bill No. 842 be continued until two o'clock P. M. of this day.

Motion carried.

Assembly Concurrent Resolution No. 8—Relative to the appointment of a committee of five by the Governor to investigate the feasibility of dividing the State into fish and game districts.

RECONSIDERATION.

In compliance with his notice given on a previous day, Mr. Bohnett moved that the vote whereby Senate amendments to Assembly Concurrent Resolution No. 8 were concurred in be reconsidered.

The roll was called, and the same was refused reconsideration by the following vote:

AYES—None

NOES—Messrs. Barndollar, Beatty, Bohnett, Butler, Callan, Costar, Cronin, Drew, Flavelle, Fleisher, Flint, Gillis, Greer, Griffiths, Hanlon, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Kehoe, Macauley, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, O'Neill, Perine, Polsley, Preston, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Wagner, Webber, Whitney, Wilson, Wyllie, and Mr. Speaker—48

BILL ORDERED TO ENROLLMENT.

Assembly Bill No. 824—An Act to amend an Act entitled "An Act to create a commission for revising, systematizing, and reforming the laws of this State, and for the appointment of the members of said commission, to be known as "The Commissioners for the Revision and Reform of Laws," and to prescribe their powers and duties; and to authorize the appointment of a secretary and stenographer therefor; and to provide for the compensation and expense of said commission, secretary and stenographer, and to appropriate money therefor," approved March 28, 1895, approved March 25, 1903, by amending Section 7 thereof.

RECONSIDERATION.

In compliance with notice given on a previous day, Mr. Preston moved that the vote whereby Assembly Bill No. 824 was refused passage be reconsidered.

The roll was called, and the same was reconsidered by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Bohnett, Butler, Callan, Cogswell, Costar, Cronin, Dean, Drew, Flavelle, Fleisher, Gibbons, Gillis, Greer, Griffiths, Hammon, Hans, Hawk, Hayes, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Kehoe, Leeds, Macauley, Maher, McClellan, McManus, Melrose, Moore, Mott, Nelson, Otis, O'Neill, Perine, Polsley, Preston, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Wagner, Whitney, Wilson, and Mr. Speaker—52.

NOES—None

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 824 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Bohnett, Butler, Callan, Cogswell, Cronin, Drew, Flavelle, Fleisher, Flint, Gibbons, Gillis, Greer, Hammon, Hawk, Hayes, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Moore, Mott, Nelson, Otis, O'Neill, Perine, Polsley, Preston, Pulcifer, Rutherford, Schmitt, Stuckenbruck, Wagner, Webber, Whitney, and Mr Speaker—47.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 773—An Act to change, establish and permanently locate the boundary lines of the county of Kings, and a portion of the south and east boundary lines of the county of Fresno.

RECONSIDERATION.

In compliance with notice given on a previous day, Mr. Drew moved that the vote whereby Senate amendments to Assembly Bill No. 773 were concurred in be reconsidered.

By unanimous consent, further consideration of Assembly Bill No. 773 was continued until eleven o'clock A M. of this day.

Assembly Bill No. 1107—An Act to prohibit discrimination or rebates on premiums for policies of insurance companies.

RECONSIDERATION.

In compliance with his notice given on a previous day, Mr. Cogswell moved that the vote whereby Assembly Bill No. 1107 was passed be reconsidered.

The roll was called, and the same was refused reconsideration by the following vote:

AYES—Messrs. Beardslee, Bohnett, Butler, Cogswell, Cronin, Fleisher, Greer, Hammon, Hayes, Johnson of Sacramento, McClellan, Moore, Perine, Polsley, Silver, Telfer, Wagner, Whitney, Wilson, and Wyllie—20

NOES—Messrs. Barndollar, Callan, Costar, Dean, Drew, Flint, Gibbons, Gillis, Hans, Hawk, Hinkle, Holmquist, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Maher, McManus, Melrose, Mott, Otis, O'Neill, Preston, Pulcifer, Rutherford, Schmitt, Stuckenbruck, Young, and Mr. Speaker—30.

Bill order transmitted to the Senate.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, March 19, 1909.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 1250—An Act making an appropriation for the pay of officers and clerks of the Senate of the thirty-eighth session of the Legislature—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

BEARDSLEE, Chairman.

CASE OF URGENCY.

The following resolution was offered:

By Mr. Beardslee:

Resolved, That Senate Bill No. 1250 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second, and third times, and placed upon its passage.

Mr. Beardslee moved the adoption of the resolution

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

AYES—Messrs. Barndollar, Baxter, Beardslee, Bohnett, Butler, Callan, Collier, Costar, Cronin, Dean, Drew, Flavelle, Fleisher, Flint, Gibbons, Gillis, Greer, Hammon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Moore, Mott, Otis, O'Neill, Perine, Polsley, Preston, Pulcifer, Rech, Rutherford, Schmitt, Silver, Stuckenbruck, Telfer, Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—56

NOES—None.

Senate Bill No. 1250—An Act making an appropriation for the pay of officers and clerks of the Senate of the thirty-eighth session of the Legislature

SECOND READING OF BILL.

Mr. Beardslee moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in he chair.

Senate Bill No. 1250 considered.

Mr. Beardslee moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 19, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 1250, and do now report the same back, and recommend that it do pass.

STANTON, Chairman

Bill read second time, and ordered to third reading.

THIRD READING OF BILL.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Senate Bill No. 1250 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Butler Callan, Cogswell, Collier, Costar, Cronin, Dean, Drew, Flavelle, Fleisher, Flint, Gillis, Greer, Hans, Hawk, Hayes, Hewitt, Hinkle, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, Melrose, Moore, Mott, Otis, Perine, Polsley, Preston, Rech, Rutherford, Silver, Stuckenbruck, Telfer, Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—51.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

ON PUBLIC HEALTH AND QUARANTINE.

ASSEMBLY CHAMBER, SACRAMENTO, March 19, 1909.

MR. SPEAKER: Your Committee on Public Health and Quarantine, to whom was referred Assembly Bill No. 575—An Act providing for the labeling or stamping by the manufacturer, vendor, or person, offering for sale any article of hotel, boarding or lodging house, or domestic or office furniture, the cushions whereof are stuffed in whole or in part with materials made of secondhand or cast off clothing, rags, or cast off, or secondhand material of any character, so that the label or stamp shall show the character of the materials with which such articles are so partly made or stuffed, and making the violating of any of the provisions of this Act a misdemeanor.

Also Assembly Bill No. 1000—An Act to provide for the establishment, maintenance, and control of a sanatorium for the treatment of tuberculosis, and making an appropriation therefor

Also Assembly Bill No. 1406—An Act to regulate the repapering, recalcimining and retinting of rooms to prevent the spread of contagious diseases—have had the same under consideration, and respectfully report the same back without recommendation.

BARNDOLLAR, Chairman.

The above reported bills ordered on file for second reading.

THIRD-READING FILE.

Committee Substitute for Assembly Bill No. 1139—An Act to provide for the creation of a board of parole commissioners for each county in the State, for the paroling of prisoners confined in county jails, and authorizing and empowering such boards to make rules and regulations in relation thereto.

Bill withdrawn by unanimous consent

Assembly Bill No. 582—An Act to prohibit corrupt lobbying and corrupt practices concerning or in opposition or support of the enactment of laws, or the allowance of claims against the State, to provide penalties for the violation of any of the provisions of this Act.

MOTION.

Mr. Beatty moved that further consideration of Assembly Bill No. 582 be made a special order for Friday, March 26, 1909.

Motion lost.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 582 refused passage by the following vote:

AYES—Messrs. Bohnett, Callan, Cogswell, Drew, Flavelle, Fleisher, Gerdes, Gillis, Hanlon, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Mendenhall, Otis, Silver, Stuckenbruck, Telfer, Wagner, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—27.

NOES—Messrs. Barndollar, Beardslee, Beatty, Beban, Butler, Collier, Costar, Cronin, Cullen, Dean, Flint, Greer, Hans, Hayes, Leeds, Lightner, Macauley, McClellan, McManus, Melrose, Moore, Mott, Nelson, O'Neill, Perine, Polsley, Preston, Pulcifer, Rech, and Schmitt—30

Assembly Bill No. 1247—An Act to amend Section 6 of an Act entitled "An Act to regulate and license the hunting of game birds and animals, and to provide revenue therefrom for game preservation and restoration, and to make appropriation for the purpose of carrying out the object of this Act," approved March 13, 1907.

Assembly Bill No. 1247 withdrawn by unanimous consent, and ordered stricken from the file.

SPECIAL FILE—THIRD READING.

Assembly Constitutional Amendment No. 18—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, providing for the separation of State and local taxation, providing for the taxation of public service and other corporations for the benefit of the State, and to that end adding to Article XIII a new section, to be numbered Section 14, amending Section 10 of Article XII, and repealing Section 10 of Article XI thereof, all relating to revenue and taxation.

Assembly Constitutional Amendment No. 18 withdrawn, by unanimous consent, and ordered stricken from the file.

SECOND-READING FILE.

Assembly Bill No. 190—An Act to provide compensation for injuries to employees.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 1361—An Act to add a new section to the Civil Code by adding a new section thereto, to be numbered 290*b*, regulating the increase of the capital stock of corporations.

Assembly Bill No. 1361 withdrawn, by unanimous consent, and ordered stricken from the file.

MESSAGE FROM THE SENATE.

The following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, March 19, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed, as a case of urgency, Assembly Bill No 1449—An Act making an appropriation for the pay of the officers and clerks of the Assembly for the thirty-eighth session of the Legislature.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Bill ordered to enrollment.

SPECIAL ORDER.

The hour of eleven o'clock A. M. having arrived, the special order heretofore set for this hour was taken up for consideration.

The question being on the motion to reconsider the vote whereby Senate amendments to Assembly Bill No. 773 were concurred in

The roll was called, and reconsideration was refused by the following vote:

AYES—Messrs. Callan, Cattell, Cogswell, Costar, Drew, Gerdes, Griffiths, Holmquist, Johnson of Sacramento, Kehoe, Telfer, Whitney, Wyllie, and Young—14

NOES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Bohnett, Butler, Colher, Collum, Cronin, Cullen, Dean, Flavelle, Fleisher, Flint, Gibbons, Gillis, Greer, Hammon, Hanlon, Hans, Hawk, Hayes, Hinkle, Irwin, Johnson of San Diego, Johnson of Placer, Juilliard, Leeds, Lightner, Macauley, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Preston, Pulcifer, Rech, Rutherford, Schmitt, Stuckenbruck, Wagner, Webber, Wilson, and Mr Speaker—51.

Bill ordered to enrollment.

SENATE MESSAGES—(RESUMED)

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO. March 19, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 1251—An Act transferring money from the general fund to the state printing fund, to defray the expenses of legislative printing for the thirty-eighth session of the Legislature, and directing the State Controller and State Treasurer to make such transfers.

LEWIS A. HILBORN, Secretary of Senate
By J W. KAVANAGH, Assistant Secretary

CASE OF URGENCY

The following resolution was offered:

By Mr. Beardslee:

Resolved, That Senate Bill No. 1251 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each House is hereby dispensed with, and it is ordered that said bill be read the first, second, and third times, and placed upon its passage.

Mr. Beardslee moved the adoption of the resolution.

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

AYES—Messrs. Barndollar, Baxter, Beardslee, Bohnett, Cattell, Cogswell, Collum, Cronin, Cullen, Dean, Drew, Flavelle, Fleisher, Flint, Gibbons, Gillis, Griffiths, Ham-

mon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, Perine, Polsley, Preston, Pulcifer, Rech, Rutherford, Schmitt, Silver, Stuckenbruck, Telfer, Wagner, Webber, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—60.
NOES—None.

FIRST READING OF BILL.

Bill read first time, and ordered to second reading.

SECOND READING OF BILL.

Mr. Beardslee moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.
Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.
Senate Bill No. 1251 considered.
Mr. Beardslee moved that the committee do now rise and report in favor of the passage of the bill.
Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 19, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 1251, and do now report the same back, and recommend that it do pass.

STANTON, Chairman.

Bill read second time, and ordered to third reading.

THIRD READING OF BILL.

Bill read third time.
The question being on the passage of the bill.
The roll was called, and Senate Bill No. 1251 finally passed by the following vote:

AYES—Messrs. Baxter, Beardslee, Bohnett, Cattell, Cogswell, Collum, Costar, Cronin, Cullen, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McManus, Mendenhall, Moore, Nelson, Odom, Perine, Polsley, Preston, Pulcifer, Rech, Rutherford, Schmitt, Silver, Stuckenbruck, Telfer, Whitney, Wilson, Wyllie, and Mr. Speaker—55.
NOES—None.

Title read and approved
Bill ordered transmitted to the Senate.
Also.

SENATE CHAMBER, SACRAMENTO, March 19, 1909.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day passed as a case of urgency Senate Bill No 1225—An Act to form agricultural districts, to provide for the formation, organization and powers, of agricultural associations therein and for the management and control of the same by the State, and repealing all Acts and portions of Acts in conflict with this Act.

Also: Assembly Bill No. 1402—An Act declaring February 12th, the birthday of Abraham Lincoln, a legal holiday and providing for a half-day session in the public schools on such holiday, and for certain exercises in the public schools.

Also: Assembly Bill No. 1417—An Act to legalize bonds to be issued and sold by municipalities where the authority for such issuance has already been given by a vote of more than two thirds of the electors of such municipality.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary

Assembly Bills Nos. 1402 and 1417 ordered to enrollment.

Senate Bill No. 1225 referred to Committee on Agriculture.

MESSAGES FROM THE GOVERNOR.

The following messages from the Governor were taken up and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA.
SACRAMENTO, March 19, 1909.

To the Assembly of the State of California:

I have the honor to return herewith Assembly Bill No. 722—An Act to amend an Act entitled "An Act to regulate the practice of optometry, and for the appointment of a Board of Examiners in the matter of said regulation," approved March 20, 1903, by amending sections one, two, five, eight, eleven, twelve, thirteen, fifteen, and sixteen thereof, without my approval, for the following reasons.

This is an Act to amend an Act regulating the practice of optometry in the State of California.

Under section one of this Act, in the definition as to those who shall be considered as practicing optometry, are included those "who shall employ any means for the measure of the powers of vision or adaption of lenses for the aid thereof, or who shall in the sale of spectacles, or eyeglasses or lenses use in the testing of the eyes therefor, lenses other than the lenses actually sold, or who shall in the sale of spectacles or eyeglasses or lenses, use in fitting the eye or eyes with proper lenses, any trial lenses or frame, or both" In other words a person is not considered as practicing optometry who merely sells eyeglasses by trial of the eyeglasses themselves, but if he uses any additional lenses, or additional or better means of securing a more perfect fit, then he shall be considered as a practitioner of optometry, and must conform to all the regulations prescribed.

This seems to me to be altogether wrong. A person should be considered an optician within the meaning of this Act who, for the purpose of supplying his customer with a lens better suited to his eyesight, should use an additional lens to that actually sold. By giving this Act a strict construction, it could be determined that if a person selling glasses fails to fit the eyes in the first attempt, he would be deprived of making a second attempt, for he would be then using lenses other than the lenses actually sold.

A further objection to the bill is contained in the amendment of section sixteen, which provides that nothing in this Act shall be construed to apply * * * to persons who sell spectacles or eyeglasses or lenses as merchandise, *provided however*, that if such person who sells spectacles or eyeglasses or lenses as merchandise has not obtained a certificate of registration from the said board as heretofore provided, he must procure from said board an annual license to sell said spectacles or eyeglasses or lenses, for which license the board shall collect an annual fee of $2.00. My objections to this provision are

First It attempts to impose a license tax upon those whom the Act specifically says shall not be included within its provisions.

Second It gives to every optician the opportunity to obtain from the State board a license for $2.00, and then, when charged with practicing optometry, they are enabled to produce this license and escape conviction on the plea that they were not practicing optometry, but simply selling the spectacles or eyeglasses or lenses as merchandise

This matter has been taken up with the author of this bill, and I understand there is now a bill in the Legislature designed to correct these matters to which I have taken exception.

Respectfully,

J. N. GILLETT,
Governor of the State of California.

GOVERNOR'S VETO SUSTAINED.

The question being put: "Shall the bill become a law notwithstanding the veto of the Governor?"

The roll was called, and the veto of the Governor sustained by the following vote:

AYES—None

NOES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Bohnett, Butler, Cattell, Cogswell, Collier, Collum, Costar, Cronin, Drew, Flavelle, Fleisher, Flint, Gerdes, Gillis, Griffiths, Hammon, Hans, Hayes, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Kehoe, Leeds, Lightner, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, O'Neill, Perine, Polsley, Preston, Pulcifer, Rech, Rutherford, Silver, and Mr. Speaker—47.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 19, 1909

To the Assembly of the State of California

I have the honor to return herewith Assembly Bill No. 446—An Act to amend section 8 of an Act entitled "An Act to create a State Bureau of Criminal Identification, providing for the appointment of a director of said bureau, defining his duties, qualifications and power, providing for the appointment of a clerk of said bureau, and fixing his qualifications, fixing the compensation of said director and clerk, providing for the manner of paying the same, and providing for the expenses of conducting the office, approved March 20, 1905"—without my approval for the following reasons:

This is an Act to amend Section 8 of an Act to create a State Bureau of Criminal Identification, approved March 20, 1905. The change that is made in this section is by striking out the last sentence as follows: "The State Board of Prison Directors are hereby directed to provide office room and furniture, stationery, and necessary clerical assistance, and all other things which in their judgment are necessary to properly conduct said bureau, to be paid for pro rata out of the current expense funds of the penal institutions under the control of such prison directors." No change is made in the director's salary, but the same remains in the amendment as in the present section, at $1,800.00 a year.

Under the Act establishing this bureau, the director is appointed by the Board of Prison Directors, and his term is during the pleasure of the board. His duties are necessarily closely allied to those relating to prison matters, and I can see no good object to be gained by releasing the State Board of Prison Directors from providing him with office room and furniture, stationery, and clerical assistance and such other things as in their judgment are necessary to properly conduct such bureau

The director, at present, has office room and furniture assigned him by the State Board of Prison Directors, and if it is necessary for him to have further clerical assistance, or any other things necessary to properly conduct his office, that can be, and ought to be, supplied him by the State Board of Prison Directors.

Respectfully,

J. N. GILLETT,
Governor of the State of California.

The question being put: "Shall the bill become a law notwithstanding the veto of the Governor?"

The roll was called, and the veto of the Governor sustained by the following vote:

AYES—None

NOES—Messrs Barndollar, Baxter, Beardslee, Beatty, Bohnett, Butler, Cattell, Cogswell, Collum, Costar, Cronin, Drew, Flavelle, Fleisher, Flint, Gerdes, Gillis, Griffiths, Hammon, Hans, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Lightner, Macauley, Maher, McClellan, McManus, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pulcifer, Rech, Rutherford, Schmitt, Silver, Transue, Wagner, Whitney, Wilson, and Mr. Speaker—54

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 19, 1909

To the Assembly of the State of California

I have the honor to return herewith Assembly Bill No. 75—An Act to add a new section to the Penal Code, to be numbered 271*b*, making it a misdemeanor for any person who shall fail to endeavor in good faith to earn or otherwise provide, when able to do so money with which to pay, or who fails to pay, whenever and so far as able, any allowance made by the court and directed to be paid by him to the wife for her support, or for the maintenance of any minor child or children of the marriage in any action of divorce, during the pendency of the action, at the final hearing, or at any time thereafter, and provides a penalty for such failure—without my approval for the following reasons:

This Act provides for the trial and punishment, in an independent criminal action, for a failure to pay alimony Under the power inherent in courts to punish for contempt, the remedy for a violation of the court's order to pay alimony is full and adequate. Under contempt proceedings the hearing is had before the court making the

order. Under the proposed legislation a defendant could be tried in any court of competent jurisdiction, by filing a complaint in an inferior court, holding a preliminary examination, filing an information, and trying him before a jury in the Superior Court. His trial might or might not be before the judge who made the order Under contempt proceedings the judge has a right to hear all the facts connected with the alleged violation of its order and determine whether such order has been violated in fact, and may modify its previous order.

Upon a trial before a jury none of these things can be done. It is possible in contempt proceedings, and a trial upon the misdemeanor charge might be had concurrently

It has been held that where a person has been adjudged guilty of contempt such judgment is a bar to the subsequent conviction for the commission of a misdemeanor involving the same act. If the converse of this were true, that a judgment of conviction of misdemeanor would bar the court from proceedings to punish for contempt, it would frequently happen that a Superior Court would be deprived of using this most effective means of compelling obedience to its orders.

So long as the remedy at present is adequate, it is my opinion the law should be left as it is, rather than cause confusion by legislation establishing a different course of procedure.

Respectfully,

J. N GILLETT,
Governor of the State of California

The question being put: "Shall the bill become a law notwithstanding the veto of the Governor?" The roll was called, and the veto of the Governor sustained by the following vote:

AYES—None.

NOES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Butler, Callan, Cattell, Collum, Costar, Cullen, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gillis, Hammon, Hans, Hawk, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Juilliard, Kehoe, Leeds, Lightner, McManus, Melrose, Mendenhall, Mott, Nelson, Otis, Perine, Preston, Pulcifer, Rech, Rutherford, Schmitt, Silver, Stuckenbruck, Transue, Wagner, Whitney, Wilson, Wyllie, and Mr. Speaker—49.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON AGRICULTURE.

ASSEMBLY CHAMBER, SACRAMENTO, March 19, 1909.

MR. SPEAKER: Your Committee on Agriculture, to whom was referred Senate Bill No. 1225—An Act to form agricultural districts, to provide for the formation, organization, and powers of agricultural associations therein, and for the management and control of the same by the State, and repealing all Acts and portions of Acts in conflict with this Act—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

COGSWELL, Chairman

The above reported bill ordered on file for second reading.

SENATE BILLS—SECOND-READING FILE.

Senate Bill No. 103—An Act providing a plan and system whereby certain duties now performed by officers of cities in and about the taxation and assessment of property may be imposed upon and performed by county and State officers, and making county officers in certain cases ex officio officers of cities.

MOTION.

Mr. Transue moved that Senate Bill No. 103 be denied a second reading.

Motion carried.

Bill ordered stricken from file.

Senate Bill No 101—An Act to provide for the maintenance and operating expenses of the forestry station at Santa Monica, Los Angeles County, and making an appropriation therefor.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE

Speaker Stanton in the chair.

Senate Bill No. 101 considered.

Mr Transue moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 19, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No 101, and do now report the same back, and recommend that it do pass.

STANTON, Chairman.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 657—An Act to amend Section 647 of the Code of Civil Procedure of the State of California, relating to what is deemed excepted to.

Senate Bill No. 662—An Act to amend Section 1259 of the Penal Code of the State of California, relating to what may be reviewed upon appeal taken by the defendant.

On motion of Mr Johnson of Sacramento, Senate Bills Nos. 657 and 662 were denied a second reading, and ordered stricken from the file.

Senate Bill No. 658—An Act to amend Section 270 of the Code of Civil Procedure of the State of California, and to add a new section to the Code of Civil Procedure of the State of California, to be known as Section 274*a*, relating to phonographic reporter, his competency, and compensation.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 669—An Act to repeal Sections 1170, 1171, 1172, 1173, 1174, 1175, and 1177 of the Penal Code of the State of California, relating to bills and exceptions on an appeal.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 660—An Act to add new sections to the Penal Code of the State of California, to be known as numbers 747, 747*a*, 747*b*, 747*c*, 747*d*, and 747*e*, relating to a method for the preparation of records to be used on appeal from judgments, orders, or proceedings of the Superior Court to the Supreme Court or the District Courts of Appeal, in criminal cases.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 661—An Act to amend Sections 1239, 1240, 1241, and 1246 of the Penal Code of the State of California, relating to appeals, when and how taken, and the duty of the clerk upon appeal.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 663—An Act to amend Sections 1191 and 1202 of the Penal Code of the State of California, relating to the time for pronouncing and rendering judgment.

Bill read second time, and ordered on file for third reading

Senate Bill No. 664—An Act to amend Sections 1185 and 1186 of the Penal Code of the State of California, relating to motion in arrest of judgment.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 249—An Act to add a new section to Chapter VIII of Title II of Part III of the Political Code, to be known as Section 1197*a*, and providing for the arrangement of judicial candidates on the ballot without designation of party affiliations.

MOTION.

Mr. Leeds moved that Senate Bill No. 249 be denied a second reading.

Pending action on above motion, the hour of recess arrived, and further consideration of same was continued until two o'clock P. M.

RECESS.

At twelve o'clock and thirty minutes P. M., the Assembly was declared at recess until two o'clock P. M. of this day.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.

Speaker P. A. Stanton in the chair.

The question being on the motion of Mr. Leeds to deny a second reading to Senate Bill No. 249.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Barndollar, Beban, Coghlan, Collier, Cronin, Cullen, Dean, Feeley, Flavelle, Fleisher, Flint, Hammon, Hanlon, Hans, Hayes, Johnson of Sacramento, Leeds, Macauley, McClellan, McManus, Moore, Mott, Pulcifer, Rech, Silver, Transue, Wheelan, and Mr. Speaker—28.

NOES—Messrs Baxter Bohnett, Butler, Callan, Cattell, Cogswell, Collum, Costar, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Placer, Juilliard, Kehoe, Maher, Mendenhall, Nelson, Odom, O'Neill, Polsley, Preston, Rutherford, Sackett, Stuckenbruck, Telfer, Whitney, Wilson, Wyllie, and Young—36.

Bill read second time, and ordered on file for third reading.

SENATE MESSAGE.

On motion of Mr. Johnson of Sacramento, the following Senate message was taken up and read:

SENATE CHAMBER, SACRAMENTO, March 19, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 1446—An Act appropriating money to provide and equip quarters for the Hastings College of the Law.

Also: Assembly Bill No. 1421—An Act appropriating three hundred and sixty dollars to be expended in purchase of a piano for the Whittier State School.

Also: Assembly Bill No. 628—An Act to appropriate money for promoting the study of agriculture in elementary and secondary schools.

Also: Assembly Bill No. 6—An Act to amend Section 170 of the Code of Civil Procedure.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Bills ordered to enrollment.

SPECIAL ORDER.

The time for consideration of special orders having arrived, the special order heretofore set for this hour was taken up for consideration.

The question being on the motion to reconsider the vote whereby Senate Bill No. 842 was passed.

The roll was called, and the same was refused reconsideration by the following vote:

AYES—Messrs. Dean, Flavelle, Fleisher, Johnson of Sacramento, McClellan, and Wilson—6.

NOES—Messrs. Barndollar, Baxter, Beban, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Costar, Cronin, Cullen, Flint, Gerdes, Gillis, Greer, Griffiths, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, O'Neill, Polsley, Preston, Pulcifer, Rech, Rutherford, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wyllie, Young, and Mr. Speaker—53.

Bill ordered transmitted to the Senate.

Senate Bill No. 220—An Act to amend Sections 1197, 1205, and 1211 of the Political Code, relating to elections within this State.

Mr. Leeds moved that the bill be denied a second reading.

Roll call was regularly demanded.

The roll was called, and motion carried by the following vote:

AYES—Messrs Barndollar, Beardslee, Beban, Butler, Collier, Cronin, Cullen, Dean, Feeley, Flavelle, Fleisher, Flint, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hinkle, Johnson of San Diego, Leeds, Macauley, McClellan, McManus, Melrose, Moore, Mott, Otis, Perine, Pulcifer, Rech, Silver, Transue, Wagner, and Mr. Speaker—36.

NOES—Messrs. Baxter, Beatty, Black, Bohnett, Callan, Cattell, Coghlan, Cogswell, Collum, Costar, Gerdes, Gibbons, Gillis, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Lightner, Maher, Mendenhall, Nelson, Odom, O'Neill, Polsley, Preston, Rutherford, Stuckenbruck, Telfer, Whitney, Wilson, Wyllie, and Young—35

Bill ordered stricken from the file.

Senate Bill No. 997—An Act to add a new section to the Civil Code of the State of California, to be known as section number 69*a*, relating to the certificate of registry of marriage.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 996—An Act to amend Section 3076 of the Political Code.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 769—An Act to amend section two hundred and eighty-seven of the Code of Civil Procedure, relating to removal or suspension of attorneys and counselors at law.

Bill read second time, and ordered on file for third reading.

Senate Bill No 1131—An Act to amend an Act entitled "An Act to provide for the formation of protection districts in the various counties of this State, for the improvement and rectification of the channels of innavigable streams and water courses, for the prevention of the overflow thereof, by widening, deepening, and straightening, and otherwise improving the same, and to authorize the board of supervisors to levy and collect assessments from the property benefited to pay the expenses of the same," approved March 27, 1895. by adding a new section thereto, to be numbered Section 28½, relating to maintenance of protection districts.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1091—An Act to amend an Act entitled "An Act to establish police courts in cities of the second class, to fix their jurisdic-

tion, and to provide for officers of said court, and to fix the compensation of said officers thereof," approved March 21, 1905, by repealing Section 7 thereof

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1102—An Act to amend Section 4290 of the Political Code of the State of California, relating to the salaries and fees of county officers.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 823—An Act to accept from the Old Soldiers' Memorial Camp Association of Northern California and E. F. Winslow Post No. 79, Grand Army of the Republic, Department of California and Nevada, the conveyance of, and to vest the title in the State of California of certain lands, buildings, and furnishings thereon, at La Tour Soda Springs, Whitmore Postoffice, in Shasta County; and appropriating the sum of ten thousand dollars for the purpose of constructing cottages on said lands, and for the improvement thereof, and to maintain and care for the same as and for a free rooming, camping grounds, resting place, and health resort for aged, indigent ex-soldiers, sailors, and marines of the United States army and navy, and wives of such soldiers, sailors, and marines; to be known as Winslow Veterans' Home; and to provide for the government thereof by the State of California.

Mr. Beardslee moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Senate Bill No. 823 considered.

Mr. Beardslee moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 19, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 823, and do now report the same back, and recommend that it do pass.

STANTON, Chairman.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 854—An Act to amend the Penal Code of the State of California, by adding a new section thereto, to be numbered 564*a*, relating to the making of false statements in writing by any person respecting his own or another's financial condition, for the purpose of procuring a loan or credit in any form for himself or for another person, and relating to the procuring of credit on such false statements, and prescribing penalties therefor.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 928—An Act to add a new section to the Code of Civil Procedure, to be numbered Section 1019, relating to the service of pleadings and papers in actions for divorce.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 733—An Act to prohibit certain practices by life insurance companies, their agents, officers, employees, and representatives, fixing the penalty therefor, and prescribing the duties of the Insurance Commissioner in relation thereto.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 939—An Act to promote education regarding the laws of nature, governing the parents, governing reproduction, and making an appropriation therefor.

Mr. Polsley moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Senate Bill No. 939 considered.

Mr. Johnson of Sacramento moved that the committee do now rise and report the bill back, and recommend that it do not pass.

Motion lost.

Mr. Polsley moved that the committee do now rise and report in favor of the passage of the bill.

Motion lost.

Mr Transue moved that the committee do now rise and report the bill back, without recommendation.

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 19, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 939, and do now report the same back, without recommendation.

STANTON, Chairman.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 941—An Act to permit asexualization of inmates of the State hospitals and the California Home for the Care and Training of Feeble-Minded Children, and of convicts in the State prisons.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1212—An Act to amend Section 4187 of the Political Code.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 253—An Act to amend Section 1474 of the Code of Civil Procedure.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1148—An Act to amend Sections 3446, 3450, 3452, 3453, 3454, 3455, 3456, 3459, 3463, 3464, 3467, 3470, 3471, 3474, 3476, 3481, and 3491 of the Political Code of the State of California, relating to irrigation and reclamation districts.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1108—An Act to amend Section 4265 of the Political Code of the State of California, relating to the compensation of officers

of counties of the thirty-sixth class and their deputies and assistants, and fixing the compensation of grand and trial jurors therein.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 566—An Act to amend Sections 15, 16, 17, 18, and 19 of an Act entitled "An Act to establish a school of industry, to provide for the maintenance and management of the same, and to make an appropriation therefor," approved March 11, 1889, and as amended by Act approved February 27, 1893; and to add thereto three new sections, to be numbered Section 15*a*, Section 15*b*, and Section 15*c*, respectively, all relating to commitments to, or paroles and discharges from said school.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 913—An Act to add a new section to the Political Code of the State of California, to be known as Section 3251 thereof, providing pay for holidays for employees of the State of California or of any political subdivision thereof.

During second reading of bill, the following amendment was submitted by Mr. Leeds:

AMENDMENT No. 1.

On last line of title, strike out words: "or of any political subdivision thereof".

AMENDMENT No. 2.

On line 6, Section 1, page 1, strike out words: "or any political subdivision thereof".

Roll call was regularly demanded.

The roll was called, and amendments lost by the following vote:

AYES—Messrs Barndollar, Bohnett, Cattell, Cogswell, Collier, Drew, Feeley, Fleisher, Flint, Hammon, Hanlon, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Juilliard, Leeds, Maher, Melrose, Mendenhall, Mott, Otis, Rech, Stuckenbruck, Transue, Wilson, Wyllie, Young, and Mr Speaker—29.

NOES—Messrs Baxter, Beardslee, Beatty, Beban Black, Butler, Callan, Coghlan, Collum, Costar, Cronin, Cullen, Gerdes, Gibbons, Griffiths, Hawk, Hayes, Hewitt, Hinkle, Johnson of Placer, Kehoe, Lightner, Macauley, McManus, Moore, Nelson, Odom, O'Neill, Polsley, Preston, Rutherford, Telfer, Wagner, Wheelan, and Whitney—35.

Bill read second time, and ordered on file for third reading.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ON FREE CONFERENCE.

ASSEMBLY CHAMBER, SACRAMENTO, March 19, 1909.

MR. SPEAKER: Your Committee on Free Conference concerning Assembly Bill No. 31—An Act to amend Section 2957 of the Civil Code, relating to chattel mortgages, and the circumstances under which the same are void as to creditors and subsequent purchasers and incumbrances—report that we have met a like committee of the Senate, consisting of Senators Willis, McCartney, and Miller, and we report that the Free Conference Committee agreed upon and recommend that the Senate amendment to the bill be amended by inserting after the word "manner", in line 2, of Subdivision 2 of the section, the words "and time", and that the Assembly concur in the Senate amendment thus amended.

JOHNSON OF SACRAMENTO,
JOHNSTON OF CONTRA COSTA,
DREW,
Committee on Free Conference.

Mr. Johnson of Sacramento moved the adoption of the report.

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

AYES—Messrs Barndollar, Baxter, Beban, Butler, Callan, Cattell, Cogswell, Collier, Costar, Dean, Feeley, Flint, Gerdes, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans,

Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Polsley, Preston, Rech, Rutherford, Silver, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, and Mr. Speaker—56.

NOES—None.

Bill ordered to reprint and enrollment.

SENATE MESSAGE.

The following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, March 19, 1909

MR SPEAKER: I am directed to inform your honorable body that the Senate, on this day, ordered recalled from the Assembly Assembly Bill No 6—An Act to amend Section 170 of the Code of Civil Procedure

LEWIS A. HILBORN, Secretary of Senate
By J W. KAVANAGH, Assistant Secretary

Bill ordered transmitted to the Senate.

Also:

SENATE CHAMBER, SACRAMENTO, March 19, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day refused to adopt the report of the Conference Committee on Assembly Bill No. 167—An Act to amend Sections 1908, 1917, and 1923 of the Political Code of California, all relating to the enrolled militia—and has named Senators Finn, Burnett, and Miller as a Committee on Free Conference, and respectfully request the appointment of a like committee by your honorable body to consider said bills

LEWIS A. HILBORN, Secretary of Senate
By J. W. KAVANAGH, Assistant Secretary

APPOINTMENT OF COMMITTEE.

The Speaker announced the appointment of Messrs. Perine, Melrose, and Butler as a Committee on Free Conference, to meet with a like committee from the Senate, to consider Senate amendments to Assembly Bill No. 167.

SENATE BILLS—THIRD-READING FILE.

Senate Bill No. 905—An Act to amend an Act entitled "An Act creating a state commission on voting or balloting machines, defining their powers, and providing for the use, at the option of indicated local authorities, of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result of such elections, and providing for the punishment of all violations of the provisions of this Act," approved March 20, 1903.

Bill read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 905 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beban, Butler, Collier, Collum, Costar, Cronin, Dean, Drew, Feeley, Fleisher, Flint, Gibbons, Greer, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Leeds, Macauley, McClellan, McManus, Moore, Mott, Nelson, Otis, O'Neill, Pulcifer, Rech, Rutherford, Silver, Transue, Wagner, Wheelan, Young, and Mr Speaker—42

NOES—Messrs. Beatty, Bohnett, Callan, Cattell, Cogswell, Gerdes, Gillis, Griffiths, Johnson of Placer, Juilliard, Kehoe, Maher, Mendenhall, Odom, Polsley, Stuckenbruck, Telfer, Whitney, Wilson, and Wyllie—20

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 186—An Act to amend Section 3494 of the Political Code of the State of California, relating to the price and terms of sale of school lands.

On motion of Mr. Pulcifer, action on above bill was indefinitely postponed.

Senate Bill No. 1217—An Act to amend Section 739 of the Political Code of the State of California.

Bill read third time, and passed on file.

Senate Bill No. 819—An Act to amend Section 928 of the Penal Code of the State of California, relating to the duties of the grand juries.

Bill read third time

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 819 finally passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Black, Butler, Callan, Cogswell, Collier, Collum, Costar, Cronin, Feeley, Flavelle, Fleisher, Flint Gerdes, Gibbons, Gillis, Griffiths. Hammon, Hanlon, Hans, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McManus, Mendenhall, Odom, Otis, O'Neill, Polsley, Preston, Pulcifer, Rutherford, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Whitney, and Mr. Speaker—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 980—An Act to amend Sections 653*c*, 653*d*, and 653*l* of the Civil Code of the State of California, all relative to coöperative business associations.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Senate Bill No. 980 finally passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Bohnett, Butler, Cogswell, Collier, Collum, Costar, Cronin, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Hanlon, Hans, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McManus, Melrose, Moore, Odom, Otis, Perine, Polsley, Preston, Rech, Rutherford, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Wilson, Wyllie, Young, and Mr Speaker—54.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No 1106—An Act to add a new section to the Political Code, to be numbered 4284*a*, relating to and fixing the compensation of grand and trial jurors in the Superior Courts in counties of the fifty-fifth class.

On motion of Mr. Gillis, the consideration of Senate Bill No. 1106 was indefinitely postponed

Senate Bill No. 1130—An Act appropriating money to pay the claim of the United States Fidelity and Guaranty Company against the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1130 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Cattell, Cogswell, Collier, Collum, Costar, Cronin, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hawk, Hayes, Hinkle, Holm-

quist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Macauley, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, Perine, Preston, Pulcifer, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Wilson, Young, and Mr. Speaker—59.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 670—An Act to provide for the purchase of live stock for and for the use of the University Farm and Agricultural School at Davis, and appropriating money therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 670 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Cattell, Coghlan, Cogswell, Collier, Collum, Costar, Cronin, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Odom, Otis, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Rutherford, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Whitney, Wilson, Wylie, Young, and Mr Speaker—63.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1088—An Act to amend Section 5 and Section 10 of an Act entitled "To provide for the formation of protection districts in the various counties of this State, for the improvement and rectification of the channels of innavigable streams and water courses, for the prevention of the overflow thereof, by widening, deepening, and straightening, and otherwise improving the same, and to authorize the boards of supervisors to levy and collect assessments from the property benefited to pay the expenses of the same," approved March 27, 1895, enlarging the discretion of boards of supervisors concerning such districts and improvements, and to include in said districts territory situated within municipal corporations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1088 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beban, Black, Bohnett, Butler, Cattell, Collier, Costar, Cronin, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Macauley, Maher, McClellan, Mendenhall, Moore, Nelson, Odom, Otis, Perine, Polsley, Pulcifer, Rutherford, Schmitt, Silver, Stuckenbruck, Transue, Wagner, Wheelan, Whitney, Wilson, Young, and Mr. Speaker—57.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate

Senate Bill No. 314—An Act to amend Section 4267 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the thirty-eighth class, by adding a new subdivision thereto, relating to the duties and compensation of official reporters, to be known as Subdivision 17 of said section.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 314 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Black, Bohnett, Butler, Callan, Cattell, Collier, Collum, Costar, Cronin, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gillis, Griffiths, Hammon, Hanlon, Hans Hewitt, Hinkle, Irwin, Johnson of Placer, Juilliard, Kehoe, Leeds, McClellan, Mendenhall, Moore, Mott, Odom, Otis, Perine, Polsley, Preston, Pulcifer, Rech, Rutherford, Schmitt, Silver, Telfer, Wheelan, Whitney, Wilson, Young, and Mr. Speaker—51.
NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 904—An Act to amend Sections 626, 626*c*, 626*d*, 626*m*, 626*b*, of the Penal Code of California, and to add to said Penal Code two new sections, to be numbered Sections 626*n* and 626*o*, relating to the protection and preservation of game and fish.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 904 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Black, Butler, Cattell, Collier, Collum, Costar, Cronin, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gillis, Griffiths, Hammon, Hanlon, Hans, Hewitt, Hinkle, Irwin, Johnson of San Diego, Juilliard, Kehoe, Leeds, Macauley, McClellan, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Polsley, Rech, Rutherford, Silver, Telfer, Transue, Wagner, Wilson, Young, and Mr. Speaker—47.
NOES—Messrs. Preston and Wheelan—2.

Title read and approved.

Bill ordered transmitted to the Senate

Senate Bill No. 833—An Act to amend Section 4041 of the Political Code of California, relating to the general permanent powers of the board of supervisors.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No 833 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Black, Bohnett, Butler, Callan, Cattell, Collum, Costar, Cronin, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Hammon, Hanlon, Hans, Hawk, Hayes, Hinkle, Irwin, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Maher, McClellan, Mendenhall, Moore, Odom, Perine, Polsley, Preston, Pulcifer, Rech, Rutherford, Schmitt, Silver, Stuckenbruck, Transue, Wagner, Wheelan, Whitney, Wilson, Young, and Mr Speaker—51
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate

Senate Bill No. 1059—An Act to amend Sections 2 and 3 of an Act entitled "An Act relating to estrays, providing for taking them up, and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other Acts, or parts of Acts, now in force, relating to estrays." approved March 23, 1901

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1059 finally passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beatty, Black, Bohnett, Callan, Cattell, Collum, Costar, Cronin, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gillis, Griffiths, Hammon, Hanlon, Hayes, Hinkle, Irwin, Johnson of Placer, Juilliard, Kehoe, Leeds,

Lightner, Macauley, McClellan, Mendenhall, Moore, Mott, Odom, Perine, Polsley, Preston, Rech, Rutherford, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—50.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1138—An Act to amend Section 4236 of the Political Code, relating to county and township officers of counties of the seventh class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1138 finally passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beban, Black, Bohnett, Butler, Callan, Cattell, Collum, Costar, Cronin, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gillis, Hammon, Hanlon, Hans, Hinkle, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Macauley, McClellan, Mendenhall, Moore, Mott, Odom, Perine, Polsley, Preston, Rech, Schmitt, Silver, Stuckenbruck, Telfer, Wagner, Wheelan, Whitney, Wilson, Young, and Mr. Speaker—47.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No 637—An Act to provide for the construction of buildings and structures and repairs to the same on the University Farm at Davis, and appropriating money therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 637 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beban, Black, Bohnett, Butler, Callan, Cattell, Collum, Cronin, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gillis, Greer, Hammon, Hanlon, Hans, Hayes, Hewitt, Hinkle, Irwin, Juilliard, Kehoe, Leeds, Lightner, McClellan Mendenhall, Moore, Mott, Nelson, Otis, Perine, Polsley, Preston, Rech, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Wilson, Young, and Mr. Speaker—49.
NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 669—An Act to provide for the purchase of supplies, apparatus, equipment, and furnishings of buildings, class rooms, and laboratories on the University Farm at Davis, and appropriating money therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 669 finally passed by the following vote:

AYES—Messrs Barndollar, Beardslee, Black, Bohnett, Butler, Callan, Cattell, Collum, Cronin, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gillis, Greer, Hammon, Hanlon, Hans, Hayes, Hewitt, Hinkle, Irwin, Johnson of Placer, Juilliard, Kehoe, Leeds, Macauley, Maher, McClellan, Mendenhall, Moore, Mott, Nelson, Otis, Perine, Preston, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Young, and Mr. Speaker—48.
NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No 773—An Act authorizing the State Board of Prison Directors to provide for assisting discharged prisoners to secure employment, and making an appropriation for the purpose of the Act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 773 finally passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beatty, Butler, Callan, Cattell, Collier, Collum, Cronin, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hayes, Hewitt, Hinkle, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Macauley, McClellan, Mendenhall, Moore, Nelson, Odom, Perine, Polsley, Preston, Rech, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Young, and Mr. Speaker—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 821—An Act to fix the salaries of the State Forester, Deputy Forester, and Assistant Forester

Bill read third time.

The question being on the passage of the bill

The roll was called, and Senate Bill No. 821 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beban, Black, Bohnett, Callan, Cattell, Collum, Costar, Cronin, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gillis, Greer, Griffiths, Hammon, Hans, Hawk, Hewitt, Hinkle, Johnson of Placer, Juilliard, Kehoe, Lightner, Macauley, Mendenhall, Moore, Mott, Nelson, Odom, Perine, Polsley, Preston, Rech, Schmitt, Silver, Stuckenbruck, Transue, Wagner, Wheelan, Whitney, Wilson, Young, and Mr. Speaker—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No 840—An Act to make an additional appropriation for the continuation of the location, survey, and construction of a State highway from a point known as the Mt. Pleasant Ranch, on the road between Quincy and Marysville, thence in a southeasterly direction by Eureka to Downieville, Sierra County, California.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Senate Bill No. 840 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Black, Bohnett, Callan, Cattell, Collum, Costar, Cronin, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Irwin, Johnson of Placer, Juilliard, Kehoe, Lightner, Macauley, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Polsley, Preston, Rech, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wheelan, Whitney, Wilson, Young and Mr. Speaker—51.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No 1013—An Act to amend Sections 385 and 386 of the Political Code, relating to the salaries of the Private Secretary and the Executive Secretary of the Governor

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1013 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beban, Black, Bohnett, Callan, Cattell, Coghlan, Collum, Costar, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gillis, Greer, Griffiths, Hanlon, Hans, Hayes, Hewitt, Hinkle, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Polsley, Preston, Rech, Schmitt, Silver, Stuckenbruck, Wheelan, Wilson, Young, and Mr. Speaker—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 34—An Act to establish a State Board of Embalmers, defining the duties thereof, providing for the better protection of life and health, preventing the spread of contagious diseases, regulating the practice of embalming in connection with the care and disposition of the dead, and providing penalties for the violation thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 34 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Black, Butler, Callan, Cattell, Collum, Cronin, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gillis, Greer, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Johnson of San Diego, Johnson of Placer, Juilliard, Leeds, Lightner, Macauley, McClellan, Mendenhall, Moore, Mott, Odom, Otis, Perine, Preston, Rech, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wyllie, Young, and Mr. Speaker—49.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

NOTICE OF MOTION TO RECONSIDER.

Mr. Leeds gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 34 was this day passed

Senate Bill No. 844—An Act to prevent persons from unlawfully using a union card.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No 844 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Beban, Black, Butler, Callan, Cattell, Coghlan, Collum, Cullen, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gillis, Hammon, Hanlon, Hawk, Hayes, Hinkle, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Macauley, McClellan, Mendenhall, Moore, Mott, Odom, Otis, Polsley, Preston, Rech, Schmitt, Silver, Stuckenbruck, Wagner, Wheelan, Whitney, Wilson, Young, and Mr. Speaker—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 884—An Act to amend Section 2802 of the Political Code of the State of California, relating to toll roads.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 884 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Beban, Black, Butler, Callan, Cattell, Coghlan, Collum, Cronin, Cullen, Dean, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gillis, Hammon, Hanlon, Hawk, Hayes, Hinkle, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Macauley, Mendenhall, Moore, Mott, Odom, Otis, Polsley, Preston, Pulcifer, Rech, Schmitt, Silver, Telfer, Wagner, Wheelan, Whitney, Wilson, Young, and Mr. Speaker—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

NOTICE OF MOTION TO RECONSIDER.

Mr. Leeds gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 1013 was this day passed.

Senate Bill No. 994—An Act to amend an Act entitled "An Act to provide for the formation of boulevard districts and the construction, maintenance and use of boulevards and defining the term boulevard," approved March 22, 1905, by amending Sections 2, 6, 7, 8, and 9, in relation to the issuing of bonds, and by amending Section 11 thereof, in relation to gifts and donations, and by amending Section 12 thereof, in relation to reconstruction of country roads and public highways within boulevard districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 994 finally passed by the following vote:

AYES—Messrs. Barndollar Baxter, Beatty, Black Butler, Callan Cattell Collum, Cullen, Dean, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gillis, Hammon, Hanlon, Hawk, Hayes, Hinkle, Johnson of San Diego Johnson of Placer, Kehoe, Leeds, Lightner, Macauley, Mendenhall, Moore, Mott Otis, Preston, Pulcifer, Rech, Schmitt, Silver, Telfer, Wagner, Wheelan, Whitney, Wilson, Young, and Mr. Speaker—43

NOES—None

Title read and approved

Bill ordered transmitted to the Senate.

Senate Bill No. 215—An Act to make an appropriation to locate, survey and obtain estimate of cost of a highway from Happy Camp, Siskiyou County, along the Klamath and Trinity rivers to Hoopa Valley, Humboldt County, and also from a point along said route up the Salmon River to Black Bear

Bill read third time.

The question being on the passage of the bill

The roll was called, and Senate Bill No 215 finally passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beatty, Beban, Black, Callan, Cattell, Coghlan, Collum, Cullen, Dean, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gillis, Hammon, Hanlon, Hans, Hawk, Hayes, Hinkle, Johnson of San Diego, Johnson of Placer, Kehoe, Leeds, Lightner, Mendenhall, Moore, Mott, Odom, Otis, Polsley, Preston, Pulcifer, Rech, Schmitt, Silver, Telfer, Wagner, Wheelan Whitney Wilson, Young, and Mr. Speaker—46.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

RESOLUTION.

The following resolution was offered:

By Mr Hinkle:

WHEREAS, Divine Providence has by death removed from among us an esteemed member of the thirty-fourth, thirty-fifth, and thirty-sixth sessions of the Assembly; be it

Resolved, That the Speaker be requested to appoint a committee of five to draft a suitable resolution to be reported to this House on Saturday morning, and that the same be suitably engrossed, framed, and presented to the family of the late Assemblyman F W. Barnes.

Resolution read and adopted.

APPOINTMENT OF COMMITTEE.

The Speaker appointed as such committee: Messrs. Hinkle, Beardslee, Transue, Mott, and Baxter.

JOINT RESOLUTION.

The following joint resolution was offered:

By Mr McClellan:

ASSEMBLY JOINT RESOLUTION No. 11.

Relating to maintaining without reduction the present tariff on wool imported into the United States from any foreign countries.

WHEREAS, The growing of wool is one of the leading industries of the State of California, a large portion of the area of which is made up of lands suitable for the grazing of sheep; and

WHEREAS, The wool grown in California can not compete in price with wool imported from certain foreign countries; and

WHEREAS, Any reduction by Congress from the present tariff on wool would greatly injure the industries of sheep raising and wool growing in the United States; therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That we respectfully urge the Congress of the United States to maintain without reduction the present tariff on wool imported into the United States from any foreign country; be it further

Resolved, That our Senators in Congress be instructed, and our Representatives requested, to use all honorable means to carry out the foregoing recommendation and request; be it further

Resolved, That the Governor of California be, and he is hereby directed to transmit a certified copy of these resolutions to the President and Speaker, respectively, of the Senate and House of Representatives in Congress.

Mr. McClellan moved the suspension of the rules.

The motion was unanimously carried, and the rules declared suspended.

Assembly Joint Resolution No. 11 adopted, and ordered transmitted to the Senate.

RECESS.

At five o'clock and fifty-five minutes P. M., on motion of Mr. Mott, the Assembly was declared at recess until eight o'clock P. M. of this day.

REASSEMBLED.

At eight o'clock P. M. the Assembly was reconvened.

Speaker P. A Stanton in the chair.

SENATE BILLS—THIRD-READING FILE.

Senate Bill No. 1146—An Act to prevent the propagation of disease through contamination of the atmosphere by gases or fumes arising

from crematories for the disposition of garbage, ashes, offal, and other refuse matter, and to prescribe penalties.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Senate Bill No. 1146 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Bohnett, Callan, Cattell, Collier, Collum, Costar, Cronin, Dean, Flavelle, Gerdes, Gillis, Hammon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of Placer, Kehoe, Leeds, Lightner, Macauley, Mendenhall, Moore, Mott, Odom, Otis, O'Neill, Preston, Rech, Rutherford, Schmitt, Silver, Telfer, Transue, Wheelan, Wyllie, Young, and Mr. Speaker—44.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1061—An Act to authorize and empower the board of managers of the Agnews State Hospital to sell and convey a portion of real property situate in Santa Clara County, in the State of California, and belonging to said State, to the Western Distilling Company.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Senate Bill No. 1061 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Bohnett, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Costar, Cronin, Dean, Flavelle, Gerdes, Gillis, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Macauley, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Polsley, Preston, Rech, Rutherford, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

NOTICE OF MOTION TO RECONSIDER.

Mr Leeds gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 1146 was this day passed.

Senate Bill No. 820—An Act to authorize the Governor to accept on behalf of the State the grant of certain lands in Butte County.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 820 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Callan, Cattell, Coghlan, Cogswell, Collier, Costar, Dean, Flavelle, Gerdes, Gibbons, Gillis, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Melrose, Mendenhall, Moore, Mott, Odom, Otis, Perine, Polsley, Preston, Rech, Rutherford, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Whitney, Wilson, Wyllie, and Mr. Speaker—51

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No 1190—An Act authorizing district agricultural associations, organized under the laws of the State of California, to

lease lands owned, managed, or controlled, in trust or otherwise, to municipal corporations in which such lands are situated, and repealing all Acts and parts of Acts in conflict herewith.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Senate Bill No. 1190 finally passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Bohnett, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Costar, Dean, Flavelle, Fleisher, Gerdes, Gibbons, Gillis, Hammon, Hanlon, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Polsley, Preston, Rech, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Whitney, Wilson, Young, and Mr. Speaker—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 885—An Act to amend Section 1230 of the Political Code, relating to grounds of challenge at elections

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 885 finally passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beatty, Beban, Black, Bohnett, Callan, Cattell, Collier, Collum, Costar, Dean, Flavelle, Flint, Gerdes, Gibbons, Gillis, Hammon, Hanlon, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Macauley, Melrose, Mendenhall, Moore, Mott, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pulcifer, Rech, Rutherford, Schmitt, Silver, Stuckenbruck, Telfer, Wyllie, and Mr. Speaker—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No 22—An Act providing for the purchase by the State Board of Forestry of that certain tract of land in Sonoma County, California, commonly known as Armstrong Woods, for park purposes, with power to manage such property, and making an appropriation to carry out the provisions of this Act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 22 finally passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Cattell, Cogswell, Collier, Collum, Costar, Flavelle, Flint, Gerdes, Gibbons, Gillis, Greer, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Leeds, Macauley, McClellan, Melrose, Mendenhall, Moore, Mott, Odom, Otis, Perine, Polsley, Preston, Rech, Rutherford, Silver, Stuckenbruck, Telfer, Transue, Wagner Whitney, and Wyllie—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

HON P. F. COGSWELL IN THE CHAIR.

At eight o'clock and thirty minutes P. M., Hon P. F. Cogswell in the chair

Senate Bill No. 798—An Act to amend Section 1 of an Act entitled "An Act to provide for the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipalities, and for the districting, government, and municipal control of annexed territory," approved March 19, 1889.

Bill read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 798 finally refused passage by the following vote:

AYES—Messrs. Baxter, Beardslee, Black, Costar, Cullen, Dean, Feeley, Flavelle, Hawk, Hayes, Juilliard, Mendenhall, Moore, Rutherford, Stuckenbruck, Telfer, Wheelan, and Whitney—18.

NOES—Messrs. Barndollar, Beatty, Bohnett, Butler, Cattell, Cogswell, Flint, Gerdes, Gibbons, Gillis, Greer, Hanlon, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Kehoe, Leeds, Odom, Otis, Perine, Polsley, Preston, and Rech—26.

Senate Bill No. 278—An Act providing for the construction of the water and sewer system in California Redwood Park, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Senate Bill No 278 finally passed by the following vote:

AYES—Messrs Barndollar, Beardslee, Beatty, Black, Bohnett, Cattell, Cogswell Collier, Costar, Cronin, Dean, Feeley, Flavelle, Flint, Gerdes, Gillis, Greer, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Mendenhall, Moore, Mott, Odom, Otis, Perine, Polsley, Rech Rutherford, Stuckenbruck, Telfer, Transue, and Whitney—42.

NOES—None

Title read and approved

Bill ordered transmitted to the Senate.

Senate Bill No. 465—An Act to provide for the construction of a section of seawall on the bay of San Diego, reclaiming tide lands, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 465 finally passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Black, Bohnett, Butler, Cattell, Cogswell, Collier, Costar, Dean, Feeley, Flavelle, Gerdes, Gibbons, Gillis Greer, Hammon, Hanlon, Hawk, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Mendenhall, Moore, Mott, Odom, Otis, Perine, Polsley Rech, Rutherford, Stuckenbruck, Telfer, Transue, Whitney, and Mr. Speaker—43

NOES—None

Title read and approved

Bill ordered transmitted to the Senate

Senate Bill No. 540—An Act making an appropriation of six thousand five hundred and twenty-seven and twelve one-hundredths dollars ($6527 12), to repay the Regents of the University of California for moneys appropriated by them to make good losses by fire and disaster, and prescribing the duties of the Controller and Treasurer of State in relation thereto.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 540 finally passed by the following vote:

AYES—Messrs. Barndollar, Beatty, Black, Bohnett, Butler, Cattell, Cogswell, Collier, Costar, Feeley, Flavelle, Flint, Gerdes, Greer, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Mendenhall, Moore, Mott, Odom, Otis, Perine, Polsley, Rech, Rutherford, Silver, Stuckenbruck, Telfer, Transue, Whitney, and Mr. Speaker—42.

NOES—Mr. Baxter—1.

Title read and approved.

Bill ordered transmitted to the Senate

Senate Bill No. 888—An Act providing for the purchase of a boiler for the kitchen at the State prison at Folsom, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No 888 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Black, Bohnett, Butler, Cattell, Cogswell, Collier, Costar, Dean, Feeley, Flavelle, Flint, Gerdes, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Mendenhall, Moore, Mott, Odom, Otis, Perine, Polsley, Rech, Silver, Stuckenbruck, Telfer, Wheelan, Whitney, and Mr Speaker—42.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 974—An Act to provide for the purchase of portraits of former Governor George C. Pardee, and Lieutenant-Governor Alden Anderson, by the State Board of Examiners, and to appropriate money therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Perine moved a call of the House.

Motion carried.

Time, nine o'clock and thirty minutes P. M.

The Speaker directed the Sergeant-at-Arms to close the doors

The doors were closed, and the Chief Clerk was directed to call the roll.

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

Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Bohnett, Butler, Cattell, Coghlan, Cogswell, Collier, Costar, Dean, Flavelle, Fleisher, Flint, Gerdes, Greer, Hammon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Mendenhall, Moore, Mott, Odom, Otis, Perine, Polsley, Rech, Silver, Stuckenbruck, Telfer, Transue, Wheelan, Whitney, and Mr. Speaker—44.

The Chief Clerk announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the House.

Messrs. Preston, Callan, Maher, Wyllie, Hanlon, Rech, Cronin, Schmitt, Collum, Silver, and McClellan were brought before the bar of the House, and on motion, excused.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At nine o'clock and forty minutes P. M., further proceedings under the call of the House was dispensed with, on motion of Mr. Baxter

The roll of absentees was called, and the bill passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Costar, Cronin, Cullen, Dean, Feeley, Flavelle, Fleisher, Flint, Gibbons, Greer, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Odom, Otis, Perine, Rech, Schmitt, Silver, Telfer, Transue, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—56.

NOES—Messrs. Black, Gerdes, Polsley, and Stuckenbruck—4.

Title read and approved.

Bill ordered transmitted to the Senate.

SPEAKER IN THE CHAIR.

At nine o'clock and forty-five minutes P. M., Speaker Stanton in the chair.

Senate Bill No. 1241—An Act amending the Political Code of the State of California, by adding thereto a new section, to be known as Section 3443*a*, relating to the tide lands of the State, and to the sale and purchase thereof.

Consideration of bill postponed until two o'clock P. M. of Saturday, March 20, 1909, by unanimous consent.

NOTICE OF MOTION TO RECONSIDER.

Mr. Hawk gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Bill No 220 was this denied a second reading.

Senate Bill No. 166—An Act apropriating money for the purchase of a site and right of way, the building of a reservoir and pipe line for a clear water system.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 166 finally passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Costar, Cronin, Dean, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Odom, Otis, Perine, Polsley, Preston, Pulcifer, Rech, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Whitney, Wilson, Wyllie, and Mr. Speaker—56.

NOES—None.

TITLE AMENDED.

The following amendment to the title was submitted by Mr. Moore:

Strike out the period following the word "system", in fourth line of title, and add the following: "for the Preston School of Industry."

Amendment adopted.

Title, as amended, read and approved.

Bill ordered to reprint, and transmitted to the Senate.

Committee Substitute for Senate Bill No. 813—An Act to insure the better training and qualification of persons operating motor vehicles on public highways, and to regulate the occupation of operating motor vehicles on public highways, and providing penalties for the violation hereof

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Senate Bill No. 813 finally refused passage by the following vote:

AYES—Messrs. Baxter, Black, Butler, Collier, Fleisher, Flint, Gibbons, Gillis, Hammon, Hawk, Holmquist, Johnson of Sacramento, Maher, Mendenhall, Odom, Perine, Rech, Silver, Transue, Whitney, and Mr. Speaker—21.

NOES—Messrs Barndollar, Beardslee, Beatty, Bohnett, Callan, Cattell, Cogswell, Costar, Cronin, Dean, Feeley, Flavelle, Gerdes, Greer, Hanlon, Hans, Hayes, Hewitt, Hinkle, Johnson of Placer, Juilliard, Kehoe, Leeds, McClellan, Melrose, Moore, Mott, Otis, Preston, Pulcifer, Schmitt, Stackenbruck, Telfer, Wilson, Wyllie, and Young—36.

NOTICE OF MOTION TO RECONSIDER

Mr Leeds gave notice that on the next legislative day he would move a reconsideration of the vote whereby Committee Substitute for Senate Bill No 813 was this day refused passage.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT

ASSEMBLY CHAMBER, SACRAMENTO, March 19, 1909.

MR. SPEAKER Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed

Assembly Bill No. 87—An Act to amend Section 330 of the Penal Code, relating to gambling.

Assembly Bill No 190—An Act to provide compensation for injuries to employees.

Assembly Bill No 1028—An Act authorizing and directing the Surveyor General to select lands under the laws of the United States in lieu of any sixteenth and thirty-sixth sections included within any reservation of public lands, providing for necessary additional employees of the Surveyor General's office, and the fees and procedure for effecting the exchanges.

Assembly Bill No. 421—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a section thereto, to be designated and known as Section 1716, relating to the payment and enforcement of claims against municipal corporations in certain cases.

Assembly Bill No. 1183—An Act to amend Section 596 of the Political Code of the State of California, relating to the transaction of insurance business.

YOUNG, Chairman

The above reported bills ordered on file for third reading

OF WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, March 19, 1909.

MR SPEAKER Your Committee on Ways and Means, to whom was referred Senate Bill No 214—An Act appropriating money to carry on the work provided for in an Act entitled "An Act authorizing the Governor to appoint an expert in taxation and public finance, to sit as a member of a commission to be composed of himself and a general committee of the Senate and Assembly of the thirty-sixth session of the Legislature of the State of California, of which commission the Governor shall be ex officio a member and chairman, to investigate the system of revenue and taxation in force in this State, and to recommend a plan for the revision and reform thereof, to provide for the creation of said commission, and to define its powers, and making an appropriation therefor," approved March 20, 1905.

Also: Senate Bill No. 1203—An Act appropriating the sum of five thousand dollars ($5,000.00) for the purposes of repairing the greenhouse, walks and grounds of the State Capitol, at Sacramento.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

BEARDSLEE, Chairman.

CONSIDERATION OF BILLS —(OUT OF ORDER).

Senate Bill No. 214—An Act appropriating money to carry on the work provided for in an Act entitled "An Act authorizing the Governor to appoint an expert in taxation and public finance, to sit as a member of a commission to be composed of himself and a general committee of the Senate and Assembly of the thirty-sixth session of the Legislature of the State of California, of which commission the Governor shall be ex officio a member and chairman, to investigate the system of revenue and taxation in force in this State, and to recommend a plan for the revision and reform thereof; to provide for the creation of said commission, and to define its powers, and making an appropriation therefor," approved March 20, 1905.

Senate Bill No. 1203—An Act appropriating the sum of five thousand dollars ($5,000.00) for the purposes of repairing the greenhouse, walks, and grounds of the State Capitol, at Sacramento.

Mr. Beardslee moved that the Assembly resolve itself into the Committee on the Whole for the purpose of considering the bills.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Senate Bills Nos. 214 and 1203 considered.

Mr Beardslee moved that the committee do now rise and report in favor of the passage of the bills

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 19, 1909.

GENTLEMEN The Committee of the Whole have had under consideration Senate Bills Nos. 214 and 1203, and do now report the same back, and recommend that they do pass

STANTON, Chairman.

Bills read second time, and ordered on file for third reading.

ADJOURNMENT.

At ten o'clock and fifty minutes P. M., on motion of Mr. Johnson of Sacramento, the Assembly was declared adjourned until ten o'clock A. M. of Saturday, March 20, 1909.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL.,
Saturday, March 20, 1909.

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. P. A. Stanton, Speaker of the Assembly, in the chair.

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

Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Costar, Cronin, Dean, Flavelle, Fleisher, Flint, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pulcifer, Sackett, Schmidt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Wyllie, Young, and Mr. Speaker—63.

Quorum present.

LEAVES OF ABSENCE.

On motion, leave of absence for the day was granted to Messrs. Webber, Wyatt, Hopkins, and Baxter.

PRAYER.

Prayer was offered by the Chaplain, Rev. Seren N. Marsh.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr O'Neill, its further reading was dispensed with.

SENATE MESSAGES.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, March 19, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted the report of the Committee on Free Conference on Assembly Bill No. 31—An Act to amend Section 2957 of the Civil Code, relating to chattel mortgages and the circumstances under which the same are void as to creditors and subsequent purchasers and incumbrancers.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 19, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate amended and on this day passed as amended, Assembly Bill No. 1233—An Act to amend Section 4265 of the Political Code of the State of California, relating to the compensation of officers of counties of the thirty-sixth class, and their deputies and assistants—and resepctfully request your honorable body to concur in said amendments

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 1233?"

On page 1, line 5, of title, strike out the period and insert in lieu thereof the following: "and fixing the compensation of grand and trial jurors therein."
Also: On page 3, Section 1, line 47, strike out the word "not".

The roll was called, and Senate amendments to Assembly Bill No. 1233 were concurred in by the following vote:

AYES—Messrs Barndollar, Beardslee, Beatty, Bohnett, Callan, Cattell, Costar, Flavelle, Fleisher, Flint, Gerdes, Gillis, Hammon, Hans, Hayes, Hinkle, Holmquist, Irwin,

Johnson of Sacramento, Johnson of Placer, Leeds, Macauley, McManus, Melrose, Mendenhall, Moore. Mott, Odom, Otis, O'Neill, Perine, Polsley, Preston, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Whitney, and Mr Speaker—42.
NOES—None.

Bill ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 19, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 1249—An Act to amend an Act entitled "An Act to provide for the issuing of bonds by reclamation districts, and the disposal thereof for reclamation and other purposes," etc.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Senate Bill No. 1249 read first time, and referred to Committee on Swamp and Overflowed Lands and Levees and River Improvements and Drainage.

Senate Bill No. 1252 read first time, and referred to Committee on Swamp and Overflowed Lands and Levees and River Improvements and Drainage.

Assembly Bills Nos. 282 and 944 ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 19, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed, as cases of urgency, Senate Bill No. 1252—An Act to amend Section 3458 of the Political Code of the State of California, relating to reclamation districts.

Also: Assembly Bill No 282—An Act to amend Section 775 of the Code of Civil Procedure, relating to sales in actions in partition

Also: Assembly Bill No. 944—An Act amending Section 1068 and Section 1074 of the Code of Civil Procedure, relating to writs of review.

LEWIS A HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

BILL CONSIDERED—(OUT OF ORDER).

Senate Bill No. 908—An Act to amend the Code of Civil Procedure by adding a new section thereto, to be numbered 359½, providing for the time when the statute of limitations shall commence to run against the stockholders in all private corporations, and prescribing the time thereafter within which an action may be commenced against the stockholders of any insolvent private corporation.

During third reading of bill, Mr. Sackett moved that the Speaker appoint a select committee of one to amend the bill, as follows:

Strike out the period after the word "thereof", line 15, page 2, of amended bill, and insert in lieu thereof a semicolon and also the following words: "*provided*, that nothing in this Act shall be retroactive in effect."

Motion carried.

The Speaker appointed Mr. Sackett as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1909

MR. SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 908, with instructions, do now report that the instructions of the Assembly have been carried out.

SACKETT, Select Committee.

Report of select committee, and amendment, adopted.

Bill ordered to reprint, and on file for passage.

UNFINISHED BUSINESS.

Assembly Bill No. 231—An Act to amend Chapter II, Title IV, of Part III of the Code of Civil Procedure of the State of California, relating to liens of mechanics, laborers, persons furnishing material, and other persons, upon real property, by adding a new section to said chapter, to be numbered one thousand one hundred and eighty-three and one half, providing for liens in favor of persons furnishing power in the construction, alteration, addition to, or repair, either in whole or in part, of any building, wharf, bridge, ditch, flume, aqueduct, well, tunnel, fence, machinery, railroad, wagon road, or other structure, or in transporting the material furnished and to be used for such purposes, and declaring the rank of such liens.

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 231?"

AMENDMENT No 1

On page 1, line 1, before the letter "a", insert the word and figure "Section 1."

AMENDMENT No. 2

Amend the title of the bill by striking out everything after the words "An Act", and inserting in lieu thereof the following: "to amend the Code of Civil Procedure of the State of California by adding a new section thereto, to be numbered 1183*a*, relating to liens"

AMENDMENT No 3.

On page 1, line 3, strike out the words "and one-half", and insert in lieu thereof the letter "*a*".

AMENDMENT No. 4.

On page 1, lines 3 and 4, strike out the words "to follow section one thousand one hundred and eighty-three of said Code"

AMENDMENT No. 5.

On page 1, line 1, after the word "Procedure" insert the words "of the State of California"

AMENDMENT No. 6

On page 1, Section 1, line 5, strike out the following: "Sec. 1183½", and insert in lieu thereof the following: "1183*a*."

The roll was called, and Senate amendments to Assembly Bill No. 231 were concurred in by the following vote:

AYES—Messrs. Barndollar, Beardslee Beatty, Black, Bohnett, Callan, Cattell, Cogswell, Costar, Cronin, Flavelle, Flint, Griffiths, Hanlon, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Macauley, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Preston, Pulcifer, Sackett, Schmitt, Silver, Stuckenbruck, Transue, Wagner, Whitney, and Mr Speaker—46.

NOES—None

Bill ordered to enrollment.

INVITATION.

In behalf of the Assembly, the Speaker extended an invitation to W. H. Beatty, Chief Justice of the Supreme Court of the State of California, to a seat by the side of the chair.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ON FREE CONFERENCE.

ASSEMBLY CHAMBER, SACRAMENTO, March 20, 1909

MR SPEAKER: Your Committee on Free Conference concerning Assembly Bill No. 167—An Act to amend sections one thousand nine hundred and eight, one thousand

nine hundred and seventeen, and one thousand nine hundred and twenty-three of the Political Code of California, all relating to the enrolled militia—report that we have met a like committee of the Senate, consisting of Senators, Finn, Burnett and Miller, and we report that the Free Conference Committee agreed upon and recommend that the Assembly concur in the Senate amendments to said bill

PERINE,
BUTLER,
MELROSE.
Committee on Free Conference.

Mr. Perine moved the adoption of the report.

The roll was called, the report adopted, and Senate amendments concurred in by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Bohnett, Callan, Cattell, Cronin, Dean, Flavelle, Fleisher, Flint, Gibbons, Gillis, Hammon, Hanlon, Hawk, Hewitt, Hinkel, Holmquist, Irwin, Johnson of Placer, Juilliard, Leeds, Maher, McManus Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Pulcifer, Schmitt, Silver, Stuckenbruck, Telfer, Wagner, Whitney, Wyllie, Young, and Mr. Speaker—45.
NOES—Mr. Johnson of Sacramento—1.

Bill ordered to enrollment.

RECONSIDERATION.

In compliance with notice given on a previous day, Mr. Hammon moved that the vote whereby Senate Bill No. 220 was denied second reading be reconsidered.

MOTION.

Mr. Juilliard moved that the motion to reconsider be made a speeial order for two o'clock and thirty minutes P. M of this day.

Mr. Beardslee moved as an amendment that it be postponed until one o'clock P. M. of Monday, March 22, 1909.

Mr. Greer moved that the whole matter be laid on the table.

Roll call was regularly demanded.

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Transue moved a call of the House.

Motion carried.

Time, eleven o'clock and twenty minutes A. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll.

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

Messrs. Barndollar, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Costar, Cronin. Dean, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pulcifer, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Wilson, Wyllie, Young, and Mr Speaker—65.

The Chief Clerk announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the House.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At eleven o'clock and twenty-five minutes A. M., further proceedings under the call of the House were dispensed with, on motion of Mr. Leeds.

The roll of the absentees was called, and the motion carried by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Beban, Black, Butler, Cogswell, Cronin, Dean, Fleisher, Greer, Griffiths, Hammon, Hanlon, Hans, Hayes, Hinkle, Johnson of San Diego, Leeds, Macauley, McClellan, McManus, Melrose, Moore, Mott, Nelson, Otis, Perine, Pulcifer, Rutherford, Schmitt, Silver, Transue, Wagner, and Mr. Speaker—35.

NOES—Messrs. Bohnett, Callan, Cattell, Costar, Flavelle, Flint, Gerdes, Gibbons, Gillis, Hawk, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Maher, Mendenhall, Odom, O'Neill, Polsley, Preston, Sackett, Stuckenbruck, Telfer, Whitney, Wilson, Wyllie, and Young—30.

RECONSIDERATION.

In compliance with his notice given on a previous day, Mr. Leeds moved that the vote whereby Senate Bill No. 1013 was passed be reconsidered.

The roll was called, and the same was reconsidered by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Cronin, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Hammon, Hanlon, Hans, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Maher, McClellan, McManus, Mendenhall, Moore, Mott, Nelson, Otis, O'Neill, Perine, Polsley, Preston, Rutherford, Sackett, Schmitt, Silver, Telfer, Transue, Wagner, Wyllie, and Mr. Speaker—52.

NOES—Messrs. Stuckenbruck and Whitney—2.

RE-REFERENCE OF BILL.

On motion of Mr. McClellan, Senate Bill No. 1013 was re-referred to Committee on Ways and Means

RECONSIDERATION.

In compliance with his notice given on a previous day, Mr. Leeds moved that the vote whereby Senate Bill No. 34 was passed be reconsidered.

The roll was called, and the same was refused reconsideration by the following vote:

AYES—Messrs. Johnson of Sacramento, Juilliard, Kehoe, Polsley, Pulcifer, Stuckenbruck, Telfer, Whitney, and Wilson—9.

NOES—Messrs. Barndollar, Beardslee, Beatty, Bohnett, Butler, Callan, Cattell, Cronin, Flavelle, Fleisher, Flint, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of San Diego, Leeds, Macauley, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Preston, Rutherford, Sackett, Transue, Wagner, Wyllie, Young, and Mr. Speaker—44.

Bill ordered transmitted to the Senate.

RECONSIDERATION.

In compliance with his notice given on a previous day, Mr. Leeds moved that the vote whereby Senate Bill No. 1146 was passed be reconsidered.

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Leeds moved a call of the House.

Motion carried.

Time, eleven o'clock and forty-five minutes A. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll.

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

Messrs. Barndollar, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Costar, Cronin, Cullen, Flavelle, Fleisher, Flint, Gerdes, Gibbons,

Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Polsley, Preston, Pugh, Pulcifer, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Wilson, Wyllie, Young, and Mr Speaker—66

The Chief Clerk announced the absentees.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the House.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At eleven o'clock and fifty-five minutes A. M., further proceedings under the call of the House was dispensed with, on motion of Mr. Leeds.

The roll of absentees was called, and the same was reconsidered by the following vote:

AYES—Messrs. Barndollar, Beardslee, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Costar, Flavelle, Fleisher, Flint, Greer, Griffiths, Hammon, Hanlon, Hans, Hayes, Hinkle, Holmquist, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Maher, McClellan, Melrose, Mendenhall, Moore, Odom, Otis, Polsley, Preston, Pulcifer, Rutherford, Sackett, Silver, Telfer, Transue, Whitney, Wilson, Wyllie, Young, and Mr Speaker—45.

NOES—Messrs. Beatty, Beban, Black, Cronin, Cullen, Gerdes, Gibbons, Hawk, Hewitt, Irwin, Johnson of Sacramento, Lightner, Macauley, McManus, Mott, Nelson, Perine, Pugh, Schmitt, Stuckenbruck, and Wagner—21.

Further consideration of Senate Bill No. 1146, temporarily postponed.

RECONSIDERATION.

In compliance with his notice given on a previous day, Mr. Leeds moved that the vote whereby Committee Substitute for Senate Bill No. 813 was refused passage be reconsidered.

The roll was called, and the same was reconsidered by the following vote:

AYES—Messrs. Barndollar, Beatty, Beban, Black, Bohnett, Butler, Callan, Coghlan, Collum, Costar, Cullen, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Juilliard, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Moore, Mott, Nelson, Perine, Polsley, Pulcifer, Sackett, Schmitt, Silver, Wagner, and Mr Speaker—46

NOES—Messrs Cattell, Cronin, Flavelle, Johnson of Placer, Mendenhall, Preston, Stuckenbruck, and Young—8.

The question being on the passage of the committee substitute.

The roll was called, and Committee Substitute for Senate Bill No. 813 finally passed by the following vote:

AYES—Messrs Barndollar, Beban, Black, Butler, Coghlan, Collier, Costar, Cullen, Dean, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Greer, Griffiths, Hammon, Hans, Hawk, Hayes, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Moore, Mott, Nelson, Perine, Pugh, Rutherford, Sackett, Schmitt, Silver, Telfer, Transue, Wagner, and Mr. Speaker—47.

NOES—Messrs Cattell, Johnson of Placer, Mendenhall, Stuckenbruck, Wyllie, and Young—6.

Title read and approved.

Bill ordered transmitted to the Senate.

THIRD-READING FILE.

Assembly Concurrent Resolution No. 18—Relative to granting leave to certain members of the Assembly to leave the State for a period of more than sixty days.

During the consideration of the Assembly concurrent rseolution the following amendment was submitted by Mr. Melrose:

Add to the list of names in the resolution the following:
E. C. Hinkle, W. J Hanlon, Samuel Fleisher, H. E. Holmquist, J. B. Maher Geo. M. Perine, C. W. Wagner, J. N. O. Reeb, W R. Leeds, Harry Barndollar W. J Costar, J. L. Mendenhall, J. P. Transue, P. A. Stanton, J. J. McManus, R. L Beardslee, J. W. McClellan, E. L. Hawk, J. W Flavelle, Wm. C. Pugh, E. J. Callan, Geo. J. Hans, C C Young, P. V. Hammon, Geo. L. Sackett, P. H. Johnson, F. M. Rutherford, P. A. Johnson, R. L. Telfer, K. C. Gillis, A. M. Dean, Fred C. Gerdes, G. W. Wyllie, W. W. Greer, Nathan C. Coghlan, W. R. Flint, Frank Otis, M. L. Schmitt, E. I. Butler, and H W Pulcifer.

Amendment adopted.

Assembly concurrent resolution, as amended, adopted, and ordered transmitted to the Senate.

ASSEMBLY CONCURRENT RESOLUTION No. 18.

Resolved by the Assembly, the Senate concurring, That leave of absence from the State for a period longer than sixty days is hereby granted to the following Assemblymen: Grove L. Johnson, Richard Melrose, Prescott F. Cogswell, E. C Hinkle, W J Hanlon, Samuel Fleisher, H. E. Holmquist, J. B. Maher, Geo M. Perine, C. W. Wagner, J. N O. Rech, W. R. Leeds, Harry Barndollar, W J. Costar, J. L Mendenhall, J. P Transue, P. A. Stanton, J. J. McManus, R. L. Beardslee, J. W. McClellan, E. L Hawk, J. W. Flavelle, Wm. C. Pugh, E. J. Callan, Geo J. Hans, C. C. Young, P. V. Hammon, Geo. L. Sackett, P H. Johnson, F. M Rutherford, P. A. Johnson, R L. Telfer, K. C Gillis A. M. Dean, Fred C. Gerdes, G. W. Wyllie, W. W. Greer, Nathan C. Coghlan, W R. Flint, Frank Otis, M. L. Schmitt, E. I. Butler, and H. W. Pulcifer.

CONSIDERATION OF BILL OUT OF ORDER.

Senate Bill No 1146—An Act to prevent the propagation of disease through contamination of the atmosphere by gases or fumes arising from crematories for the disposition of garbage, ashes, offal, and other refuse matter, and to prescribe penalties.

During third reading of bill, Mr. Leeds moved that the Speaker appoint a select committee of one to amend the bill, as follows:

On lines 1, 2 and 3, Section 2, page 1, of printed bill, strike out the following "unless at a distance sufficiently great from any city and county or town in this State", and insert in lieu thereof the following: "in this State except in such a manner".

Motion carried.

The Speaker appointed Mr. Leeds as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1909.

MR SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 1146, with instructions, do now report that the instructions of the Assembly have been carried out

LEEDS, Select Committee.

Report of select committee, and amendment, adopted.

Bill ordered to reprint, and on file for passage.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, March 20, 1909.

MR. SPEAKER: Your Committee on Judiciary, to whom was re-referred Assembly Bill No. 1220—An Act to amend Section 928 of the Penal Code of the State of California, relating to the duties of grand juries—have had the same under consideration, and recommend that the Assembly do not concur in the Senate amendments.

JOHNSON OF SACRAMENTO, Chairman.

ON SWAMP AND OVERFLOWED LANDS AND LEVEES AND RIVER IMPROVEMENTS AND DRAINAGE.

ASSEMBLY CHAMBER, SACRAMENTO, March 20 1909

MR. SPEAKER: Your Committee on Swamp and Overflowed Lands and Levees and River Improvements and Drainage, to whom was referred Senate Bill No. 1249—An Act to amend an Act entitled "An Act to provide for the issuing of bonds by reclamation districts, and the disposal thereof for reclamation and other purposes, and their payment by taxation upon the property situated in such reclamation districts," approved March 27, 1895, relating to the issuance of bonds of reclamation districts, and the collection of funds for the payment thereof—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

HEWITT, Chairman

CASE OF URGENCY.

The following resolution was offered.

By Mr. Hewitt:

Resolved, That Senate Bill No. 1249 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Mr. Hewitt moved the adoption of the resolution.

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

AYES—Messrs. Barndollar, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callen, Cattell, Coghlan, Collier, Collum, Costar, Cronin, Dean, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gillis, Greer, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt Hinkle, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McManus, Melrose, Mendenhall, Moore Mott, Nelson, Otis, Perine, Polsley, Preston, Rutherford, Schmitt, Silver, Telfer, Transue, Wagner, Whitney, Young, and Mr. Speaker—58.

NOES—Mr. Pugh—1.

SECOND READING OF BILL.

Senate Bill No. 1249—An Act to amend an Act entitled "An Act to provide for the issuing of bonds by reclamation districts, and the disposal thereof for reclamation and other purposes," etc.

Bill read second time, and ordered on file for third reading.

THIRD READING OF BILL.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1249 finally passed by the following vote:

AYES—Messrs Barndollar, Beardslee, Beatty, Beban, Black Bohnett, Butler, Callan, Cattell, Coghlan, Collum, Costar, Cronin, Dean, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gillis, Greer, Hammon, Hanlon, Hayes, Hewitt Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, Perine, Preston, Rutherford, Schmitt, Silver, Telfer, Transue, Wagner, Whitney, Young, and Mr Speaker—55

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senate Bill No. 672—An Act to amend Section 611 of the Political Code, relative to publication of statements of insurance companies.

During third reading of bill, Mr. Pulcifer moved that the Speaker appoint a select committee of one to amend the bill, as follows:

In line 10 of printed bill strike out the word "a", and insert in lieu thereof the following: "some daily or weekly newspaper published in the city in this State wherein is located the principal office of such company and as often as said newspaper is published".

TIME FOR CONSIDERING BILL POSTPONED.

On motion of Mr. Pulcifer, the consideration of Senate Bill No. 672 was continued until two o'clock P. M.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 20, 1909.

MR SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled:

Assembly Bill No. 938—An Act to amend Section 1563 of the Political Code of the State of California, relating to teachers' salaries during attendance at institutes.

Assembly Bill No. 956—An Act to amend Section 650 of the Civil Code of the State of California, relating to the powers of boards of trustees of colleges and seminaries of learning.

Assembly Bill No. 1281—An Act to amend Section 4239 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the tenth class.

Assembly Concurrent Resolution No 15—Relative to an appropriation for the fortification of San Pedro harbor at San Pedro, California.

Assembly Bill No 1154—An Act to amend Section 1272 of the Penal Code of California, relating to admission to bail pending appeal.

Assembly Bill No 1211—An Act to provide for changing or modifying the grade of public streets, lanes, alleys, courts, or other places, within municipalities.

Assembly Bill No. 422—An Act granting to municipal corporations of the State of California, rights of way over public lands of the State for the location, construction and maintenance of water works and power plants; and the right to take material from such lands for the construction of such works and to take any waters belonging to the State for the purpose of supplying any such municipality and its inhabitants with water.

Assembly Bill No. 303—An Act to provide for health and development supervision in the public schools of the State of California

Assembly Bill No 155—An Act to validate the organization and incorporation of municipal corporations.

Assembly Bill No. 1119—An Act to provide for the presentation to and approval by the board of supervisors, registration, interest upon, time of payment and receipt in payment of assessment of warrants of Reclamation District No. 108, situated in Colusa and Yolo counties.

Assembly Bill No. 1152—An Act to amend an Act entitled "An Act to insure the better education of practitioners of veterinary medicine, and to regulate the practice of veterinary medicine in the State of California, to provide for the creation of a board of five members who shall act under and in accordance with the provisions of this Act; to provide for their appointment, and define their powers, duties and compensation; to define offenses committed by acts done contrary to the provisions of this Act, and providing penalties for the violation thereof; providing for the revocation or suspension, in certain cases, of licenses issued hereunder, and to repeal an Act entitled "An Act to regulate the practice of veterinary medicine and surgery in the State of California," approved March 23, 1893, amended and approved March 20, 1903, and all other laws in conflict herewith, by amending Section 7 of said Act.

Assembly Bill No. 845—An Act to amend the Civil Code of the State of California by adding thereto a new section, to be known as Section 231, relating to the adoption of children.

Assembly Bill No 786—An Act to amend Section 647 of the Code of Civil Procedure of the State of California, relating to what is deemed excepted to.

Assembly Bill No 620—An Act to appropriate money to protect the banks of Eel River from erosion by means of jetty work and riprap along the banks thereof

Assembly Bill No. 696—An Act appropriating money to be expended by and under the direction of the Department of Engineering for the purpose of making a preliminary survey of Humboldt Bay, and gathering data for a report to the Legislature as to the necessity of dredging and removing sand and other deposits formed across the channels of said bay, and as to the best manner of removing said deposits that the navigability of said bay may be improved, and making an estimate of the cost thereof.

Assembly Bill No. 996—An Act to add a new section to the Penal Code of California, to be numbered four hundred and ninety-nine c, relating to the taking, hiring, running, driving or using of an automobile, or taking or removing therefrom any part thereof, by the owner, or the manager of an automobile garage, his agent or employee, or any other person, without the consent of the owner of such automobile, and providing the punishment for a violation thereof.

Assembly Bill No. 1166—An Act to regulate contracts on behalf of the State in relation to the erection, construction, alteration, repair or improvement of any State

structure, building, road, or other State improvement of any kind and to repeal an Act entitled "An Act to regulate contracts on behalf of the State in relation to erections and buildings," approved March 28, 1876

Assembly Bill No 602—An Act to amend an Act entitled "An Act to provide for the formation, government, operation and dissolution of sanitary districts in any part of the State, for the construction of sewers, and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts, the assessment, levy, collection, custody, and disbursement of taxes therein, the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1891.

Assembly Bill No. 431—An Act to amend section seven hundred and sixty-four of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and as amended March 23, 1901, and March 3, 1905, relating to the powers of boards of trustees of cities of the fifth class.

Assembly Bill No. 388—An Act to provide for the erection of a training school building for the use of the State Normal School at Chico, California, and make an appropriation therefor

Assembly Bill No 280—An Act to provide for the erection of a water tower, tanks, pumps, boring of wells, and all necessary equipments of the same, at Stockton State Hospital, for domestic use and fire purposes, and to make appropriations therefor.

Assembly Bill No 279—An Act to provide for the erection and furnishing of a convalescent cottage at the Stockton State Hospital Farm, and to make an appropriation therefor

Assembly Bill No 278—An Act to provide for the digging and construction of a tunnel connecting the hydrotherapeutic building with the engine room of the female department of the Stockton State Hospital for the purpose of conducting water pipes, heating pipes, electric wires, etc., and to make appropriations therefor

Assembly Bill No 276—An Act to provide for the construction of a new laundry building at the Stockton State Hospital, and the purchase of such machinery and equipments as is necessary for the operation of the same, and for the expense incurred in the removal of machinery from the old building to the new, and to make appropriation therefor

Assembly Bill No. 256—An Act to provide an additional appropriation for the erection of a training school building for the use of the State Normal School at San Diego, California and to equip the same

Assembly Bill No. 242—An Act making an appropriation for the maintenance and improvement of the grounds and buildings of Sutter's Fort

Assembly Bill No 164—An Act amending Section 3 of an Act entitled "An Act for the appointment of a guardian for Sutter's Fort property, prescribing his duties, and appropriating money therefor," approved March 16, 1895

Assembly Bill No. 162—An Act making an appropriation for the maintenance of the James Marshall monument grounds

Assembly Bill No. 138—An Act to regulate and license the conducting and operating of employment agencies, and to provide a revenue therefrom, for the enforcement of the provisions of this Act and other Acts relating to employment agents and employment agencies.

Assembly Bill No. 130—An Act authorizing and directing the board of managers of the California Home for the Care and Training of Feeble-Minded Children to purchase and install laundry machinery at the California Home for the Care and Training of Feeble-Minded Children, and making an appropriation therefor

Assembly Bill No 120—An Act appropriating money for the purchase of bedding and furniture and for repairs for the use of the Preston School of Industry.

Assembly Bill No. 118—An Act appropriating money for the equipment of the trades building at the Preston School of Industry.

Assembly Bill No. 97—An Act authorizing and directing the board of managers of the Napa State Hospital to complete and improve the water distributing system at the Napa State Hospital, including the construction of a cement reservoir for distributing purposes, and making an appropriation therefor

Assembly Bill No. 96—An Act authorizing and directing the board of managers of the Napa State Hospital to remodel and furnish and refurnish the general kitchen at the Napa State Hospital, and making an appropriation therefor

Assembly Bill No 95—An Act authorizing and directing the board of managers of the Napa State Hospital to erect and furnish cottages for the accommodation of male patients at the Napa State Hospital, and making an appropriation therefor.

Assembly Bill No 94—An Act authorizing and directing the board of managers of the Napa State Hospital to erect and furnish cottages for the accommodation of female patients at the Napa State Hospital, and making an appropriation therefor.

Assembly Bill No. 93.—An Act authorizing and directing the board of managers of the Napa State Hospital to complete the receiving and treatment building on the grounds of the Napa State Hospital

Assembly Bill No. 91—An Act making an appropriation to complete certain necessary improvements at the Veterans' Home of California, located at Yountville, Napa County.

Assembly Bill No. 58—An Act appropriating ten thousand dollars for the purpose of building one cottage for the Whittier State School.

Assembly Bill No. 801—An Act authorizing the State Treasurer to purchase a bond filing case, and making an appropriation therefor.

Assembly Bill No. 1135—An Act to provide for the equipping and furnishing of the building now in process of erection at Stockton State Hospital under the provisions of Chapter 172 of the Statutes of 1907, and making an appropriation therefor.

Assembly Bill No. 810—An Act to provide for the wiring of hospital buildings and all other buildings situated in and about the grounds of the Stockton State Hospital, together with the installation of an electric light plant consisting of all necessary fixtures and equipments, and to make an appropriation therefor.

Assembly Bill No. 959—An Act appropriating the sum of two thousand five hundred dollars for the purchase of sterilizers, and ambulance and hospital appliances and instruments at the Veterans' Home of California, located at Yountville, Napa County.

Assembly Bill No. 986—An Act making an appropriation to pay the expenses of inspection and analysis of drugs.

Assembly Bill No. 1038—An Act authorizing and empowering the directors of the State Agricultural Society to hold State industrial and agricultural fairs at the city of Oakland, county of Alameda, State of California, and making an appropriation therefor

Assembly Bill No. 1020—An Act to amend section two of "An Act to prohibit adulteration and deception in the sale of dairy products, defining adulteration in dairy products, to establish standards of quality in dairy products, and to provide for enforcing its provisions," approved March 15, 1907

Assembly Bill No. 701—An Act to amend sections four hundred and eighty-four and four hundred and eighty-five of the Political Code of the State of California and to repeal all laws in conflict therewith.

Assembly Bill No. 985—An Act to amend Section 4075 of the Political Code relating to the itemizing of claims against a county.

Assembly Bill No. 617—An Act to amend Section 1207 of the Political Code of the State of California, relative to spoiled or unused ballots.

Assembly Bill No. 1042—An Act to add to the Penal Code of the State of California a new section to be numbered 587*b*, to prevent trespassing upon railroad locomotives, tenders, cars, and trains

Committee Substitute for Assembly Bill No. 940—An Act to prevent injury to oil, gas, or petroleum-bearing strata, or formations by the penetration or infiltration of water therein

Assembly Bill No. 1158—An Act to amend section four thousand two hundred and sixty-six of the Political Code of the State of California, relating to salaries and fees of officers of counties of the thirty-seventh class

Assembly Bill No. 1443—An Act to provide for the transfer from the general fund of the State treasury to the San Francisco harbor improvement fund of the sum of twenty-two thousand nine hundred and thirty-seven dollars and forty-five cents, to reimburse said San Francisco harbor improvement fund for the costs of publishing the "Second San Francisco Seawall Act" and the "India Basin Act", and directing the State Controller and State Treasurer to make such transfer

Assembly Bill No. 1419—An Act authorizing suits against the State concerning certain real property, and regulating the procedure therein

Assembly Bill No. 1408—An Act to amend section five hundred and thirteen of the Political Code of the State of California, relating to the salary of the Superintendent of Public Instruction

Assembly Bill No. 1388—An Act to amend Section 1160 of the Political Code of the State of California, relating to the time of opening and closing the polls

Assembly Bill No. 1387—An Act to amend Section 1164 of the Political Code of the State of California, relating to proclamation at closing the polls.

Assembly Bill No. 1321—An Act to amend the Civil Code of the State of California by adding a new section thereto, to be numbered 2472, relating to appointment of agent and service of summons

Assembly Bill No. 709—An Act to amend Section 4234 of the Political Code of the State of California, relating to the compensation of officers of counties of the fifth class and their assistants and deputies

Assembly Bill No. 90—An Act making an appropriation for the construction of an addition to the hospital at the Veterans' Home of California, located at Yountville, Napa County, including a ward for the care and treatment of tuberculosis patients

Assembly Bill No. 92—An Act to provide for the construction of an additional building at the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor

Assembly Bill No. 101—An Act making an appropriation of three thousand four hundred and eighty dollars ($3,480 00), to be applied to the cost of grading, paving, guttering, curbing, and sidewalking Grand avenue in the city of Los Angeles, along the easterly boundary of the grounds of the State Normal School at Los Angeles, and defining the duties of the Controller and Treasurer in reference thereto

Assembly Bill No. 127—An Act authorizing and directing the board of managers of the California Home for the Care and Training of Feeble-Minded Children to erect, construct, and equip a pavilion to be used as a gymnasium for boys at the California Home for Feeble-Minded Children and making an appropriation therefor.

Assembly Bill No. 178—An Act to provide for the building, equipping, and furnishing of an armory to be used for the National Guard purposes in the city of Los Angeles, and to make an appropriation for the same

Assembly Bill No 207—An Act authorizing and directing the board of managers of the Mendocino State Hospital to erect and construct an addition to the main kitchen at said hospital, to construct in conjunction with said kitchen a dining-room for kitchen help, to purchase a new kitchen range, steam table, and other necessary kitchen furniture; to enlarge the cold storage rooms at said hospital, and making an appropriation therefor

Assembly Bill No. 210—An Act authorizing and directing the board of managers of the Mendocino State Hospital to purchase laundry machinery for the said hospital, and making an appropriation therefor

Assembly Bill No 211—An Act making an appropriation for the erection and construction of a dairy barn on the grounds of the Mendocino State Hospital

Assembly Bill No 212—An Act providing for the enlarging and reroofing of the laundry building at the Southern California State Hospital at Patton, and providing for additional machinery and remodeling and making an appropriation for the same

Assembly Bill No 213—An Act providing for the construction and furnishing of a cottage for female patients at the Southern California State Hospital at Patton, and making an appropriation for the same

Assembly Bill No 214—An Act to provide for the construction and furnishing of a one-story bungalow for the use of the first assistant physician at the Southern California State Hospital at Patton, and to make appropriation for the same.

Assembly Bill No. 215—An Act to provide for the construction of storm drains and the completion of storm drains on the grounds of the Southern California State Hospital at Patton, and to make appropriation for the same

Assembly Bill No 216—An Act to provide for the construction and furnishing of a second story upon that structure at the Southern California State Hospital at Patton called and known as "the congregate dining-room" and to make appropriation for the same.

Assembly Bill No. 249—An Act making an appropriation of five thousand dollars to pay the traveling expenses and salary of a parole officer for the Whittier State School.

Assembly Bill No 420—An Act to amend Section 791 of the Political Code, relating to the number of notaries public, approved March 18, 1905

Assembly Bill No. 444—An Act to amend Section 1577 of the Code of Civil Procedure, relating to the sale of property of an estate, and to add a new section to said Code of Civil Procedure to be numbered 1580 providing for a procedure for the sale of property belonging to an estate

Assembly Bill No. 749—An Act providing for the construction and furnishing of a cottage for female patients at the Southern California State Hospital at Patton, and to make appropriation for the same

Assembly Bill No 783—An Act to appropriate $3,000.00 for the purchase of additional furniture and equipment for the use of the State Normal School at Los Angeles, and to make necessary repairs and improvements in the buildings of said normal school

Assembly Bill No. 635—An Act authorizing and directing the board of managers of the Agnews State Hospital to continue the work of replacing and reconstructing and reequipping for the accommodation and treating of patients' buildings destroyed April 18, 1906 to appropriate the sum of two hundred fifteen thousand dollars therefor, to direct the manner of expenditure thereof, to remove restriction upon the per capita cost, and authorizing and directing the State Controller to draw his warrant for the said sum, and the State Treasurer to pay the same.

Assembly Bill No. 754—An Act to amend section two of an Act entitled "An Act to create a State Board of Accountancy and to prescribe its duties and powers, to provide for the examination of and issuance of certificates to qualified applicants, with the designation of certified public accountant, and to provide the grade of penalty for violations of the provisions hereof," approved March 23, 1901, and to add a new section thereto, to be numbered Section 3½, relating to registration of certificates issued in other states

Assembly Bill No. 957—An Act to provide for certain necessary improvement to the grounds and appurtenances of the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Assembly Bill No 960—An Act providing for certain necessary repairs to the buildings and equipment of the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor

Assembly Bill No. 962—An Act making an appropriation for the purchase of equipment for shops and laboratories at the California Polytechnic School.

Assembly Bill No. 965—An Act making an appropriation for the construction and furnishing of a dining hall at the California Polytechnic School

Assembly Bill No. 968—An Act making an appropriation for the construction of a cottage for employees at the California Polytechnic School

Assembly Bill No. 969—An Act making an appropriation for the development of water supply and an irrigation system at the California Polytechnic School

Assembly Bill No 970—An Act making an appropriation for the construction of a sewer system at the California Polytechnic School

Assembly Bill No 971—An Act making an appropriation for the construction and equipment of poultry houses at the California Polytechnic School.

Assembly Bill No 972—An Act making an appropriation for the purchase and installation of a refrigerating plant and other creamery equipment for the California Polytechnic School.

Assembly Bill No 973—An Act making an appropriation for repairing and furnishing the dormitory buildings at the California Polytechnic School.

Assembly Bill No 1009—An Act appropriating money to be expended by and under the direction of the Department of Engineering for the purpose of rectifying the channels of the Sacramento, San Joaquin, and Feather rivers, and other river channels of the State, and improving the navigability of such streams.

Assembly Bill No 1056—An Act to make an additional appropriation for the purpose of carrying out the provisions of an Act entitled "An Act to provide for the erection, equipping, and furnishing of two receiving cottages, one for males and one for females, and a hydrotherapeutic building in connection therewith, with all necessary equipment and furnishings, at the Southern California State Hospital, and to make appropriations for the same," approved March 11, 1907.

Assembly Bill No 1063—An Act making an appropriation for furnishing the manor house at the California Home for the Care and Training of Feeble-Minded Children, at Eldridge, California.

Assembly Bill No. 1064—An Act appropriating eighty-five dollars for the payment of claim of Regal Shoe Company.

Assembly Bill No 1082—An Act to amend section four thousand and seven of the Political Code of the State of California, relating to the classification of counties.

Assembly Bill No 1142—An Act to amend Section 4246 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the seventeenth class.

Assembly Bill No 1253—An Act to authorize the State of California to release and convey to the United States such portions of the sixteenth and thirty-sixth sections of land contained in the Cleveland national forest, formerly San Jacinto forest reserve (and referred to in that certain Act entitled "An Act to authorize the settlement of an existing controversy between the United States of America and the State of California, and making an appropriation to carry out the provisions of said Act," approved March 21, 1907), as may remain after the settlement referred to in said Act has been consummated, for the purpose of reimbursing the United States for lands surrendered to it by the State, and which said lands so surrendered were thereafter sold and patented by said State

Assembly Bill No. 1363—An Act authorizing the purchase of portraits of Speakers of the Assembly, and appropriating money therefor

And were presented to the Governor March nineteenth at ten o'clock P M.

YOUNG, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 20, 1909

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bill has been correctly enrolled: Assembly Bill No. 29—An Act to amend Sections 3, 6, 9, 10, 11, 12, 14, 15, 16, and 20 of an Act entitled "An Act for the prevention of the manufacture, sale or transportation of adulterated, mislabeled or misbranded drugs, regulating the traffic in drugs and providing penalties for violation thereof," approved March 11, 1907—and was presented to the Governor March 19th, at ten o'clock A. M.

YOUNG, Chairman.

RECESS.

At twelve o'clock and thirty minutes P. M., the Assembly was declared at recess until two o'clock P. M. of this day.

REASSEMBLED.

At two o'clock P. M the Assembly reconvened.

Speaker pro tem. George M. Perine in the chair.

The question being on the motion of Mr. Pulcifer to appoint a select committee to amend Senate Bill No. 672.

Motion lost.

Bill read third time, and passed on file.

SENATE BILLS—THIRD-READING FILE.

Senate Bill No. 1217—An Act to amend Section 739 of the Political Code of the State of California.

Bill read third time on a pervious day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No 1217 finally passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Black, Bohnett, Callan, Cattell, Costar, Cronin, Cullen, Dean, Feeley, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Hanlon, Hawk, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, Perine, Polsley, Preston, Pulcifer, Rech, Stuckenbruck, Telfer, Transue, Wheelan, Wilson, Wyllie, and Young—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

NOTICE OF MOTION TO RECONSIDER.

Mr. Beardslee gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 1217 was this day passed.

Senate Bill No. 1219—An Act to provide for the protection and preservation of shade and ornamental trees growing and to be grown upon the roads, highways, grounds, and property within the State of California; and for the planting, care, protection, and preservation of shade and ornamental trees, hedges, lawns, shrubs, and flowers growing and to be grown in and upon such roads, highways, grounds, and property, and to create county boards of forestry for such purposes; and to prescribe the duties and powers of such boards; and to authorize such boards to appoint county foresters; and to prescribe the duties and fix the compensation of county forester, and to empower such boards to enforce all laws and adopt and enforce any and all lawful and reasonable rules for the protection, planting, regulation, preservation, care, and control of such shade and ornamental trees, hedges, lawns, shrubs, and flowers.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1219 finally passed by the following vote:

AYES—Messrs. Barndollar, Beatty, Black, Bohnett, Butler, Cattell, Coghlan, Cogswell, Collier, Cronin, Dean, Flavelle, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Hanlon, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Kehoe, Leeds, Lightner, Maher, McManus, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Rech, Telfer, Whitney, Wilson, and Wyllie—46.

NOES—Messrs. Feeley and Stuckenbruck—2.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 969—An Act to repeal an Act entitled "An Act to prevent fishing, or the taking of fish by the means of weirs, dams, nets, traps, or seines in the bay of San Diego, or in the entrance thereto."

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 969 finally passed by the following vote:

AYES—Messrs Barndollar, Beardslee, Beatty, Beban, Black, Bohnett, Cattell, Coghlan Cogswell, Collier, Cronin, Cullen, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis Griffiths, Hammon, Hanlon, Hawk, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, O'Neill, Perine, Polsley, Preston, Pulcifer, Silver, Stuckenbruck, Transue, Whitney, and Wyllie—49.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No 1077—An Act to amend Section 1880 of the Political Code, relative to elections for issuance of school bonds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1077 finally passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Black, Bohnett, Butler, Callan, Cattell, Collier, Cronin, Cullen, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hanlon, Hawk, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Maher, McClellan, McManus, Mendenhall, Moore, Mott, Nelson, Otis, O'Neill, Perine, Polsley, Preston, Pulcifer, Rech, Silver, Stuckenbruck, and Transue—46.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1155—An Act authorizing municipal corporation to permit other municipal corporations to construct and maintain sewers, water mains, and other conduits therein; also to construct and maintain sewers, water mains, and other conduits for their joint benefit, and at their joint expense, and to make and enter into contracts for said purposes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1155 finally passed by the following vote:

AYES—Messrs. Barndollar, Beatty, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Collier, Cronin, Cullen, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Hanlon, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Lightner, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Preston, Rech, Sackett, Silver, Stuckenbruck, Telfer, Transue, Whitney, Wilson, and Young—53
NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1152—An Act dedicating to public use for street purposes certain lands in the city of Los Angeles, owned by the State of California

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1152 finally passed by the following vote:

AYES—Messrs Barndollar, Beardslee, Beatty, Black, Butler, Cattell, Coghlan, Cogswell, Cronin, Cullen, Feeley, Fleisher, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Macauley, Maher,

McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pulcifer, Rech, Sackett, Silver, Stuckenbruck, Telfer, Transue, Whitney, Wyllie, and Young—55.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1174—An Act to provide for the improvement of public streets, lanes, alleys, courts, and places in municipalities, in cases where any damage to private property would result from such improvements, and for the assessment of the costs, damages, and expenses thereof upon the property benefited thereby.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1174 finally passed by the following vote:

AYES—Messrs Barndollar, Beardslee, Beatty, Beban, Black, Butler, Callan, Cattell, Coghlan, Cogswell, Cronin, Feeley, Fleisher, Flint, Gerdes, Gillis, Greer, Griffiths, Hammon, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, O'Neill, Perine, Polsley, Preston, Rech, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, and Transue—51.

NOES—Messrs. Flavelle and Hanlon—2.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1191—An Act authorizing municipal corporations to acquire and hold lands by lease or otherwise, for a term of years, for the purpose of developing and encouraging agricultural, horticultural, and botanical products, and exhibiting the same, and repealing all Acts and parts of Acts in conflict with this Act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1191 finally passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Cronin, Feeley, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Mott, Nelson, Odom, Otis, O'Neill, Perine, Preston, Pugh, Pulcifer, Sackett, Stuckenbruck, Telfer, Transue, Wheelan, Whitney, Wyllie, and Young—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

NOTICE OF MOTION TO RECONSIDER.

Mr. Kehoe gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 1174 was this day passed.

Senate Constitutional Amendment No. 38—Relative to formation of new counties

The question being on the adoption of the Senate constitutional amendment.

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Flavelle moved a call of the House.

Motion carried.

Time, three o'clock and fifteen minutes P. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll.

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

Messrs Barndollar, Beardslee, Beban, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Cullen, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Juilliard, Kehoe, Leeds, Macauley, Maher, Mendenhall, Moore, Mott, Perine, Polsley, Preston, Pugh, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wyllie, Young, and Mr. Speaker—51.

The Chief Clerk announced the absentees

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the House

Mr Wilson was brought before the bar of the House, and, on motion, excused.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At three o'clock and twenty-five minutes P. M., further proceedings under the call of the House were dispensed with, on motion of Mr. Transue

The roll of absentees was called, and Senate Constitutional Amendment No 38 adopted by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Costar, Cullen, Feeley, Flavelle, Fleisher, Flint, Gibbons, Gillis, Greer, Hammon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Mott, Nelson, Otis, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wheelan, Whitney, Wyllie, Young, and Mr. Speaker—59

NOES—Messrs. Cronin, Gerdes, Griffiths, Irwin, Moore, and Odom—6.

Senate Constitutional Amendment ordered transmitted to the Senate.

SENATE CONSTITUTIONAL AMENDMENT NO. 38,

A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending section three of Article XI thereof, and relating to the formation of new counties, and altering the boundary lines of existing counties.

The Legislature of the State of California, at its regular session, commencing the fourth day of January, in the year one thousand nine hundred and nine, two thirds of all the members elected to each of the houses of said Legislature voting in favor thereof, hereby propose that section three of Article XI of the Constitution of the State of California, be amended so as to read as follows:

Section 3. The Legislature, by general and uniform laws, may provide for the alteration of county boundary lines, and for the formation of new counties; *provided, however*, that no new county shall be established which shall reduce any county to a population of less than twenty thousand; nor shall a new county be formed containing a less population than eight thousand; nor shall any line thereof pass within five miles of the exterior boundary of the city or town in which the county seat of any county proposed to be divided is situated. Every county which shall be enlarged or created from territory taken from any other county or counties shall be liable for a just proportion of the existing debts and liabilities of the county or counties from which such territory shall be taken.

NOTICE OF MOTION TO RECONSIDER.

Mr. Mott gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Constitutional Amendment No. 38 was this day adopted.

UNFINISHED BUSINESS.

Senate Bill No. 552—An Act to amend Section 852 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations." approved March 13, 1883.

Bill read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 552 finally refused passage by the following vote:

AYES—Messrs Barndollar, Cattell, Coghlan, Cogswell, Costar, Cullen, Hammon, Hanlon, Hawk, Hewitt, Holmquist, Johnson of Sacramento, Macauley, Maher, Melrose, Otis, Pulcifer, Sackett, Silver, Wyllie, and Young—21.

NOES—Messrs. Beardslee, Beatty, Black, Bohnett, Callan, Flavelle, Fleisher, Flint, Gerdes, Gillis, Griffiths, Hans, Hayes, Irwin, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, McClellan, McManus, Mendenhall, Moore, Mott, Nelson, Odom, Perine, Polsley, Preston, Rech, Stuckenbruck, Telfer, Wheelan, Whitney, and Wilson—36.

SENATE BILLS—THIRD-READING FILE.

Senate Bill No. 1178—An Act to amend section six hundred and two of the Code of Civil Procedure, relating to jury trials.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1178 finally passed by the following vote:

AYES—Messrs Barndollar, Beardslee, Beatty, Black, Bohnett, Butler, Cattell, Coghlan, Cogswell, Cullen, Flavelle, Fleisher, Flint, Gerdes, Gillis, Hanlon, Hawk, Hayes, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Macauley, McManus, Mendenhall, Moore, Odom, Otis, Perine, Polsley, Preston, Pulcifer, Rech, Sackett, Telfer, Transue, Wheelan, Whitney, Wilson, Wyllie, and Young—46.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 58—An Act providing for the appointment of a consulting board to the Department of Engineering, to be known as the consulting board on mining débris, and authorizing such board, under the supervision and subject to the approval of the advisory board of the Department of Engineering, to perform certain duties relating to the retainment of mining débris, the construction of certain works necessary and incident to the retainment thereof, the condemnation or purchase of lands and rights of way necessary therefor, and the operation of mining by the hydraulic process, where the same can be done without injury to any other industry.

Mr Gillis moved that consideration of bill be postponed until eight o'clock P M of this day

Motion lost

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 58 finally refused passage by the following vote:

AYES—Messrs. Johnson of Placer and Leeds—2

NOES—Messrs. Barndollar, Beardslee, Beatty, Black, Bohnett, Butler, Cattell, Coghlan, Cogswell, Collier, Costar, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gillis, Greer, Hanlon, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Juilliard, Kehoe Lightner, McManus, Melrose, Meudenhall, Moore, Nelson, Odom, Otis, Perine, Preston, Pulcifer, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wheelan, Whitney, Wilson, Wyllie, and Young—40

NOTICE OF MOTION TO RECONSIDER.

Mr. Gillis gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 58 was this day refused passage.

Senate Concurrent Resolution No 16—Relative to the encouragement of the viticultural industry of the State of California

During consideration of the Senate concurrent resolution, the following amendment was submitted by Mr. Cogswell:

Strike out all of lines 16, 17, 18, 19, 20, and 21, and the letters "nia", in line 22.

Amendment adopted.

Senate Concurrent Resolution No. 16, as amended, read, adopted, and ordered transmitted to the Senate.

SENATE CONCURRENT RESOLUTION NO. 16.

Relative to the encouragement of the Viticultural industry of the State of California.

WHEREAS, The State of California is now becoming preëminently a grape-growing State, where wine can be produced as cheaply, of as fine a quality, and in as large quantities, as in any country in the world; and,

WHEREAS, There are at the present time over 250,000 acres of land in the State of California devoted to the viticultural industry, representing an investment of over one hundred millions of dollars; and,

WHEREAS, A very desirable class of people are coming into this State and taking up the improvement of vast areas of land which have heretofore been non-productive and of little value, planting vineyards on land absolutely unsuited for any other purpose, and hoping to find a market for their grapes, for table consumption, for the making of raisins, and for the manufacture of wines; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly concurring, That we strongly recommend the encouragement of the viticultural industry in this State and we favor the enactment of legislation, either by the Federal Government or by the State Legislature, or the passage of regulations or ordinances by any of the counties, cities or towns of the State, that would foster this most important industry, which is destined, if properly encouraged and cared for, to be one of the greatest industries of the State.

Senate Bill No. 133—An Act to amend sections eleven hundred eighty-three, eleven hundred eighty-four, eleven hundred eighty-five, eleven hundred eighty-six, eleven hundred eighty-seven, eleven hundred ninety, eleven hundred ninety-two, and eleven hundred ninety-four of the Code of Civil Procedure of the State of California, and to add two new sections thereto, to be numbered section twelve hundred *a* and section twelve hundred three *b*, and to repeal section eleven hundred eighty-eight of said Code, all relating to mechanics' liens.

During third reading of bill, Mr Telfer moved that the Speaker appoint a select committee of one to amend the bill, as follows:

AMENDMENT NO. 1.

Strike out the words "or furnished materials or labor or both", in line 26, page 4, of the printed bill.

AMENDMENT No. 2.

Strike out the words "or for materials actually furnished and incorporated into the building, improvement or structure, or delivered upon the ground, or for either or both," in lines 29, 30, 31, and 32, on page 4, of the printed bill.

Motion lost.

SPEAKER IN THE CHAIR

At four o'clock and thirty-five minutes P. M., Speaker Stanton in the chair

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 133 finally passed by the following vote:

AYES—Messrs. Barndollar, Beatty, Beban, Black, Butler, Cattell, Coghlan, Cogswell, Collum, Costar, Cronin, Cullen, Feeley, Flavelle, Flint, Gerdes, Gibbons, Hammon, Hanlon, Hans, Hewitt, Holmquist, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Leeds, Lightner, Macauley, Maher, McManus, Melrose, Moore, Mott, Nelson, Otis, Perine, Preston, Pugh, Pulcifer, Rech, Sackett, Schmitt, Stuckenbruck, Transue, Wheelan, Whitney, Wyllie, Young, and Mr. Speaker—50.

NOES—Messrs. Beardslee, Fleisher, Gillis, Greer, Hawk, Hayes, Irwin, Kehoe, Mendenhall, Odom, Polsley, and Telfer—12

Title read and approved.

Bill ordered transmitted to the Senate.

REQUEST FOR PERMISSION TO INTRODUCE BILL

The following petition, requesting permission to introduce a bill, was presented:

ASSEMBLY CHAMBER, SACRAMENTO, March 20, 1909.

MR SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows, viz: "An Act to amend Section 472 and Section 475 of an Act entitled 'An Act to establish a Political Code.'"

TRANSUE,
Member Seventy-third District.

Petition referred to Committee on Introduction of Bills.

SENATE MESSAGES.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, March 17, 1909.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted the report of the Committee on Free Conference on Assembly Bill No. 167—An Act to amend Sections 1908, 1917, and 1923 of the Political Code of California, all relating to the enrolled militia.

LEWIS A. HILBORN, Secretary of Senate
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 20, 1909.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 743—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes" approved March 31, 1897, by amending Section 59 thereof.

Also Assembly Bill No. 745—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 14 thereof.

Also Assembly Bill No. 1404—An Act to amend Section 29 of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Also. Assembly Bill No. 1428—An Act to prevent the destruction of wild game within the boundaries of the Pinnacles Forest Reserve and Pinnacles National Monument in the counties of San Benito and Monterey, in the State of California

Also. Assembly Bill No. 695—An Act to amend "An Act relating to estrays, providing for taking them up, and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force relating to estrays, approved March 23, 1901, by adding a new section thereto, to be known as section nine *a*, relating to appointment of poundkeepers outside of incorporated cities

Also: Assembly Bill No. 1313—An Act providing for topographic surveys and investigations of the water resources of the State, and making an appropriation therefor.

Also. Assembly Bill No 1087—An Act to prevent fishing or the taking of fish by means of weirs, dams, nets, traps, or seines, in False Bay, or in the entrance thereto.

Also: Senate Bill No. 1224—An Act to amend Section 3780 of the Political Code, as amended by Act approved March 28, 1895, relating to the redemption of property sold for delinquent taxes.

LEWIS A. HILBORN, Secretary of Senate
By J. W. KAVANAGH, Assistant Secretary

The above Assembly bills ordered to enrollment

Senate Bill No. 1224 read first time, and referred to Committee on Judiciary.

Also:

SENATE CHAMBER, SACRAMENTO, March 20, 1909

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day denied passage to Assembly Bill No. 261—An Act to amend Section 1855*a* of the Code of Civil Procedure, relating to secondary evidence of public records or documents lost or destroyed by fire or other calamity, also providing that in such case decrees of distribution and partition, and deeds made, pursuant to or under a judgment, or order of court, shall prima facie be deemed made under proceedings duly had

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 20, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 6—An Act to amend Section 170 of the Code of Civil Procedure.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Assembly Bill No. 6 ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 20 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed, as a case of urgency, Assembly Bill No 1409—An Act to amend section eight hundred and fifty of the Code of Civil Procedure, relating to the notice of trial, and service of notice thereof in Justices' Court

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Assembly Bill No. 1409 ordered to enrollment

Also:

SENATE CHAMBER, SACRAMENTO, March 20, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted Senate Joint Resolution No. 22—Relative to a proposed collateral inheritance tax.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Senate Joint Resolution No. 22 referred to Committee on Federal Relations.

Also:

SENATE CHAMBER, SACRAMENTO, March 20, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to Senate Bill No. 670—An Act to provide for the purchase of live stock for and for the use of the University Farm and Agricultural School at Davis, and appropriating money therefor

Also: Senate Bill No. 1130—An Act appropriating money to pay the claim of of the United States Fidelity and Guaranty Company against the State of California.

Also: Senate Bill No. 905—An Act to amend an Act entitled "An Act creating a state commission on voting or balloting machines, defining their powers, and providing for the use, at the option of indicated local authorities, of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result at such elections, and providing for the punishment of all violations of the provisions of this Act," approved March 20, 1903.

Also: Senate Bill No. 980—An Act to amend Sections 653*c*, 653*d*, and 653*l*, of the Civil Code of the State of California, all relative to coöperative business associations.

LEWIS A. HILBORN, Secretary of Senate.
J. W. KAVANAGH, Assistant Secretary.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, March 20, 1909.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Senate Bill No. 1224—An Act to amend Section 3780 of the Political Code of the State of California, as amended by Act approved March 28, 1895, relating to the redemption of property sold for delinquent taxes—have had the same under consideration, and recommend that the above bill be passed, and that the Constitution be suspended so as to read the bill twice in one day.

JOHNSON OF SACRAMENTO, Chairman.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senate Bill No. 1224—An Act to amend Section 3780 of the Political Code as amended by Act approved March 28, 1895, relating to the redemption of property sold for delinquent taxes.

CASE OF URGENCY.

The following resolution was offered:

By Mr. Gibbons:

Resolved, That Senate Bill No. 1224 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Mr. Gibbons moved the adoption of the resolution.

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

AYES—Messrs Barndollar, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Hammon, Hanlon, Hans, Hawk, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, Perine, Polsely, Pulcifer, Rech, Schmitt, Stuckenbruck, Telfer, Transue, Whitney, Wyllie, and Mr. Speaker—55.

NOES—None

SECOND READING OF BILL.

Bill read second time, and ordered to third reading.

THIRD READING OF BILL.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No 1224 finally passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Collum, Costar, Cronin, Cullen, Flavelle, Fleisher, Flint, Gerdes,

Gibbons, Gillis, Hammon, Hanlon, Hans, Hawk, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Keheo, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine Polsley, Preston, Pulcifer, Rech, Schmitt, Stuckenbruck, Telfer, Transue, Whitney, Wyllie, and Mr. Speaker—55.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Also:

SENATE CHAMBER, SACRAMENTO, March 20, 1909

MR SPEAKER I am directed to inform your honorable body that the Senate amended, and on this day passed as amended, Assembly Bill No. 1407—An Act appropriating money to pay the claim of B. A. Palmer against the State of California, on account of injuries sustained while in the service of the State of California in the National Guard thereof—and respectfully request your honorable body to concur in said amendments

LEWIS A. HILBORN, Secretary of Senate.
By J. W KAVANAGH, Assistant Secretary.

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 1407?"

AMENDMENT No. 1.

Amend Section 1, line 1, by striking out the word "five", and inserting in lieu thereof the word "three".

AMENDMENT No. 2.

Amend Section 1, by striking out all after the word "California", on line 4, and insert in lieu thereof a period.

AMENDMENT No. 3

Amend Section 2, line 2, by striking out the word "five", and inserting in lieu thereof the word "three".

AMENDMENT No. 4.

Amend title by striking out all after the word "California", and inserting in lieu thereof a period.

The roll was called, and Senate amendments to Assembly Bill No. 1407 were concurred in by the following vote:

AYES—Messrs Barndollar, Beardslee, Beatty, Beban, Black, Bohnett, Callan, Cattell, Coghlan, Collier, Collum, Cronin, Cullen, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Hammon, Hanlon, Hans, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Leeds, Lightner, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Odom, Otis, Preston, Schmitt, Telfer, Transue, Wyllie, Young, and Mr. Speaker—46.

NOES—None.

Bill ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 20, 1909.

MR SPEAKER I am directed to inform your honorable body that the Senate amended and on this day passed as amended, Assembly Bill No 154—An Act to provide for an exposition building at Los Angeles, in Agricultural Park, for the use of all the counties of the State, for the purpose of maintaining permanent exhibits therein of the resources of the different counties, and to make an appropriation for the construction of said exposition building.

Also Assembly Bill No. 1252—An Act to amend Section 1240 of the Code of Civil Procedure of the State of California, relating to the taking of private property for public use

Also Assembly Bill No. 919—An Act to create a reclamation district, to be called American River Reclamation District No 1, and providing for the control and management thereof.

And respectfully request your honorable body to concur in said amendments.

LEWIS A HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 154?"

AMENDMENT No 1.

On page 1, Section 1, line 6, of the printed bill, strike out the word "of", after the word "building", and insert in lieu thereof the word "for".

AMENDMENT No. 2

On page 1, Section 1, line 6, of the printed bill, after the word "Association", insert the following: "On property owned by the State of California and".

AMENDMENT No. 3

On page 1, Section 1, line 12, of the printed bill, after the word "purposes", insert the following: "Of the moneys hereby appropriated the sum of fifty thousand dollars shall be available on and after July 1, 1909; the sum of fifty thousand dollars shall be available on and after January 1, 1910; the sum of seventy-five thousand dollars shall be available on and after July 1, 1910, and the sum of seventy-five thousand dollars shall be available on and after January 1, 1911."

AMENDMENT No. 4.

On pages 1 and 2, Section 2, lines 3 and 4, of the printed bill, strike out the words "at such times as may be approved by the State Board of Examiners", and insert in lieu thereof the following: "as provided in Section 1 hereof"

AMENDMENT No 5

On page 2, of the printed bill, strike out all of Section 3, and insert in lieu thereof the following "Sec. 3 This Act shall be exempt from the provisions of section six hundred seventy-two of the Political Code of California."

The roll was called, and Senate amendments to Assembly Bill No 154 were concurred in by the following vote:

AYES—Messrs Barndollar, Beardslee, Beatty, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Hammon, Hanlon, Hans, Hawk, Holmquist, Irwin, Johnson of Sacramento, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Polsley, Preston, Pulcifer, Rech, Schmitt, Stuckenbruck, Transue, Wheelan, Whitney, and Mr. Speaker—54.

NOES—None

Bill ordered to enrollment.

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 919?"

Amend by striking out commencing with the word "with", in line 12, of page 1, and ending with the word "city", in line 17, of page 2, and in lieu thereof insert: "with the north line of North B street of the city of Sacramento; thence in a general northwesterly direction and westerly direction along the north line of North B street of said city until it strikes the levee of the city of Sacramento running diagonally from Twelfth and B streets to B street north of said city";

Amend by adding after the word "along", in line 17, of page 2, the following "the north base of"

Amend by adding after the word "slough", in line 20, page 2, the following: "with the right to join its levees with the face of said last described levee".

Amend by striking out Sec 3, and in lieu thereof inserting: "Sec 3. The said district shall be subject to the Act of the Legislature known as the Sacramento Drainage Act, approved March 20, 1905 (Statutes of 1905 page 443), and any amendments heretofore or hereinafter adopted"

The roll was called, and Senate amendments to Assembly Bill No. 919 were concurred in by the following vote:

AYES—Messrs Barndollar, Beardslee, Beatty, Black, Callan, Cattell, Collier, Collum, Costar, Cronin, Cullen, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer Griffiths, Hanlon, Hans, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom,

Otis, Perine, Polsley, Preston, Pulcifer, Rech, Schmitt, Stuckenbruck, Telfer, Transue, Whitney, Wyllie, and Mr. Speaker—55.

NOES—None.

Bill ordered to enrollment.

Consideration of Assembly Bill No. 1252 temporarily postponed.

RESOLUTION.

The following resolution was offered:

By Mr. Transue:

Resolved, That Thomas G. Walker, Assistant to the Chief Clerk of the Assembly, be and he is hereby authorized and directed to return to the city of Sacramento, State of California, on April 25, 1909, to assist the Chief Clerk of the Assembly in compiling, preparing and having printed after final adjournment a calendar of the legislative business of the thirty-eighth session, comprising the history of all bills introduced, their authors, the numbers that became laws, those that have been read on second readings, and all other information that will create a perfect guide and history to the thirty-eighth session's business; together with expenditures of the Senate and Assembly, and of printing.

Such information shall be prepared not only for the calendar, but also as a guide for the thirty-ninth session of the Legislature.

Also to assist the Chief Clerk of the Assembly in mailing or expressing one copy of the foregoing to each member of the thirty-eighth session of the Assembly.

For the purpose of carrying out the purposes of this resolution, the State Controller is hereby directed to draw his warrant in favor of said Thomas G. Walker on the contingent fund of the Assembly for the sum of three hundred and fifty dollars, and the Treasurer is hereby directed to pay the same.

Mr. Transue moved the adoption of the resolution.

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

AYES—Messrs. Barndollar, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Cullen, Feeley, Flavelle, Fleisher, Gibbons, Gillis, Greer, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Juilliard, Kehoe, Leeds, Macauley, McClellan, McManus, Melrose, Mendenhall, Mott, Odom, Otis, Preston, Pulcifer, Rech, Schmitt, Silver, Telfer, Transue, Wyllie, and Young—49

NOES—None.

Also:

Resolved, That the names of Jesse Seiler, heretofore appointed as mail carrier, at a per diem of $3.00, and J. H. Wright, heretofore appointed as stenographer at a per diem of $5.00, and Thomas Rapp, heretofore appointed as bill filer, at a per diem of $4.00, and J. Rhoads, heretofore appointed as a porter at a per diem of $3.00, and Morries Doody, M. Boban, and Wm. Draine, heretofore appointed as committee clerks, at a per diem of $4.00, be stricken from the rolls, to take effect from and after March 20, 1909.

Resolution read, and on motion adopted.

MOTION.

Mr. Johnson of Sacramento moved that when the Assembly take a recess, it be until eight o'clock P. M. of this day, then to reconvene until nine o'clock P. M.

Mr. Leeds moved, as an amendment, that when the Assembly take a recess, it do so until eight o'clock P. M.

Motion carried.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON INTRODUCTION OF BILLS

ASSEMBLY CHAMBER, SACRAMENTO, March 20, 1909

MR. SPEAKER: Your Committee on Introduction of Bills, to whom was referred the following bill, herewith return the same, with the recommendation that the author be permitted to introduce it. The number of said bill is as follows: Assembly

Bill No. 1450—An Act to amend Section 472 and Section 745 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the duties of the Attorney General, providing for an assistant, a chief deputy, deputies, clerks, phonographic reporter, and stenographers, in said office, and fixing their salaries.

LEEDS, Chairman.

Mr. Leeds moved the adoption of the report.

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

AYES—Messrs. Barndollar, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Cullen, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gilis, Greer, Hammon, Harlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Moore, Mott, Odom, Otis, Polsley, Preston, Pulcifer, Rech, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wheelan, Whitney, Wyllie, Young, and Mr. Speaker—60

NOES—None.

INTRODUCTION OF BILL.

The following bill was introduced, and referred as indicated:

By Mr. Transue: Assembly Bill No. 1450—An Act to amend Sections 472 and 745 of "An Act entitled an Act to establish a Political Code," approved March 12, 1872, relating to the duties of the Attorney General, providing for an assistant, a chief deputy, deputies, clerks, phonographic reporter, and stenographers, in said office, and fixing their salaries.

Bill read first time, and referred to Committee on Ways and Means.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 20, 1909.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Assembly Concurrent Resolution No 18—Relative to granting leave to certain members of the Assembly to leave the State for a period of more than sixty days.

Assembly Constitutional Amendment No 26—A resolution to propose to the people of the State of California an amendment of Sections 2 and 23 of Article IV of the Constitution, relating to the time of holding sessions of the Legislature, and the mileage paid to members.

YOUNG, Chairman

The above reported resolutions ordered on file for adoption

RECESS.

At five o'clock and forty-five minutes P. M., the Assembly was declared at recess until eight o'clock P. M. of this day.

REASSEMBLED.

At eight o'clock P. M. the Assembly reconvened

Speaker P. A. Stanton in the chair.

SENATE BILLS—THIRD READING.

Senate Bill No. 1000—An Act to amend Section 3495 of the Political Code of the State of California, relating to school lands belonging to the State, and the affidavit on applications to purchase the same.

Senate Bill No. 1001—An Act to amend Section 3498 of the Political Code of the State of California, relating to approvals of applications for State lands.

Above bills re-referred to Committee on Public Lands and Forestry.

Senate Bill No. 999—An Act to add a new section to the Political Code of the State of California, to be known as Section 3495*a*, and relating to applications to purchase State lands, and requiring a deposit of money to accompany the application, and providing for the filing of additional applications.

Bill read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Leeds moved a call of the House

Motion carried.

Time, eight o'clock and five minutes P. M.

The Speaker directed the Sergeant-at-Arms to close the doors

The doors were closed, and the Chief Clerk was directed to call the roll

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

Messrs. Barndollar, Beatty, Butler, Coghlan, Flint, Gibbons, Gillis, Hinkle, Irwin, Johnson of Sacramento, Johnson of Placer, Leeds, Maher, Melrose, Mendenhall, Moore, Mott, Otis, Perine, Polsley, Preston, Rech, Schmitt, Stuckenbruck, Transue, and Mr. Speaker—26.

The Chief Clerk announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the House.

Messrs Whitney, Cattell, Silver, Gerdes, McClellan, Cogswell, Macauley, Wilson, Sackett, Holmquist, Callan, Hewitt, Drew, Costar, Griffiths, Feeley, and Nelson were brought before the bar of the House, and on motion excused.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At eight o'clock and twenty minutes P. M., further proceedings under the call of the House were dispensed with, on motion of Mr. Leeds.

The roll of absentees was called, and the bill passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beatty, Butler, Callan, Cattell, Coghlan, Cogswell, Collum, Cronin, Drew, Feeley, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Leeds, Macauley, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, Perine, Polsley, Preston, Rech, Sackett, Schmitt, Silver, Stuckenbruck, Transue, Whitney, Wilson, and Mr. Speaker—45

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 624—An Act to define personal property brokers, and regulate their charge and business.

During third reading of bill, Mr. Mott moved that the Speaker appoint a select committee of one to amend the bill, as follows:

By striking out of Section 6, line 9, of printed bill, the period and inserting the following "or by imprisonment in the county jail not to exceed twenty-five days for the first offense, and by imprisonment not to exceed one hundred days for each subsequent offense, or by both such fine and imprisonment."

Motion lost

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 624 finally passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Butler, Callan, Cattell, Coghlan, Cogswell, Collum, Costar, Drew, Feeley, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Macauley, Maher, McClellan, Mendenhall, Moore, Mott, Nelson, Otis, Perine, Polsley, Preston, Rech, Sackett, Schmitt, Silver, Stuckenbruck, Transue, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—48

NOES—Mr. Baxter—1.

Title read and approved.

Bill ordered transmitted to the Senate.

NOTICE OF MOTION TO RECONSIDER.

Mr. Mott gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 133 was this day passed.

Senate Bill No. 978—An Act relating to ferries across rivers and streams wholly within one county, and empowering the boards of supervisors of such county to purchase, establish, and maintain ferries across such rivers or stream, and to pay the expenses thereof.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Senate Bill No. 978 finally passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Bohnett, Butler, Callan, Cattell, Cogswell, Collum, Costar, Drew, Feely, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento Johnson of Placer, Juilliard, Leeds, Macauley, Maher, McClellan, Melrose, Moore Mott, Nelson, Otis, Perine, Preston, Rech, Schmitt, Silver, Stuckenbruck, Transue, Whitney, Wyllie, Young, and Mr. Speaker—45.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 823—An Act to accept from the old Soldiers' Memorial Camp Association of Northern California and E. F. Winslow Post, No. 79, Grand Army of the Republic, Department of California and Nevada, the conveyance of, and to vest the title in the State of California of certain lands, buildings, and furnishings thereon, at La Tour Soda Springs, Whitmore Postoffice, in Shasta County, and appropriating the sum of ten thousand dollars for the purpose of constructing cottages on said lands, and for the improvement thereof, and to maintain and care for the same as and for a free rooming camping grounds, resting place, and health resort for aged, indigent, ex-soldiers, sailors, and marines of the United States Army and Navy, and wives of such soldiers, sailors, and marines, to be known as Winslow Veterans' Home, and to provide for the government thereof by the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 823 finally passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Bohnett, Butler, Cattell, Cogswell, Collum, Costar, Drew, Feeley, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Macauley, Maher, McClellan, Melrose, Mendenhall, Moore,

Mott, Nelson, Otis, Perine, Preston, Rech, Schmitt, Silver, Stuckenbruck, Transue, Wheelan, Whitney, Wyllie, and Mr. Speaker—47.
NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 732—An Act to prohibit misrepresentation by life insurance companies, their officers, directors, agents, and representatives, fixing the penalty therefor, and prescribing the duties of the Insurance Commissioner in relation thereto.

Bill read third time, and passed on file.

Senate Bill No. 1247—An Act to amend the Political Code of the State of California by adding a new section, to be numbered section four thousand one hundred and thirty-five *a*, validating improperly recorded instruments, and providing for the indexing thereof

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1247 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Bohnett, Butler, Callan, Cattell, Cogswell, Collum, Cronin, Drew, Flint, Gerdes, Gillis, Griffiths, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Macaulev, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, Perine, Polsley, Preston, Rech, Schmitt, Silver, Stuckenbruck, Transue, Whitney, Wilson, Wyllie, Young, and Mr Speaker—48
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS.

Assembly Bill No. 1252—An Act to amend Section 1240 of the Code of Civil Procedure of the State of California, relating to the taking of private property for public use.

SENATE AMENDMENTS PENDING.

1. Strike out of printed bill, Section 1, line 21, the words "or other public"; also strike out of line 22 the word "public"; also strike out the word "public" in line 23, and insert in lieu thereof the word "municipal"

2 Strike out of Section 1, line 25, all after the word "corporation" down to and including the word "section," in line 25c.

3. Strike out of Section 2, printed bill, line 10, the words "or other public"; also strike out the word "public", in line 13, and insert in lieu thereof the word "municipal".

4 Strike out all after the word "corporation", in Section 2, line 14, down to but not including the period in line 17.

Also Strike out of Section 1, of printed bill, all of Subdivision 4 after the word "municipal", in line 21, and insert in lieu thereof the following: "or other public corporation for the purpose of supplying water to such corporation or the inhabitants thereof, and such use by any municipal or public corporation shall be held to be a more necessary use than by a person, firm or private corporation; *provided further*, that one municipality shall not deprive another municipality of water already in use, nor shall an irrigation district deprive another locality of water already in use;".

Also. Strike out of Section 2, of printed bill, all of Subdivision 3 after the word "municipal", in line 10, and insert in lieu thereof the following: "or other public corporation for the purpose of supplying water to such corporation or the inhabitants thereof, and such use by any municipal or public corporation shall be held to be a more necessary use than by a person, firm or private corporation; *provided further*, that one municipality shall not deprive another municipality of water already in use, nor shall an irrigation district deprive another locality of water already in use"

Mr. Beatty moved that the pending amendments be printed in the Journal, and action postponed until next legislative day.

Motion carried.

SENATE MESSAGE.

The following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, March 20, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day refused to concur in Assembly amendments to Committee Substitute for Senate Bill No. 819—An Act to amend Section 928 of the Penal Code of the State of California, relating to the duties of the grand juries—and respectfully request your honorable body to recede from said amendments

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Bill, with Senate amendments pending, re-referred to Committee on Judicary.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, March 20, 1909.

MR SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 1450—An Act to amend Section 472 and Section 745 of an Act entitled "An Act establishing a Political Code"—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

BEARDSLEE, Chairman.

CASE OF URGENCY.

The following resolution was offered:

By Mr. Transue:

Resolved, That Assembly Bill No 1450 and Senate Bill No 1225 present cases of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bills shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the second and third times, and placed upon their passage.

Mr. Transue moved the adoption of the resolution.

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

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collum, Costar, Cronin, Drew, Feeley, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hanlon, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Leeds, Macauley, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, Perine, Polsley, Preston, Pulcifer, Rech, Rutherford, Schmitt, Silver, Transue, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—55.

NOES—None.

SECOND READING OF BILL.

Assembly Bill No. 1450—An Act to amend Section 472 and Section 745 of an Act establishing a Political Code.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Assembly Bill No. 1450 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 20, 1909

GENTLEMEN The Committee of the Whole have had under consideration Assembly Bill No. 1450, and do now report the same back, and recommend that it do pass.

STANTON, Chairman.

Bill read second time, and ordered to third reading.

THIRD READING OF BILL.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1450 passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Collum, Costar, Drew, Feeley, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hanlon, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, Perine, Polsley, Preston, Pulcifer, Rech, Rutherford, Schmitt, Transue, Wheelan, Whitney, Wyllie, Young, and Mr. Speaker—53.

NOES—None.

Title read and approved.

Bill ordered transmited to the Senate.

SECOND READING OF BILL.

Senate Bill No 1225—An Act to form agricultural districts, to provide for the formation, organization, and powers of agricultural associations therein, and for the management and control of the same by the State, and repealing all Acts and portions of Acts in conflict with this Act.

Bill read second time, and ordered to third reading.

THIRD READING OF BILL.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No 1225 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collum, Costar, Cronin, Drew, Feeley, Flint, Gerdes, Gibbons, Griffiths, Hanlon, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Kehoe, Leeds, Macauley, McClellan, Melrose, Mendenhall, Moore, Mott, Otis, Perine, Preston, Pulcifer, Rech, Rutherford, Schmitt, Silver, Transue, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 242—An Act to provide for the survey, location, and construction of a state highway from the town of Mariposa, through

Bear Creek, Missouri Gulch, and Stockton Creek to the Yosemite Valley Railroad at Bear Creek Station, in Mariposa County, California, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Senate Bill No 242 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Black, Bohnett, Butler, Cattell, Collum, Costar, Cronin, Drew, Feeley, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hanlon, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, Melrose, Mendenhall, Moore, Nelson, Otis, Perine, Preston, Pulcifer, Rech, Rutherford, Schmitt, Silver, Stuckenbruck, Transue, Wheelan, Whitney, Wilson, Young, and Mr. Speaker—52.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

NOTICE OF MOTION TO RECONSIDER.

Mr. Feeley gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Bill No 624 was this day passed

Senate Bill No 732—An Act to prohibit misrepresentations by life insurance companies, their officers, directors, agents, and representatives, fixing the penalty therefor, and prescribing the duties of the Insurance Commissioner in relation thereto

Bill previously read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 732 finally refused passage by the following vote:

AYES—Messrs. Baxter, Beban, Black, Coghlan, Collum, Flint, Gibbons, Gillis, Hans, Hawk, Leeds, Macauley, McClellan, Mendenhall, Mott, Otis, Perine, Pulcifer, Rutherford, Silver, Wyllie, and Mr. Speaker—22.

NOES—Messrs. Barndollar, Beatty, Butler, Callan, Cattell, Cogswell, Costar, Cronin, Drew, Feeley, Gerdes, Greer, Griffiths, Hanlon, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Kehoe, Maher, Melrose, Moore, Nelson, Polsley, Preston, Rech, Schmitt, Stuckenbruck, Transue, Whitney, Wilson, and Young—34.

SENATE MESSAGE.

The following message from the Senate was taken up and read

SENATE CHAMBER, SACRAMENTO, March 20, 1909

MR. SPEAKER I am directed to inform your honorable body that the Senate amended, and on this day passed as amended, Assembly Bill No 428—An Act to amend an Act entitled "An Act to provide for the appointment of pilots, and defining their duties and compensation at the port of Wilmington, and bay of San Pedro," approved March 19, 1889.

LEWIS A. HILBORN, Secretary of Senate
By J W KAVANAGH, Assistant Secretary

NOTICE OF MOTION TO RECONSIDER.

Mr. Transue gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 732 was this day refused passage

Assembly Bill No. 428—An Act to amend an Act entitled "An Act to provide for the appointment of pilots, and defining their duties and compensation at the port of Wilmington, and bay of San Pedro," approved March 19, 1889

The question being, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 428?"

On page 3, of the printed bill, strike out all of Section 9, and insert in lieu thereof the following:

SEC. 9. The following shall be the rates of pilotage into or out of the harbor of San Pedro, including the port of Wilmington: All vessels under five hundred tons, three dollars per foot draught; all vessels over five hundred tons, three dollars per foot draught and three cents per ton for each and every ton, gross registered tonnage.

When a vessel is spoken and the services of a pilot declined the pilot shall be entitled to one-half pilotage rates

All vessels under American register engaged in the coasting trade between the ports of the United States, Canada, and Mexico, on the Pacific coast; also all vessels engaged in the whaling and fishing trade, shall be exempted from all charges for pilotage, unless a pilot shall actually be employed.

A vessel is spoken by day by a pilot displaying a union jack, and by night displaying a torch or flare-up, within a distance of three miles of the vessel.

SEC. 10. This Act shall take effect immediately.

The roll was called, and Senate amendments to Assembly Bill No. 428 were concurred in by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Cogswell, Collum, Costar, Cronin, Drew, Feeley, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hans, Hawk, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Kehoe, Leeds, Macauley, Maher, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, Preston, Pulcifer, Rech, Rutherford, Schmitt, Silver, Transue, Wheelan, Whitney, Wyllie, Young, and Mr. Speaker—51.

NOES—None.

Bill ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 20, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate amended, and on this day passed as amended, Assembly Bill No. 815—An Act to amend Section 1238 of the Code of Civil Procedure, relating to the purposes for which the right of eminent domain may be exercised.

Also Committee Substitute for Assembly Bill No. 1351—An Act providing for the formation of Yolo Basin Drainage District, and providing for its management

Also: Assembly Bill No 673—An Act to amend Article XVI of the Political Code in regard to county boards of education.

And respectfully request your honorable body to concur in said amendments.

LEWIS A. HILBORN, Secretary of Senate
By J. W. KAVANAGH, Assistant Secretary.

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 815?"

On page 1, Section 1, line 14, strike out the words "water sheds".

The roll was called, and Senate amendment to Assembly Bill No. 815 was concurred in by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Black, Butler, Callan, Coghlan, Cogswell, Collum, Costar, Cronin, Drew, Feeley, Flint, Gerdes, Gibbons, Gillis, Hanlon, Hans, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson of San Diego, Leeds, Macauley, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Otis, Perine, Polsley, Preston, Pulcifer, Rech, Rutherford, Schmitt, Silver, Stuckenbruck, Transue, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—51.

NOES—None.

Bill ordered to enrollment

The question being put: "Shall the Assembly concur in the following Senate amendments to Committee Substitute for Assembly Bill No 1351?"

AMENDMENT NO. 1.

Adding after line 7, Section 4, on page 6, of the printed bill, the following: "Sec. 4½. Nothing contained in this Act shall be construed as repealing or modifying the provisions of that certain Act—An Act to amend Section 1 of an Act entitled 'An Act to create a drainage district to be called "Sacramento Drainage

District," to promote drainage therein; to provide for the election and appointment of officers of said drainage district: defining the powers, duties and compensations of such officers, and providing for the creation, division, and management of reclamation, swamp land, levee, drainage and protection districts within said Sacramento Drainage District, and providing for levying and collecting assessments upon the lands within said drainage district.'" approved March 20, 1905—but said Act shall continue in full force and effect.

AMENDMENT No. 2.

In line 103, page 4, of the printed bill, strike out the word "southwest", and insert in lieu thereof the word "southeast."

The roll was called, and Senate amendments to Committee Substitute for Assembly Bill No. 1351 were concurred in by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Cogswell, Collum, Costar, Cronin, Drew, Feeley, Flint, Gerdes, Gibbons, Gillis, Hanlon, Hans, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Kehoe, Leeds, Macauley, McClellan, Melrose, Moore, Mott, Nelson, Otis, Perine, Preston, Pulcifer, Rutherford, Schmitt, Silver, Transue, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—50.
NOES—None.

Bill ordered to enrollment.

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No 673?"

On page 2 Section 1, second line 1, of the printed bill, strike out the word "section", before the number "1770", at the beginning of the line

Also On page 3, Section 1, third line 1, of the printed bill, strike out the word "section", before the number "1771", at the beginning of the line.

Also On page 5, Section 1, fourth line 1, of the printed bill, strike out the word "section", before the number "1772", at the beginning of the line.

Also On page 6, Section 1, fifth line 1, of the printed bill, strike out the word "section", before the number "1773", at the beginning of the line.

Also On page 6, Section 1, sixth line 1, of the printed bill, strike out the word "section before the number "1774", at the beginning of the line.

Also On page 7, Section 1, seventh line 1, of the printed bill, strike out the word "section", before the number "1775", at the beginning of the line.

Also On page 9, Section 1, eighth line 1, of the printed bill, strike out the word "section", before the number "1776", at the beginning of the line.

Also On page 9, Section 1, ninth line 1, of the printed bill, strike out the word "section" before the number "1778", at the beginning of the line.

Also On page 11, Section 1, tenth line 1, of the printed bill, strike out the word "section", before the number "1779", at the beginning of the line.

Also On page 11, Section 1, lines 3 and 4, of the printed bill, after the word "district", strike out the words "and having two or more teachers".

Also On page 11, Section 1, line 4, of the printed bill, after the word "prescribe", insert the following "as postgraduate work"

Also On page 11, Section 1, line 4, of the printed bill, after the word "the", strike out the word "tenth", and insert in lieu therof the word "ninth".

Also On page 11, Section 1, line 7, of the printed bill, after the word "such", insert the following "ninth or the ninth and".

Also On page 11, Section 1, line 7, of the printed bill, strike out the word "year", and insert in lieu thereof the word 'years".

Also On page 11, Section 1, line 8, of the printed bill, after the word "schools", strike out the remainder of the line, and also all of lines 9, 10, 11, and 12, and insert in lieu thereof the following: "provided, that all expense of such postgraduate work shall be paid from special funds of such districts."

Also By striking out of Section 1, line 48, page 11, all after word "instruction".

The roll was called, and Senate amendments to Assembly Bill No. 673 were concurred in by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Cogswell, Collum, Cronin, Feeley, Flint, Gerdes, Gibbons, Gillis, Greer, Hanlon, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Juilliard, Kehoe, Leeds, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, Perine, Polsley, Preston, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Transue, Wheelan, Whitney, Young, and Mr. Speaker—50.
NOES—None.

Bill ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 20, 1909.

MR SPEAKER I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to Senate Bill No. 1059—An Act to amend Sections 2 and 3 of an Act entitled "An Act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up and repealing all other Acts, or parts of Acts now in force, relating to estrays," approved March 23, 1901.

Also Senate Bill No 1088—An Act to amend Section 5 and Section 10 of an Act entitled "To provide for the formation of protection districts in the various counties of this State, for the improvement and rectification of the channels of innavigable streams and water courses, for the prevention of the overflow thereof by widening, deepening, and straightening, and otherwise improving the same, and to authorize the boards of supervisors to levy and collect assessments from the property benefited to pay the expenses of the same," approved March 27, 1895, enlarging the discretion of boards of supervisors concerning such districts and improvements, and to include in said districts territory situated within municipal corporations

Also Senate Bill No. 133—An Act to amend sections eleven hundred eighty-three, eleven hundred eighty-four, eleven hundred eighty-five, eleven hundred eighty-six, eleven hundred eighty-seven, eleven hundred ninety, eleven hundred ninety-two, and eleven hundred ninety-four of the Code of Civil Procedure of the State of California, and to add two new sections thereto, to be numbered section twelve hundred *a* and section twelve hundred three *b*, and to repeal section eleven hundred eighty-eight of said Code, all relating to mechanics' liens

Also Senate Bill No. 34—An Act to establish a State Board of Embalmers, defining the duties thereof, providing for the better protection of life and health, preventing the spread of contagious diseases, regulating the practice of embalming in connection with the care and disposition of the dead, and providing penalties for the violation thereof.

Also: Senate Bill No 166—An Act appropriating money for the purchase of a site and right of way, the building of a reservoir and pipe line for a clear water system for the Preston School of Industry.

LEWIS A. HILBORN, Secretary of Senate
By J. W. KAVANAGH, Assistant Secretary.

ASSEMBLY THIRD-READING FILE

Assembly Bill No. 87—An Act to amend Section 330 of the Penal Code, relating to gambling.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 87 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beban, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Costar, Cronin, Drew, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hanlon, Hans, Hawk, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of San Diego, Kehoe, Leeds, McClellan, Melrose, Mendenhall, Mott, Otis, Perine, Polsley, Pulcifer, Rech, Rutherford, Sackett, Silver, Stuckenbruck, Transue, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—46.

NOES—Messrs. Baxter, Beatty, Black, Collum, Feeley, Greer, Irwin, Macauley, Maher, Moore, Nelson, Preston, Schmitt, and Wheelan—14.

Title read and approved.

Bill ordered transmitted to the Senate.

NOTICE OF MOTION TO RECONSIDER.

Mr. Mott gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 87 was this day passed

SENATE BILLS—THIRD-READING FILE—(RESUMED).

Senate Bill No. 1030—An Act to amend Section 594 of the Political Code, classifying insurance business, and specifying required capital stock and available cash assets.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No 1030 finally passed by the following vote

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Butler, Callan, Cattell, Collum, Costar, Cronin, Feeley, Flint, Gerdes, Gibbons, Gillis, Hanlon, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Kehoe Leeds, Macauley, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, Perine, Polsley, Preston, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Transue, Wheelan, Whitney, Wilson, Young, and Mr Speaker—52

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

NOTICE OF MOTION TO RECONSIDER.

Mr Leeds gave notice that on the next legislative day he would move a reconsideration of the vote whereby the Assembly concurred in Senate amendments to Assembly Bill No. 1351.

Senate Bill No 446—An Act making an appropriation for the purpose of enlarging the power house at the California Home for the Care and Training of Feeble-Minded Children, and for the purchase and installation therein of two steam boilers, and necessary tools and machinery

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 446 finally passed by the following vote·

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Cronin, Feeley, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Kehoe, Leeds, Macauley, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, Perine, Polsley, Preston, Pulcifer, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Transue, Young, and Mr Speaker—51

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No 447—An Act making an appropriation for the erection and construction of a building at the California Home for the Care and Training of Feeble-Minded Children, as an addition to the present kitchen, to be used for the accommodation of a cold storage and ice plant, for the purchase and installation in said building of a cold storage and ice plant; for repairs to the present kitchen at said home; and for the purchase and installation in said kitchen of necessary kitchen ranges and cooking utensils.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 447 finally passed by the following vote.

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Cattell, Cogswell, Collum, Costar, Cronin, Feeley, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Kehoe, Leeds, Macauley, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, Perine, Polsley, Preston, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Whitney, Wilson, Wyllie, and Mr Speaker—53.

NOES—None.

Title read and approved

Bill ordered transmitted to the Senate

HON. R. L. BEARDSLEE IN THE CHAIR.

At ten o'clock and forty-five minutes P. M., Hon. R. L. Beardslee in the chair.

Senate Bill No. 161—An Act providing for the investigation of the nature and means of control of destructive diseases of cultivated plants in those portions of the State not benefited by the Southern California Pathological Laboratory, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 161 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Cattell, Cogswell, Collum, Costar, Cronin, Drew, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hans, Hawk, Hewitt, Hinkle, Johnson of Sacramento, Kehoe, Leeds, Macauley, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, Perine, Polsley, Preston, Pulcifer, Rech, Rutherford, Silver, Stuckenbruck, Telfer, Transue, Whitney, Wilson, and Wyllie—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1067—An Act providing for the construction of an executive mansion for the use of the Governor of the State of California, and his family, in the State Capitol grounds at Sacramento, and also in connection therewith stables and garage, and authorizing and directing the State Engineer to cause the erection thereof, and also providing for the appointment of a commission to be known as the executive mansion commission, to act in conjunction with the State Engineer, and conferring certain powers and duties on said commission, and also making an appropriation for the purposes of this Act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1067 finally passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Beban, Black, Bohnett, Callan, Cattell, Cogswell, Collum, Costar, Cronin, Feeley, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hans, Hewitt, Hinkle, Irwin, Johnson of Sacramento, Kehoe, Leeds, Maher, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, Perine, Polsley, Preston, Pulcifer, Rech, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1068—An Act to provide for the completion of the hospital for insane at Folsom State Prison, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1068 finally passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Beban, Black, Bohnett, Callan, Cattell, Cogswell, Collum, Cronin, Feeley, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Kehoe, Leeds, Macauley, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, Perine, Polsley, Preston, Pulcifer, Rech, Rutherford,

Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wheelan, Whitney, Wilson, and Wyllie—52.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 816—An Act to amend Section 268 of the Political Code of California, relative to the salaries of officers and employees of the Senate and Assembly.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 816 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Callan, Cattell, Cogswell, Collier, Collum, Cronin, Feeley, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Kehoe, Leeds, Macauley, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, Perine, Polsley, Preston, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wheelan, Whitney, Wilson, Wyllie, and Young—54.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 464—An Act to provide for the issuance and sale of State bonds to create a fund for the construction by the Board of State Harbor Commissioners for the bay of San Diego of a seawall, wharves, piers, state railroad, spurs, betterments, and appurtenances in the county of San Diego; to create a sinking fund for the payment of said bonds, to define the duties of State officers in relation thereto, to make an appropriation of one thousand dollars for the expense of printing said bonds, and to provide for the submission of this Act to a vote of the people.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Senate Bill No. 464 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Collum, Costar, Cronin, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Kehoe, Leeds, Macauley, Maher, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, Perine, Polsley, Preston, Pulcifer, Rech, Rutherford, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wheelan, Whitney, Wilson, Wyllie, and Young—54.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1171—An Act to amend section one of an Act entitled "An Act authorizing and directing the completion of the main buildings at the California Home for the Care and Training of Feeble-Minded Children, near Eldridge, California, and making an appropriation therefor," approved March 11, 1907.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No 1171 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Cattell, Cogswell, Collum, Costar, Cronin, Flint, Gerdes, Gibbons, Gillis,

Greer, Griffiths, Hanlon, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Juilliard, Kehoe, Leeds, Macauley, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, Perine, Polsley, Preston, Pulcifer Rech, Sackett, Silver, Stuckenbruck, Telfer Transue, Wheelan, Whitney, Wilson, Wyllie, and Young—54

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate

Senate Bill No. 1204—An Act providing for the selection of a site for a State Printing Office at the city of Sacramento, California, providing for the appointment of a commission to select such site, and providing for the erection of a building on said site, and appropriating money therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No 1204 finally passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Cattell, Cogswell, Collum, Costar, Cronin, Feeley, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hans, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Kehoe, Leeds, Macauley, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, Perine, Polsley, Preston, Rech, Rutherford, Sackett, Silver, Stuckenbruck, Telfer, Transue, Whitney, Wyllie, and Young—51

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No 219—An Act making an appropriation to pay the claim of Lauretta Campbell against the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 219 finally passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Cattell, Cogswell, Collum, Costar, Cronin, Feeley, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hans, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Kehoe, Leeds, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, Perine, Polsley, Preston, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wheelan, Whitney, Wilson, Wyllie, and Young—55.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No 1240—An Act making an appropriation for the maintenance and improvement of the buildings of the Mission of St. Francis de Solano, situated at Sonoma, California.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Senate Bill No 1240 finally passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Cattell, Cogswell, Collum, Costar, Cronin, Feeley, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hans Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Kehoe, Leeds, Macauley, McClellan, Melrose, Mendenhall, Moore, Mott Nelson Otis, Perine, Polsley, Preston Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Transue, Whitney, Wilson, Wyllie, and Young—52.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate

Senate Bill No. 544—An Act making an appropriation of nineteen thousand dollars ($19,000.00) for the enlargement of the photographic laboratory and fire-proof vault for astronomical photographs and plates at the Lick Observatory, in Santa Clara County, and for the provision of additional equipment for the Lick Observatory, and for astronomical photographs

Bill read third time

The question being on the passage of the bill.

The roll was called, and Senate Bill No 544 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beban, Black, Bohnett, Butler, Cattell, Cogswell, Collum, Cronin, Feeley, Flint, Gerdes, Gibbons, Gillis, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Johnson of Sacramento, Kehoe, Leeds Macauley, Maher, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, Perine, Polsley, Preston, Sackett Silver, Stuckenbruck, Telfer, Transue, Whitney, Wilson, Wylhe, Young, and Mr. Speaker—46.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate

Senate Bill No. 108—An Act making an appropriation for fencing at the California Home for the Care and Training of Feeble-Minded Children.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No 108 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Collum, Costar, Cronin, Feeley, Flint, Gerdes, Gillis, Greer, Griffiths, Hanlon, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Kehoe, Leeds, Macauley, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, Perine, Polsley, Preston, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wheelan, Whitney, Wilson, Wylhe, Young, and Mr. Speaker—51.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No 334—An Act to create the office of State Dental Surgeon, prescribe his duties, fix his manner of appointment, salary, and term of office, and to make an appropriation for the expenses of his office.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No 334 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Collum, Costar, Cronin, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hans, Hanlon, Hayes, Hewitt, Hinkle, Irwin, Johnson of Sacramento, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, Perine, Polsley, Preston, Pulcifer, Sackett, Silver, Stuckenbruck, Telfer, Transue, Whitney, Wilson, Wyllie, Young, and Mr Speaker—53.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate

NOTICE OF MOTION TO RECONSIDER.

Mr. Cattell gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 334 was this day passed.

Senate Bill No. 1203—An Act appropriating the sum of five thousand dollars ($5.000.00) for the purposes of repairing the greenhouse, walks, and grounds of the State Capitol at Sacramento.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1203 finally passed by the following vote:

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Collum, Costar, Cronin, Flint, Gerdes, Gillis, Greer, Griffiths, Hanlon, Hawk, Hewitt, Hinkle, Irwin, Johnson of Sacramento, Kehoe, Leeds, Macauley, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, Perine, Polsley, Preston, Rech, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Committee Substitute for Senate Bill No. 214—An Act appropriating money to carry out the work provided for in an Act entitled "An Act authorizing the Governor to appoint an expert in taxation and public finance to sit as a member of a commission to be composed of himself and a general committee of the Senate and Assembly of the thirty-sixth session of the Legislature of the State of California, of which commission the Governor shall be ex officio a member and chairman, to investigate the system of revenue and taxation in force in this State, and to recommend a plan for the revision and reform thereof; to provide for the creation of said commission, and to define its powers, and making an appropriation therefor," approved March 20, 1905.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Senate Bill No. 214 finally passed by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Collum, Costar, Cronin, Flint, Gerdes, Gibbons, Greer, Hanlon, Hans, Hawk, Hewitt, Hinkle, Holmquist, Kehoe, Leeds, Macauley, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, Perine, Polsley, Preston, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—53

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 20, 1909.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bill correctly reëngrossed:

Assembly Bill No. 1246—An Act to amend Section 4041 of the Political Code of the State of California

YOUNG, Chairman.

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, March 20, 1909.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Senate Bill No. 1195—An Act to amend Section 4131 of the Political Code of California, relating to the recording of instruments—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

JOHNSON OF SACRAMENTO, Chairman.

The above reported bill ordered on file for second reading.

SENATE MESSAGE.

The following Senate message was taken up and read:

SENATE CHAMBER, SACRAMENTO, March 20, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed, as a case of urgency, Assembly Bill No. 1450—An Act to amend Section 472 and Section 745 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the duties of the Attorney General, providing for an assistant, a chief deputy, deputies, clerks, phonographic reporter, and stenographers in the Attorney General's office, and fixing their salaries.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

ADJOURNMENT.

At eleven o'clock and fifteen minutes P. M., on motion of Mr. Mott, the Assembly was declared adjourned until ten o'clock A. M. of Monday, March 22, 1909.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL.,
Monday, March 22, 1909.

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. George M. Perine, Speaker pro tem. of the Assembly, in the chair.

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

Messrs. Barndollar, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Collier, Collum, Costar, Cronin, Cullen, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Haulon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—72

Quorum present.

LEAVES OF ABSENCE.

On motion, leave of absence for the day was granted to Messrs. Webber, Hopkins, Baxter, and Dean.

PRAYER.

Prayer was offered by the Chaplain, Rev. Seren N. Marsh.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr Macauley, its further reading was dispensed with.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was taken up and read:

EXECUTIVE DEPARTMENT STATE OF CALIFORNIA
SACRAMENTO, March 20, 1909

To the Assembly of the State of California

I have the honor to inform your honorable body that I have approved Assembly Bill No 68—An Act to amend section one of an Act entitled "An Act requiring the wardens of the State prisons of California to furnish the sheriffs of California and the bureaus of identification with certain information concerning convicts within thirty days after receiving said convicts, and providing for payment of the expense incurred thereby,' approved March 20, 1905, to include chiefs of police of regularly constituted police departments of incorporated cities and towns among those to whom such information shall be furnished.

Also: Assembly Bill No 442—An Act to amend "An Act to provide for work upon streets, lanes alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by adding thereto a new section numbered 56, providing for the doing of sidewalk work by cities in the absence of bidders for doing the same

Also Assembly Bill No. 699—An Act to amend Section 384 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, and to add a new section thereto, to be numbered 387, relating to the powers of the Governor, his salary, and the salaries of certain appointees

Also: Assembly Bill No 25—An Act to amend Section 1 of an Act entitled "An Act imposing a license tax upon itinerant venders of drugs, nostrums, ointments, or appliances sold for the cure of diseases, injuries, or deformities," approved March 20, 1903

Also Assembly Bill No 28—An Act to amend the title of Sections 1, 7, 8, and 9 of an Act entitled "An Act to regulate the sales of poisons in the State of California, and providing a penalty for the violation thereof," approved March 6, 1907.

Also: Assembly Bill No 656—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to amend an Act entitled "An Act to amend Section 6 of an Act entitled 'An Act concerning the water front of the city and county of San Francisco,' approved March 15, 1878, and to confer further powers upon the Board of State Harbor Commissioners,' approved March 17, 1880,' approved March 19, 1889, conferring further powers upon the said board," approved March 26, 1895," approved March 23, 1901,' approved March 18, 1905."

Also: Assembly Bill No 1043—An Act to add to the Penal Code of the State of California a new section, to be numbered 587*a*, prohibiting unauthorized persons from manipulating tampering, or interfering with railroad appliances, and prescribing punishment for the violation of such prohibition.

Also Assembly Bill No. 430—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 12, 1883 and all amendments thereto

Also: Assembly Bill No. 625—An Act to amend Section 1199 of the Political Code of the State of California, relating to printing of ballots

Also Assembly Bill No 690—An Act to amend section five hundred fifteen of the Political Code, and to provide for the appointment of a statistician, a bookkeeper, and a clerk and stenographer for the Superintendent of Public Instruction, and to fix their compensation

Also Assembly Bill No. 730—An Act authorizing the board of supervisors of the county of Shasta to audit and pay the claim of George W. Bush for services as judge of the Superior Court of Shasta County

Also: Assembly Bill No. 742—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31 1897, by amending Section 47 thereof.

Also: Assembly Bill No 827—An Act authorizing any incorporated town, city, or municipal corporation to permit the construction and maintenance of any State or county highway or boulevard over highways or streets in its incorporated limits, or any portion thereof, by the supervisors or highway commissioners of the county.

Also Assembly Bill No 1112—An Act to amend an Act entitled "An Act to add a new title to Part III of the Penal Code to be known as Title I thereof;

relating to the government and management of State prisons," approved March 18, 1907, by amending Sections 1572, 1574, 1577, 1578, and 1582 of the Penal Code, relating to the government and management of State prisons.

Also: Assembly Bill No. 169—An Act to amend the Political Code of the State of California by adding two new sections thereto, to be known and designated as section one thousand nine hundred and eighty-seven and section two thousand one hundred and seven, both relating to the National Guard

Also: Assembly Bill No. 833—An Act to add a new section to the Penal Code of California, to be numbered four hundred and two c, making it a misdemeanor for any practitioner of veterinary medicine who fails to report to the State Veterinarian certain diseases among animals

Also: Assembly Bill No. 931—An Act to amend section four hundred and forty-four of the Political Code of the State of California, relating to transfers of money from one fund to another.

Also: Assembly Bill No. 784—An Act amending section two thousand three hundred forty-nine of the Political Code, relating to certain streams and waters declared public ways.

Also: Assembly Bill No. 651—An Act to make uniform the law of warehouse receipts.

Also: Assembly Bill No. 1261—An Act to amend Section 12 of an Act entitled "An Act to establish police courts in cities of the first and one-half class, to fix their jurisdiction and to provide for officers of said courts, and fix the compensation of certain officers thereof," approved March 5, 1901, relating to the imprisonment of persons convicted in police courts in cities of the first and one-half class.

Also: Assembly Bill No. 1254—An Act to authorize the deposit of certain newspaper files kept in recorder's offices in free public libraries

Also: Assembly Bill No. 1066—An Act to amend sections six, seven, fifteen, seventeen, and nineteen of an Act entitled "An Act to create for the State of California a Department of Engineering, to provide for the appointment of the officers and employees thereof, defining its powers and prescribing the duties of said department, its officers and employees, to provide the compensation of such officers and employees, to make an appropriation for the salaries and other expenses for the remainder of the fifty-eighth fiscal year, and making certain acts a felony, and repealing an Act entitled 'An Act creating a Commissioner of Public Works, defining his duties and powers and fixing his compensation, approved February 9, 1900, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled 'An Act to create a Department of Highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employees thereof, and to provide for the compensation of said officers and employees, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year,' approved April 1, 1897; also, repealing an Act entitled 'An Act providing for the appointment of an auditing board to the Commissioner of Public Works, authorizing and directing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredges, and appliances thereto, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn lands and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this Act' approved March 17, 1897, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled 'An Act to provide for the appointment, duties, and compensation of a Débris Commissioner, and to make an appropriation to be expended under his directions in the discharge of his duties as such commissioner,' approved March 24, 1893, and all Acts or parts of Acts amendatory thereof, also repealing an Act entitled 'An Act to create the office of Lake Tahoe Wagon Road Commissioner, providing the term of office and compensation of such commissioner, defining his duties, and making an appropriation for the salary and expenditures provided for and authorized by this Act,' approved April 1, 1897, and all Acts or parts of Acts amendatory thereof," approved March 11, 1907, relating to the officers and employees of the Department of Engineering, their powers, duties, and salaries, and appropriating money to provide a revolving fund for such department

Also: Assembly Bill No. 1281—An Act to amend Section 4239 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the tenth class

Also: Assembly Bill No. 709—An Act to amend Section 4234 of the Political Code of the State of California, relating to the compensation of officers of counties of the fifth class, and their assistants and deputies.

Also: Assembly Bill No. 1142—An Act to amend Section 4246 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the seventeenth class.

Also: Assembly Bill No. 1253—An Act to authorize the State of California to release and convey to the United States such portions of the sixteenth and thirty-sixth sections of land contained in the Cleveland National Forest, formerly San Jacinto Forest Reserve (and referred to in that certain Act entitled "An Act to authorize the settlement of an existing controversy between the United States of

America and the State of California, and making an appropriation to carry out the provisions of this Act," approved March 21, 1907), as may remain after the settlement referred to in said Act has been consumated, for the purpose of reimbursing the United States for lands surrendered to it by the State, and which said lands so surrendered were thereafter sold and patented by said State.

Also Assembly Bill No. 1145—An Act to amend Section 3495 of the Political Code of the State of California, relating to school lands belonging to the State and the affidavit on applications to purchase the same.

Also Assembly Bill No. 164—An Act amending section three of an Act entitled "An Act for the appointment of a guardian for Sutter's Fort property, prescribing his duties, and appropriating money therefor," approved March 16, 1895.

Also Assembly Bill No. 422—An Act granting to municipal corporations of the State of California rights of way over public lands of the State for the location, construction, and maintenance of water works and power plants; and the right to take material from such lands for the construction of such works, and to take any waters belonging to the State for the purpose of supplying any such municipality and its inhabitants with water.

Also Assembly Bill No. 701—An Act to amend Sections 484 and 485 of the Political Code of the State of California, and to repeal all laws in conflict therewith.

Also Assembly Bill No. 786—An Act to amend Section 647 of the Code of Civil Procedure of the State of California, relating to what is deemed excepted to.

Also Assembly Bill No. 940—An Act to prevent injury to oil, gas, or petroleum bearing strata or formations by the penetration or infiltration of water therein.

Also Assembly Bill No. 956—An Act to amend Section 650 of the Civil Code of the State of California, relating to the powers of boards of trustees of colleges and seminaries of learning.

Also Assembly Bill No. 996—An Act to add a new section to the Penal Code of California to be numbered 499c, relating to the taking, hiring, running, driving, or using of an automobile, or taking or removing therefrom any part thereof by the owner or manager of an automobile garage, his agent or employee, or any other person, without the consent of the owner of such automobile, and providing the punishment for a violation thereof.

Also Assembly Bill No. 1042—An Act to add to the Penal Code of the State of California a new section to be numbered 587b, to prevent trespassing upon railroad locomotives, tenders, cars, and trains.

Also Assembly Bill No 1154—An Act to amend Section 1272 of the Penal Code of the State of California, relating to admission to bail pending appeal.

Also Assembly Bill No 1158—An Act to amend section four thousand two hundred and sixty-six of the Political Code of the State of California, relating to salaries and fees of officers of counties of the thirty-seventh class

Also Assembly Bill No 1115—An Act to amend section one of an Act entitled "An Act to define trust and to provide for criminal penalties and civil damages and punishment of corporations, persons, firms, and associations, or persons connected with them, and to promote free competition in commerce and all classes of business in this State," approved March 23, 1907, and to add a new section thereto, to be numbered two and one half, relating to competition in trade and industry, and to add a new section thereto, to be numbered section thirteen, relating to labor.

Also Assembly Bill No. 1387—An Act to amend Section 1164 of the Political Code of the State of California, relating to proclamation at closing the polls

Also: Assembly Bill No 1365—An Act to amend section four thousand two hundred and thirty-two of the Political Code of the State of California, relating to salaries and fees of officers in counties of the third class

Also: Assembly Bill No. 1388—An Act to amend Section 1160 of the Political Code of the State of California, relating to the time of opening and closing the polls.

Also Assembly Bill No. 1408—An Act to amend section five hundred and thirteen of the Political Code of the State of California, relating to the salary of the superintendent of public instruction.

Also Assembly Bill No. 1419—An Act authorizing suits against the State concerning certain real property, and regulating the procedure therein.

Also Assembly Bill No. 602—An Act to amend an Act entitled "An Act to provide for the formation, government, operation and dissolution of sanitary districts in any part of the State, for the construction of sewers, and other sanitary purposes, the acquisition of property thereby, the calling and conducting of elections in such districts, the assessment, levy, collection, custody, and disbursement of taxes therein, the issuance and disposal of the bonds thereof, and the determination of their validity and making provision for the payment of such bonds and the disposal of their proceeds," approved March 31, 1891

Also Assembly Bill No. 1084—An Act to amend section four thousand and five c of the Political Code of the State of California, relating to population of counties.

Respectfully,

J. N. GILLETT,
Governor of the State of California.

SENATE MESSAGES.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, March 20, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Committee Substitute for Senate Bill No. 1213—An Act to amend Section 25 of an Act entitled "An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions, and transfers, to provide for its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act, and for suits to quiet title against claims of liens arising hereunder, to repeal an Act entitled an Act to establish a tax on collateral inheritances, bequests, and devises, to provide for the collection, and to direct the disposition of its proceeds, approved March 23, 1893, and all amendments thereto, and all Acts and parts of Acts in conflict with this Act," approved March 20, 1905, relating to the disposition of proceeds of the tax levied under the same.

Also: Committee Substitute for Senate Bill No. 1214—An Act to amend an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 20, 1905, and all Acts and laws amendatory thereto, and supplementary thereto, by adding a new section thereto, relating to the disposition of the proceeds of the license tax collected under the disposition thereof.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 20, 1909.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No 18—Relative to heating and ventilating plant of Senate and Assembly chambers and committee rooms

LEWIS A. HILBORN, Secretary of Senate
By J. W. KAVANAGH, Assistant Secretary

Committee Substitute for Senate Bill No. 1213 read first time, and referred to Committee on Education.

Senate Bill No. 1244 read first time and referred to Committee on Education

Senate Concurrent Resolution No 18 referred to Committee on Contingent Expenses and Accounts.

Also:

SENATE CHAMBER, SACRAMENTO, March 20, 1909.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 574—An Act to amend Sections 10 and 14 of "An Act creating a state commission on voting or balloting machines, defining their powers, and providing for the use at the option of indicated local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city and town, at any or all elections held therein, and for ascertaining the result at such elections, and providing for the punishment of all violations of the provisions of this Act," approved March 20, 1903

Also: Assembly Bill No. 281—An Act to amend Section 784 of the Code of Civil Procedure, relating to sales in actions in partition.

Also: Assembly Bill No. 571—An Act to amend Section 632 of the Penal Code, relating to the closed season for certain fish.

Also Assembly Bill No. 670—An Act to amend Section 1617 of Article VII of the Political Code, relating to and defining the powers and duties of trustees of school districts and of boards of education in cities by changing the provisions of certain sections by adding new sections and by renumbering certain sections.

Also Committee Substitutes for Assembly Bills Nos 64, 65, and 66—An Act to amend Sections 353, 1425, and 1427 of the Political Code, all relating to regents of the University of California

Also Assembly Bill No 1285—An Act to amend section nine hundred and seventy-eight of the Code of Civil Procedure of California, relating to undertakings on appeal from judgments of justices' or police courts

Also Assembly Bill No 1369—An Act authorizing property owners or their grantees or assignees to sue the State of California for damages done to real property situated at Wood Island, county of Sacramento, by reason of the construction and maintenance of jetties in the Sacramento River, known as Newtown Jetties, making an appropriation therefor, and repealing an Act entitled "An Act to

authorize the Lauritzen Company of San Francisco, a corporation, to sue the State of California." approved March 23, 1907

Also, Assembly Bill No 1029—An Act to add a new section to the Penal Code, to be numbered Section 413½, relating to sparring exhibitions and prize fights

Also Assembly Bill No. 1354—An Act to provide for separate sewer districts within municipalities.

Also: Assembly Bill No 1286—An Act to add a new section to the Code of Civil Procedure of California, to be known as section nine hundred and seventy-eight *a*, relating to the undertaking on appeal from judgments of justices' or police courts

Also: Assembly Bill No 1416—An Act to amend the Political Code of the State of California by adding a new section thereto, to be known and numbered as Section 419*b*.

LEWIS A. HILBORN, Secretary of Senate
By J. W. KAVANAGH, Assistant Secretary

Bills ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 20, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed, as a case of urgency, Assembly Bill No. 1432—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations, approved March 13, 1883, by adding thereto thirty-four new sections, numbered 887 to 921, inclusive, so as to provide for municipal corporations of the seventh class

Also: Assembly Bill No. 1243—An Act to amend Sections 3746 and 3756 of the Political Code of the State of California, relating to the publication of notice by the tax collector of the time when taxes become due, and when unpaid taxes become delinquent, and to the penalty on delinquent taxes.

Also: Assembly Bill No. 918—An Act to amend "An Act to provide for the appointment of guardians of children maintained in any orphans' home or orphan asylum in this State," approved March 23, 1893.

Also Committee Substitute for Assembly Bill No. 1023—An Act to amend Sections 10, 15, 16, 16*a*, 16*d*, 16*e*, 16*e*, 19, 20, and 28, and to add a new section thereto, to be numbered Section 17, and to repeal Sections 17, 18, 21, 24, 25, 27, 29, and 31, and to renumber the sections so that they may follow consecutively, of an Act entitled "An Act to establish a school for the discipline, education, reformation, and protection of juvenile delinquents in the State of California, to be known as the Whittier State School," approved March 11, 1889, and amended March 25, 1893, and March 7, 1905, and February 7, 1907, all relating to the said Whittier State School.

Also: Assembly Bill No. 838—An Act to appropriate one thousand dollars for the erection of a monument in St Mary's Cemetery, in the city of Oakland, county of Alameda, State of California, to the memory of Honorable John J. Burke, and appointing a commission to carry out the provisions thereof.

Also: Assembly Bill No. 945—An Act to amend an Act entitled "An Act to form agricultural districts, to provide for formation of agricultural associations therein, and for management and control of the same by the State, and to repeal all Acts and parts of Acts in conflict with this Act," approved March 31, 1907, amendment approved March 15, 1901, by adding thereto and providing therein for a new district, to be known as Agricultural District No. 46, composed of the county of Imperial.

LEWIS A. HILBORN, Secretary of Senate
By J. W KAVANAGH, Assistant Secretary.

Bills ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 20, 1909

MR SPEAKER I am directed to inform your honorable body that the Senate amended, and on this day passed as amended, Assembly Bill No. 629—An Act entitled "An Act to amend Section 1880 of Article XXI of the Political Code by increasing the purposes for which school bonds may be voted"—and respectfully request your honorable body to concur in said amendment.

LEWIS A. HILBORN, Secretary of Senate
By J. W. KAVANAGH, Assistant Secretary.

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 629?"

AMENDMENT No 1.

On page 1, line 1, of the printed bill, before the word "Section", insert the words "Section 1."

AMENDMENT No. 2.

On page 1, line 3, of the printed bill, strike out the word 'Section', at the beginning of the line.

The roll was called, and Senate amendments to Assembly Bill No 629 were concurred in by the following vote:

AYES—Messrs. Barndollar, Beatty, Bohnett, Cattell, Costar, Cullen, Drew, Flavelle, Fleisher, Flint, Gibbons, Gillis, Griffiths, Hanlon, Hans, Hawk, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of Placer, Kehoe, Macauley, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, Perine, Polsley, Preston, Rutherford, Sackett, Schmitt, Silver, Wagner, Whitney, Wilson, and Wyllie—42

NOES—None.

Bill ordered to enrollment.

RECONSIDERATION.

In compliance with his notice given on a previous day, Mr Mott moved that the vote whereby Senate Bill No. 133 was passed be reconsidered.

The roll was called, and the same was refused reconsideration by the following vote:

AYES—Messrs Hayes, Kehoe, Macauley, and Telfer—4

NOES—Messrs. Barndollar, Beardslee, Beatty, Bohnett, Cattell, Collum, Costar, Cullen, Drew, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Hammon, Hanlon, Hans, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Maher, McManus, Melrose, Moore, Mott, Nelson, Odom, Otis, Perine, Polsley, Preston, Rutherford, Sackett, Schmitt, Stuckenbruck, Wagner, Wilson, and Wyllie—40.

Bill ordered transmitted to the Senate.

RECONSIDERATION

In compliance with his notice given on a previous day, Mr. Kehoe moved that the vote whereby Senate Bill No 1174 was passed be reconsidered.

The roll was called, and the same was refused reconsideration by the following vote:

AYES—None.

NOES—Messrs. Barndollar, Beardslee, Beatty, Bohnett, Callan, Cattell, Collum, Costar, Cronin, Cullen, Drew, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hinkle, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Macauley, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Polsley, Preston, Rutherford, Sackett, Schmitt, Stuckenbruck, Wagner, Whitney, Wilson, and Wyllie—49

Bill ordered transmitted to the Senate.

RECONSIDERATION.

In compliance with his notice given on a previous day, Mr. Cattell moved that the vote whereby Senate Bill No 334 was passed be reconsidered.

The roll was called, and the same was refused reconsideration by the following vote:

AYES—None

NOES—Messrs. Barndollar, Beatty, Bohnett, Callan, Cattell, Collum, Costar, Cronin, Drew, Flavelle, Fleisher, Flint, Gibbons, Gillis, Greer, Hammon, Hanlon, Hans, Hawk, Hinkle, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe,

Macauley, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Polsley, Preston, Rutherford, Sackett, Schmitt, Stuckenbruck, Whitney, and Wilson—44

Bill ordered transmitted to the Senate.

RECONSIDERATION.

In compliance with his notice given on a previous day, Mr. Costar moved that the vote whereby Assembly Bill No. 87 was passed be reconsidered

The roll was called, and the same was refused reconsideration by the following vote:

AYES—Messrs. Beatty, Collum, Fleisher, Irwin, Macauley, Mott, Pugh, Schmitt, and Wheelan—9

NOES—Messrs. Barndollar, Beardslee, Bohnett, Callan, Cattell, Costar, Cronin, Cullen, Drew, Flavelle, Flint, Gerdes, Gillis, Hawk, Juilliard, Kehoe, Maher, McManus, Melrose, Mendenhall, Moore, Otis, Perine, Polsley, Rutherford, Sackett, Stuckenbruck, Telfer, Wagner, Whitney, Wilson, Wyllie, and Young—33.

Bill ordered transmitted to the Senate.

RESOLUTION.

The following resolution was offered:

By Mr. Schmitt:

Resolved, That the Assembly of the California Legislature, thirty-eighth session, does hereby extend its thanks and appreciation to the Sacramento Chamber of Commerce for the pleasurable and instructive excursion tendered to the members of the Assembly on Sunday, March 21, 1909; and be it further

Resolved, That our warmest thanks be extended to the officials and citizens of Marysville, Chico, and Oroville for the hospitable and cordial treatment afforded to us by them on said occasion; and be it further

Resolved, That copies of this resolution be forwarded by the Clerk of the Assembly to the respective chambers of commerce of the cities of Sacramento, Marysville, Chico, and Oroville

Resolution read, and, on motion, adopted.

WITHDRAWAL OF BILL.

Mr. Drew asked for, and was granted, unanimous consent to withdraw Assembly Bill No. 247.

Assembly Bill No. 247 withdrawn, and ordered stricken from the file.

SENATE BILLS—THIRD-READING FILE.

Senate Bill No. 1111—An Act to amend section four hundred and eighty-four of the Political Code of the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1111 finally passed by the following vote:

AYES—Messrs Barndollar, Beardslee, Beatty, Callan, Cattell, Cogswell, Cronin, Cullen, Drew, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Hans, Hawk, Hayes, Irwin, Johnson of Sacramento, Juilliard, Kehoe, Leeds, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott Odom, Otis, Perine, Preston, Pugh, Rutherford, Sackett, Schmitt, Telfer, Wyllie, and Young—43

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1112—An Act to amend section five hundred and thirteen of the Political Code of the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1112 finally passed by the following vote:

AYES—Messrs Barndollar, Beardslee, Beatty, Collier, Costar, Cronin, Cullen, Drew, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hans, Hawk, Hayes, Hewitt, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Perine, Preston, Pugh, Pulcifer, Schmitt, Telfer, Wagner, Whitney, Wilson, Wyllie, and Mr. Speaker—43.

NOES—Mr. Stuckenbruck—1

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1113—An Act to amend section four hundred and seventy-one of the Political Code of the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1113 finally passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Collier, Cullen, Drew, Flavelle, Fleisher, Flint, Gillis, Hawk, Hayes, Hewitt, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Macauley, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Odom, Perine, Preston, Pugh, Pulcifer, Rutherford, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Wilson, Wyllie, and Mr. Speaker—42

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

SPEAKER IN THE CHAIR.

At ten o'clock and fifty minutes A. M., Speaker Stanton in the chair.

Senate Bill No. 1114—An Act to amend section four hundred and fifty-five of the Political Code of the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1114 finally passed by the following vote:

AYES—Messrs Barndollar, Beardslee, Beatty, Collier, Cullen, Drew, Flavelle, Fleisher, Flint, Gerdes, Gillis, Hans, Hayes, Hewitt, Hinkle, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Macauley, McClellan, Melrose, Mendenhall, Moore, Mott, Odom, Perine, Preston, Pugh, Rutherford, Sackett, Silver, Stuckenbruck, Telfer, Wagner, Whitney, Wilson, Wyllie, and Mr. Speaker—42.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No 1115—An Act to amend section four hundred and thirty-eight of the Political Code of the State of California.

Bill read third time

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1115 finally passed by the following vote:

AYES—Messrs Barndollar, Beardslee, Beatty, Collier, Cullen, Drew, Flavelle, Fleisher, Flint, Gerdes, Gillis, Hammon, Hans, Hawk, Hayes, Hewitt, Hinkle,

Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Odom, Perine, Preston, Pugh, Rutherford, Sackett, Silver, Stuckenbruck, Telfer, Wagner, Wilson, Wyllie, and Mr. Speaker—45.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1116—An Act to amend Section 417 of the Political Code of the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1116 finally passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Collier, Cronin, Cullen, Drew, Flavelle, Fleisher, Flint, Gerdes, Gillis, Griffiths, Hammon, Hans, Hawk, Hayes, Hewitt, Hinkle, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Macauley, McClellan, Mendenhall, Moore, Mott, Odom, Otis, Perine, Preston, Pugh, Rutherford, Sackett, Silver, Stuckenbruck, Telfer, Wagner, Whitney, Wilson, Wyllie, and Mr. Speaker—46.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No 1118—An Act to amend section three hundred and eighty-four of the Political Code of the State of California

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1118 finally passed by the following vote:

AYES—Messrs Barndollar, Beardslee, Beatty, Collier, Cronin, Cullen, Drew, Flavelle, Fleisher, Flint, Gerdes, Gillis, Hammon, Hans, Hawk, Hayes, Hewitt, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Macauley, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Preston, Pugh, Pulcifer, Sackett, Silver, Stuckenbruck, Telfer, Wagner, Wheelan, Whitney, Wilson, Wyllie, and Mr. Speaker—44.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 467—An Act to amend Section 11 of an Act entitled "An Act to provide for the sale of street railroad and other franchises in counties and municipalities, and providing conditions for the granting of such franchises by the legislative or other governing bodies, and repealing conflicting Acts," approved March 22, 1905.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 467 finally passed by the following vote:

AYES—Messrs. Barndollar, Collier, Cronin, Cullen, Flavelle, Fleisher, Flint, Gerdes, Gillis, Hammon, Hans, Hawk, Hayes, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Macauley, Maher, McClellan, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Preston, Pugh, Pulcifer, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, and Mr Speaker—48
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 525—An Act to regulate the building and occupancy of tenement houses in incorporated cities, and to provide penalties for the violation thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 525 finally passed by the following vote.

AYES—Messrs. Barndollar, Beatty, Collier, Cronin, Flavelle, Fleisher, Flint, Gerdes, Gillis, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Leeds, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Nelson, Otis, Perine, Polsley, Preston, Pulcifer Rutherford, Sackett, Schmitt, Silver, Telfer, Wagner, Whitney, Wilson, Wyllie, and Mr Speaker—43.

NOES—Mr. Kehoe—1.

Title read and approved.

Bill ordered transmitted to the Senate

Senate Bill No. 1173—An Act to amend an Act entitled "An Act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places within municipalities, for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts, and the assessment of property therein to pay the expenses of such improvements," approved March 24, 1903, by amending Sections 6, 8, 9, 10, 11, 12, 14, and 16 of said Act, and relating to the bringing of actions for the condemnation of property necessary or convenient for the laying out, opening, extending, widening, or straightening of public streets, squares, lanes, alleys, courts, and places within municipalities, to the appointment, powers, duties, and compensation of referees, to the assessing of compensation and damages for the taking of property for said purposes; to the hearing of reports of referees; to the trial and dismissal of such actions, and to the making and completion of assessments for said improvements.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1173 finally passed by the following vote:

AYES—Messrs Barndollar, Beatty, Collier, Cronin, Flavelle, Fleisher, Flint, Gerdes Gillis, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, Perine, Polsley, Preston, Pulcifer, Rutherford Sackett, Schmitt, Silver, Stuckenbruck, Wagner, Whitney, Wilson, Wyllie, and Mr. Speaker—45

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1238—An Act to amend section nine of an Act entitled "An Act to provide for laying out, opening, extending, widening, straightening, or closing up, in whole or in part, any street, square, lane, alley, court, or place within municipalities, and to condemn and acquire any and all land and property necessary or convenient for that purpose," approved March 6, 1889.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1238 finally passed by the following vote:

AYES—Messrs Barndollar, Beatty, Collier, Cronin, Drew, Flavelle, Fleisher, Flint, Gerdes, Gillis, Hammon, Hans, Hawk, Hayes, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, Perine, Polsley, Preston, Pulcifer, Rutherford, Sackett, Schmitt, Stuckenbruck, Telfer, Wagner, Whitney, Wilson, Wyllie, and Mr. Speaker—46.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1009—An Act to provide for the parole of prisoners confined in county jails and city prisons, and authorizing and empowering boards of supervisors and the governing bodies of municipalities to make rules and regulations in relation thereto.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1009 finally passed by the following vote:

AYES—Messrs. Barndollar, Beatty, Collier, Cronin, Drew, Flavelle Fleisher, Flint, Gerdes, Gillis, Hammon, Hans, Hawk, Hayes, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Macauley, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Polsley, Preston, Rutherford, Schmitt, Stuckenbruck, Telfer, Wagner, Wyllie, and Mr. Speaker—43.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 374—An Act to regulate the work and hours of employees in the occupation of cooks, waiters, and waitresses in public eating houses, and providing a penalty for violation thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 374 finally passed by the following vote:

AYES—Messrs. Beardslee, Beatty, Beban, Butler, Coghlan, Collier, Collum, Cullen, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Hawk, Hayes, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Leeds, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Polsley, Preston, Pugh, Rutherford, Schmitt, Silver, Stuckenbruck, Telfer, Wagner, Wheelan, and Wilson—49.
NOES—Messrs. Barndollar, and Wyllie—2.

Title read and approved.

Bill ordered transmitted to the Senate.

NOTICE OF MOTION TO RECONSIDER.

Mr. Leeds gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 374 was this day passed.

Senate Bill No. 605—An Act to amend section twenty hundred and twenty-four of the Code of Civil Procedure of California, relating to taking depositions out of the State.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 605 finally passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Bohnett, Collier, Collum, Cronin, Cullen, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Odom, Otis, O'Neill, Perine, Polsley, Preston, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Wyllie, and Mr. Speaker—54.
NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 606—An Act to amend section twenty hundred and twenty of the Code of Civil Procedure of California, relating to taking testimony of a witness out of the State.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 606 finally passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Butler, Collier, Collum, Cronin, Cullen, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gillis, Hanlon, Hans, Hawk, Hayes, Hewitt, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wheelan, Whitney, Wilson, and Mr. Speaker—55.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

HON. MILTON L. SCHMITT IN THE CHAIR.

At eleven o'clock and thirty minutes A. M., Hon. Milton L. Schmitt in the chair.

Senate Bill No. 608—An Act to amend Section 1678 of the Code of Civil Procedure of California, relating to partition or distribution of estates of deceased persons.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 608 finally passed by the following vote:

AYES—Messrs. Barndollar Beardslee, Beatty, Black, Butler, Collier, Collum, Costar, Cronin, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Hanlon, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Telfer, Transue, Wagner, Whitney, Wilson, and Mr. Speaker—56.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 609—An Act to amend Section 422 of the Code of Civil Procedure of California, relating to cross-complaints.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 609 finally passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Beban, Black, Butler, Collier, Collum, Costar, Cronin, Cullen, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Whitney, and Mr. Speaker—57.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 610—An Act to amend Section 1723 of the Code of Civil Procedure of California, relating to the disposition of life estates of homesteads of community property in certain cases and joint tenancies

Bill read third time

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 610 finally passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Beban, Black, Butler, Collier, Collum, Costar, Cronin, Cullen, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Polsley, Preston, Rech, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Whitney, and Mr. Speaker—57.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 620—An Act to amend Section 705 of the Code of Civil Procedure of California, relating to redemption from sheriff's sale.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 620 finally passed by the following vote:

AYES—Messrs Barndollar, Beardslee, Beatty, Beban, Black, Butler, Collier, Collum, Costar, Cronin, Cullen, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Odom, Otis, Perine, Polsley, Preston, Rech, Rutherford, Schmitt, Silver, Stuckenbruck, Telfer, and Mr. Speaker—56.
NOES—None.

Title read and approved

Bill ordered transmitted to the Senate.

Senate Bill No. 622—An Act to amend Section 850 of the Code of Civil Procedure of California, relating to notice of trial or hearing thereof in Justices' Courts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 622 finally passed by the following vote:

AYES—Messrs Barndollar, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cogswell, Collum, Costar, Cronin, Cullen, Drew, Feeley, Flavelle, Fleisher,

Flint, Gerdes, Gibbons, Gillis, Greer, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Macauley, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Polsley, Preston, Rech, Schmitt, Silver, Stuckenbruck, Telfer, and Mr Speaker—54.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No 859—An Act to amend Section 1265 of the Civil Code of the State of California, relating to the tenure by which homestead is held.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 859 finally passed by the following vote

AYES—Messrs Barndollar, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Collier, Costar, Cronin, Cullen, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Polsley, Preston, Pugh, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wyllie, and Mr. Speaker—60

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 860—An Act to amend section three thousand and five of the Civil Code of the State of California, relating to the sale of pledged property.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No 860 finally passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Collier, Collum, Costar, Cronin, Cullen, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher McClellan McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Transue, Wagner, Whitney Wyllie, and Mr. Speaker—62.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 861—An Act to amend section three hundred *a* of the Civil Code of the State of California, relating to corporations

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No 861 finally passed by the following vote:

AYES—Messrs Barndollar, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Coghlan, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, Mendenhall, Moore, Mott, Nelson Odom, Otis, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, and Mr. Speaker—59.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 866—An Act to amend Section 1391 of the Civil Code of the State of California, defining the direct line of descent and ascent, and the degrees thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 866 finally passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Beban, Black, Butler, Coghlan, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Hanlon, Hans, Hawk, Hayes, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Pugh, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Wilson, Wyllie, and Mr. Speaker—59.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 868—An Act to repeal Section 1392 of the Civil Code of the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 868 finally passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Beban, Black, Butler, Coghlan, Collier, Collum, Costar, Cronin, Cullen, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Rutherford, Sackett, Schmitt, and Mr. Speaker—55.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 869—An Act to repeal Section 1393 of the Civil Code of the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 869 finally passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Beban, Black, Butler, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Sackett, Schmitt, Silver, Stuckenbruck, Transue, and Mr. Speaker—59

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1087—An Act to amend Section 4300*g* of the Political Code of the State of California, relating to witness fees.

Bill read third time

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1087 finally passed by the following vote:

AYES—Messrs Barndollar, Beatty, Black, Butler, Coghlan, Collier, Collum, Cronin, Flavelle, Fleisher, Gerdes, Gillis, Hans, Hayes, Holmquist, Irwin, Johnson

of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Lightner, Macauley, Maher, Mendenhall, Moore, Mott, Nelson, Otis, Polsley, Preston, Pulcifer, Rutherford, Sackett, Schmitt, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Wilson, Wyllie, and Mr. Speaker—42.

NOES—Messrs Drew, Flint, Hanlon, Leeds, Odom, Perine, Pugh, Rech, and Silver—9

Title read and approved.

Bill ordered transmitted to the Senate.

NOTICE OF MOTION TO RECONSIDER.

Mr. Johnson of Sacramento gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 1087 was this day passed.

Senate Bill No. 1110—An Act to amend section eleven hundred and twenty-six of the Code of Civil Procedure of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1110 finally passed by the following vote:

AYES—Messrs Barndollar, Beatty, Black, Butler, Collier, Collum, Cronin, Cullen, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Hans, Irwin, Johnson of Sacramento, Johnson of San Diego, Juilliard, Leeds, Lightner, Macauley, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Polsley, Preston, Pugh, Rech, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Wilson, Wyllie, and Mr. Speaker—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1117—An Act to amend Section 397 of the Political Code of the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1117 finally passed by the following vote:

AYES—Messrs, Barndollar, Beardslee, Beatty, Beban, Black, Butler, Collier, Collum, Cronin, Flavelle, Fleisher, Flint, Gillis, Hammon, Hanlon, Hans, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Juilliard, Leeds, Lightner, Macauley, Maher, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Polsley, Preston, Rech, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, and Mr. Sepaker—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

RECONSIDERATION.

In compliance with notice given on a previous day, Mr Johnson of Sacramento moved that the vote whereby Senate amendments to Assembly Bill No. 1351 were concurred in be reconsidered.

The roll was called, and the same was refused reconsideration by the following vote:

AYES—Mr. Leeds—1.

NOES—Messrs. Barndollar, Beatty, Black, Butler, Collier, Cronin, Cullen, Flavelle, Fleisher, Flint, Gerdes, Gillis, Hammon, Hanlon, Hans, Hayes, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Lightner, Macauley, Maher, Mendenhall, Moore, Mott, Nelson, Odom, Perine, Polsley, Preston, Pugh, Rech, Rutherford, Schmitt, Silver, Stuckenbruck, Transue, Wagner, Wilson, Wyllie, and Mr. Speaker—44.

Bill ordered to enrollment.

Senate Bill No. 1122—An Act to amend Section 199 of the Code of Civil Procedure of California, relating to persons not competent to act as jurors

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1122 finally passed by the following vote:

AYES—Messrs Barndollar, Beatty, Black, Butler, Collier, Collum, Cronin, Drew, Flavelle, Fleisher, Flint, Hammon, Hanlon, Hans, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Leeds, Lightner, Macauley, Maher, McClellan, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Rutherford, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Wilson, Wyllie, and Mr. Speaker—47.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1146—An Act to prevent the propagation of disease through contamination of the atmosphere by gases or fumes arising from crematories for the disposition of garbage, ashes, offal, and other refuse matter, and to prescribe penalties.

Bill read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1146 finally passed by the following vote:

AYES—Messrs Barndollar, Beatty, Black, Bohnett, Butler, Callan, Collum, Cronin, Drew, Flavelle, Fleisher, Flint, Gerdes, Hammon, Hanlon, Hayes, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Juilliard, Kehoe, Leeds, Lightner, Macauley, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Rutherford, Schmitt, Silver, Telfer, Wagner, Whitney, Wilson, and Wyllie—48

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1117—An Act to add a new section to the Penal Code of the State of California, to be known as Section 1426*a*, relating to the time within which prosecutions for misdemeanor may be commenced.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1117 finally passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Cronin, Cullen, Drew, Flavelle, Fleisher, Flint, Gerdes, Gillis, Hanlon, Hans, Hawk, Hayes, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McManus, Moore, Mott, Nelson, Odom, Otis, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Stuckenbruck, Telfer, Wagner, Whitney, and Wyllie—54.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

RECONSIDERATION.

In compliance with notice given on a previous day, Mr. Flavelle moved that the vote whereby Senate Constitutional Amendment No. 38 was adopted be reconsidered

The roll was called, and the same was refused reconsideration by the following vote:

AYES—None.

NOES—Messrs. Barndollar, Beardslee, Beatty, Beban, Bohnett, Callan, Cattell, Cogswell, Collier, Drew, Flavelle, Flint, Gerdes, Gillis, Griffiths, Hammon, Hanlon, Hawk, Hayes, Hinkle, Holmquist, Irwin, Juilliard, Kehoe, Leeds, Lightner, Macauley, Mendenhall, Moore, Odom, Otis, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wagner, Whitney, and Wyllie—45.

Senate Constitutional Amendment No. 38 ordered transmitted to the Senate.

RECONSIDERATION.

In compliance with his notice given on a previous day, Mr. Beardslee moved that the vote whereby Senate Bill No. 1217 was passed be reconsidered.

The roll was called, and the same was refused reconsideration by the following vote:

AYES—None.

NOES—Messrs. Barndollar, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Cronin, Drew, Feeley, Flavelle, Flint, Gerdes, Gillis, Hammon, Hanlon, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Leeds, Lightner, Macauley, Maher, Mendenhall, Moore, Mott, Nelson, Odom, Perine, Polsley, Preston, Pulcifer, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Transue, Wagner, Whitney, Wilson, Wyllie, Young, and Mr Speaker—49.

Bill ordered transmitted to the Senate.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, March 22, 1909

MR SPEAKER: Your Committee on Education, to whom was referred Committee Substitute for Senate Bill No. 1213—An Act to amend Section 25 of an Act entitled "An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions, and transfers, to provide for its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act and for suits to quiet title against claims of liens arising hereunder; to repeal an Act entitled an Act to establish a tax on collateral inheritances, bequests, and devises, to provide for the collection, and to direct the disposition of its proceeds, approved March 23, 1893, and all amendments thereto, and all Acts and parts of Acts in conflict with this Act," approved March 20, 1905, relating to the disposition of proceeds of the tax levied under the same

Also: Committee Substitute for Senate Bill No 1214—An Act to amend an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 20, 1905, and all Acts and laws amendatory thereof and supplementary thereto, by adding a new section thereto relating to the disposition of the proceeds of the license tax collected under the provisions thereof

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass

SACKETT, Chairman

The above reported bills ordered on file for second reading.

ON CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, March 22, 1909.

MR. SPEAKER: Your Committee on Corporations, to whom was referred Senate Bill No. 1242—An Act to amend Section 605 of the Civil Code of the State of California, relating to the consolidation of corporations organized for purposes other than profit—respectfully report the same back, and recommend that it do pass

BEATTY, Chairman.

The above reported bill ordered on file for second reading.

RECESS.

At twelve o'clock and thirty minutes P. M., the Assembly was declared at recess until two o'clock P. M. of this day.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.
Speaker pro tem. George M. Perine in the chair.

SENATE BILLS—THIRD-READING FILE—(RESUMED).

Senate Bill No. 1241—An Act amending the Political Code of the State of California, by adding thereto a new section, to be known as Section 3443*a*, relating to the tide lands of the State, and to the sale and purchase thereof.

During third reading of bill, Mr. Leeds moved that the Speaker appoint a select committee of one to amend the bill, as follows:

In line 9, Section 1, page 1, printed bill, after the word "navigable", insert the following: "channel or".

Also In line 12, Section 1, page 1, printed bill, after the word "sale", strike out the period and balance of line 12, and all of lines 13 to 34, inclusive.

Motion carried.
The Speaker appointed Mr. Leeds as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 22, 1909.

MR SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 1241, with instructions, do now report that the instructions of the Assembly have been carried out.

LEEDS, Select Committee.

Report of select committee, and amendments, adopted.
Bill ordered to reprint, reëngrossment, and on file for passage.

UNFINISHED BUSINESS.

Assembly Bill No. 1252—An Act to amend Section 1240 of the Code of Civil Procedure of the State of California, relating to the taking of private property for public use.

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 1252?"

1. Strike out of printed bill, Section 1, line 21, the words "or other public"; also strike out of line 22 the word "public"; also strike out the word "public" in line 23, and insert in lieu thereof the word "municipal".

2. Strike out of Section 1, line 25, all after the word "corporation" down to and including the word "section," in line 25*c*.

3. Strike out of Section 2, printed bill, line 10, the words "or other public"; also strike out the word "public", in line 13, and insert in lieu thereof the word "municipal"

4 Strike out all after the word "corporation", in Section 2, line 14, down to but not including the period in line 17.

Also Strike out of Section 1, of printed bill, all of Subdivision 4 after the word "municipal", in line 21, and insert in lieu thereof the following: "or other public corporation for the purpose of supplying water to such corporation or the inhabitants thereof, and such use by any municipal or public corporation shall be held to be a more necessary use than by a person, firm or private corporation; *provided further*, that one municipality shall not deprive another municipality of water already in use, nor shall an irrigation district deprive another locality of water already in use;".

Also. Strike out of Section 2, of printed bill, all of Subdivision 3 after the word "municipal", in line 10, and insert in lieu thereof the following. "or other public corporation for the purpose of supplying water to such corporation or the inhabitants thereof, and such use by any municipal or public corporation shall be held to be a more necessary use than by a person, firm or private corporation, *provided further*, that one municipality shall not deprive another municipality of water already in use, nor shall an irrigation district deprive another locality of water already in use."

TIME OF DEBATE EXTENDED.

During the consideration of the question, on motion of Mr. Coghlan, the opponents of the motion were granted twenty-five minutes additional time for debate.

SPEAKER IN THE CHAIR.

At three o'clock and fifteen minutes P. M., Speaker Stanton in the chair

The roll was called, and Senate amendments to Assembly Bill No 1252 were concurred in by the following vote:

AYES—Messrs Barndollar, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Costar, Cronin, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Haulon, Hinkle, Holmquist, Johnson of San Diego, Kehoe, Leeds, Macauley, Maher, McClellan, McManus, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Preston, Pugh, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Wilson, Young, and Mr. Speaker—54.

NOES—Messrs. Hawk, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Polsley, Rutherford, and Wyllie—8

Bill ordered to enrollment.

SENATE MESSAGE.

The following message from the Senate was taken up and read.

SENATE CHAMBER, SACRAMENTO, March 22, 1909.

MR SPEAKER I am directed to inform your honorable body that the Senate on this day refused to concur in Assembly amendments to Senate Bill No. 3—An Act to provide for the direct nomination of candidates for public office, by electors, political parties and organizations of electors without conventions, at elections to be known and designated as primary elections, determining the tests and conditions upon which electors, political parties and organizations of electors may participate in any such primary election, and establishing the rates of compensation for primary election officers serving at such primary elections, providing for the organization of political parties and the promulgation of their platforms, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator—and respectfully request your honorable body to recede from said amendments.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

The question being put: "Shall the Assembly recede from the following Assembly amendments to Senate Bill No. 3?"

On page 2, Section 2, of the printed bill, strike out all of lines 7, 8, and 9, and insert in lieu thereof the following "Party candidates for the office of United States Senator shall have their names placed on the official primary election ballots of their respective parties in the manner herein provided for State officers, *provided, however*, that the vote for candidates for United States Senators shall be an advisory vote for the purpose of ascertaining the sentiment of the voters in the respective Senatorial and Assembly districts, in the respective parties"

Also On pages 6 and 7, of the printed bill, strike out all of lines 106 to 136 inclusive

Also On page 7, Section 5, line 138, of the printed bill, strike out the words "or for United States Senator"

Also On page 7, Section 5, line 142, of the printed bill, after the word "State" insert the following "The petition of a candidate for United States Senator shall be signed by the candidate himself"

Also On page 23, Section 23, line 41, of the printed bill, after the word "thereof" strike out the period, and insert in lieu thereof the following: "showing the vote cast for said officer in each party in each Assembly and Senatorial district."

Also: On page 23, Section 23, line 47, of the printed bill, after the word "Legislature" strike out the following "together with his official certificates", and insert in lieu thereof a "period"; also strike out all of lines 48, 49, and 50

Also, On page 1, of the printed bill, strike out all of title after the words "An Act", and insert in lieu thereof the following "to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary election for United States Senator"

Also: On page 25, Section 24, line 38, of the pirnted bill, insert after the word "campaign" the following: "In any county the county committee shall be selected by the county convention"

Also On page 25, Section 24, line 49, of the printed bill, strike out the word "posted", and insert in lieu thereof the word "pasted"

Also: On page 25, Section 24, line 52-55 of the printed bill, after the word "county" strike out the period, and insert the word convention".

Also On page 27, Section 27, line 18, of the printed bill, strike out the words "justice or judge of the superior".

Also: On page 27, Section 28, lines 5 and 6, of the printed bill, strike out the words "justice or judge of the superior"

Also: On page 14, Section 12, line 100, of the printed bill, strike out the words "county committeemen", and insert in lieu thereof the following: "delegates to county conventions".

Also: On page 11, Section 12, line 12, of the printed bill, insert after the word "election", at the end of the line, a period.

Also: On page 28, Section 31, line 6, of the printed bill, strike out the word "promises", and insert in lieu thereof the word "promised".

Also: On page 9, Section 7, line 8, of the printed bill, strike out the word "officer", and insert in lieu thereof the word "office".

Also After line 33, of Section 5, page 4, of the printed bill, insert as follows, viz: "To this paper shall be annexed a certificate by the candidate named in said nomination paper in substantially the following form.

STATE OF CALIFORNIA, }
County of.. ... ... } ss.

I, the undersigned, the candidate named in the said nomination paper, do solemnly affirm that I accept the said nomination as a .... and that I hereby pledge myself as a .. .. .. to abide by and carry into effect in spirit as well as letter the principles enunciated by the last state convention of the .. .. party held in California, and by the last national convention of the .... party.

Signed, ...
Residence, ...

Dated this .... day of ....., 19..."

The roll was called, and the Assembly refused to recede from its amendments by the following vote:

AYES—Messrs. Bohnett, Callan, Cattell, Cogswell, Collum, Costar, Flavelle, Gerdes, Gibbons, Gillis, Hinkle, Holmquist, Irwin, Johnson of Placer, Juilliard, Kehoe, Maher, Mendenhall, Odom, Otis, Polsley, Preston, Sackett, Stuckenbruck, Telfer, Whitney, Wilson, Wyllie, and Young—29.

NOES—Messrs. Barndollar, Beardslee, Beatty, Beban, Black, Butler, Coghlan, Collier, Cronin, Cullen, Drew, Feeley, Fleisher, Flint, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hewitt, Johnson of Sacramento, Johnson of San Diego, Leeds, Macauley, McClellan, McManus, Melrose, Moore, Mott, Nelson, Perine, Pugh, Pulcifer, Rech, Rutherford, Schmitt, Silver, Transue, Wagner, Wheelan, and Mr. Speaker—42.

APPOINTMENT OF COMMITTEE ON CONFERENCE.

The Speaker announced the appointment of Messrs. Leeds, Hewitt, and Johnson of Sacramento as a Committee on Conference, to consider Assembly amendments to Senate Bill No. 3.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS—(RESUMED).

Assembly Bill No 1220—An Act to amend Section 928 of the Penal Code of the State of California, relating to the duties of grand juries.

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 1220?"

On page 1, Section 1, line 10, strike out the words "to be", and insert in lieu thereof the following. "not to exceed twenty-four hundred dollars for any full term for which said grand jury shall have been impaneled unless".

Also: On page 1, Section 1, line 12, insert, after the word "charges", "It shall be the duty of every grand jury first impaneled in even-numbered years to investigate and report upon the needs of all county offices in its county, including increase or decrease in salaries, number of officers, deputies or employees, the abolition or creation of offices and the equipment for, or the method or system of, performing the duties of the several offices, and it shall cause a copy of such report to be transmitted to each member of the Legislature representing the county in which it has been impaneled before the commencement of the regular session of the Legislature in odd-numbered years.

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Perine moved a call of the House.

The roll of absentees was called, and Senate amendments to Assembly Bill No. 1220 were refused concurrence in by the following vote:

AYES—Messrs. Black, Bohnett, Cattell, Cogswell, Collier, Costar, Feeley, Flavelle, Fleisher, Flint, Griffiths, Hammon, Hanlon, Haus, Hewitt, Hinkle, Holmquist, Johnson of San Diego, Lightner, Macauley, McClellan, McManus, Mott, Otis, Perine, Polsley, Preston, Pulcifer, Sackett, Schmitt, Silver, Telfer, Wagner, Whitney, Wyllie, and Mr. Speaker—36.

NOES—Messrs Barndollar, Beardslee, Beatty, Butler, Callan, Coghlan, Collum, Cronin, Cullen, Drew, Gerdes, Gibbons, Gillis, Greer, Hawk, Irwin, Johnson of Sacramento, Johnson of Placer, Kehoe, Leeds, Maher, Melrose, Mendenhall, Moore, Nelson, Odom, Pugh, Rech, Rutherford, Stuckenbruck, Transue, and Wilson—32.

Bill ordered retransmitted to the Senate.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ON CONFERENCE.

ASSEMBLY CHAMBER, SACRAMENTO, March 22, 1909

MR. SPEAKER. Your Committee on Conference concerning Senate Bill No 3—An Act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator—report that we have met a like committee of the Senate, consisting of Senators Wright, Wolfe, and Leavitt, and we report that the Conference Committee can not agree, and request that the Assembly appoint a Committee on Free Conference

LEEDS,
HEWITT,
JOHNSON OF SACRAMENTO,
Committee on Conference.

Mr. Leeds moved the adoption of the report

Motion carried.

APPOINTMENT OF COMMITTEE.

The Speaker announced the appointment of Messrs. Leeds, Hewitt, and Johnson of Sacramento as a Committee on Free Conference, to meet with a like committee from the Senate to consider Senate Bill No. 3.

REQUEST FOR PERMISSION TO INTRODUCE BILL

The following petition, asking permission to introduce a bill, was presented:

ASSEMBLY CHAMBER, SACRAMENTO, March 22, 1909.

MR. SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows, viz: "An Act providing for the appointment of a committee

of five persons, whose duty it shall be to investigate the advisability of dividing the State into fish and game districts and to make a report of the result of their investigations, and providing for and making an appropriation therefor.

GRIFFITHS,
Member Fifteenth District.

RULES SUSPENDED.

Mr. Griffiths moved the suspension of the rules.

The motion was unanimously carried, the rules declared suspended, and petition received.

The above petition referred to Committee on Introduction of Bills.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON INTRODUCTION OF BILLS.

ASSEMBLY CHAMBER, SACRAMENTO, March 22, 1909.

MR SPEAKER: Your Committee on Introduction of Bills, to whom were referred the following bill, herewith return the same, with the recommendation that the author be permitted to introduce it. The number of said bill is as follows.

Assembly Bill No. 1451—An Act providing for the appointment of a committee of five persons, whose duty it shall be to investigate the advisability of dividing the State into fish and game districts, and to make a report of the results of their investigations, and providing for, and making an appropriation therefor.

LEEDS, Chairman.

Mr. Leeds moved the adoption of the report.

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

AYES—Messrs Barndollar, Beardslee, Beatty, Black, Bohnett, Butler, Callan, Coghlan, Cogswell, Collier, Costar, Cronin, Cullen, Drew, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hanlon, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Wagner, Whitney, Wilson, Wyllie, and Mr. Speaker—62

NOES—Mr. Feeley—1.

INTRODUCTION OF BILL.

The following bill was introduced and referred as indicated:

By Mr. Griffiths: Assembly Bill No. 1451—An Act providing for the appointment of a committee of five persons, whose duty it shall be to investigate the advisability of dividing the State into fish and game districts, and to make a report of the results of their investigations, and providing for and making an appropriation therefor.

Bill read first time, and ordered on file without reference.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON SWAMP AND OVERFLOWED LANDS AND LEVEE AND RIVER IMPROVEMENTS AND DRAINAGE

ASSEMBLY CHAMBER, SACRAMENTO, March 22, 1909.

MR SPEAKER: Your Committee on Swamp and Overflowed Lands and Levee and River Improvements and Drainage, to whom was referred Senate Bill No. 1252—An Act to amend Section 3458 of the Political Code of the State of California, relating to reclamation districts—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

HEWITT, Chairman.

The above reported bill ordered on file for second reading.

REPORTS OF SELECT COMMITTEES.

The following reports of select committees were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 22, 1909.

MR SPEAKER We, your committee appointed to draw up resolutions of respect to the memory of the late Hon. F. W. Barnes, beg leave to report as follows:

WHEREAS, In the course of Divine Destiny, the hand of death has claimed from among us an honored and beloved member of the thirty-fourth, thirty-fifth, and thirty-sixth session of the Assembly; and

WHEREAS, As a mark of respect to his memory, and in accordance with the wishes of our hearts to express the deep feeling in our loss, we desire to make record thereof now, therefore, be it

Resolved, That in the demise of Hon. F. W. Barnes, the State of California lost from its numbers a man of unimpeachable integrity, possessed of ability of a high order, tireless energy, and unselfish and high ideals He had a solicitude for the rights of others, and a most lovable and kind disposition. His was a hand ever ready to assist where assistance was needed; his, a heart ready with sympathy reaching beyond the lines of creed or party, and possessed of the nobility of personal worth In thus expressing the sentiment of our hearts, we extend to the bereaved family of the deceased our deep and sincere sympathy in their loss, and commend to ourselves, and the generation of which he made one, the sweetness and genuine worth of his career, and be it further

Resolved, That the Chief Clerk be, and he is hereby, authorized to have the foregoing resolution suitably engrossed and framed and delivered to the family of the deceased

HINKLE
BEARDSLEE.
TRANSUE
MOTT.
BAXTER

Mr Hinkle moved the adoption of the report and resolution.

Report and resolution unanimously adopted by a rising vote

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 22, 1909.

MR SPEAKER Your committee appointed to present resolutions relative to the death of Hon E M Pyle beg leave to report as follows:

IN MEMORIAM.

Elbert Madison Pyle, who passed into eternity last summer, represented Santa Barbara County in the Assembly of California for three full terms, viz.: the thirty-fifth, thirty-sixth, and thirty-seventh sessions and the extra sessions thereof.

During those six years he endeared himself to all with whom he came in contact by his plain, unassuming manner, his undeviating devotion to public business, and his unswerving adherence to the right as he understood it.

All his associate members came to rely upon his judgment and to defer to his suggestions in matters of legislation.

He was always kind and pleasant, and though at times severely suffering from painful sickness, he never lost his courage or changed his polite consideration for his fellow members.

His popularity at home was evidenced by the fact that at each succeeding election his majority was increased. Had he lived he would undoubtedly have been returned for the fourth term as a member of the California Legislature.

His death has removed from our State a good man, a consistent friend, a wise citizen, a prudent counselor, a faithful public servant, and a man upon whom the people depended for, and from whom they received, good precept and example.

In token of our esteem for our brother member taken from us, the Assembly of California does hereby adopt this memoriam, and does direct that it be spread upon our records, and that a copy suitably engrossed, and framed and attested, be forwarded to the family of the deceased.

COGSWELL.
JOHNSON OF SACRAMENTO.
HEWITT.
DREW.
COSTAR.

Mr Cogswell moved the adoption of the report and resolution.

Report and resolution unanimously adopted by a rising vote.

THIRD READING OF SENATE BILLS.

Senate Bill No. 1232—An Act to legalize, confirm, and validate tax deeds made to the State of California for delinquent taxes, and deeds made to purchasers of property sold under and in pursuance of the provisions of sections three thousand eight hundred and ninety-seven and three thousand eight hundred and ninety-eight of the Political Code.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No 1232 finally passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Black, Callan, Cattell, Coghlan, Collier, Collum, Costar, Cullen, Drew, Feeley, Flint, Gerdes, Gibbons, Gillis, Hanlon, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Kehoe, Leeds, Lightner, Macauley, McClellan Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Wagner, Whitney, Wyllie, and Mr. Speaker—54.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 973—An Act to amend section six hundred and ninety-two of the Code of Civil Procedure, relating to the notice of sale of property on execution.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 973 finally passed by the following vote:

AYES—Messrs. Beardslee, Beatty, Beban, Butler, Callan, Cogswell, Collum, Costar, Cullen, Feeley, Flavelle, Gerdes, Gibbons, Gillis, Hans, Hawk, Hewitt, Irwin, Johnson of San Diego, Johnson of Placer, Kehoe, Lightner, Macauley, Maher, McCellan, McManus, Mendenhall, Moore, Mott, Nelson, Odom, Perine, Polsley, Preston, Pugh, Pulcifer, Rutherford, Sackett, Schmitt, Stuckenbruck, Wagner, Wilson, Wyllie, and Mr. Speaker—44.

NOES—Messrs. Barndollar, Cattell, Cronin, Drew, Griffiths, Hanlon, Hinkle, Holmquist, Johnson of Sacramento, Leeds, Otis, Rech, Silver, Telfer, and Whitney—15.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Mr. Cogswell gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 973 was this day passed.

Senate Bill No. 1241—An Act amending the Political Code of the State of California, by adding thereto a new section, to be known as Section 3443*a*, relating to the tide lands of the State, and to the sale and purchase thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1241 passed by the following vote:

AYES—Messrs Barndollar, Beatty, Beban, Black, Bohnett, Callan, Cattell, Cogswell, Collier, Costar, Cronin, Cullen, Drew, Feeley, Fleisher, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hewitt, Hinkle, Holmquist, Irwin, Johnson of

San Diego, Johnson of Placer, Kehoe, Leeds, Macauley, McManus, Melrose, Moore, Mott, Nelson, Otis, Perine, Preston, Pugh, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Telfer, Transue, Wagner, Whitney, and Wilson—50

NOES—Messrs. Collum, Flavelle, Gerdes, Lightner, Mendenhall, Odom, Stuckenbruck, and Wyllie—8.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Mr. Nelson gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 1241 was this day passed.

Senate Bill No. 618—An Act to amend section five hundred and fifty-three of the Code of Civil Procedure of California, relating to the attachment of property as security for the satisfaction of judgments.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 618 passed by the following vote:

AYES—Messrs, Barndollar, Beardslee, Beatty, Black, Bohnett, Callan, Cattell, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Feeley, Flavelle, Fleisher, Gerdes, Gibbons, Gillis, Hammon, Hanlon, Hans, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Kehoe, Leeds, Macauley, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Odom, Otis, Perine, Polsley, Preston, Pugh, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Wilson, Wyllie, and Mr. Speaker—56

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No 867—An Act to amend Section 1390 of the Civil Code of the State of California, defining the degrees of consanguinity, and prescribing methods of tracing the same.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 867 passed by the following vote:

AYES—Messrs Barndollar, Beardslee, Beatty, Beban, Black, Bohnett, Callan, Cattell, Collier, Collum, Costar, Cronin, Cullen, Drew, Fleisher, Gerdes, Gibbons, Gillis, Hammon, Hanlon, Hans, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Kehoe, Lightner, Macauley, McManus, Melrose, Mott, Odom, Otis, Perine, Polsley, Preston, Pugh, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Wagner, Wilson, and Mr. Speaker—50.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 960—An Act to add a new section to the Political Code of the State of California, to be known as section four thousand two hundred and sixty-five *a*, relating to the compensation of the county officers in counties of the thirty-sixth and one-half class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 960 passed by the following vote:

AYES—Messrs Barndollar, Beardslee, Beatty, Beban, Black, Bohnett, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Costar, Cronin, Drew, Fleisher, Gerdes,

Gibbons, Gillis, Hanlon, Hans, Hewitt, Hinkle, Holmquist, Irwin, Johnson of San Diego, Johnson of Placer, Kehoe, Leeds, Lightner, Macauley, Maher, McManus, Melrose, Moore, Mott, Nelson, Odom, Otis, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Wilson, Wyllie, and Mr. Speaker—56.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 961—An Act to amend section four thousand two hundred and thirty-eight of the Political Code of the State of California, relating to the compensation of officers of counties of the ninth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 961 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Beban, Black, Bohnett, Cattell, Coghlan, Cogswell, Collier, Collum, Costar, Cronin, Drew, Feeley, Flavelle, Fleisher, Gerdes, Gibbons, Gillis, Greer, Hammon, Hans, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Kehoe, McManus, Moore, Mott, Nelson, Odom, Otis, Perine, Polsley, Preston, Pugh, Rech, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wilson, Wyllie, and Mr. Speaker—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1120—An Act to amend section three thousand six hundred and ninety-six of the Political Code, relating to the levy of taxes

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1120 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Beban, Black, Bohnett, Callan, Cattell, Coghlan, Cogswell, Collier, Costar, Cronin, Drew, Fleisher, Gerdes, Gibbons, Gillis, Greer, Hammon, Hanlon, Hans, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Kehoe, Lightner, Macauley, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Wilson, and Mr. Speaker—57.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SECOND READING OF SENATE BILL.

Senate Bill No. 1242—An Act to amend section six hundred and five of the Civil Code of the State of California, relating to the consolidation of corporations organized for purposes other than profit.

Bill read second time, and ordered on file for third reading.

MOTION.

Mr. Beardslee moved that when the Assembly adjourn on this day, it do so out of respect to the memory of Hon. John J. Wyatt.

Motion unanimously carried.

RECESS.

At five o'clock and thirty minutes P. M., the Assembly was declared at recess until eight o'clock P. M. of this day.

REASSEMBLED.

At eight o'clock P. M. the Assembly reconvened.
Speaker pro tem. George M. Perine in the chair.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ROADS AND HIGHWAYS

ASSEMBLY CHAMBER, SACRAMENTO, March 22, 1909

MR SPEAKER: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 1235—An Act to provide for a state highway from the Rincon Creek at a point near the Pacific Ocean to the city of Ventura, and to make an appropriation therefor—have had the same under consideration, and respectfully report the same back and recommend that it do not pass.

GREER, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 22, 1909.

MR SPEAKER: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 821—An Act to amend Section 2738 of the Political Code, relating to mile boards, guide posts, etc.—have had the same under consideration, and respectfully report the same back, without recommendation.

GREER, Chairman.

ON BANKS AND BANKING.

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1909

MR. SPEAKER: Your Committee on Banks and Banking, to whom was referred Assembly Bill No. 993—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered 532*a*, relating to the making of false statements in writing by any person respecting his own or another's financial condition, for the purpose of procuring a loan or credit in any form for himself or for another person, and relating to the procuring of credit on such false statements, and prescribing penalties therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

TRANSUE, Chairman.

The above reported bills ordered on file for second reading.

ON ENGROSSMENT AND ENROLLMENT

ASSEMBLY CHAMBER, SACRAMENTO, March 22, 1909.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Bills have been correctly enrolled:

Assembly Bill No. 1034—An Act making an appropriation for the expenses of the National Guard in case of insurrection, invasion, tumult, riot, or imminent danger thereof.

Assembly Bill No. 1050—An Act to amend Section 4256 of the Political Code of the State of California, relating to salaries and fees of county and township officers in counties of the twenty-seventh class.

Assembly Bill No. 1069—An Act to amend Section 4231 of the Political Code of the State of California, relating to compensation of officers of counties of the second class, their clerks, deputies, and assistants.

Assembly Bill No. 1085—An Act to amend section four thousand and six of the Political Code of the State of California, relating to the classification of counties, and creating a new class, to be known as the thirty-sixth and one-half class.

Assembly Bill No. 1115—An Act to amend section one of an Act entitled "An Act to define trust, and to provide for criminal penalties and civil damages and punishment of corporations, persons, firms, and associations, or persons connected with them, and to promote free competition in commerce and all classes of business in this State," approved March 23, 1907, and to add a new section thereto, to be numbered two and one-half, relating to competition in trade and industry, and to add a new section thereto to be numbered section thirteen, relating to labor.

Assmbly Bill No. 1365—An Act to amend section four thousand two hundred and thirty-two of the Political Code of the State of California, relating to salaries and fees of officers in counties of the third class.

And were presented to the Governor March twentieth, at two o'clock P. M.

YOUNG, Chairman.

Also

ASSEMBLY CHAMBER, SACRAMENTO, March 22, 1909.

MR SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled

Assembly Concurrent Resolution No. 14—Relative to polygamy.

Assembly Bill No 116—An Act appropriating money for finishing and furnishing assembly hall and equipping gymnasium at the Preston School of Industry

Assembly Bill No. 114—An Act appropriating money for the building and equipping of a central heating and power station, and to make the necessary changes in the plumbing at the Preston School of Industry

Assembly Joint Resolution No. 1—Authorizing and requesting the Governor to appoint a commission to coöperate with the Federal authorities for the drafting of a law and the formation of a legal plan for the improvement of the Sacramento River, and the reclamation of adjacent overflowed lands, for irrigation, and for the conservation of water

Assembly Bill No 1334—An Act to provide for the acquisition by municipalities of land for public park or public playground purposes by condemnation, and for the establishment of assessment districts and the assessment of property therein to pay the expense of acquiring such land.

Assembly Bill No. 596—An Act making an appropriation for the erection and construction of a building at the California Home for the Care and Training of Feeble-Minded Children, as an addition to the present kitchen, to be used for the accommodation of a cold storage and ice plant; for the purchase and installation in said building of a cold storage and ice plant; for repairs to the present kitchen at said home, and for the purchase and installation in said kitchen of necessary kitchen ranges and cooking utensils

Assembly Bill No. 1032—An Act to add a new section to the Political Code of the State of California, to be numbered four hundred and twenty-six, relating to gardeners for State Capitol grounds.

Assembly Bill No. 1429—An Act to amend section four thousand two hundred and seventy-one of the Political Code, relating to the compensation of officers of counties of the forty-second class.

Assembly Bill No. 128—An Act authorizing and directing the board of managers of the California Home for the Care and Training of Feeble-Minded Children to enlarge and repair the hospital building at the California Home for the Care and Training of Feeble-Minded Children, and making an appropriation therefor.

Assembly Bill No. 131—An Act authorizing and directing the board of managers of the California Home for the Care and Training of Feeble-Minded Children to develop the water supply at the California Home for the Care and Training of Feeble-Minded Children, and making an appropriation therefor.

Assembly Bill No. 233—An Act to amend an Act approved March 23, 1901, and entitled "An Act to provide for the establishment and maintenance of public libraries within municipalities

Assembly Bill No 1164—An Act to amend an Act approved March 6, 1889, entitled 'An Act to provide for laying out, opening, widening, extending, straightening, or closing up in whole or in part of any street, square, lane, alley, court, or place within the bounds of such city, and to condemn and acquire any and all land and property necessary or convenient for that purpose"

Assembly Bill No. 1280—An Act to provide for the refurnishing of the offices of the Board of Railroad Commissioners of the State of California, and to make appropriation therefor

Assembly Bill No. 594—An Act to provide for the establishment and maintenance of public museums of natural and historical objects within municipalities of the fourth, fifth, and sixth class.

Assembly Bill No. 1414—An Act to amend an Act entitled an Act to amend an Act to allow unincorporated towns and villages to equip and maintain a fire department, and to assess and collect taxes from time to time for such purpose, and to create a board of fire commissioners, approved March 4, 1881; amended March 6, 1899

Assembly Bill No. 1405—An Act to amend Section 1251 of the Code of Civil Procedure of the State of California, relating to proceedings to exercise the right of eminent domain

Assembly Bill No 159—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding thereto a new section, to be numbered 1380, relating to giving special notices to heirs, devisees, legatees during the administration of estates of decedents.

Assembly Bill No. 1024—An Act to amend Section 3 of an Act entitled "An Act to prevent the waste and flow of water from artesian wells, and prescribing penalties therefor and defining waste and artesian wells," approved March, 1907.

Assembly Bill No. 563—An Act to amend Section 1793 of the Code of Civil Procedure of the State of California, relating to guardians.

Assembly Bill No. 1025—An Act to amend Section 4261 of the Political Code, relating to salaries and fees of officers in counties of the thirty-second class

Assembly Bill No 705—An Act to amend section five hundred and ninety-seven of the Penal Code, relating to cruelty to animals.

Assembly Bill No. 1357—An Act to amend Section 4252 of the Political Code of the State of California, relating to salaries, fees, and compensation of officers of counties of the twenty-third class

Assembly Bill No. 423—An Act to prohibit the sale of intoxicating liquors within a certain distance of any camp or assembly of men, numbering twenty-five or more, engaged upon the construction, repair, or operation of any public work, improvement, or utility.

Assembly Bill No. 315—An Act to repeal an Act entitled "An Act to incorporate the town of Coloma, approved April 21, 1858"

Assembly Bill No. 203—An Act to amend Section 1491 of the Code of Civil Procedure of the State of California, relating to notice to creditors of deceased persons

Assembly Bill No. 205—An Act to amend the Code of Civil Procedure of the State of California by adding a new section thereto to be known as Section 542*a*, relating to attachments

Assembly Bill No. 661—An Act to amend section seven hundred and seventeen of the Civil Code of the State of California, relating to the time that agricultural lands may be leased for agricultural or horticultural purposes.

Assembly Bill No. 1104—An Act to add a new section to the Code of Civil Procedure of California, to be known as Section 1789*a*, relating to conveyances by guardians

Assembly Bill No. 26—An Act to amend Sections 3, 4, 5, 6, 7, 11, 13, 14, and 16 of an Act entitled "An Act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof, and for the appointment of a board to be known as the California State Board of Pharmacy," approved March 20, 1905, and amended March 21, 1907

Assembly Bill No. 1048—An Act to amend Section 1619 of the Code of Civil Procedure, relating to fees of attorneys of executors and administrators.

Assembly Bill No. 1075—An Act to amend Section 1321 of the Political Code, relating to the compensation of presidential electors.

Assembly Bill No. 204—An Act to amend Sections 1103 and 1115 of the Political Code of the State of California, relating to the compiling and indexing of a register of voters.

And were presented to the Governor March twenty-second, at four o'clock P M

YOUNG, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 22, 1909

MR. SPEAKER Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled:

Assembly Bill No. 302—An Act to amend sections one thousand nine hundred and twenty-five, one thousand nine hundred and twenty-six, one thousand nine hundred and twenty-seven, one thousand nine hundred and twenty-eight, one thousand nine hundred and twenty-nine, one thousand nine hundred and thirty, one thousand nine hundred and thirty-one, one thousand nine hundred and thirty-two, one thousand nine hundred and thirty-three, one thousand nine hundred and thirty-four, one thousand nine hundred and thirty-five, one thousand nine hundred and fifty-one, one thousand nine hundred and fifty-three, one thousand nine hundred and fifty-four, one thousand nine hundred and fifty-six, one thousand nine hundred and fifty-seven, one thousand nine hundred and fifty-eight, one thousand nine hundred and sixty-two, one thousand nine hundred and sixty-six, one thousand nine hundred and eighty-five, two thousand and twenty, two thousand and twenty-six, two thousand and seventy-six, two thousand and seventy-eight, two thousand and seventy-nine, two thousand and eighty-one, two thousand and eighty-six, two thousand one hundred and two, two thousand one hundred and eleven, and two thousand one hundred and twelve, all of the Political Code of the State of California, relating to the National Guard

Assembly Bill No. 990—An Act authorizing the construction, acquisition, maintenance and control of a system of State highways in the State of California; specifying the work, fixing the payments to be made by counties for moneys expended therein, providing for the issuance and sale of State bonds to create a fund for the construction and acquisition of such system, creating a sinking fund for the payment of said bonds, and providing for the submission of this Act to a vote of the people.

Assembly Bill No 186—An Act to provide one additional judge of the Superior Court of the county of Alameda

Assembly Bill No. 844—An Act to provide a site for an armory for the National Guard in the city and county of San Francisco, and making available and reappropriating certain moneys for the purchase of said site and the erection, equipment, completion, and furnishing of said armory.

Assembly Bill No. 847—An Act to amend Section 4269 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the fortieth class

Assembly Bill No. 983—An Act to amend Section 4284 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the fifty-fifth class.

Assembly Bill No. 984—An Act to amend Section 4281 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the fifty-second class.

And were presented to the Governor March twentieth, at two P M

YOUNG, Chairman.

SPECIAL ORDERS.

Senate Bill No. 624—An Act to define personal property brokers, and regulate their charge and business.

RECONSIDERATION.

In compliance with notice given on a previous day, Mr. Mott moved that the vote whereby Senate Bill No. 624 was passed be reconsidered.

The roll was called, and the same was refused reconsideration by the following vote:

AYES—Messrs. Beatty, Coghlan, Collier, Collum, Cronin, Flavelle, Gillis, Greer, Griffiths, Hammon, Hans, Hayes, Juilliard, Lightner, McClellan, McManus, Moore, Mott, Perine, Preston, Pugh, Sackett, Schmitt, Transue, Wheelan, and Wilson—26.

NOES—Messrs. Barndollar, Bohnett, Callan, Cattell, Cogswell, Drew, Gerdes, Gibbons, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Kehoe, Maher, Melrose, Mendenhall, Nelson, Otis, Polsley, Silver, Stuckenbruck, Telfer, Whitney, Wylhe, and Young—27.

Title read and approved.

Bill ordered transmitted to the Senate.

SPEAKER IN THE CHAIR.

At eight o'clock and twenty minutes P. M., Speaker Stanton in the chair.

REPORT OF COMMITTEE ON FREE CONFERENCE.

The following report of Committee on Free Conference was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 22, 1909.

MR. SPEAKER: Your Committee on Free Conference concerning Senate Bill No. 3—An Act to provide for the direct nomination of candidates for public office, by electors, political parties, and organizations of electors without conventions, at elections to be known and designated as primary elections, determining the tests and conditions upon which electors, political parties, and organizations of electors may participate in any such primary election, and establishing the rates of compensation for primary election officers serving at such primary elections, providing for the organization of political parties and the promulgation of their platforms, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator—report that we have met a like committee of the Senate, consisting of Senators Wright, Wolfe, and Leavitt, and we report that the Free Conference Committee agreed upon and recommend the following amendments.

LEEDS,
HEWITT,
Committee on Free Conference

AMENDMENTS TO SENATE BILL NO. 3 PROPOSED BY FREE CONFERENCE COMMITTEE

AMENDMENT NO. 1

Strike out the entire title of the Act and insert a new title to read as follows: "An Act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator."

AMENDMENT NO. 2.

On page 2, Section 2, of the reengrossed Senate bill, strike out all of Subdivision 2, lines 5 to 20, inclusive, and insert in lieu thereof the following: "By nominating petitions signed and filed as provided by existing laws. Party candidates for the office of United States Senator shall have their names placed on the official primary election ballots of their respective parties in the manner herein provided for State

officers; *provided, however*, that the vote for candidates for United States Senators shall be an advisory vote for the purpose of ascertaining the sentiment of the voters in the respective Senatorial and Assembly districts in the respective parties; *provided further* that members of the Legislature shall be at liberty to vote either for the choice of their respective districts expressed at said primary election, or for the candidate for United States Senator who shall have received the endorsement of their party at such primary election in the greatest number of districts electing members of such party to the Legislature.

"This Act shall not apply to special elections to fill vacancies; nor to the nomination of officers of municipalities, whose charters provide a system of nominating candidates for such offices; nor to the nomination of officers for any district organization not formed for municipal purposes, nor to school trustees in cities of the sixth class; nor to school district officers, other than those elected in a district of which an incorporated city or city and county or part of an incorporated city or city and county constitutes the whole or a part of such school district."

AMENDMENT No. 3.

On pages 6 and 7, of the reengrossed Senate bill, strike out all of lines 106 to 136, inclusive.

AMENDMENT No. 4.

On page 23, Section 23, line 41, of the reengrossed Senate bill, strike out the period after the word "thereof" and all the remainder of the paragraph, and insert in lieu thereof the following: "showing the vote cast for said candidate of each party in each Assembly and Senatorial district. A duplicate of such statement in so far as it shall be applicable to such party shall be transmitted to the state chairman of each political party. And it shall be the duty of the Secretary of State to transmit duplicates of said statements to the Speaker of the Assembly and the President of the Senate on the first day of the next ensuing session of the Legislature."

AMENDMENT No. 5.

On page 25, Section 24, line 38, of the reengrossed Senate bill, insert after the word "campaign" the following: "In any county the county committee shall be selected by the county convention".

AMENDMENT No. 6.

On page 25, Section 24, line 49, of the reengrossed Senate bill, strike out the word "posted", and insert in lieu thereof the word "pasted".

AMENDMENT No. 7.

On page 25, Section 24, line 52-55, of the reengrossed Senate bill, after the word "county", strike out the period and insert the word "convention."

AMENDMENT No 8.

On page 27, Section 27, line 18, of the reengrossed Senate bill, strike out the words "justice or judge of the superior"

AMENDMENT No 9.

On page 27, Section 28, lines 5 and 6, of the reengrossed Senate bill, strike out the words "justice or judge of the superior".

AMENDMENT No 10.

On page 14, Section 12, line 100, of the reengrossed Senate bill, strike out the words "county committeeman", and insert in lieu thereof the following: "delegates to county conventions".

AMENDMENT No. 11.

On page 11, Section 12, line 12, of the reengrossed Senate bill, insert after the word "election", at the end of the line, a period

AMENDMENT No. 12.

On page 28, Section 31, line 6, of the reengrossed Senate bill, strike out the word "promises", and insert the word "promised".

AMENDMENT No. 13.

On page 9, Section 7, line 8, of the reengrossed Senate bill, strike out the word "officer", and insert in lieu thereof the word "office".

Mr. Leeds moved the adoption of the report and amendments.

The roll was called, and the report and amendments adopted by the following vote.

AYES—Messrs. Barndollar, Beardslee, Beatty, Beban, Black, Bohnett, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Cronin, Cullen, Drew, Flavelle, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Hanlon, Hans, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Young, and Mr Speaker—65

NOES—None.

Bill ordered transmitted to the Senate.

HON. WALTER R. LEEDS IN THE CHAIR.

At nine o'clock and twenty minutes P. M., Hon. Walter R. Leeds in the chair.

SENATE BILLS—THIRD-READING FILE.

Senate Bill No. 1144—An Act to add a new section to the Penal Code, to be known as Section 172*a*, relating to the selling, giving away, or exposing for sale of any vinous or alcoholic liquors upon or within one and one-half miles of the university grounds of any university having an enrollment of more than one thousand students, more than five hundred of whom reside or lodge upon said university grounds.

Bill read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Bohnett moved a call of the house.

Motion carried.

Time, ten o'clock and five minutes P. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll.

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

Messrs Barndollar, Beardslee, Beban, Black, Bohnett, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Drew, Feeley, Flavelle, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Maher, McManus, Melrose, Mendenhall Moore, Mott, Nelson, Odom, Otis, Perine, Polsley, Pugh, Pulcifer, Rutherford, Sackett, Schmitt, Silver Stuckenbruck, Telfer, Wagner, Wheelan, Whitney, Wilson, Wyllie, and Young—59.

The Chief Clerk announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the House.

Messrs. Costar, Preston, Transue, and Beatty were brought before the bar of the House, and on motion excused.

Mr. Schmitt moved that further proceedings under the call of the House be dispensed with.

Motion lost.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At ten o'clock and forty minutes P. M., further proceedings under the call of the House were dispensed with, on motion of Mr. Transue.

The roll of absentees was called, and the bill finally passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Bohnett, Callan, Cattell, Cogswell, Collier, Costar, Drew, Flint, Gerdes, Gibbons, Gillis, Griffiths, Hammon, Hanlon, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Lightner, Maher, Melrose, Mendenhall, Otis, Perine, Polsley, Preston, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Wilson, Wyllie, and Young—45.

NOES—Messrs. Beatty, Beban, Black, Coghlan, Collum, Feeley, Flavelle, Greer, Hans, Irwin, Leeds, McManus, Moore, Mott, Nelson, Pugh, and Wheelan—17.

Title read and approved.

Bill ordered transmitted to the Senate.

NOTICE OF MOTION TO RECONSIDER.

Mr. Schmitt gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 1144 was this day passed.

SENATE MESSAGES.

On motion of Mr. Transue, the following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, March 22, 1909

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 22—Relative to adjournment *sine die* of the thirty-eighth session of the Legislature.

LEWIS A. HILBORN, Secretary of Senate
By J. W. KAVANAGH, Assistant Secretary.

Senate Concurrent Resolution No. 22 referred to Committee on Ways and Means

SENATE CHAMBER, SACRAMENTO, March 22, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No 233—An Act to amend Section 995 of Penal Code, relating to motion to set aside indictments, etc

Also: Assembly Bill No. 221—An Act to amend Section 925 of the Penal Code of the State of California, relating to grand juries; when and from whom they may ask advice, and who may be present at the sessions of grand juries

Also: Assembly Bill No. 222—An Act to amend Section 988 of the Penal Code, relating to the arraignment of defendants.

LEWIS A. HILBORN, Secretary of Senate
By J W KAVANAGH, Assistant Secretary.

Bills ordered to enrollment

Also:

SENATE CHAMBER, SACRAMENTO, March 22, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 18—Relative to granting leave to certain members of the Assembly to leave the State for a period of more than sixty days.

Also: Senate Concurrent Resolution No. 20—Relative to the absence of Hon James N. Gillett, Governor of the State of California, and Hon. Warren R Porter, Lieutenant-Governor of the State of California, from the State.

Also: Senate Concurrent Resolution No. 21—Relative to granting leave of absence to certain Senators

LEWIS A HILBORN, Secretary of Senate
By J. W KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 22, 1909

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No 19—Relative to consideration of bills in the Senate and Assembly respectively.

LEWIS A. HILBORN, Secretary of Senate.
By J. W KAVANAGH, Assistant Secretary.

Assembly Concurrent Resolution No. 18 ordered to enrollment.

Senate Concurrent Resolutions Nos. 19, 20, and 21 ordered on file without reference.

Also:

SENATE CHAMBER, SACRAMENTO, March 22, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day requested that you transmit to the Senate Assembly Bill No. 1220—An Act to amend Section 928 of the Penal Code of the State of California, relative to the duties of grand juries—for consideration of request to recede from Senate amendments.

LEWIS A. HILBORN, Secretary of Senate
By J. W. KAVANAGH, Assistant Secretary

Bill ordered transmitted to the Senate.

Also:

SENATE CHAMBER, SACRAMENTO, March 22, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day denied passage to Assembly Bill No. 1331—An Act to amend an Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted in the State of California, and for the appointment of a Board of Medical Examiners in the matter of said regulations, by amending Section 16.

LEWIS A. HILBORN, Secretary of Senate
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 22, 1909

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day passed, as a case of urgency, Senate Bill No. 1253—An Act to amend Section 4285 of the Political Code of the State of California, relating to salaries and fees of county and township officers of counties of the fifty-sixth class

Also: Senate Bill No. 1254—An Act to amend Section 4286 of the Political Code of the State of California, relating to salaries and fees of county and township officers of counties of the fifty-seventh class.

LEWIS A. HILBORN, Secretary of Senate.
By J. W KAVANAGH, Assistant Secretary

CASE OF URGENCY.

The following resolution was offered.

By Mr. Griffiths:

Resolved, That Assembly Bill No 1451 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Mr. Griffiths moved the adoption of the resolution.

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

AYES—Messrs Barndollar, Beardslee, Beatty, Beban, Bohnett, Butler, Cattell, Coghlan, Cogswell, Collier, Collum, Costar, Cullen, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, Melrose, Mendenhall, Nelson, Otis, Perine, Polsley, Preston, Pulcifer, Rech, Rutherford, Sackett, Silver, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Wilson, Young, and Mr Speaker—56.

NOES—Messrs. Feeley, Moore, Mott, Schmitt, and Wheelan—5.

SPEAKER IN THE CHAIR.

At eleven o'clock P. M., Speaker Stanton in the chair.

SECOND READING OF BILL.

Assembly Bill No. 1451—An Act providing for the appointment of a committee of five persons whose duty it shall be to investigate the advisability of dividing the State into fish and game districts, and to make a report of the result of their investigations, and providing for the expenses of the members of such committee, and making an appropriation therefor.

Mr. Griffiths moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Stanton in the chair.

Senate Bill No. 1451 considered.

Mr. Griffiths moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Stanton in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 22, 1909.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 1451, and do now report the same back, and recommend that it do pass.

STANTON, Chairman.

Bill read second time, and ordered to third reading.

THIRD READING OF BILL.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1451 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Black, Bohnett, Butler, Callan, Cattell, Collier, Costar, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle Holmquist, Irwin, Johnson of Sacramento, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, Mendenhall, Moore, Nelson, Otis, Perine, Polsley, Preston, Rech, Rutherford, Schmitt, Silver, Stuckenbruck, Telfer, Wagner, Whitney, Wilson, Young, and Mr. Speaker—51.

NOES—Mr Wheelan—1.

Title read and approved.

Bill ordered transmitted to the Senate.

CASE OF URGENCY.

The following resolution was offered:

By Mr. Rech:

Resolved, That Senate Bills Nos. 1195, 1242, 1254, 1253, and 1252 present cases of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bills shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the second and third times, and placed upon their passage.

Mr. Rech moved the adoption of the resolution.

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

AYES—Messrs Barndollar, Beardslee, Beatty, Black, Bohnett, Cattell, Coghlan, Cogswell, Collier, Costar, Feeley, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hans, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McManus, Melrose, Mendenhall, Moore, Nelson, Otis, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Wilson, and Mr. Speaker—56.

NOES—None

SECOND READING OF BILL.

Senate Bill No 1195—An Act to amend Section 4131 of the Political Code of California, relating to the recording of instruments.

Bill read second time, and ordered to third reading.

THIRD READING OF BILL.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1195 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Collier, Costar, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Leeds, Macauley, Maher, Mendenhall, Moore, Mott, Nelson, Otis, Perine, Polsley, Preston, Pulcifer, Rech, Rutherford, Young, and Mr. Speaker—46

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SECOND READING OF BILL.

Senate Bill No. 1242—An Act to amend section six hundred and five of the Civil Code of the State of California, relating to the consolidation of corporations organized for purposes other than profit.

Bill read second time, and ordered to third reading.

THIRD READING OF BILL.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1242 passed by the following vote:

AYES—Messrs Barndollar, Beardslee, Beatty, Black, Bohnett, Butler, Callan, Coghlan, Collier, Cullen, Feeley, Gerdes, Gibbons, Gillis, Greer, Hammon, Hanlon, Hans, Hawk, Hewitt, Holmquist, Juilliard, Leeds, Lightner, Macauley, McClellan, McManus, Moore, Mott, Nelson, Perine, Preston, Pugh, Pulcifer, Rech, Rutherford, Schmitt, Silver, Wagner, Wheelan, Wilson, and Mr Speaker—42

NOES—Messrs. Cattell, Flint, Hinkle, Johnson of Sacramento, Kehoe, Maher, Mendenhall, Otis, Polsley, Stuckenbruck, Telfer and Whitney—12.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No 1254—An Act to amend Section 4286 of the Political Code of the State of California, relating to salaries and fees of county and township officers of counties of the fifty-seventh class.

Bill read first time, and ordered to second reading.

SECOND READING OF BILL.

Bill read second time, and ordered to third reading.

THIRD READING OF BILL.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1254 passed by the following vote:

AYES—Messrs Barndollar, Beardslee, Beatty, Bohnett, Butler, Callan, Cattell, Coghlan, Collier, Cullen, Feeley, Gerdes, Gibbons, Gillis, Greer, Hammon, Hanlon, Hans, Hawk, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Mendenhall, Mott, Nelson, Otis, Perine, Polsley, Preston, Pugh, Rech, Rutherford, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Wilson, Young, and Mr. Speaker—52

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1253—An Act to amend Section 4285 of the Political Code of the State of California, relating to salaries and fees of county and township officers of counties of the fifty-sixth class.

Bill read first time, and ordered to second reading.

SECOND READING OF BILL.

Bill read second time, and ordered to third reading.

THIRD READING OF BILL.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1253 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Bohnett, Butler, Callan, Cattell, Coghlan, Collier, Costar, Cullen, Feeley, Gibbons, Gillis, Greer, Hammon, Hawk, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, Mendenhall, Moore, Nelson, Otis, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Rutherford, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, Young, and Mr. Speaker—50.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1252—An Act to amend Section 3458 of the Political Code of the State of California, relating to reclamation districts.

Bill read first time, and ordered to second reading.

SECOND READING OF BILL.

Bill read second time, and ordered to third reading.

THIRD READING OF BILL.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1252 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Bohnett, Butler, Callan, Cattell, Coghlan, Collier, Cullen, Feeley, Gerdes, Gibbons, Gillis, Greer, Hammon, Hanlon, Hawk, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Mendenhall, Moore, Nelson, Otis, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Rutherford, Schmitt, Telfer, Transue, Wheelan, Wilson, and Mr Speaker—47

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

CASES OF URGENCY.

The following resolution was offered:

By Mr. Sackett:

Resolved, That committee substitutes for Senate Bill No. 1213 and Senate Bill No. 1214 present cases of urgency, as that term is used in Section 15, of Article IV of the Constitution, and the provision of that section requiring that the bills shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the first, second, and third times, and placed upon their passage.

Mr. Sackett moved the adoption of the resolution.

The roll was called, and the report refused adoption by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Bohnett, Butler, Callan, Cattell, Coghlan, Collier, Costar, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Juilliard, Kehoe, Leeds, Lightner, McClellan, Melrose, Mendenhall, Otis, Polsley, Preston, Pulcifer, Rech, Rutherford, Sackett, Silver, Telfer, Transue, Whitney, Wilson, Young, and Mr. Speaker—45.

NOES—Messrs. Beban, Black, Cullen, Irwin, Johnson of Sacramento, Johnson of Placer, Macauley, Maher, Moore, Nelson, Perine, Schmitt, Stuckenbruck, Wagner, and Wheelan—15.

SENATE MESSAGES.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, March 22, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day denied passage to Assembly Bill No 1433—An Act appropriating money to pay the claim of the Bryan Elevator Co. against the State of California.

Also: Assembly Bill No 1339—An Act providing for submitting to electors the question of calling a convention to revise the Constitution of the State of California.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 22, 1909

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed, as a case of urgency, Assembly Bill No. 1447—An Act to amend section three thousand seven hundred and thirteen of the Political Code of California, relating to the levy of taxes.

Also: Assembly Bill No 163—An Act making an appropriation to pay assessments which may be levied against the Sutter Fort property by the city of Sacramento for street work.

LEWIS A. HILBORN, Secretary of Senate
By J. W. KAVANAGH, Assistant Secretary.

Bills ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 22, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed, as cases of urgency, Assembly Bill No. 1424—An Act to aid in the carrying out of the provisions of an Act entitled "An Act to provide for the gathering, compiling, printing and distribution of statistics and information regarding the Japanese of the State, and making an appropriation therefor," making it the duty of certain officers to keep certain records and furnish such statistics and information.

Also: Assembly Bill No 975—An Act making an appropriation to pay the claim of George H. P Shaw against the State of California

Also: Assembly Bill No. 1413—An Act to create the office of attorney for the State Bureau of Labor Statistics.

LEWIS A HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary

Bills ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 22, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 1126—An Act to add a new section to the Political Code of the State of California, relating to entry of amendments and proposition on ballots

Also: Assembly Bill No. 1441—An Act to repeal an Act entitled "An Act to provide for the accomplishment of the work of the direct improvement of the navigation of the Sacramento, San Joaquin, and Feather rivers, of the State of California, as recommended in the special report of the California Débris Commission, dated June 30, 1907, and made jointly by Brigadier General A. Mackenzie, Chief of Engineers; C. H. McKinstry, Major, Corps of Engineers, and Thomas H. Jackson, Captain, Corps of Engineers, of the United States Army, and printed with the annual report of the Chief of Engineers of the United States Army, for the fiscal year ending June 30, 1907, and making an appropriation for such work," approved February 12, 1909.

Also: Assembly Bill No 1282—An Act to add a new section to the Penal Code of the State of California, to be known and numbered Section 402e

Also: Assembly Bill No. 1360—An Act to prevent the sale of thread of cotton, linen, and silk, where such is not labeled as to its correct yardage and weight.

LEWIS A HILBORN, Secretary of Senate
By J. W. KAVANAGH, Assistant Secretary

Bills ordered to enrollment.

SENATE BILLS—THIRD-READING FILE—(RESUMED).

Senate Bill No. 468—An Act to add a new section to the Code of Civil Procedure, to be numbered Section 329, relating to the time for bringing suits affecting the title to real property partitioned by decree of court.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 468 refused passage by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Callan, Coghlan, Collier, Cullen, Feeley Gerdes, Gillis, Greer, Hammon, Hanlon, Hans, Hawk, Hewitt, Holmquist, Johnson of Sacramento, Johnson of Placer, Juilliard, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Mendenhall, Moore, Mott, Nelson, Pugh, Pulcifer, Rech, Schmitt, Telfer, Transue, Wagner, Wilson, and Mr. Speaker—39.

NOES—Messrs. Bohnett, Butler, Cattell, Gibbons, Hinkle, Kehoe, Otis, Perine, Polsley, Preston, Rutherford, Silver, Whitney, and Young—14.

Senate Bill No. 680—An Act to amend an Act entitled "An Act to regulate the practice of optometry, and for the appointment of a board of examiners in the matter of said regulation," approved March 20, 1903, by amending sections one, two, five, eight, eleven, twelve, thirteen, fifteen, and sixteen thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 680 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Butler, Callan, Coghlan, Collier, Cullen, Feeley, Gerdes, Gillis, Greer, Hammon, Hanlon, Hans, Hawk, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Mendenhall, Moore, Mott, Otis, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Rutherford, Schmitt, Silver, Telfer, Transue, Wagner, Wilson, Young, and Mr Speaker—47

NOES—Messrs. Bohnett, Cattell, Gibbons, and Whitney—4.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1199—An Act to amend Section 4260 of the Political Code of California, relating to salaries and fees of officers of counties of the thirty-first class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1199 passed by the following vote:

AYES—Messrs Barndollar, Beardslee, Beatty, Bohnett, Butler, Callan, Cattell, Coghlan, Collier, Cullen, Feeley, Gerdes, Gibbons, Gillis, Hammon, Hanlon, Hans, Hawk, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Mendenhall, Moore, Mott, Otis, Perine, Preston, Pulcifer, Rech, Rutherford, Schmitt, Silver, Telfer, Transue, Young, and Mr. Speaker—45.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 658—An Act to amend Section 270 of the Code of Civil Procedure of the State of California and to add a new section to the Code of Civil Procedure of the State of California, to be known as Section 274*a*, relating to phonographic reporter, his competency and compensation.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 658 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Bohnett, Butler, Callan, Cattell, Coghlan, Colller, Cullen, Feeley, Gerdes, Gibbons, Gillis, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Mendenhall, Otis, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Rutherford, Schmitt, Silver, Telfer, Transue, Wagner, Whitney, Wilson, Young, and Mr. Speaker—49.
NOES—Mr. Mott—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 659—An Act to repeal Sections 1170, 1171, 1172, 1173, 1174, 1175, and 1177 of the Penal Code of the State of California, relating to bills and exceptions on appeal.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 659 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Bohnett, Butler, Callan, Cattell, Collier, Cullen, Feeley, Gerdes, Gibbons, Gillis, Hammon, Hanlon, Hawk, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Moore, Otis, Perine, Polsley, Preston, Pugh, Pulcifer, Schmitt, Telfer, Wagner, Wheelan, Whitney, Wilson, Young, and Mr. Speaker—43.
NOES—Messrs Mott and Silver—2

Read and approved.

Bill ordered transmitted to the Senate.

NOTICE OF MOTION TO RECONSIDER.

Mr. Johnson of Sacramento gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 659 was this day passed.

Senate Bill No. 660—An Act to add new sections to the Penal Code of the State of California, to be known as numbers 747, 747*a*, 747*b*, 747*c*, 747*d*, 747*e*, relating to a method for the preparation of records to be used on appeal from judgments, orders, or proceedings of the Superior Court to the Supreme Court or the District Court of Appeal, in criminal cases.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 660 passed by the following vote:

AYES—Messrs Barndollar, Beardslee, Beatty, Bohnett, Butler, Callan, Cattell, Coghlan, Collier, Feeley, Flint, Gerdes, Gibbons, Gillis, Hammon, Hanlon, Hawk, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McManus, Moore, Otis, Perine, Polsley, Preston, Pugh, Pulcifer, Schmitt, Silver, Telfer, Wagner, Whitney, Wilson, and Mr. Speaker—42.
NOES—Mr. Mott—1.

Title read and approved.

Bill ordered transmitted to the Senate.

NOTICE OF MOTION TO RECONSIDER.

Mr. Johnson of Sacramento gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 660 was this day passed.

Senate Bill No. 661—An Act to amend Sections 1239, 1240, 1241, and 1246 of the Penal Code of the State of California, relating to appeals, when and how taken, and the duty of the clerk upon appeal.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 661 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Bohnett, Butler, Callan, Cattell, Coghlan, Collier, Cullen, Feeley, Flint, Gerdes, Gibbons, Gillis, Hammon, Hanlon, Hawk, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Moore, Otis, Perine, Preston, Pugh, Pulcifer, Schmitt, Silver, Telfer, Wagner, Whitney, Wilson, and Mr. Speaker—43.
NOES—Messrs. Mott, Polsley, and Rutherford—3.

Title read and approved.

Bill ordered transmitted to the Senate.

NOTICE OF MOTION TO RECONSIDER.

Mr. Johnson of Sacramento gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 661 was this day passed.

Senate Bill No. 101—An Act to provide for the maintenance and operating expenses of the forestry station at Santa Monica, Los Angeles County, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 101 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Collier, Cullen, Feeley, Flint, Gerdes, Gibbons, Gillis, Hammon, Hanlon, Hawk, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Moore, Mott, Otis, Perine, Polsley, Preston, Pugh, Pulcifer, Rutherford, Schmitt, Silver, Telfer, Wagner, Wheelan, Whitney, Wilson, and Mr Speaker—47.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No 663—An Act to amend Sections 1191 and 1202 of the Penal Code of the State of California, relating to the time for pronouncing and rendering judgment.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 663 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Coghlan, Collier, Feeley, Flint, Gerdes, Gibbons, Gillis, Hammon, Hawk, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Moore, Otis, Perine, Polsley, Preston, Pugh, Rutherford, Schmitt, Silver, Telfer, Wagner, Wheelan, Whitney, Wilson, and Mr. Speaker—44.
NOES—Mr. Mott—1.

Title read and approved.

Bill ordered transmitted to the Senate.

NOTICE OF MOTION TO RECONSIDER.

Mr. Johnson of Sacramento gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 663 was this day passed.

Senate Bill No. 664—An Act to amend Sections 1185 and 1186 of the Penal Code of the State of California, relating to motion in arrest of judgment.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 664 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Collier, Cullen, Feeley, Flint, Gerdes, Gibbons, Gillis, Hanlon, Hawk, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Moore, Otis, Perine, Polsley, Preston, Pugh, Pulcifer, Rutherford, Schmitt, Silver, Telfer, Wagner, Wheelan, Whitney, Wilson, and Mr Speaker—45

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

NOTICE OF MOTION TO RECONSIDER.

Mr Johnson of Sacramento gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Bill No 664 was this day passed.

NOTICE OF MOTION TO RECONSIDER.

Mr Silver gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 468 was this day passed.

Senate Bill No. 997—An Act to add a new section to the Civil Code of the State of California, to be known as section number 69*a*, relating to the certificate of registry of marriage.

Bill read third time.

The question being on the passage of the bill.

The roll was called and Senate Bill No 997 passed by the following vote:

AYES—Messrs Barndollar, Beardslee, Beatty, Beban, Bohnett, Cattell, Coghlan, Drew, Feeley, Gerdes, Gillis, Hanlon, Hawk, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, McManus, Moore, Mott, Otis, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Rutherford, Telfer, Wagner, Whitney, Wilson, and Mr. Speaker—40

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1131—An Act to amend an Act entitled "An Act to provide for the formation of protection districts in the various counties of this State, for the improvement and rectification of the channels of innavigable streams and water courses, for the prevention of the overflow thereof, by widening, deepening, and straightening, and otherwise improving the same, and to authorize the board of supervisors to levy and collect assessments from the property benefited to pay the expenses of the same," approved March 27, 1895, by adding a new section thereto, to be numbered Section 28½, relating to maintenance of protection districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1131 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Coghlan, Collier, Feeley, Gerdes, Gillis, Hanlon, Hayes, Hewitt, Hinkle, Holmquist, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan,

McManus, Mendenhall, Moore, Otis, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Rutherford, Telfer, Wagner, Whitney, Wilson, Young, and Mr. Speaker—42
NOES—Mr. Mott—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1091—An Act to amend an Act entitled "An Act to establish police courts in cities of the second class, to fix their jurisdiction, and to provide for officers of said court, and to fix the compensation of said officers thereof," approved March 21, 1905, by repealing Section 7 thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1091 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Collier, Feeley, Gerdes, Gillis, Hanlon, Hans, Hayes, Hewitt, Hinkle, Holmquist, Juilliard, Kehoe, Leeds, Maher, McClellan, McManus, Moore, Mott, Otis, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Rutherford, Silver, Telfer, Wagner, Whitney, Wilson, Young, and Mr. Speaker—43.
NOES—Messrs Lightner and Wheelan—2.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No 928—An Act to add a new section to the Code of Civil Procedure, to be numbered Section 1019, relating to the service of pleadings and papers in actions for divorce

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No 928 passed by the following vote:

AYES—Messrs Barndollar, Beardslee, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Coghlan, Collier, Feeley, Gerdes, Gillis, Hanlon, Hans, Hawk, Hinkle, Holmquist, Juilliard, Kehoe, Leeds, Lightner, Maher, McClellan, McManus, Moore, Otis, Perine, Preston, Pugh, Pulcifer, Rech, Rutherford, Silver, Telfer, Wagner, Wheelan, Whitney, Wilson, Young, and Mr. Speaker—41.
NOES—Messrs Hewitt, Mott, and Polsley—3

Title read and approved.

Bill ordered transmitted to the Senate.

NOTICE OF MOTION TO RECONSIDER.

Mr Juilliard gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 928 was this day passed.

Senate Bill No. 1170—An Act to amend Section 4235 of the Political Code of the State of California, relating to officers and salaries and fees of officers of counties of the sixth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1170 passed by the following vote:

AYES—Messrs Barndollar, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Collier, Feeley, Gerdes, Gillis, Hanlon, Hans, Hewitt, Hinkle, Holmquist, Juilliard, Kehoe, Leeds, Lightner, Maher, McClellan, McManus,

Moore, Mott, Otis, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Rutherford, Silver, Telfer, Wagner, Wheelan, Whitney, Wilson, Young, and Mr. Speaker—44.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 941—An Act to permit asexualization of inmates of the State hospitals and the California Home for the Care and Training of Feeble-Minded Children, and of convicts in the State prisons.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 941 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Coghlan, Collier, Feeley, Gerdes, Gillis, Hanlon, Hans, Hewitt, Hinkle, Holmquist, Juilliard, Kehoe, Leeds, Lightner, Maher, McClellan, McManus, Mott, Otis, Perine, Polsley, Preston, Pulcifer, Rech, Rutherford, Silver, Telfer, Wagner, Wheelan, Whitney, Wilson, Young, and Mr. Speaker—41.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

NOTICE OF MOTION TO RECONSIDER..

Mr. Pulcifer gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Bill No 941 was this day passed.

Senate Bill No. 1212—An Act to amend Section 4187 of the Political Code.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1212 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Collier, Feeley, Gerdes, Gillis, Hanlon, Hans, Hawk, Hewitt, Hinkle, Holmquist, Juilliard, Kehoe, Leeds, Maher, McClellan, McManus, Moore, Mott, Otis, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Rutherford, Silver, Telfer, Wagner, Whitney, Wilson, Young, and Mr Speaker—41.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1148—An Act to amend Sections 3446, 3450, 3452, 3453, 3454, 3455, 3456, 3459, 3463, 3464, 3467, 3470, 3471, 3474, 3476, 3481, and 3491 of the Political Code of the State of California, relating to irrigation and reclamation districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1148 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Collier, Feeley, Gerdes, Gillis, Hanlon, Hans, Hawk, Hewitt, Hinkle, Holmquist, Juilliard, Kehoe, Leeds, Maher, McClellan, McManus, Moore, Mott, Otis, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Rutherford, Silver, Telfer, Wagner, Whitney, Wilson, Young, and Mr. Speaker—41
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1108—An Act to amend Section 4265 of the Political Code of the State of California, relating to the compensation of officers of counties of the thirty-sixth class and their deputies and assistants, and fixing the compensation of grand and trial jurors therein.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1108 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Collier, Feeley, Gerdes, Gillis, Hanlon, Hans, Hawk, Hewitt, Hinkle, Holmquist, Juilliard, Kehoe, Leeds, Lightner, Maher, McClellan, McManus, Moore, Mott, Otis, Perine, Polsley, Preston, Pulcifer, Rech, Rutherford, Silver, Telfer, Wagner, Whitney, Wilson, Young, and Mr. Speaker—41.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 566—An Act to amend Sections 15, 16, 17, 18, and 19 of an Act entitled "An Act to establish a school of industry, to provide for the maintenance and management of the same, and to make an appropriation therefor," approved March 11, 1889, and as amended by Act approved February 27, 1893; and to add thereto three new sections, to be numbered Section 15*a*, Section 15*b*, and Section 15*c*, respectively, all relating to commitments to, or paroles and discharges from, said school.

Bill read third time.

The question being on the pasage of the bill.

The roll was called, and Senate Bill No 566 passed by the following vote:

AYES—Messrs. Barndollar, Beardslee, Beatty, Beban, Bohnett, Butler, Callan, Cattell, Collier, Feeley, Gerdes, Gillis, Hanlon, Hans, Hawk, Hewitt, Hinkle, Holmquist, Juilliard, Kehoe, Leeds, Lightner, Maher, McClellan, McManus, Moore, Mott, Otis, Perine, Polsley, Preston, Pulcifer, Rech, Rutherford, Silver, Telfer, Wagner, Whitney, Wilson, Young, and Mr Speaker—41

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

On motion of Mr. Leeds, all notices of motions to reconsider pending were continued to the next legislative day.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON CONTINGENT EXPENSES AND ACCOUNTS

ASSEMBLY CHAMBER, SACRAMENTO, March 22, 1909

MR SPEAKER: Your Committee on Contingent Expenses and Accounts, to whom was referred Senate Concurrent Resolution No. 18—Relative to heating and ventilating plant of Senate and Assembly chambers and committee rooms, etc—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

TELFER, Chairman.

Senate concurrent resolution ordered on file for adoption

ADJOURNMENT.

At eleven o'clock and fifty-five minutes P. M., on motion of Mr. Mott, the Assembly was declared adjourned until ten o'clock A. M. of Tuesday, March 23, 1909, out of respect to the memory of Hon. John J. Wyatt.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL., Tuesday, March 23, 1909.

At ten o'clock A M., pursuant to adjournment, the Assembly was called to order.

Hon George M. Perine, Speaker pro tem. of the Assembly, in the chair.

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

Messrs Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Cattell, Cogswell, Collum, Costar, Cronin, Drew, Flavelle, Fleisher, Flint, Gibbons, Gillis, Greer, Hanlon, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Placer, Kehoe, Leeds, Macauley, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Pulcifer, Rutherford, Sackett, Schmitt, Silver, Stuckenbruck, Transue, Wagner, Wheelan, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—57.

Quorum present.

LEAVES OF ABSENCE

On motion, leave of absence for the day was granted to Messrs. Webber, Hopkins and Dean

PRAYER.

Prayer was offered by the Chaplain, Rev. Seren N. Marsh

READING OF THE JOURNAL

During the reading of the Journal, on motion of Mr. O'Neill, its further reading was dispensed with.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was taken up and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO March 22, 1909.

To the Assembly of the State of California:

I have the honor to inform your honorable body that I have approved Assembly Bill No. 1085—An Act to amend section four thousand and six of the Political Code of the State of California, relating to the classification of counties, and creating a new class to be known as the thirty-sixth and one-half class

Also: Assembly Bill No. 763—An Act to allow unincorporated towns and villages to establish, equip, and maintain systems of street lights on public highways; to provide for the formation, government and operation of highway lighting districts; the calling and holding of elections in such districts; the assessment, collection, custody and disbursement of taxes therein, and the creation of ex officio boards of supervisors

Also, Assembly Bill No 978—An Act to amend section six hundred and forty-eight of the Civil Code, relative to building and loan associations

Also Assembly Bill No. 951—An Act to amend Section 4027 of the Political Code of California, relating to the organization of boards of supervisors

Also Assembly Bill No. 751—An Act to amend Section 2572 of the Political Code of the State of California, relating to the Board of Harbor Commissioners of the port of Eureka, and to add a new section to the Political Code, to be known as Section 2568½, also relating to the Board of Harbor Commissioners of the port of Eureka, and authorizing said board, with the consent of the Attorney General, to employ, from time to time, an attorney

Also: Assembly Bill No 1069—An Act to amend Section 4321 of the Political Code of the State of California, relating to compensation of officers of counties of the second class, their clerks, deputies, and assistants.

J. N. GILLETT,
Governor of the State of California.

SENATE MESSAGES.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, March 22, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Committee Substitute for Assembly Bill No. 320—An Act to amend Sections 3, 8, 20, and 21 of an Act approved March 23, 1901, and entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation thereof, and to repeal an Act now in force relating to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California,'" approved March 12, 1885, to repeal Sections 13 and 24 of said Act; also to amend Sections 12, 14, and 19 of said Act as amended by an Act approved March 20, 1903; also to amend Section 21½ of said Act as added thereto by said Act approved March 20, 1903; and also to amend Section 15 of said Act of March 23, 1901, as amended by an Act approved March 6, 1907; all relating to the Board of Dental Examiners of California and the regulation of the practice of dentistry in the State of California.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Bill ordered to enrollment.

RECONSIDERATION.

In compliance with notice given on a previous day, Mr. Bohnett moved that the vote whereby Senate Bill No. 1144 was passed be reconsidered.

The roll was called, and the same was refused reconsideration by the following vote:

AYES—Messrs. Beatty, Black, Flavelle, Fleisher, Greer, Irwin, Macauley, Moore, Mott, Nelson, Odom, O'Neill, Pulcifer, Schmitt, and Wheelan—15.

NOES—Messrs Barndollar, Bohnett, Cattell, Cogswell, Costar, Drew, Flint, Gerdes, Gibbons, Gillis, Hanlon, Hayes, Hinkle, Holmquist, Johnson of Placer, Kehoe, Leeds, Maher, Melrose, Mendenhall, Otis, Perine, Polsley, Sackett, Silver, Stuckenbruck, Transue, Wagner, Whitney, Wilson, and Wyllie—31.

Bill ordered transmitted to the Senate.

RECONSIDERATION.

In compliance with his notice given on a previous day, Mr. Leeds moved that the vote whereby Senate Bill No. 374 was passed be reconsidered.

The roll was called, and the same was refused reconsideration by the following vote:

AYES—Messrs. Flavelle, Fleisher, Flint, Leeds, Odom, and Pulcifer—6

NOES—Messrs. Barndollar, Beatty, Black, Bohnett, Cattell, Cogswell, Collum, Costar, Cronin, Drew, Gillis, Hayes, Hinkle, Holmquist, Johnson of Placer, Kehoe, Macauley, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, O'Neill, Perine, Polsley, Preston, Sackett, Schmitt, Stuckenbruck, Transue, Wagner, Wheelan, Whitney, and Wyllie—36.

Bill ordered transmitted to the Senate.

RECONSIDERATION.

In compliance with his notice given on a previous day, Mr. Nelson moved that the vote whereby Senate Bill No. 1241 was passed be reconsidered.

The roll was called, and the same was refused reconsideration by the following vote:

AYES—Mr Pulcifer—1.

NOES—Messrs Barndollar, Beatty, Beban, Black, Bohnett, Cattell, Cogswell, Collum, Costar, Cronin, Drew, Fleisher, Flint, Gibbons, Gillis, Greer, Hanlon,

Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Placer, Kehoe, Leeds, Lightner, Macauley, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, O'Neill, Perine, Polsley, Preston, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Wheelan, Whitley, Wilson, Wyllie, Young, and Mr. Speaker—51.

Bill ordered, transmitted to the Senate.

RECONSIDERATION.

In compliance with notice given on a previous day, Mr. Maher moved that the vote whereby Senate Bill No. 1087 was passed be reconsidered

The roll was called, and the same was refused reconsideration by the following vote:

AYES—Messrs. Drew, Greer, Irwin, Johnson of Sacramento, Leeds, Mott, Pulcifer, Rutherford, Schmitt, Silver, and Wheelan—11.

NOES—Messrs Barndollar, Baxter, Beatty, Bohnett, Cattell, Cogswell, Collum, Costar, Cronin, Flavelle, Flint, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Johnson of Placer, Kehoe, Maher, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, O'Neill, Perine, Preston, Sackett, Transue, Wagner, Whitney, Wilson, and Young—35.

Bill ordered transmitted to the Senate.

RECONSIDERATION.

In compliance with his notice, given on a previous day, Mr. Cogswell moved that the vote whereby Senate Bill No. 973 was passed be reconsidered

The roll was called, and the same was refused reconsideration by the following vote:

AYES—Messrs. Barndollar, Cattell, Cogswell, Costar, Cronin, Drew, Flint, Hanlon, Hinkle, Johnson of Sacramento, Leeds, and Pulcifer—12.

NOES—Messrs. Beatty, Collum, Slavelle, Gillis, Hans, Hawk, Hewitt, Irwin, Johnson of Placer, Macauley, Maher, Melrose, Mendenhall, Moore, Nelson, Otis, O'Neill, Perine, Polsley, Preston, Sackett, Schmitt, Silver, Stuckenbruck, Transue, Wagner, Wheelan, Whitney, Young, and Mr. Speaker—30.

Bill ordered transmitted to the Senate.

RECONSIDERATION.

In compliance with his notice given on a previous day, Mr. Cattell moved that the vote whereby Senate Bill No. 928 was passed be reconsidered.

The roll was called, and the same was refused reconsideration by the following vote:

AYES—Messrs. Gibbons, Johnson of Placer, Moore, Odom, and Pulcifer—5

NOES—Messrs Barndollar, Beardslee, Beatty, Beban, Bohnett, Cattell, Cogswell, Collum, Costar, Drew, Flavelle, Gerdes, Gillis, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Johnson of Sacramento, Kehoe, Leeds, Macauley Maher, Melrose, Nelson, Otis, O'Neill, Perine, Preston, Sackett, Schmitt, Silver, Wagner, Wheelan, Whitney, and Young—38.

Bill ordered transmitted to the Senate.

SENATE BILLS—THIRD-READING FILE.

Senate Bill No. 908—An Act to amend the Code of Civil Procedure by adding a new section thereto, to be numbered 359½, providing for the time when the statute of limitations shall commence to run against

the stockholders in all private corporations, and prescribing the time thereafter within which an action may be commenced against the stockholders of any insolvent private corporation.

Bill read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 908 refused passage by the following vote:

AYES—Messrs. Baxter, Cogswell, Irwin, Kehoe, Leeds, Stuckenbruck, and Wagner—7

NOES—Messrs. Barndollar, Beatty, Bohnett, Callan, Cattell, Costar, Cronin, Drew, Flavelle, Fleisher, Flint, Gibbons, Gillis, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Johnson of Sacramento, Johnson of Placer, Maher, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, Perine, Preston, Pulcifer, Rutherford, Schmitt, Whitney, and Young—36

Senate Bill No. 812—An Act to amend Section 1313 of the Civil Code, relating to devises or bequests by will.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 812 refused passage by the following vote:

AYES—Messrs. Barndollar, Baxter, Black, Cattell, Cogswell, Fleisher, Flint, Hawk, Hayes, Hinkle, Leeds, Melrose, Polsley, Sackett, Silver, Transue, Whitney, and Wilson—18

NOES—Messrs. Beatty, Bohnett, Callan, Collum, Drew, Flavelle, Gibbons, Gillis, Hewitt, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Kehoe, Macauley, Maher, McClellan, Mendenhall, Moore, Odom, Otis, Perine, Preston, Rutherford, Wagner, and Young—26.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON AGRICULTURE.

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1909.

MR SPEAKER: Your Committee on Agriculture, to whom was referred Assembly Bill No. 907—An Act to provide for the purchase of land for the branch Agricultural Experiment Station located at Riverside, California, for the erection and construction of building thereon, and to make appropriation therefor.

Also: Assembly Bill No 637—An Act to form agricultural districts, to provide for the organization of agricultural associations therein and for the management and control of the same by the State and repealing all Acts or portions of Acts in conflict herewith

Also Senate Bill No. 145—An Act providing for an appropriation of $1,000.00 for the purchase of books and periodicals for the Whittier State School.

Also: Assembly Bill No. 269—An Act to promote the horticultural interests of the State by providing county commissions of horticulture and repealing the Act entitled "An Act to promote the horticultural interests of the State, approved March 31, 1897, and amended and approved March 20, 1905

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

COGSWELL, Chairman

The above reported bills ordered on file for second reading

ON LIVE STOCK DAIRIES, AND DAIRY PRODUCTS

ASSEMBLY CHAMBER, SACRAMENTO, March 19, 1909

MR SPEAKER: Your Committee on Live Stock, Dairies, and Dairy Products, to whom was referred Assembly Bill No 1418—An Act to amend an Act entitled "An Act providing for the extermination of the boophilus annulatus tick, defining certain crimes, and providing for certain civil and criminal actions," approved March 21, 1907, by amending sections one, two, three, and four thereof, and by adding a new section thereto, to be known and numbered as section one and one half.

Also: Assembly Bill No 1390—An Act relative to estray, and making it unlawful to allow any animal or animals to run at large upon the public highway, or to be staked or tied thereon.

Also · Assembly Bill No. 1236—An Act to amend Sections 1, 3, and 8 of an Act entitled "An Act to insure the better education of practitioners of veterinary medicine, and to regulate the practice of veterinary medicine in the State of California, to provide for the creation of a board of five members who shall act under and in accordance with the provisions of this Act, to provide for their appointment, and define their powers, duties, and compensation, to define offenses committed by acts done contrary to the provisions of this Act, and providing penalties for the violation thereof; providing for the revocation or suspension, in certain cases, of licenses issued hereunder, and to repeal an Act entitled 'An Act to regulate the practice of veterinary medicine and surgery in the State of California,' approved March 23, 1893, amended and approved March 20, 1903, and all other laws in conflict herewith," approved March 23, 1907.

Also Assembly Bill No. 1128—An Act to amend sections one, three, and eight of an Act entitled "An Act to insure the better education of practitioners of veterinary medicine, and to regulate the practice of veterinary medicine in the State of California, to provide for the creation of a board of five members who shall act under and in accordance with the provisions of this Act, to provide for their appointment and define their powers, duties and compensation, to define offenses committed by acts done contrary to the provisions of this Act, and providing penalties for the violation thereof; providing for the revocation or suspension, in certain cases, of licenses issued hereunder, and to repeal an Act entitled 'An Act to regulate the practice of veterinary medicine and surgery in the State of California,' approved March 23, 1893, amended and approved March 20, 1903, and all other laws in conflict herewith," approved March 23, 1907.

Also . Assembly Bill No. 953—An Act to regulate the production and sale of certified milk.

Also · Assembly Bill No. 432—An Act to amend Act No. 1060, Section 1, in regard to estrays.

Also Assembly Bill No. 738—An Act to add a new section to be numbered 734 to the Civil Code of the State of California, relating to the rights of owners, especially the rights of owners of property to be protected from trespassing by and from damage done by domestic animals.

Have had the same under consideration, and respectfully report the same back, without recommendation

McCLELLAN, Chairman

The above reported bills ordered on file for second reading.

SENATE MESSAGES.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, March 23, 1909

MR. SPEAKER · I am directed to inform your honorable body that the Senate on this day refused to recede from Senate amendments to Assembly Bill No. 1220—An Act to amend Section 928 of the Penal Code of the State of California, relating to the duties of grand juries—and has named Senators Stetson, Martinelli, and Rush as a conference committee, and respectfully request your honorable body to appoint a like committee to consider said amendments.

LEWIS A HILBORN, Secretary of Senate
By J. W. KAVANAGH, Assistant Secretary.

APPOINTMENT OF COMMITTEE.

The Speaker announced the appointment of Messrs. Mott, Silver, and Hewitt as a Committee on Conference, to meet with a like committee from the Senate to consider Assembly amendments to Senate Bill No. 1220.

Also:

SENATE CHAMBER, SACRAMENTO, March 23, 1909.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day refused to concur in Assembly amendments to Senate Bill No. 1170—An Act to amend Section 4235 of the Political Code of the State of California, relating to officers and salaries and fees of officers of counties of the sixth class—and respectfully request your honorable body to recede from said amendments

LEWIS A HILBORN, Secretary of Senate
By J. W. KAVANAGH, Assistant Secretary.

The question being put: "Shall the Assembly recede from its amendments to Senate Bill No. 1170?"

The roll was called, and the Assembly refused to recede from its amendments by the following vote:

AYES—Messrs Beardslee, Black, Collum, Flavelle, Fleisher, Hammon, Hans, Leeds, Macauley, O'Neill, Schmitt, and Wheelan—12.

NOES—Messrs. Barndollar, Beatty, Bohnett, Callan, Cattell, Costar, Cronin, Drew, Flint, Gibbons, Gillis, Greer, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Kehoe, Maher, Melrose, Mendenhall, Nelson, Otis, Perine, Polsley, Preston, Rech, Rutherford, Silver, Stuckenbruck, Telfer, Wagner, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—40.

APPOINTMENT OF COMMITTEE.

The Speaker announced the appointment of Messrs. Beardslee, Cogswell, and Hans as a Committee on Conference, to meet with a like committee from the Senate to consider Assembly amendments to Senate Bill No. 1170.

SPEAKER IN THE CHAIR.

At eleven o'clock and fifty minutes A. M., Speaker Stanton in the chair.

RECONSIDERATION.

In compliance with his notice given on a previous day, Mr. Johnson of Sacramento moved that the vote whereby Senate Bill No 659 was passed be reconsidered.

The roll was called, and the same was refused reconsideration by the following vote:

AYES—Messrs. Baxter, Beban, Black, Gibbons, Hanlon, Irwin, Johnson of Sacramento, Johnson of Placer, Kehoe, Mott, O'Neill, Pulcifer, Rutherford, Telfer, and Transue—15.

NOES—Messrs. Barndollar, Beardslee, Bohnett, Butler, Callan, Cattell, Cogswell, Costar, Cullen, Drew, Flavelle, Fleisher, Flint, Gerdes, Gillis, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Leeds, Macauley, Maher, Mendenhall, Moore, Nelson, Odom, Otis, Perine, Polsley, Preston, Sackett, Schmitt, Stuckenbruck, Wagner, Wheelan, Wilson, Young, and Mr. Speaker—39.

Bill ordered transmitted to the Senate.

RECONSIDERATION.

In compliance with his notice given on a previous day, Mr. Johnson of Sacramento moved that the vote whereby Senate Bill No. 660 was passed be reconsidered.

The roll was called, and the same was refused reconsideration by the following vote:

AYES—Messrs. Cronin, Gibbons, Hanlon, Irwin, Johnson of Sacramento, Johnson of Placer, Mott, Pulcifer, Rutherford, Telfer, and Transue—11.

NOES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Cattell, Cogswell, Costar, Drew, Flavelle, Fleisher, Flint, Gerdes, Gillis, Hawk, Hewitt, Hinkle, Holmquist, Kehoe, Leeds, Maher, Mendenhall, Moore, Nelson, Odom, Otis, Perine, Polsley, Preston, Sackett, Stuckenbruck, Whitney, Wilson, Wyllie, and Mr Speaker—37.

Bill ordered transmitted to the Senate.

RECONSIDERATION.

In compliance with his notice given on a previous day, Mr. Johnson of Sacramento moved that the vote whereby Senate Bill No. 661 was passed be reconsidered.

The roll was called, and the same was refused reconsideration by the following vote:

AYES—Messrs Cronin, Irwin, Mott, Rutherford, and Telfer—5.
NOES—Messrs Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Cogswell, Collum, Costar, Drew, Fleisher, Flint, Gerdes, Hanlon, Hawk, Hewitt, Hinkle, Holmquist, Kehoe, Leeds, Macauley, Maher, Mendenhall, Nelson, Otis, O'Neill, Perine, Polsley, Preston, Stuckenbruck, Wagner, Wilson, Wyllie, and Mr. Speaker—36

Bill ordered transmitted to the Senate.

RECONSIDERATION.

In compliance with his notice given on a previous day, Mr. Johnson of Sacramento moved that the vote whereby Senate Bill No. 663 was passed be reconsidered.

The roll was called, and the same was refused reconsideration by the following vote:

AYES—Messrs Hanlon, Irwin, Johnson of Sacramento, Johnson of Placer, Mott, Rutherford and Telfer—7.
NOES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Black, Bohnett, Callan, Cogswell, Collum, Costar, Cullen, Flavelle, Fleisher, Gerdes, Gillis, Hawk, Hewitt, Hinkle, Holmquist, Leeds, Lightner, Macauley, Maher, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Sackett, Schmitt, Stuckenbruck, Wagner, Wilson, Wyllie, and Mr. Speaker—40.

Bill ordered transmitted to the Senate.

RECONSIDERATION.

In compliance with his notice given on a previous day, Mr. Johnson of Sacramento moved that the vote whereby Senate Bill No. 664 was passed be reconsidered.

The roll was called, and the same was refused reconsideration by the following vote:

AYES—Messrs Cronin, Hanlon, Irwin, Johnson of Sacramento, Johnson of Placer, Mott, Pulcifer, Rutherford, and Telfer—9
NOES—Messrs. Barndollar, Baxter, Beatty, Black, Bohnett, Callan, Cullen, Drew, Flavelle, Fleisher, Flint, Gerdes, Gillis Hawk, Hinkle, Holmquist, Leeds, Macauley, Maher, Melrose, Mendenhall, Moore, Nelson, Odom, Otis, Perine, Polsley, Preston, Sackett, Silver, Stuckenbruck, Wagner, Wilson Wyllie, and Mr Speaker—35

Bill ordered transmitted to the Senate.

RECONSIDERATION.

In compliance with notice given on a previous day, Mr. Hinkle moved that the vote whereby Senate Bill No 468 was refused passage be reconsidered

The roll was called, and the same was refused reconsideration by the following vote:

AYES—Messrs. Barndollar, Baxter, Cattell, Coghlan, Feeley, Flavelle, Fleisher, Greer, Hammon, Hanlon, Hinkle, Leeds, Macauley, McClellan, Melrose, Mott, Preston Pulcifer, Sackett, Schmitt, Transue, Wagner Wheelan, and Mr Speaker—24.
NOES—Messrs Beatty, Bohnett, Callan, Costar, Drew, Flint, Gerdes, Gibbons, Gillis, Hawk, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Kehoe, Maher Mendenhall, Moore, Odom, Otis, O'Neill, Polsley, Silver, Stuckenbruck, Telfer, Wilson, Wyllie, and Young—29.

RECONSIDERATION.

In compliance with his notice given on a previous day, Mr. Leeds moved that the vote whereby Senate Bill No. 941 was passed be reconsidered.

The roll was called, and the same was refused reconsideration by the following vote:

AYES—Messrs. Baxter, Cronin, Feeley, Fleisher, Flint, Greer, Hinkle, Johnson of Sacramento, McClellan, Pulcifer, and Rech—11.

NOES—Messrs. Barndollar, Bohnett, Callan, Cattell, Costar, Drew, Flavelle, Gerdes, Gibbons, Gillis, Hanlon, Hawk, Hewitt, Holmquist, Irwin, Johnson of Placer, Kehoe, Leeds, Maher, Melrose, Moore, Odom, Otis, Polsley, Rutherford, Sackett, Silver, Stuckenbruck, Wagner, Wheelan, Wilson, Wyllie, Young, and Mr. Speaker—34.

Bill ordered transmitted to the Senate.

SENATE MESSAGE.

The following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, March 23, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following resolution:

Resolved, That the Assembly is hereby respectfully requested to act on Senate Concurrent Resolution No. 22, in order that the Senate may be advised as to the time set for the cessation of work on Senate and Assembly bills.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Message referred to Committee on Ways and Means.

SENATE BILLS—THIRD-READING FILE.

Senate Bill No. 249—An Act to add a new section to Chapter VIII of Title II of Part III of the Political Code, to be known as Section 1197*a*, and providing for the arrangement of judicial candidates on the ballot without designation of party affiliations.

Bill read third time.

The question being on the passage of the bill.

HOUR OF RECESS EXTENDED.

At twelve o'clock and thirty minutes P. M., on motion of Mr. Hewitt, the hour of recess was extended until Senate Bill No. 249 be disposed of.

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Hewitt moved a call of the House.

Motion carried.

Time, one o'clock and ten minutes P. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll.

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

Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Callan, Cattell, Coghlan, Cogswell, Collum, Costar, Cronin, Cullen, Drew, Feeley, Flavelle, Flint, Gerdes, Gibbons, Gillis, Greer, Hanlon, Hans, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, Melrose, Menden-

hall, Moore, Mott, Nelson, Odom, Otis, Polsley, Preston, Pulcifer, Rech, Rutherford Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Wilson, Wyllie, Young, and Mr. Speaker—64.

The Chief Clerk announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the House.

Mr. Leeds moved that further proceedings under the call of the House be dispensed with.

Motion lost.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At one o'clock and thirty minutes P. M., further proceedings under the call of the House was dispensed with, on motion of Mr. Johnson of Sacramento.

The roll of absentees was called, and Senate Bill No. 249 refused passage by the following vote:

AYES—Messrs Baxter, Beatty, Bohnett, Callan, Cattell, Cogswell, Collum, Costar, Drew, Flint, Gerdes, Gibbons, Gillis, Hewitt, Hinkle, Irwin, Johnson of Placer, Juilliard, Kehoe, Lightner, Maher, Mendenhall, Moore, Odom, Otis, Polsley, Preston, Pulcifer, Sackett, Stuckenbruck, Telfer, Whitney, Wilson, Wyllie, and Young—35.

NOES—Messrs. Barndollar, Beardslee, Beban, Black, Coghlan, Cronin, Cullen, Feeley, Flavelle, Greer, Hanlon, Hans, Hawk, Holmquist, Johnson of Sacramento, Johnson of San Diego, Leeds, Macauley, McClellan, Melrose, Mott, Nelson, Rech, Rutherford, Schmitt, Silver, Transue, Wagner, and Mr. Speaker—29.

RECESS.

At one o'clock and thirty-five minutes P. M., the Assembly was declared at recess until three o'clock P. M. of this day.

REASSEMBLED.

At three o'clock P. M. the Assembly reconvened.

Speaker P. A. Stanton in the chair.

REPORT OF COMMITTEE ON CONFERENCE.

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1909.

MR. SPEAKER: Your Committee on Conference concerning Assembly Bill No. 1220—An Act to amend Section 928 of the Penal Code of the State of California, relating to the duties of grand juries—report that we have met a like committee of the Senate, consisting of Senators Stetson, Weed, and Cutten, and we report that the Conference Committee agreed upon and recommend that the Assembly concur in the Senate amendments to said Assembly bill.

MOTT,
SILVER,
HEWITT,
Committee on Conference.

Mr. Mott moved the adoption of the report.

The roll was called, and the report was refused adoption by the following vote:

AYES—Messrs Baxter, Bohnett, Cattell, Cogswell, Feeley, Flint, Hewitt, Hinkle, Holmquist, Macauley, McClellan, Mendenhall, Moore, Mott, Perine, Sackett, Silver, Stuckenbruck, Wilson, and Mr. Speaker—20.

NOES—Messrs. Barndollar, Beatty, Callan, Collier, Cullen, Fleisher, Gerdes, Greer, Hammon, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Leeds, Maher, McManus, Melrose, Otis, Rech, Rutherford, Transue, Wagner, and Whitney—23.

APPOINTMENT OF COMMITTEE ON FREE CONFERENCE.

The Speaker announced the appointment of Messrs. Mott, Silver, and Hewitt as a Committee on Free Conference, to meet with a like committee from the Senate to consider Assembly amendments to Senate Bill No. 1220.

SENATE BILLS—THIRD-READING FILE—(RESUMED).

Senate Bill No. 769—An Act to amend section two hundred and eighty-seven of the Code of Civil Procedure, relating to removal or suspension of attorneys and counselors at law.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 769 refused passage by the following vote:

AYES—Messrs. Baxter, Beban, Bohnett, Cronin, Cullen, Fleisher, Flint, Gibbons, Hawk, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Mendenhall, Moore, Mott, Nelson, Perine, Polsley, Silver, Stuckenbruck, Telfer, Wagner, Wilson, Wyllie, and Young—27.

NOES—Messrs. Barndollar, Beardslee, Callan, Cattell, Cogswell, Collier, Feeley, Greer, Hammon, Hans, Hayes, Hinkle, Leeds, Melrose, Pulcifer, Rech, Rutherford, Sackett, Whitney, and Mr. Speaker—20.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON PUBLIC BUILDINGS AND GROUNDS.

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1909.

MR SPEAKER Your Committee on Public Buildings and Grounds, to whom was referred Assembly Bill No. 89—An Act to provide for certain necessary improvements and repairs, and to furnish certain necessary medical and surgical applicances for the hospital at the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that the author of said bill be granted permission to withdraw the said bill from the files of the Assembly.

PUGH, Chairman.

Bill withdrawn by unanimous consent.

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1909.

MR SPEAKER Your Committee on Ways and Means, having had under consideration Senate Concurrent Resolution No. 22—Relating to the time of adjournment—respectfully report as follows: That the said Senate Concurrent Resolution No. 22 be amended as follows: Strike out of said resolution the following: "ten o'clock P. M., Tuesday, March 23, 1909", and insert in lieu thereof "twelve o'clock meridian, Wednesday, March 24, 1909". Also strike out of said resolution the following, to wit: "twelve o'clock meridian", and insert in lieu thereof "ten o'clock P. M." That is to say, so that the said Senate concurrent resolution will read as follows:

Resolved by the Senate, the Assembly concurring, That the thirty-eighth session of the Legislature of the State of California adjourn *sine die* at twelve o'clock meridian, Wednesday, March 24, 1909, and that no bills be considered by either house after ten o'clock P. M. on Tuesday, March 23, 1909, except amendments offered by the other house and reports of conference and free conference committees.

BEARDSLEE, Chairman.

Resolution, as amended, read, adopted, and transmitted to the Senate.

RESOLUTIONS.

The following resolutions were offered:

By Mr Transue:

Resolved, That the sum of three hundred and sixty dollars is hereby appropriated from the contingent fund of the Assembly, being in payment for telegraphing, telephoning, expressage, postage, hack hire (call of the house), etc The State Controller is hereby directed to draw his warrant in favor of J T. Stafford, Sergeant-at-Arms of the Assembly, for the same amount, three hundred sixty dollars ($360 00), and the State Treasurer is hereby directed to pay the same.

Mr. Transue moved the adoption of the resolution.

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

AYES—Messrs Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Callan, Cattell, Collier, Cullen, Feeley, Fleisher, Flint, Gibbons, Greer, Hammon, Hans,

Hawk, Hayes, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Juilliard, Leeds, Macauley, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, Perine, Pugh, Pulcifer, Rech, Rutherford, Silver, Transue, Wagner, Whitney, Wilson, Young, and Mr. Speaker—47.

NOES—None.

Also:

By Mr. Beardslee:

Resolved, That the State Controller be, and he is hereby, directed to draw his warrant for the sum of seven hundred and fifty dollars on the contingent fund of the Assembly in favor of R. L. Beardslee, and the State Treasurer is hereby directed to pay the same, which sum shall defray all expenses of the members of the Assembly in attending the funeral of the deceased Assemblyman, John Jay Wyatt, at the city of Salinas.

Mr. Beardslee moved the adoption of the resolution.

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

AYES—Messrs. Barndollar, Baxter, Beardslee, Butler, Callan, Cattell, Collier, Costar, Cronin, Drew, Feeley, Flavelle, Fleisher, Gibbons, Hammon, Hans, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Juilliard, Leeds, Macauley, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Perine, Pugh, Pulcifer, Rech, Transue, Whitney, Wilson, Young, and Mr. Speaker—41.

NOES—None.

Also:

Resolved, That C. W. Haub, bookkeeper to the Sergeant-at-Arms, be allowed the sum of eighty-nine and one half ($89.50) dollars as payment for services rendered the Assembly, and for the purpose of completing the work devolved upon said bookkeeper after the close of the session; and the Controller is hereby directed to draw his warrant out of the contingent fund of the Assembly for said amount in favor of said C. W. Haub, and the State Treasurer is hereby directed to pay the same.

Mr. Transue moved the adoption of the resolution.

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

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Black, Callan, Cattell, Cogswell, Collier, Costar, Cronin, Feeley, Fleisher, Flint, Gerdes, Gibbons, Greer, Hammon, Hans, Hawk, Hayes, Hewitt Hinkle, Holmquist, Irwin, Johnson of Sacramento, Julliard, Leeds, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, Perine, Polsley, Pugh, Pulcifer, Rech, Rutherford, Telfer, Transue, Wagner, Whitney, Wilson, Young, and Mr. Speaker—49

NOES—None.

Also:

Resolved, That the State Controller be, and he is hereby, authorized and directed to draw his warrant on the contingent fund of the Assembly in favor of J. T. Stafford for the sum of twenty-two dollars and fifty cents ($22.50), and the State Treasurer is directed to pay the same, said amount being for bills attached:

Crepe and ribbon	$12 20
Carnations and vase	3 50
Labor on rosettes, time and labor	6 80
	$22 50

SACRAMENTO, CAL., March 22, 1909.

WASSERMAN-GATTMANN CO

Sold to Sergeant-at-Arms of Assembly.

March 22—Crepe $8.00, ribbon $4.20	$12 20
Carnations $3.00, vase 50c	3 50
Labor on rosettes $2.50, time and labor $4.30	6 80
	$22 50

Mr Transue moved the adoption of the resolution.

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

AYES—Messrs. Barndollar, Beatty, Black, Bohnett, Butler, Callan, Cattell, Collier, Costar, Cronin, Cullen, Drew, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Greer, Hammon, Hawk, Hayes, Hinkle, Holmquist, Johnson of Sacramento, Juilliard,

Leeds, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Perine, Polsley, Pugh, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Transue, Wagner, Whitney, Wilson, Young, and Mr. Speaker—50

NOES—None

Also:

By Mr. Hewitt:

Resolved, That H. A. Harper, Minute Clerk, William Nye, Journal Clerk, and R. L. Preisker, Assistant Chief Clerk, be, and they are hereby, directed to remain after the final adjournment of the Assembly for the purpose of making final corrections to the minutes of the Journal, comparing and correcting bond copies, and assisting the State Printer in preparing the index to the Assembly Journal; and be it further

Resolved, That the State Controller be, and he is hereby, directed to draw his warrant in favor of each of said named parties for the sum of one hundred ($100) dollars in payment of said services, and the State Treasurer is directed to pay the same

Mr. Hewitt moved the adoption of the resolution.

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

AYES—Messrs. Barndollar, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Collier, Costar, Cronin, Cullen, Drew, Fleisher, Flint, Gibbons, Greer, Hammon, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Juilliard, Leeds, Macauley, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Perine, Polsley, Pugh, Pulcifer, Rech, Rutherford, Sackett, Silver, Telfer, Transue, Wagner, Whitney, Wilson, Young, and Mr. Speaker—49

NOES—Mr. Hans—1.

Also:

By Mr. Cogswell:

Resolved, That the Controller be authorized and directed to draw his warrant on the contingent fund of the Assembly in the sum of two hundred and fifty dollars in favor of Clio Lloyd, Chief Clerk, and the Treasurer is directed to pay the same, said amount being for engrossing, framing, and delivering resolutions relative to the death of Hon. F. W. Barnes and Hon. E. M. Pyle

Mr. Cogswell moved the adoption of the resolution.

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

AYES—Messrs. Barndollar, Baxter, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Collier, Costar, Cronin, Cullen, Drew, Feeley, Fleisher, Flint, Gerdes, Gibbons, Greer, Hammon, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Johnson of Sacramento, Juilliard, Leeds, Macauley, Maher, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Perine, Pugh, Pulcifer, Rech, Silver, Transue, Wagner, Wheelan, Whitney, Wilson, Young, and Mr. Speaker—50.

NOES—None

Also:

By Mr. Transue:

Resolved, That Mr. Chester Smith, Engrossing and Enrolling Clerk, and Mr. M. G. Scanlon, his assistant be, and they are hereby, employed after the final adjournment, for the purpose of completing the work of that department and delivering the books, registers, and other printed matter of the office into the hands of the Secretary of State, and that Chester Smith and M. G. Scanlan be allowed the sum of seventy-five dollars ($75 00) each, payable out of the contingent fund of the Assembly, and the Controller is hereby directed to draw his warrant for said amounts in favor of the above-named persons, and the Treasurer is hereby directed to pay the same

Resolution read, and referred to Committee on Ways and Means.

SENATE BILLS—THIRD READING FILE—(RESUMED).

Senate Bill No. 1102—An Act to amend Section 4290 of the Political Code of the State of California, relating to the salaries and fees of county officers

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1102 refused passage by the following vote:

AYES—Messrs. Feeley, Hammon, Hinkle, Pulcifer, and Mr. Speaker—5.
NOES—Messrs Barndollar, Baxter, Beardslee, Beatty, Black, Butler, Callan, Cattell, Cogswell, Costar, Cronin, Flavelle, Fleisher, Gerdes, Greer, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Macauley, Maher, Melrose, Mendenhall, Mott, Nelson, Otis, Perine, Polsley, Pugh, Rech, Rutherford, Sackett, Stuckenbruck, Telfer, Wagner, Whitney, and Wilson—37.

SENATE MESSAGE.

The following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, March 23, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 1 to Senate Concurrent Resolution No. 22—Relating to adjournment *sine die*—and refused to concur in Amendment No 2 to said concurrent resolution.

And respectfully request your honorable body to recede from said Amendment No. 2.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Mr. Beardslee moved that the Assembly refuse to recede.

Motion carried.

APPOINTMENT OF COMMITTEE ON CONFERENCE.

The Speaker announced the appointment of Messrs. Beardslee, Transue, and Johnson of Sacramento as a Committee on Conference, to meet with a like committee from the Senate, to consider Assembly amendment to Senate Concurrent Resolution No. 22.

SENATE BILLS—THIRD READING—(RESUMED).

Senate Bill No. 913—An Act to add a new section to the Political Code of the State of California, to be known as Section 3251 thereof, providing pay for holidays for employees of the State of California or of any political subdivision thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. McManus moved a call of the House.

Motion carried.

Time, four o'clock and twenty minutes P. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll.

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

Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Callan, Cattell, Coghlan, Cogswell, Collier, Costar, Cronin, Cullen, Drew, Feeley, Gerdes, Gibbons, Hans, Hawk, Hayes, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Juilliard, Leeds, Macauley, Maher, McManus, Melrose, Mendenhall, Moore, Nelson, Otis, Perine, Polsley, Pugh, Pulcifer, Rech, Rutherford, Sackett, Stuckenbruck, Telfer, Transue, Wagner, Whitney, Wilson, Wyllie, and Mr. Speaker—50

The Chief Clerk announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the House.

Messrs. Greer, Fleisher, McClellan, and Flint were brought before the bar of the House, and on motion excused.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At four o'clock and forty minutes P. M., further proceedings under the call of the House were dispensed with, on motion of Mr. Gibbons.

The roll of absentees was called, and Senate Bill No. 913 refused passage by the following vote:

AYES—Messrs Baxter, Beardslee, Beatty, Beban, Black, Callan, Coghlan, Costar, Cronin, Cullen, Feeley, Flint, Gerdes, Gibbons, Hans, Hawk, Hayes, Hewitt, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Macauley, Maher, McManus, Nelson, Perine, Pugh, Pulcifer, Rutherford, Telfer, Whitney, and Wilson—34.

NOES—Messrs. Borndollar, Bohnett, Cattell, Cogswell, Collier, Drew, Fleisher, Greer, Leeds, McClellan, Melrose, Mendenhall, Moore, Otis, Polsley, Rech, Sackett, Stuckenbruck, Transue, Wagner, Wyllie, Young, and Mr. Speaker—23.

REPORT OF COMMITTEE ON CONFERENCE.

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1909.

MR. SPEAKER: Your Committee on Conference concerning Senate Concurrent Resolution No. 22—Relative to adjournment *sine die*—report that we have met a like committee of the Senate, consisting of Senators Leavitt, Finn, and Holohan, and we report that the Conference Committee could not agree, and therefore recommend that a Committee on Free Conference be appointed.

BEARDSLEE,
TRANSUE,
JOHNSON OF SACRAMENTO,
Committee on Conference.

Mr. Beardslee moved the adoption of the report.

Motion carried.

APPOINTMENT OF COMMITTEE ON FREE CONFERENCE.

The Speaker announced the appointment of Messrs. Beardslee, Transue, and Johnson of Sacramento as a Committee on Free Conference, to meet with a like committee from the Senate, to consider Assembly amendments to Senate Concurrent Resolution No. 22.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1909.

MR. SPEAKER: Your Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 19—Relative to maintaining without reduction the present tariff on lumber imported into the United States from any foreign country.

Also: Committee Substitute for Senate Joint Resolutions Nos 6, 7, 11 and 17

Also: Senate Joint Resolution No. 22—Relative to a proposed Federal collateral inheritance tax.

Have had the same under consideration, and respectfully report the same back, and recommend that they be adopted.

MOTT, Chairman.

The above resolutions ordered on file for second reading.

REPORT OF COMMITTEE ON FREE CONFERENCE.

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1909

MR. SPEAKER: Your Committee on Free Conference concerning Senate Concurrent Resolution No. 22—Relative to adjournment *sine die*—report that we have met a like committee of the Senate, consisting of Senators Leavitt, Finn, and Holohan, and we report that the Free Conference Committee agreed upon and recommend that Amendment No. 2 to the resolution adopted by the Assembly be changed so as to read that the time for ceasing to act upon bills be fixed for 6:30 o'clock P. M.

BEARDSLEE,
TRANSUE,
JOHNSON OF SACRAMENTO,
Committee on Free Conference.

Report read and adopted.

SENATE BILLS—THIRD READING—(RESUMED).

Senate Bill No. 939—An Act to promote education regarding the laws of nature, governing the parents, governing reproduction, and making an appropriation therefor.

Consideration of Senate Bill No. 939, on motion of Mr. Johnson of Sacramento, indefinitely postponed.

Senate Bill No. 733—An Act to prohibit certain practices by life insurance companies, their agents, officers, employees, and representatives, fixing the penalty therefor, and prescribing the duties of the Insurance Commissioner in relation thereto.

Bill read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the vote Mr. Pulcifer moved a call of the House.

Motion carried.

Time, five o'clock and fifteen minutes P. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll.

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

Messrs. Barndollar, Baxter, Beban, Black, Bohnett, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Costar, Cullen, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Greer, Hans, Hawk, Hayes, Hewitt, Hinkle, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Leeds, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Nelson, Otis, O'Neill, Polsley, Pugh, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Telfer, Wagner, Wheelan, Whitney, Wilson, Young, and Mr. Speaker—56

The Chief Clerk announced the absentees..

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the House.

Messrs. Hammon, Butler, Cronin, and Hanlon were brought before the bar of the House, and on motion excused.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At five o'clock and thirty-five minutes P. M., further proceedings under the call of the House were dispensed with, on motion of Mr. Gerdes.

The roll of absentees was called, and Senate Bill No 733 refused passage by the following vote:

AYES—Messrs. Baxter, Beban, Black, Butler, Coghlan, Collum, Costar, Cronin, Cullen, Feeley, Flavelle, Fleisher, Gerdes, Gibbons, Greer, Hans, Hawk, Hayes, Hewitt, Irwin, Johnson of Sacramento, Juilliard, Leeds, Macauley, McClellan, McManus, Melrose, Moore, Mott, Nelson, Otis, Perine, Pugh, Pulcifer, Rutherford, Schmitt, Silver, Wheelan, and Mr Speaker—39.

NOES—Messrs. Barndollar, Beatty, Bohnett, Callan, Cattell, Cogswell, Collier, Drew, Flint, Hammon, Hanlon, Hinkle, Holmquist, Johnson of Placer, Maher, Mendenhall, Polsley, Rech, Sackett, Telfer, Wagner, Whitney, Wilson, and Young—24.

Senate Bill No. 253—An Act to amend Section 1474 of the Code of Civil Procedure.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 253 refused passage by the following vote:

AYES—Messrs Beatty, Bohnett, Callan, Fleisher, and Holmquist—5
NOES—Messrs Barndollar, Beardslee, Black, Butler, Cattell, Collier, Collum, Costar, Cronin, Cullen, Drew, Flavelle, Flint, Gerdes, Gibbons, Greer, Hanlon, Hans, Hewitt, Hinkle, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Perine, Polsley, Silver, Telfer, Transue, Wagner, Whitney, Wilson, and Mr. Speaker—42.

Senate Concurrent Resolution No. 20—Relative to the consent of the Legislature to the absence of the Governor from the State.

Resolution read, adopted, and ordered transmitted to the Senate.

SENATE CONCURRENT RESOLUTION No. 20,

Relative to the consent of the Legislature to the absence of His Excellency, Hon. James N. Gillett, Governor of the State of California, for more than sixty (60) days.

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California has consented, and does hereby consent, that His Excellency, James N. Gillett, Governor of the State of California, may absent himself from the State of California at such times as he may choose, or as necessity may require, during his official term for a period of more than sixty (60) days; *provided*, that the periods of such absence, taken together, do not exceed in any one calendar year a period of four (4) months.

Senate Concurrent Resolution No. 21—Relative to leaves of absence to certain Senators

Resolution read, adopted, and ordered transmitted to the Senate.

SENATE CONCURRENT RESOLUTION No. 21,

Relative to leaves of absence to certain Senators.

Resolved by the Senate, and the Assembly concurring, That leave of absence from the State of California for a longer period than sixty days during the term of office of the following-named Senators of the Legislature of the State of California be and the same is hereby granted. Said leave of absence to take effect after adjournment:

Anthony, Marc; Bates, J. Clem. Bell, Chas. W.; Bills, Chas. B.; Birdsall, E. S., Black, Marshall, Boynton, A. E; Burnett, Lester G.; Caminetti, A.; Campbell, A. E.; Cartwright, George W.; Curtin, J B, Cutten, Charles P.; Estudillo, Miguel; Finn, Thomas F.; Hare, John P.; Hartman, Gus; Holohan, James B.; Hurd, H. M; Kennedy, T. J; Leavitt, F. W.; Lewis, John T.; Martinelli, E. B.; McCartney, H. S G.; Miller, E O, Price, W. F; Reily, D. J; Roseberry, Louis H.; Rush, Benjamin F; Sanford, J. B; Savage, W. H.; Stetson, John W.; Strobridge, Ed. K, Thompson, Newton W; Walker, George S; Weed, A.; Welch, Richard J; Willis, Henry M; Wolfe, Edward I.; Wright, Leroy A

SENATE CONCURRENT RESOLUTION No 18,

Relative to heating and ventilating plant of Senate and Assembly chambers and committee rooms, etc.

WHEREAS, The Senate and Assembly chambers and the Senate and Assembly committee rooms in the State Capitol, at Sacramento, are not properly ventilated; and

WHEREAS, The absence of pure air in the said chambers and committee rooms is detrimental to the health and impairs the efficiency of the work of the members of the Senate and Assembly, and the attachés thereof, who are compelled to work for many hours each day therein; and

WHEREAS, Hon. Nathaniel Ellery, State Engineer of the State of California, states that the Senate Chamber, the Assembly Chamber, and the committee rooms of the Senate and Assembly, on the fourth floor of the Capitol building, together with the halls of said fourth floor and the post office rooms, the filing rooms, and the Sergeant-at-Arms rooms both of the Senate and Assembly, together with the office of the Speaker of the Assembly, can be properly ventilated and a proper system of heating and ventilating said chambers, rooms and halls, can be made and installed therein for the sum of $4,500, therefore, be it

Resolved, That the sum of forty-five hundred ($4500) dollars be, and the same is, hereby appropriated from the contingent funds of the Senate and Assembly, one half to be drawn from each of said contingent funds, to pay for the construction and installment by the State Engineer of a proper heating and ventilating system or arrangement of ventilation and heating for said Senate and Assembly chambers and the committee rooms of the Senate and Assembly, on the fourth floor of the Capitol building, together with the halls on said floor and also the post office rooms, the bill-filing rooms, the Sergeant-at-Arms rooms and the hat rooms both of the Senate and Assembly, together with the office of the Speaker of the Assembly, all situated in the State Capitol, at Sacramento, to be installed and in operation prior to the beginning of the thirty-ninth

session of the California Legislature, in January, 1911, and the Controller is hereby directed to draw his warrant on the State Treasurer for said sum, or so much thereof as may be necessary, upon the presentation by the State Engineer of such claims for said work as may be approved by the State Board of Examiners.

Senate concurrent resolution read.

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

AYES—Messrs. Barndollar, Baxter, Beatty, Black, Bohnett, Butler, Callan, Cattell, Collier, Collum, Costar, Cronin, Cullen, Drew, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Greer, Hanlon, Hans, Hawk, Hayes, Hewitt, Holmquist, Johnson of Sacramento, Johnson of Placer, Juilliard, Macauley, Maher, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Perine, Polsley, Schmitt, Silver, Telfer, Transue, Wheelan, Wilson, and Mr Speaker—47.

NOES—None.

Senate concurrent resolution ordered transmitted to the Senate.

SENATE JOINT RESOLUTION No. 19,

Relative to maintaining without reduction the present tariff on lumber imported into the United States from any foreign country.

WHEREAS, The manufacture of lumber has become one of the leading industries of the State of California, giving direct employment to over 30,000 laboring men and adding each year to the output of the State 1,500,000,000 feet of lumber valued at over $23,000,000 at the place of production, all of which must be loaded on train or boat for shipment to the markets of the world, thus making business for and providing revenues to the great transportation companies which are developing the resources of a State which is a veritable empire in territory and natural wealth;

WHEREAS, The plants of the lumber manufacturers which are scattered throughout northern California, in the valuable redwood belt which covers the hills of the coast counties and in the great pine forests which spread over the slopes of the Sierras, make up in value a great part of the taxable property of State and county, and produce revenues for governmental purposes which can not be derived from other sources;

WHEREAS, There are vast and practically inexhaustible forests of pine waiting to be cut in British Columbia and other provinces of the Dominion of Canada, where the price of stumpage is at a minimum and the price of labor due to cheap labor competition and the decreased cost of living is far below the scale of wages paid to the American logger and millhand;

WHEREAS, Lumber manufactured in California and the great producing states of Oregon and Washington can not successfully compete with lumber coming from without the United States, where the cost of production has been materially decreased;

WHEREAS, We view with alarm any reduction by Congress from the present tariff on lumber imported into the United States, believing that any such reduction will injuriously affect the condition of employer and employee alike and seriously hamper an industry, the successful carrying on of which means so much to the prosperity of a State renowned for its great natural wealth; be it

Resolved by the Senate and Assembly jointly, That we respectfully urge the Congress of the United States to maintain without reduction the present tariff on lumber imported into the United States from any foreign country; be it further

Resolved, That our Senators in Congress be instructed, and our Representatives requested, to use all honorable means to carry out the foregoing recommendation and request; be it further

Resolved, That the Governor of California be, and he is hereby, directed to transmit a certified copy of these resolutions to the President and Speaker, respectively, of the Senate and House of Representatives of the United States, and to each of our Senators and Representatives in Congress.

Senate Joint Resolution No. 19 read, adopted, and ordered transmitted to the Senate.

COMMITTEE SUBSTITUTE FOR SENATE JOINT RESOLUTIONS NOS 6, 7, 11 AND 17.

WHEREAS, The progress, happiness and prosperity of the people of a nation depend upon a homogeneous population;

WHEREAS, The influx from the overpopulated nations of Asia, of people who are unsuited for American citizenship or for assimilation with the Caucasian race, has resulted and will result in lowering the American standard of life and the dignity and wage-earning capacity of American labor;

WHEREAS, The exclusion of Chinese laborers, under the existing exclusion laws of the United States, has tended to preserve the economic and social welfare of the people;

WHEREAS, We view with alarm any proposed repeal of such exclusion laws and the substituting therefor of general laws;

WHEREAS, The interest of California can best be safeguarded by the retention of said exclusion laws and by extending their terms and provisions to other Asiatic people,

WHEREAS, The people of the Eastern States, and the United States generally, have an

erroneous impression as to the real sentiment of the people of the Pacific coast relative to the Asiatic question;

WHEREAS, We think it right and proper that the people of this country should be advised as to our true position on that question; therefore, be it

Resolved by the Senate and Assembly jointly, That we respectfully urge the congress of the United States to maintain intact the present Chinese exclusion laws, and instead of taking any action looking to the repeal of said exclusion laws, to extend the terms and provisions thereof so as to apply to and include all Asiatics;

Resolved, That our Senators be instructed and Representatives in Congress requested to use all honorable means to carry out the foregoing recommendation and requests;

Resolved, That the Governor of California be, and he is, directed to transmit a certified copy of these resolutions to the President and Speaker, respectively, of the Senate and House of Representatives of the United States, and to each of our Senators and Representatives in Congress.

Senate joint resolution read, adopted, and ordered transmitted to the Senate.

SENATE JOINT RESOLUTION No. 22,

Relative to a proposed Federal collateral inheritance tax.

WHEREAS, The new revenue bill reported by the Ways and Means Committee of the United States House of Representatives contains provisions for an inheritance tax, to be both collateral and direct; and

WHEREAS, More than thirty states now have inheritance tax laws, and among this number is the State of California, which will this year receive from this source about one million dollars; and

WHEREAS, For state governments and the Federal Government to depend for revenue upon the same subjects of taxation is not in accordance with sound financial principles, while the double taxation of inheritances would be burdensome and unjust to the persons who must pay the taxes, therefore, be it

Resolved by the Senate and Assembly of the State of California, concurring jointly, That it would be inexpedient for the Federal Government to impose inheritance taxes at this time, and that such action would be unfair to California and other states which already tax inheritances; and be it further

Resolved, That our Senators and Representatives in Congress be requested to oppose this feature of the pending tariff bill and to endeavor to have it stricken from the measure; and be it further

Resolved, That the Secretary of the Senate mail copies of these resolutions to our Senators and Congressmen.

Senate joint resolution read, adopted, and ordered transmitted to the Senate.

RESOLUTION.

The following resolution was offered:

By Mr. Johnson of Sacramento:

Resolved, That the State Controller be, and he is hereby, directed to draw his warrant on the contingent fund of the Assembly in the sum of seventy-five dollars in favor of Grove L. Johnson, and the Treasurer is directed to pay the same, said amount being for engrossing and framing resolutions thanking the Appellate Court Judges for the use of their chambers by the Committee on Judiciary.

Resolution read.

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

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Black, Cattell, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Drew, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Greer, Hammon, Hanlon, Hans, Hayes, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Leeds, Macauley, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Otis, Perine, Polsley, Schmitt, Silver, Transue, Wagner, Whitney, Wilson, and Mr Speaker—46.

NOES—None.

SENATE MESSAGES.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, March 23, 1909

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Committee Substitute for Assembly Bill No. 1136—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of

water for irrigation purposes," approved March 31, 1897, by amending Sections 22 and 57 of said Act.

Also: Assembly Bill No. 759—An Act to amend Section 751 of the Political Code, relating to deputies of the Clerk of the Supreme Court.

Also: Assembly Bill No. 1358—An Act to amend Section 1444 of the Code of Civil Procedure, relating to appraisement of estates and pay of appraisers.

Also: Assembly Bill No 1359—An Act to amend section seven hundred and seventy-four and section seven hundred and seventy-five of the Political Code, relating to the preparation and printing of the reports of decisions of the Supreme Court.

Also: Assembly Bill No. 916—An Act to amend section twenty-five hundred and forty-one of the Civil Code of the State of California, relating to assignment to mortgagee of thing insured.

Also: Assembly Bill No 915—An Act to amend section twenty-seven hundred and fifty-six of the Civil Code of the State of California, relating to measure of indemnity

Also: Assembly Bill No 1181—An Act to repeal Section 600*a* of the Political Code, and to reenact same as Section 603*a* of the Political Code.

LEWIS A HILBORN, Secretary of Senate
By J. W KAVANAGH, Assistant Secretary

Bills ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 23, 1909.

MR SPEAKER. I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 99—An Act allowing certain pensions and providing for the payment of the same, of employees of twenty-one years and upwards of service by the State of California in one or more of the public institutions of this State for the insane, and those who shall become disabled while in the service of the State of California in one or more of the public institutions of this State for the insane, and providing for the payment thereof

Also: Assembly Bill No. 133—An Act providing for the management of the California Redwood Park, and creating a board of five commissioners with power to manage said California Redwood Park.

LEWIS A. HILBORN, Secretary of Senate
By J W KAVANAGH, Assistant Secretary

Bills ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 23, 1909.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 1185—An Act to amend Section 594*a* of the Political Code, as to deposits of insurance companies not organized under the laws of this State.

Also: Assembly Bill No. 1186—An Act to amend Section 618 of the Political Code, as to deposits required of insurance companies organized under the laws of this State

Also: Assembly Bill No 1187—An Act to amend Section 604 of the Political Code, as to proceedings concerning insolvent insurance corporations.

Also Assembly Bill No 1265—An Act to amend Section 457 of the Political Code.

Also: Assembly Bill No 1178—An Act to amend Section 605 of the Political Code, as to filing fees in the Insurance Commissioner's office.

Also: Assembly Bill No. 824—An Act to amend an Act entitled "An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for the appointment of the members of said commission, to be known as 'The Commissioners for the Revision and Reform of Laws,' and to prescribe their powers and duties; and to authorize the appointment of a secretary and stenographer therefor; and to provide for the compensation and expense of said commission, secretary, and stenographer, and to appropriate money therefor," approved March 28, 1895, approved March 25, 1903, by amending Section 7 thereof

LEWIS A HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Bills ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 23, 1909.

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day adopted Assembly Joint Resolution No. 11—Relative to maintaining without reduction the present tariff on wool imported into the United States from any foreign countries

LEWIS A. HILBORN, Secretary of Senate.
By J. W KAVANAGH, Assistant Secretary.

Assembly Joint Resolution No. 11 ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 23, 1909.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to Senate Bill No. 1241—An Act amending the

Political Code of the State of California, by adding thereto a new section, to be known as Section 3443*a*, relating to the tide lands of the State, and to the sale and purchase thereof

LEWIS A. HILBORN, Secretary of Senate
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 23, 1909.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted the report of the Committee on Free Conference on Senate Concurrent Resolution No. 22—Relative to final adjournment.

LEWIS A. HILBORN, Secretary of Senate.
By J. W KAVANAGH, Assistant Secretary

Also:

SENATE CHAMBER, SACRAMENTO, March 23, 1909.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day appointed as a Conference Committee on Senate Bill No. 1170—An Act to amend Section 4235 of the Political Code of the State of California, relating to officers and salaries and fees of officers of counties of the sixth class—Senators Price, Leavitt, and Wright.

LEWIS A. HILBORN, Secretary of Senate
J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 23, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day refused to concur in Assembly amendments to Senate Bill No. 1199—An Act to amend Section 4260 of the Political Code of California, relating to salaries and fees of officers of counties of the thirty-first class—and respectfully request that your honorable body recede from said amendments

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

The question being put: "Shall the Assembly recede from its amendments to Senate Bill No. 1199?"

The roll was called, and the Assembly receded from its amendments by the following vote:

AYES—Messrs Barndollar, Baxter, Beatty, Black, Bohnett, Butler, Callan, Cattell, Cogswell, Collum, Costar, Cronin, Cullen, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Greer, Hammon, Hanlon, Hayes, Hewitt, Hinkle Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Leeds, Macauley, Maher, Melrose, Mendenhall, Moore, Nelson, Otis, Perine, Polsley, Silver, Telfer, Transue, Wagner, Whitney, Wilson, and Mr. Speaker—47.

NOES—None.

Bill ordered transmitted to the Senate.

Also:

SENATE CHAMBER, SACRAMENTO, March 23, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Senate amended, and on this day passed as amended, Assembly Bill No. 250—An Act to amend Section 1874 of the Political Code of California, relating to standing Committee on Text-books.

Also: Assembly Bill No. 1259—An Act to amend Section 1084 of the Political Code, relating to the qualifications and disabilities of an elector.

And respectfully request your honorable body to concur in said amendments.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 250?"

On page 1, of the printed bill, insert the words "Section 1", at the beginning of the line.

Also: On page 2, Section 1, line 20, strike out the words "primary and grammar", and insert in lieu thereof the word "elementary".

Also: On page 2, Section 1, line 28, strike out the words "primary and grammar", and insert in lieu thereof the word "elementary"

Also: On page 2, Section 1, line 42, strike out the word "section" before the number "1874*a*."

Also: On page 2, Section 1, line 43, strike out the words "primary and grammar", and insert in lieu thereof the word "elementary".

Also: On page 2, Section 1, lines 48 and 49, strike out the words "including civic righteousness", and insert in lieu thereof the following: "emphasizing the principles of good citizenship".

Also: On page 3, Section 1, line 61, strike out the word "section", at the beginning of the line.

Also: On page 3, Section 1, line 70, strike out the words "primary or grammar", and insert in lieu thereof the word "elementary".

Also: On page 3, Section 1, line 73, strike out the word "eight", and insert in lieu thereof the following: "six nor more than ten".

Also: On page 3, Section 1, line 94, strike out the word "eight", and insert in lieu thereof the following: "six nor more than ten".

Also: On page 4, Section 1, line 100, strike out the word "section", at the beginning of the line.

Also: On page 4, Section 1, line 108, strike out the word "section", at the beginning of the line.

Also: On page 4, Section 1, line 119, strike out the word "section", at the beginning of the line.

Also: On page 5, Section 1, line 143, strike out the word "section", at the beginning of the line.

Also: On page 5, Section 1, lines 157 and 158-9, strike out the words "primary and grammar", and insert in lieu thereof the word "elementary".

Also: On page 5, Section 1, line 160, strike out the word "section", at the beginning of the line.

Also: On page 6, Section 1, line 183, strike out the word "section", at the beginning of the line.

Also: On page 6, Section 1, line 195, strike out the word "section", at the beginning of the line.

Also: On page 6, after line 197, insert the following: "1874*j*. The office of secretary to the State Text-book Committee is hereby created. The State Text-book Committee shall select a person of recognized ability and experience to fill said office. Said secretary shall be provided with an office at the State Capitol, in Sacramento, in connection with that of the Superintendent of Public Instruction, and shall keep the books, accounts, and all records of the said committee and perform such other duties as may from time to time be required of him by said committee. Said secretary shall hold office at the pleasure of the committee, and shall receive a salary of twenty-five hundred dollars per year, payable monthly out of the state school book fund, and in the same manner as the salaries of the State officers are paid."

The roll was called, and Senate amendments to Assembly Bill No. 250 were concurred in by the following vote:

AYES—Messrs Barndollar, Baxter, Beatty, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Costar, Cronin, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Hammon, Hanlon, Hawk, Hayes Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Leeds, Macauley, Maher, McClellan, Mendenhall, Moore, Nelson, Otis, Perine, Polsley, Rutherford, Silver, Telfer, Transue, Wagner, Whitney, Wilson, and Mr Speaker—48.

NOES—None.

Bill ordered to enrollment.

The question being put: "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 1259?"

By striking out of Section 1, line 12, the comma and the word "or" after the word "vote"

The roll was called, and Senate amendment to Assembly Bill No. 1259 was concurred in by the following vote:

AYES—Messrs. Barnnollar, Baxter, Beatty, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Cronin, Cullen, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Greer, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Irwin, Johnson of Sacramento, Johnson of Placer, Kehoe, Leeds, Macauley, Maher, McClellan, Melrose, Mendenhall, Moore, Nelson, Otis, Perine, Polsley, Pulcifer, Rutherford, Schmtt, Silver, Telfer, Transue, Wagner, Whitney, Wilson, and Mr. Speaker—53.

NOES—None.

Bill ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 23, 1909

MR. SPEAKER: I am directed to inform your honorable body that the Senate amended, and on this day passed as amended, Assembly Bill No. 1184—An Act to amend Section 605 of the Political Code, as to what constitutes insolvency of an insurance company—and respectfully request that your honorable body concur in said amendments.

LEWIS A. HILBORN, Secretary of Senate.

The question being put: "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 1184?"

On page 3, Section 1, line 65, of printed bill, add the following: "The provisions of this Act shall not apply to life or fire insurance associations operating on the assessment plan or on the fraternal plan".

The roll was called, and Senate amendment to Assembly Bill No. 1184 was concurred in by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Costar, Cullen, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Greer, Hammon, Hanlon, Hawk, Hayes, Hewitt, Hinkle, Irwin Johnson of Sacramento, Johnson of Placer, Leeds, Macauley, Maher, McManus, Melrose, Mendenhall, Moore, Nelson, Otis, Perine, Polsley, Pulcifer, Rutherford, Schmitt, Telfer, Transue, Whitney, Wilson, and Mr. Speaker—50.
NOES—None.

Bill ordered to enrollment.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON CONTINGENT EXPENSES AND ACCOUNTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1909.

MR SPEAKER: Your Committee on Contingent Expenses and Accounts, to whom was referred a resolution authorizing the payment of claims against the Assembly, have had the same under consideration, and respectfully recommend its adoption as amended.

Resolved, That the Controller be, and is hereby, authorized and directed to draw his warrant on the contingent fund of the Assembly, and the State Treasurer is hereby directed to pay the same, for the sum of five hundred ninety-eight and thirty-five one-hundredths dollars ($598.35) in favor of J. T. Stafford, Sergeant-at-Arms of the Assembly, same being for the payment of the following claims:

Bornemann Company, typewriters	$174 80
Miss Marian Brown, typewriter	13 00
Miss Anna Lanyan, typewriter	13 00
F L. Gaffney, typewriter	13 00
Pacific Telephone Company	65 75
Mrs C Mackall, laundry	24 00
Sleeper & Co., rubber stamps	9 00
Whisky Hill Water Company	66 00
Kane & Trainor Ice Company	44 00
Western Union Telegraph Company	2 85
H. S Crocker Company, stationery	21 00
W. F. Purnell, stationery	70 75
John Breuner Company	8 00
T. R Pulford, locksmith	8 45
T Y. Forbes, livery	1 90
W. R Marcrill, typewriter	13 00
L. Wadsworth	13 00
W. F. Purnell	12 75
———	4 00
Expenses two days	24 10
	$598 35

(Signed) TELFER, Chairman.

Mr. Telfer moved the adoption of the report and resolution.

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

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Cronin, Cullen, Drew, Flavelle, Fleisher, Flint, Gerdes, Greer, Hammon, Hanlon, Hans, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Leeds, Macauley, McClellan, McManus, Mendenhall, Moore, Mott, Nelson, Otis, Perine, Polsley, Rutherford, Silver, Telfer, Transue, Wagner, Wheelan, Whitney, Wilson, and Mr Speaker—52.
NOES—None.

RECONSIDERATION.

In compliance with his notice given on a previous day, Mr. Transue moved that the vote whereby Senate Bill No. 732 was refused passage be reconsidered.

The roll was called, and the same was reconsidered by the following vote:

AYES—Messrs. Baxter, Beardslee, Beatty, Beban, Black, Callan, Coghlan, Collier, Collum, Cullen, Feeley, Fleisher, Flint, Greer, Hammon, Hanlon, Hans, Hawk, Hewitt, Juilliard, Leeds, Macauley, McClellan, McManus, Melrose, Mendenhall, Mott, Nelson, Otis, Perine, Polsley, Pulcifer, Rutherford, Schmitt, Silver, Telfer, Transue, Wagner, Whitney, Wilson, and Mr. Speaker—41.

NOES—Messrs. Barndollar, Bohnett, Butler, Cattell, Cogswell, Cronin, Drew, Flavelle, Gerdes, Gibbons, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, and Maher—15.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 732 refused passage by the following vote:

AYES—Messrs. Baxter, Beardslee, Beatty, Beban, Callan, Coghlan, Collier, Collum, Cullen, Feeley, Flint, Hanlon, Hans, Hawk, Hewitt, Juilliard, Leeds, Macauley, McClellan, McManus, Melrose, Mendenhall, Mott, Odom, Otis, Pulcifer, Rutherford, Schmitt, Silver, Telfer, and Mr. Speaker—31

NOES—Messrs. Barndollar, Black, Bohnett, Butler, Cattell, Cogswell, Cronin, Drew, Flavelle, Fleisher, Gerdes, Gibbons, Greer, Hammon, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Maher, Perine, Polsley, Wagner, Whitney, and Wilson—24.

RESOLUTION.

The following resolution was offered:

By Mr. Coghlan.

Resolved, That Nelson French, L. B. Mallory, Assistant Clerks; Stephen F. Otis, J. F. Fredendall, Assistant Minute Clerks; Arthur S Moore, Assistant Journal Clerk: Chester S. Smith, Chief Engrossing Clerk; Michael Scanlon, First Assistant Engrossing Clerk; Florence True, F. Waters, M. Michel, Carrie Garrison, M. A. *Hull, and Lulu McKinley, Enrolling* Clerks; Ed. L. *Vegeley and J. V. Scofield*, History Clerks; W. C. Guirey, G P. Cook, Otto Lowentrout, File Clerks, be, and they are hereby, directed to remain after the adjournment of the session to assist the Chief Clerk in closing, correcting, and completing the final Journal of the session, and the Controller is hereby directed to draw his warrant in favor of each such person herein named in the sum of fifty dollars, and the Treasurer is hereby directed to pay the same.

Resolution read, and referred to Committee on Ways and Means.

RECONSIDERATION.

Mr. Beardslee moved that the vote whereby all resolutions pertaining to pay of attachés were this day adopted, be reconsidered.

The roll was called, and motion carried by the following vote:

AYES—Messrs. Barndollar, Baxter, Beardslee, Beatty, Black, Bohnett, Butler, Callan, Coghlan, Cogswell, Collier, Collum, Cullen, Feeley, Flavelle, Fleisher, Flint, Gibbons, Greer, Hammon, Hanlon, Hans, Hawk, Hewitt, Hinkle, Holmquist, Irwin, Johnson of Sacramento, Johnson of Placer, Juilliard, Leeds, Macauley, McManus, Melrose, Mendenhall, Nelson, Otis, Perine, Polsley, Pugh, Rech, Rutherford, Schmitt, Transue, Wagner, Whitney, Wilson, Young, and Mr. Speaker—49.

NOES—Mr Mott—1.

Resolutions referred to Committee on Ways and Means.

ADJOURNMENT.

At six o'clock and fifty-five minutes P. M., on motion of Mr. Mott, the Assembly was declared adjourned until ten o'clock A. M of Wednesday, March 24, 1909.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL.,
Wednesday, March 24, 1909.

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. P. A. Stanton, Speaker of the Assembly, in the chair.

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

Messrs. Barndollar, Baxter, Beardslee, Bohnett, Callen, Cattell, Coghlan, Collier, Collum, Costar, Cronin, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Griffiths, Hammon, Holmquist, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Leeds, Macauley, Maher, McClellan, McManus, Mendenhall, Moore, Mott, Nelson, Odom, Perine, Polsley, Pugh, Rech, Sackett, Schmitt, Silver, Stuckenbruck, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Young, and Mr Speaker—51.

Quorum present.

PRAYER.

Prayer was offered by the Chaplain, Rev. Seren N. Marsh.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Transue, its further reading was dispensed with.

APPROVAL OF JOURNAL.

On motion of Mr. Transue the Journals of Monday, March 15, Tuesday, March 16, Wednesday, March 17, Thursday, March 18, Friday, March 19, Saturday, March 20, Monday, March 22, and Tuesday, March 23, were approved as corrected by the Minute Clerk.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, March 24, 1909.

MR SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 18—An Act to amend Section 249 of the Penal Code, relating to punishment of libel.

Also: Assembly Bill No 24—An Act to amend Section 666 of the Penal Code of the State of California, relating to punishment for second offenses.

Also: Assembly Bill No. 45—An Act to amend Section 3498 of the Political Code of the State of California, concerning the approval of applications to purchase State lands.

Also Assembly Bill No 46—An Act to amend Section 1181 of the Penal Code of the State of California, relating to new trials in criminal cases

Also: Assembly Bill No. 81—An Act to amend Section 271 of the Penal Code of the State of California, relating to the desertion of children by parents.

Also: Assembly Bill No. 103—An Act to repeal three sections of the Code of Civil Procedure, numbered 941*a*, 941*b*, and 941*c* respectively, relating to the providing of a new and alternative method by which appeals may be taken from judgments, orders or decrees of the Superior Court of the State of California, to the Supreme Court or District Courts of Appeal thereof

Also: Assembly Bill No 105—An Act to provide four (4) additional judges of the Superior Court of the city and county of San Francisco, State of California, for the manner of their appointment, and for their compensation

Also: Assembly Bill No. 107—An Act concerning dependent and delinquent minor children, providing for their care, custody and maintenance until twenty-one years

of age providing for their trial and commitment to the Whittier State School and the Preston State School of Industry and the manner of such commitment and release therefrom, establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers providing for detention home for said children, providing for the punishment of persons responsible for, or contributing to, the dependency or delinquency of children, and giving to the Superior Court jurisdiction of such offenses, and repealing inconsistent Acts

Also Assembly Bill No 109—An Act to amend Section 954 of the Penal Code of the State of California, relating to pleadings in criminal cases

Also Assembly Bill No 110—An Act to amend Section 1070 of the Penal Code, relating to the number of peremptory challenges.

Also Assembly Bill No 187—An Act to amend the Penal Code of California by adding a new title to Part Three thereof, to be numbered Title Three, Part Three, of the Penal Code of California, relating to city prisons.

Also Assembly Bill No. 192—An Act to repeal Section 625 of the Code of Civil Procedure of the State of California, relating to special issues.

Also Assembly Bill No 194—An Act to amend Section 411 of the Code of Civil Procedure of the State of California, as adopted March 11, 1872, and as amended in 1873 and 1874, relative to the service of summons

Also: Assembly Bill No. 197—An Act entitled "An Act to amend Section 1070 of the Penal Code, relating to the number of peremptory challenges."

Also Assembly Bill No 199—An Act entitled "An Act to amend Section 954 of the Penal Code, relating to pleadings in criminal cases."

Also Assembly Bill No. 220—An Act adding a new section to the Penal Code of the State of California, to be numbered 532*a*, relating to the perpetuation of frauds upon secret societies organized for more than ten years prior to January 1, 1909.

Also Assembly Bill No. 224—An Act to amend Section 1488 of Penal Code, relating to appeals to Superior Court from courts of inferior jurisdiction, etc.

Also Assembly Bill No. 225—An Act to amend Section 230 of the Code of Civil Procedure, relating to jury trials in Justices' Courts and in police and other inferior courts

Also: Assembly Bill No. 237—An Act to amend Section 1737 of the Code of Civil Procedure, relating to public administrators

Also: Assembly Bill No 239—An Act to amend Section 1498 of the Code of Civil Procedure, relating to the time for commencing actions on rejected claims against estates of deceased persons.

Also: Assembly Bill No 251—An Act to regulate the assessment of migratory stock, and to provide for an equitable distribution of the taxes derived therefrom, and to prohibit any other taxes thereon

Also: Assembly Bill No 255—An Act providing for a standard system of weights and measures.

Also: Assembly Bill No 285—An Act to amend the Political Code of the State of California by adding a new section thereto, to be numbered Section 4135*a*, validating defectively recorded instruments, and providing for the imparting of notice by the same to subsequent purchasers or incumbrancers.

Also: Assembly Bill No 292—An Act to regulate the licensing and powers of detectives, and to provide for the regulation of the business of watchmen and guards in the State of California, to provide for the granting of permits to engage in such occupations, and prescribing penalties for the violation thereof.

Also: Assembly Bill No. 297—An Act to amend Section 103 of the Code of Civil Procedure of the State of California, relating to Justices' Courts and justices of the peace

Also: Assembly Bill No. 307—An Act to amend Section 924 of the Code of Civil Procedure.

Also: Assembly Bill No. 308—An Act to amend Section 72 of the Code of Civil Procedure, relating to original jurisdiction of the Superior Courts.

Also: Assembly Bill No 309—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Sections 339 and 343 thereof, relating to pawnbrokers.

Also Assembly Bill No 313—An Act to amend Section 44 of the Code of Civil Procedure of the State of California, relating to the apportionment of business of the Supreme Court and District Court of Appeal.

Also: Assembly Bill No. 367—An Act to add three new sections to the Political Code of the State of California, to be known as Sections 686, 687, and 688, providing for the exchange of commodities between the public institutions owned or managed and controlled by the State, or the political divisions thereof.

Also: Assembly Bill No. 368—An Act to repeal an Act entitled "An Act providing for the exchange of commodities between the public institutions owned or managed and controlled by the State, or the political divisions thereof," approved March 18, 1905.

Also: Assembly Bill No. 407—An Act to amend Section 171 of the Code of Civil Procedure of this State, relating to and providing for the disqualification of judges to sit or act

Also: Assembly Bill No. 415—An Act to amend Section 1487 of the Penal Code, relating to the discharge of prisoners upon habeas corpus.

Also: Assembly Bill No. 425—An Act to amend section four hundred and eight of the Civil Code, relating to the duties incumbent upon foreign corporations who desire to do business in California

Also· Assembly Bill No 448—An Act to amend Sections 241 and 242 and to repeal Section 243 of the Code of Civil Procedure of the State of California, all relating to the impaneling of grand juries.

Also: Assembly Bill No 449—An Act to repeal Sections 894 to 901 inclusive of the Penal Code and to amend Section 903 of the same Code.

Also. Assembly Bill No. 450—An Act to amend Section 925 of the Penal Code, relating to proceedings before the grand jury.

Also· Assembly Bill No 451—An Act to amend Section 226 of the Code of Civil Procedure, relating to grand juries and trial jury panels

Also: Assembly Bill No. 452—An Act to amend Section 227 of the Code of Civil Procedure, relating to trial jury panels.

Also. Assembly Bill No 453—An Act to add a new section to the Code of Civil Procedure, to be numbered 229, relating to procedure on forming a panel of trial jurors.

Also· Assembly Bill No. 454—An Act to amend Section 198 of the Code of Civil Procedure, relating to the competency of grand and trial jurors.

Also Assembly Bill No 455—An Act to amend Section 199 of the Code of Civil Procedure, relating to the incompetency of grand and trial jurors.

Also: Assembly Bill No. 456—An Act to amend Section 1055 of the Penal Code of the State of California, and to repeal Sections 1058, 1059, 1060, 1061, 1062, 1063, 1064, and 1065 thereof, all relating to challenges to trial jurors and trial jury panels.

Also: Assembly Bill No 457—An Act to amend Section 1076 of the Penal Code of the State of California, relating to challenges for cause of trial jurors.

Also: Assembly Bill No 458—An Act to amend Section 170 of the Code of Civil Procedure of the State of California, relating to disqualification of judges.

Also· Assembly Bill No 459—An Act to amend Section 1487 of the Penal Code, relating to ground of discharge on habeas corpus.

Also: Assembly Bill No 460—An Act to amend Section 995 of the Penal Code, relating to motions to set aside indictments on informations

Also· Assembly Bill No. 461—An Act to amend Section 997 of the Penal Code of the State of California, relating to proceedings when motion to set aside indictment or information is determined

Also: Assembly Bill No. 462—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered 1079, relating to the examination of jurors

Also: Assembly Bill No. 463—An Act to amend Section 1012 of the Penal Code, relating to lack of jurisdiction.

Also Assembly Bill No. 464—An Act to amend Section 1173 of the Penal Code of the State of California, relating to exceptions by the defendant to the change of place of trial.

Also· Assembly Bill No. 465—An Act to amend Section 1187 of the Penal Code of the State of California, relating to the effect of an order setting aside the judgment.

Also· Assembly Bill No. 466—An Act to repeal Section 1010 of the Penal Code of the State of California, relating to resubmission of case when demurrer is allowed.

Also: Assembly Bill No. 467—An Act to amend Section 1009 of the Penal Code of the State of California, relating to the effect of an order allowing demurrer.

Also: Assembly Bill No 468—An Act to repeal Section 998 of the Penal Code of the State of California, relating to resubmission of case when motion to set aside indictment or information is granted.

Also: Assembly Bill No. 469—An Act to amend Section 802 of the Penal Code of the State of California, relating to the statute of limitations

Also: Assembly Bill No. 470—An Act to amend Section 1098 of the Penal Code of the State of California, relating to separate trials of persons jointly charged with felony.

Also: Assembly Bill No. 471—An Act to amend Section 990 of the Penal Code of the State of California, relating to proceedings on arraignment.

Also. Assembly Bill No 472—An Act to amend Section 686 of the Penal Code, relating to rights of a defendant in a criminal action.

Also· Assembly Bill No. 473—An Act to amend Section 1070 of the Penal Code, in respect to the number of peremptory challenges to jurors.

Also Assembly Bill No. 474—An Act to amend Section 1093 of the Penal Code of the State of California, relating to trials.

Also: Assembly Bill No 475—An Act to amend Section 1401 of the Penal Code of the State of California, relating to proof by affidavits and depositions and entitling thereof

Also. Assembly Bill No. 476—An Act to amend Section 2065 of the Code of Civil Procedure, relating to witnesses

Also. Assembly Bill No. 477—An Act to amend Section 2051 of the Code of Civil Procedure, relating to witnesses

Also Assembly Bill No 478—An Act to repeal Section 1323 of the Penal Code, relating to defendants as witnesses

Also Assembly Bill No 479—An Act to amend Section 1105 of the Penal Code of the State of California, relating to burden of proof

Also. Assembly Bill No 480—An Act to amend Section 1096 of the Penal Code, relating to reasonable doubt

Also. Assembly Bill No 481—An Act to amend Section 1127 of the Penal Code of the State of California, relating to instructions to juries

Also: Assembly Bill No. 482—An Act to amend Section 1170 of the Penal Code of the State of California, relating to exceptions allowed the defendant upon trial

Also: Assembly Bill No. 483—An Act to amend Section 1118 of the Penal Code of the State of California, relating to advice of court to jury to acquit defendant

Also: Assembly Bill No. 484—An Act to amend Section 1112 of the Penal Code of the State of California, relating to exceptions that may be taken by the parties

Also: Assembly Bill No. 485—An Act to amend Section 1181 of the Penal Code of the State of California, relating to a motion for a new trial.

Also: Assembly Bill No. 486—An Act to amend Section 1191 of the Penal Code of the State of California, relating to time for pronouncing judgment.

Also: Assembly Bill No. 487—An Act to amend Section 1201 of the Penal Code, relating to proceedings on judgment.

Also: Assembly Bill No. 488—An Act to amend Section 1369 of the Penal Code, relating to trial on the question of insanity.

Also: Assembly Bill No 489—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 1210, relating to motions for a new trial.

Also: Assembly Bill No. 490—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 1209, relating to proceedings to set aside judgment.

Also: Assembly Bill No. 491—An Act to amend Section 1182 of the Penal Code of the State of California, relating to motion for a new trial

Also: Assembly Bill No. 492—An Act to amend Section 1186 of the Penal Code of the State of California, relating to a motion to set aside the judgment.

Also: Assembly Bill No. 493—An Act to amend Section 1185 of the Penal Code of the State of California, relating to a motion to set aside the judgment.

Also: Assembly Bill No. 494—An Act to amend Section 52 of the Code of Civil Procedure of the State of California, relating to the appellate jurisdiction of the Supreme Court, the District Courts of Appeal, and the Superior Court.

Also: Assembly Bill No. 495—An Act to amend Section 1207 of the Penal Code of the State of California, relating to the judgment roll.

Also: Assembly Bill No 496—An Act to add a new section to the Penal Code of the State of California, to be numbered 1208, relating to the time when the judgment becomes final

Also: Assembly Bill No. 497—An Act to repeal Section 1176 of the Penal Code of the State of California, relating to charge of the court.

Also: Assembly Bill No. 498—An Act to amend Section 1235 of the Penal Code, relating to the right of appeal of the parties.

Also: Assembly Bill No. 499—An Act to amend Section 1239 of the Penal Code of the State of California, relating to the time for taking appeals.

Also Assembly Bill No. 500—An Act to amend Section 1240 of the Penal Code of the State of California, providing how an appeal is taken.

Also: Assembly Bill No. 501—An Act to amend Section 1237 of the Penal Code of the State of California, relating to the right of appeal of the defendant.

Also: Assembly Bill No 502—An Act to amend Section 1246 of the Political Code of the State of California, providing for the record on appeal by a defendant.

Also: Assembly Bill No. 503—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 1013, relating to lack of jurisdiction

Also: Assembly Bill No 504—An Act to amend Section 1238 of the Penal Code of the State of California, relating to the right of appeal by the people

Also: Assembly Bill No. 505—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 1246*a*, providing for the record on appeal by the people.

Also: Assembly Bill No. 506—An Act to amend Section 1008 of the Penal Code of the State of California, relating to proceedings on order allowing demurrer

Also: Assembly Bill No. 507—An Act to amend Section 1259 of the Penal Code of the State of California, relating to appeal by defendant

Also: Assembly Bill No. 508—An Act to repeal Sections 1171, 1174, 1175 and 1177 of the Penal Code of the State of California, relating to bills of exceptions on appeal.

Also: Assembly Bill No. 509—An Act to add a new section to the Penal Code of the State of California, to be numbered 1247, relating to proceedings after verdict when the trial judge is unable or refuses to act

Also: Assembly Bill No. 510—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 1247*a*, relating to the death or inability of the official reporter or the trial judge as to certifying transcript on appeal

Also. Assembly Bill No. 511—An Act to amend Section 1264 of the Penal Code of the State of California, relating to judgment on appeal, and allowance of certain costs to defendant.

Also: Assembly Bill No. 512—An Act to amend Section 1258 of the Penal Code, relating to decision on appeal

Also. Assembly Bill No. 578—An Act adding a new section to the Code of Civil Procedure, to be known as Section 1203½, relative to teamster's lien on building and property

Also Assembly Bill No 599—An Act to amend Section 870 of the Penal Code, relating to the keeping and furnishing of deposition on examinations in criminal charge

Also Assembly Bill No 600—An Act to amend Section 759 of the Political Code, relating to the salaries of officers connected with the Supreme Court

Also Assembly Bill No. 605—An Act to make premiums on bonds of public officers payable out of public funds in certain cases.

Also: Assembly Bill No. 624—An Act to amend Section 1469 of the Code of Civil Procedure of the State of California, relating to the support of families of deceased persons, and the distribution of the estates of deceased persons, where the value of the whole estate does not exceed the sum of $1,500

Also. Assembly Bill No. 634—An Act to add a new section to the Code of Civil Procedure, to be numbered Section 1964, and relating to disputable presumptions

Also: Assembly Bill No. 644—An Act to amend Section 631*b* of the Penal Code, relating to the disposition of moneys from fines

Also. Assembly Bill No 691—An Act to amend section fourteen hundred and thirty of the Penal Code of California, relating to trial by jury before a Justices' Court

Also Assembly Bill No 693—An Act to amend Section 4300*a* of the Political Code of the State of California, relating to fees to be charged by county clerks.

Also. Assembly Bill No 720—An Act to repeal Section 2969 of the Civil Code and to amend Section 2970 thereof, both relating to proceedings on levy under attachment or execution upon personal property mortgaged and to the distribution of the proceeds of the sale of such property under process

Also Assembly Bill No 721—An Act to amend Sections 204 and 205 of the Code of Civil Procedure of the State of California, relating to the selection of trial jurors.

Also Assembly Bill No 739—An Act to amend Section 602 of the Penal Code of the State of California, relating to willful trespass

Also Assembly Bill No 741—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 35 thereof.

Also Assembly Bill No. 761—An Act to amend Section 3766 of the Political Code of the State of California, relating to publication of delinquent tax list

Also Assembly Bill No. 764—An Act to add a new section to the Political Code, to be known as Section 4225, relating to the payment of salaries of all regular city employees of counties, cities and counties, cities and towns

Also Assembly Bill No 774—An Act to amend Section 172 of the Penal Code, relating to keeping intoxicating liquors within or contiguous to certain buildings and grounds, and United States army posts

Also Assembly Bill No 787—An Act to add new sections to the Penal Code of the State of California, to be known as numbers 747, 747*a*, 747*b*, 747*c*, 747*d*, 747*e*, relating to a method for the preparation of records to be used on appeal from judgments, orders or proceedings of the Superior Court to the Supreme Court.

Also Assembly Bill No. 788—An Act to repeal Sections 1170, 1171, 1172, 1173, 1174, 1175, and 1177 of the Penal Code of the State of California, relating to bills of exceptions on appeal

Also: Assembly Bill No 789—An Act to amend Section 270 of the Code of Civil Procedure of the State of California, and to add a new section to the Code of Civil Procedure of the State of California, to be known as Section 274*a*, relating to phonographic reporter, his competency and compensation

Also Assembly Bill No. 791—An Act to amend Sections 1239, 1240, 1241, and 1246 of the Penal Code of the State of California, relating to appeals, when and how taken, and the duty of the clerk upon appeal.

Also Assembly Bill No 792—An Act to amend Sections 1191 and 1202 of the Penal Code of the State of California, relating to the time for pronouncing and rendering judgment.

Also Assembly Bill No. 793—An Act to amend Sections 1185 and 1186 of the Penal Code of the State of California, relating to motion in arrest of judgment.

Also Assembly Bill No. 795—An Act to amend Section 1773 of the Code of Civil Procedure, relating to inventories and accounts of guardians

Also Assembly Bill No. 816—An Act to amend Sections 3553 and 3555 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to proceedings against delinquent purchasers of State school lands and costs and attorney's fees in such proceedings.

Also Assembly Bill No. 817—An Act to amend Section 1557 of the Penal Code of the State of California, relating to the accounts of persons employed in bringing back fugitives from justice, arrested in other states or foreign countries.

Also Assembly Bill No. 819—An Act to amend Section 2274 of the Civil Code of the State of California, relative to the compensation of trustees

Also Assembly Bill No 820—An Act to amend Section 1618 of the Code of Civil Procedure of the State of California, relative to the compensation of executors and administrators

Also Assembly Bill No. 837—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 1, 1872, by adding a new section thereto to be numbered Section 1742, relating to the recording of memoranda of contracts of conditional sales, and of statements of compliance with the conditions thereof

Also: Assembly Bill No 839—An Act to add a new section to the Political Code of the State of California, to be known as Section 3251 thereof, relating to vacation of State employees.

Also Assembly Bill No 841—An Act to amend Section 397 of the Penal Code, relating to the sale and furnishing intoxicating liquors to habitual or common drunkards, and also to add a new section to the Penal Code, to be known as 397*a* prohibiting the selling or furnishing of intoxicating liquors to persons of Indian descent, and fixing the penalty for violation thereof.

Also: Assembly Bill No 908—An Act to add a new section to the Penal Code of California, to be numbered Section 1617, prohibiting the taking of the photograph, sketch or picture, or the measurement of any portion of the body of an arrested person by any police or other public officer, and providing the penalty for the violation thereof.

Also: Assembly Bill No 909—An Act to add a new section to the Penal Code of California to be numbered Section 1616 providing for the recording of the name of an arrested person by a peace officer, and providing penalty for the violation thereof.

Also: Assembly Bill No. 911—An Act to add a new section to the Penal Code of California, to be numbered Section 1618, providing for the keeping of a record book by the chief of police or other head of the police force of an incorporated city, city and county, or town, in which to enter the names of arrested persons, designation of the crime and time and place of arrest, and providing the penalty for the violation thereof.

Also: Assembly Bill No 932—An Act to amend Section 1430 of the Penal Code of California, relating to trial by jury before a Justices' Court.

Also: Assembly Bill No. 952—An Act to amend Section 3 of an Act entitled "An Act requiring the recording of maps of subdivisions of land into lots for the purpose of sale, and prescribing the conditions on which such maps may be recorded and prohibiting the selling or offering for sale of land by reference to said maps unless the same are recorded."

Also: Assembly Bill No 976—An Act to amend Section 1258 of the Penal Code, relating to judgments and decisions on appeal.

Also: Assembly Bill No. 988—An Act to amend Section 3831 of the Political Code, providing for certain action to be taken by the auditor in the examination of the assessment books of the assessor, and for certain demands to be made upon the assessor by the auditor for the payment of personal property taxes, and the action to be taken thereon by the district attorney for the collection of said personal property taxes

Also: Assembly Bill No. 995—An Act to amend Section 124 of the Code of Civil Procedure, relating to the denial of divorces.

Also: Assembly Bill No. 997—An Act to amend Section 650 of the Civil Code relating to the powers of boards of trustees and colleges and seminaries of learning.

Also: Assembly Bill No. 998—An Act to amend Section 649 of the Civil Code, relating to articles of incorporation of colleges and seminaries of learning.

Also: Assembly Bill No 999—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as Section 1462, relating to property alleged to belong to the estate and claimed by the executor or administrator

Also: Assembly Bill No. 1001—An Act to amend Section 928 of the Penal Code of the State of California, relating to the duties of grand juries.

Also Assembly Bill No. 1017—An Act to amend Section 1 of an Act entitled "An Act to provide for the payment by the State, or counties, or cities, or cities and counties, of the premium or charge on official bonds when given by surety companies," approved March 25, 1903.

Also: Assembly Bill No. 1019—An Act entitled an Act to amend Section 737 of the Political Code, relating to salaries of superior judges

Also: Assembly Bill No. 1021—An Act to amend Section 657 of the Code of Civil Procedure of the State of California, relating to the grounds upon which a new trial may be granted

Also: Assembly Bill No. 1039—An Act to repeal an Act entitled "An Act to define trust and to provide for criminal penalties and civil damages, and punishment of corporations, persons, firms, and associations, or persons connected with them, and to promote free competition in commerce and all classes of business in this State," approved March 23, 1907.

Also. Assembly Bill No. 1061—An Act to amend Sections 4125 and 4218 of the Political Code, relating to the duties of the assessor, surveyor and boards of supervisors in the making of maps, plats, block books and blue prints for county purposes.

Also: Assembly Bill No 1067—An Act to amend Section 702 of the Code of Civil Procedure, relating to the time in which property may be redeemed and redemption money.

Also: Assembly Bill No. 1068—An Act to amend Section 25 of the Civil Code, defining who are minors.

Also: Assembly Bill No. 1076—An Act to add a new section to the Penal Code prohibiting the playing of football.

Also Assembly Bill No 1077—An Act to add a new section to the Code of Civil Procedure, to be numbered Section 1019, relating to the service of pleadings and papers in actions for divorce

Also. Assembly Bill No 1078—An Act to amend Section 411 of the Code of Civil Procedure, relating to the service of summons and complaint, and to add a new section to the Code of Civil Procedure, to be numbered Section 1018, relating to the service of pleadings and papers in action for divorce and annulment of marriage

Also: Assembly Bill No 1079—An Act to amend Section 387 of the Code of Civil Procedure, relating to intervention.

Also: Assembly Bill No. 1080—An Act to amend Section 4013 of the Political Code, and to add a new section to said Code, to be known and numbered as Section 4152*a*, creating the office of divorce examiner in each county, and providing for his powers, duties and compensation

Also: Assembly Bill No 1088—An Act making an appropriation to pay the claim of Montgomery M. Moulton.

Also: Assembly Bill No 1090—An Act to protect the children of the public schools by adding a new section to the Penal Code, to be known and numbered as Section 308*a*.

Also: Assembly Bill No. 1094—An Act to amend the Political Code of the State of California by adding thereto a new section, to be known as Section 3785*a* relating to deeds to the State under sales made to the State prior to March 28, 1895, for delinquent State and county taxes, and authorizing certain persons to represent the State in the giving of notices, and relating to the redemption of such property and also to the resale thereof.

Also Assembly Bill No 1098—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto, to be numbered 359½, providing for the time when the statute of limitations shall commence to run against the stockholders in all private corporations and prescribing the time thereafter within which an action may be commenced against the stockholders of any insolvent private corporation

Also: Assembly Bill No 1100—An Act to add a new section to the Penal Code of the State of California, to be numbered 373*b*, making the refusal, neglect, or failure to connect dwelling houses and plumbing with sewers, after notice from the health officer or governing board of cities, town or sanitary districts, a misdemeanor, and punishable accordingly.

Also: Assembly Bill No 1101—An Act to amend Section 121 of the Code of Civil Procedure of California, prescribing the powers and jurisdiction of the Police Courts.

Also Assembly Bill No. 1106—An Act to amend section nine hundred of the Code of Civil Procedure of California, relating to the recording in the recorder's office of abstracts of judgments rendered in the Justices' Courts

Also: Assembly Bill No. 1121—An Act to amend Section 69 of the Civil Code, and to add two new sections thereto, to be numbered Sections 69*a* and 69*b*, relating to the issuance of marriage licenses.

Also: Assembly Bill No. 1122—An Act to amend Sections 90, 91, 92, and 131 of the Civil Code, relating to dissolution of marriage and legal separation.

Also Assembly Bill No. 1131—An Act to add a new section to the Civil Code, to be numbered Section 133, relating to service of summons and complaint in divorce actions.

Also: Assembly Bill No. 1132—An Act to add a new section to the Civil Code, to be numbered 108, relating to conviction of felony, as ground for divorce

Also: Assembly Bill No. 1133—An Act to add a new section to the Penal Code, to be numbered Section 139, relating to deceit, fraud, connivance, and collusion in divorce actions, and providing punishment therefor

Also. Assembly Bill No. 1134—An Act to add a new section to the Civil Code, to be numbered 134, relating to actions for divorce where the cause of action arose out of the State.

Also: Assembly Bill No. 1141—An Act to add a new section to the Penal Code, to be numbered Section 269*c*, relating to adultery, and providing punishment therefor.

Also Assembly Bill No. 1148—An Act to amend sections nineteen hundred and eighty-six and nineteen hundred and ninety-one of the Code of Civil Procedure, both relating to subpœna

Also. Assembly Bill No. 1149—An Act to repeal Section 22 of an Act entitled "An Act to establish a tax on gifts, legacies, inheritances, bequests, devises successions, and transfers, to provide for its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act for suits to quiet title against claims of lien arising hereunder, to repeal an Act entitled "An Act to establish a tax on collateral inheritances, bequests and devises, to provide for the collection, and to direct the disposition of its proceeds," approved March 22 1893, and all amendments thereto, and all Acts and parts of Acts in conflict with this Act, approved March 20, 1905

Also. Assembly Bill No. 1150—An Act to amend Section 649 of the Civil Code, relating to articles of incorporation of colleges and seminaries of learning

Also. Assembly Bill No 1151—An Act to amend Section 650 of the Civil Code, relating to the powers of boards of trustees of colleges and seminaries of learning

Also: Assembly Bill No. 1157—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known and numbered as Section 526*a*, relating to actions by taxpayers against officers and agents of the county, town city or city and county in said State.

Also: Assembly Bill No 1214—An Act to amend Section 198 of the Code of Civil Procedure of California, relating to jurors

Also: Assembly Bill No 1239—An Act to amend section eight hundred and ninety of the Code of Civil Procedure of the State of California, relating to judgments of dismissal in civil actions in Justices Courts.

Also. Assembly Bill No. 1240—An Act to amend section eight hundred fifty of the Code of Civil Procedure of the State of California, relating to the setting of the hearing of issues of law and of fact in Justices' Courts

Also: Assembly Bill No. 1241—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as section eight hundred ninety *a*, relating to dismissals of civil actions in Justices' Courts

Also: Assembly Bill No. 1242—An Act to add three new sections to the Code of Civil Procedure of the State of California, to be known as sections nine hundred twenty-seven, nine hundred twenty-eight, and nine hundred twenty-eight *a*, all relating to notices in civil actions in Justices' Courts.

Also: Assembly Bill No 1244—An Act to amend Section 4300*a* of the Political Code, relating to fees to be charged and collected by the county clerk

Also. Assembly Bill No 1249—An Act to amend Section 1618 of the Code of Civil Procedure of the State of California, relating to commissions of executors and administrators

Also Assembly Bill No. 1250—An Act to repeal Sections 940 and 941 of the Code of Civil Procedure, relating to the method of taking an appeal in civil cases.

Also. Assembly Bill No. 1257—An Act amending an Act entitled "An Act providing for the issuing of bonds by reclamation districts, and the disposal thereof for reclamation and other purposes, and for the payment by taxation upon the property situated in such reclamation districts," approved March 27, 1895, by amending Sections 1, 2, 3, 4, 5, and 7.

Also: Assembly Bill No 1266—An Act to amend Section 340 of the Penal Code of the State of California, relating to the charging of unlawful rates of interest.

Also: Assembly Bill No. 1269—An Act to amend Section 653*d* of the Penal Code of the State of California, relating to the retaining of wages of employees

Also: Assembly Bill 1317—An Act to amend Sections 653*c*, 653*d*, and 653*i* of the Civil Code of the State of California, all relating to cooperative business associations

Also: Assembly Bill No. 1318—An Act to amend Section 322 of the Civil Code, relating to liability of stockholders.

Also: Assembly Bill No. 1329—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 401*b*, relating to cubic air in places of amusement.

Also: Assembly Bill No. 1362—An Act concerning actions for divorce and annulment of marriage, and the trial and costs thereof; providing for the investigation and contests of such actions by the State; providing for the appointment of divorce examiners and deputy divorce examiners, and prescribing their qualifications, duties, powers, terms of office and compensation, and providing for the powers of courts and judges, with respect to the appointment of divorce examiners and deputy examiners, and removal of same.

Also. Assembly Bill No. 1375—An Act to amend Section 1496 of the Code of Civil Procedure, relating to presentation, allowance and rejection of claims against the estates of deceased persons

Also: Assembly Bill No. 1376—An Act to add a new section to the Code of Civil Procedure, to be known as Section 455*a*, relating to the pleading of written instruments

Also Assembly Bill No. 1378—An Act to amend Section 850 of the Code of Civil Procedure, relating to notice of hearing of proceedings in Justices' Court actions.

Also. Assembly Bill No. 1382—An Act to amend section one thousand six hundred and ninety-nine of the Code of Civil Procedure, relating to the settlement of accounts of trustees after distribution of estates and compensation of trustees.

Also: Assembly Bill No. 1385—An Act to amend section one thousand seven hundred twenty-three of the Code of Civil Procedure, relating to the disposition of life estates and homestead property on owner's death in certain cases.

Also: Assembly Bill No 1394—An Act providing for the compensation of grand and trial jurors in courts of record in this State.

Also: Assembly Bill No 1397—An Act to amend Section 1697 of the Code of Civil Procedure, relating to the decree of final discharge of executors and administrators.

Also: Assembly Bill No. 1415—An Act authorizing and directing clerks to file without fee petitions for appointment of guardians of minors in case such minors have no property or estate

Also: Assembly Bill No. 1420—An Act to amend Section 710 of the Code of Civil Procedure, relating to the collection of moneys from judgment debtors which is in the custody of public officials

Also: Assembly Bill No. 1423—An Act validating deeds made to the State for property sold for non-payment of taxes where the deed to the State was not made within the time referred to in any law of this State but made subsequently thereto and subsequently sold by the tax collector pursuant to authorization of the State

Controller, and validating sales and deeds made pursuant thereto of property sold to the State for non-payment of taxes and where the deeds to the State have not been made within the time referred to by any law of the State, and where the property has subsequently been sold by the tax collector pursuant to authorization issued by the State Controller and where the said tax collector shall have failed or neglected to register the notice required to be mailed or given

Have had the same under consideration, and respectfully report the same back without recommendation.

JOHNSON OF SACRAMENTO, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 24, 1909.

MR SPEAKER: Your Committee on Judiciary, to whom was referred Senate Bill No. 85—An Act to add a new section of the Political Code, to be numbered Section 4004*a*, relating to the making of contracts in behalf of counties

Also: Senate Bill No. 110—An Act to enable benevolent and fraternal societies and associations to receive, purchase, hold, manage, and sell real estate by and through trustees elected or appointed for that purpose

Also. Senate Bill No. 182—An Act to amend Section 648 of the Code of Civil Procedure, relating to bills of exceptions.

Also: Senate Bill No. 183—An Act to amend Sections 784, 788, and 789 of the Code of Civil Procedure, relating to actions for the partition of real property.

Also: Senate Bill No. 233—An Act to add a new section to the Political Code, to be known and numbered as Section 4248*a*, relating to the restoration of certificates of birth, marriage licenses, marriage certificates or certificates of death, or the records thereof, which may have been lost, injured, mutilated or distroyed by conflagration or other public calamity, or for the establishment or proof of births, marriages or deaths, occurring at periods when there existed no statutes in this State, for the registration of the same

Also: Senate Bill No. 325—An Act to amend Section 411 of the Code of Civil Procedure of the State of California, as adopted March 11, 1872, and as amended in 1873 and 1874, relative to the service of summons.

Also: Senate Bill No. 336—An Act to amend Section 1265 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to homesteads and exemptions

Also: Senate Bill No 337—An Act to amend Section 789 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to termination of estates.

Also: Senate Bill No. 478—An Act to amend Section 343 of the Political Code of California, relating to civil and executive officers.

Also: Senate Bill No. 594—An Act to amend an Act, approved February 28, 1907, entitled "An Act to authorize the deposit of State moneys in banks in this State and to repeal all Acts and parts of Acts in conflict with this Act."

Also: Senate Bill No. 595—An Act to amend Section 433 of the Political Code, relating to the duties of the Controller.

Also: Senate Bill No. 596—An Act to amend Section 452 of the Political Code, relating to the duties of the State Treasurer.

Also: Senate Bill No. 597—An Act to amend Section 675 of the Political Code of the State of California, relating to the counting of the money in the State treasury and the duties of the Treasurer, Controller and Board of Examiners in connection therewith

Also: Senate Bill No. 598—An Act to amend Section 3866 of the Political Code, relating to settlements with the Controller and payments into the State treasury

Also: Senate Bill No 599—An Act to amend Section 435 of the Political Code, relating to the duties of the State Controller

Also: Senate Bill No 690—An Act to amend Section 264 of the Penal Code, relative to the punishment of rape.

Also Senate Bill No. 698—An Act to amend Section 1392 of the Penal Code of the State of California, relating to service of summons on corporations in criminal proceedings.

Also · Senate Bill No. 726—An Act to amend Section 928 of the Penal Code of the State of California, relating to the duties of grand juries.

Also: Senate Bill No. 734—An Act to amend Section 1557 of the Penal Code of the State of California, relating to the accounts of persons employed in bringing back fugitives from justice arrested in other states or foreign countries

Also Senate Bill No. 765—An Act to amend Section 974 of the Code of Civil Procedure of the State of California, relating to appeals to the Superior Court.

Also · Senate Bill No. 825—An Act to amend section ninety-seven of the Code of Civil Procedure relating to salaries of the justices of peace in cities and counties.

Also: Senate Bill No. 937—An Act to add a new section to the Penal Code, to be numbered Section 139, relating to deceit fraud, connivance and collusion in divorce actions and providing punishment therefor

Also. Senate Bill No. 1105—An Act to amend Section 322 of the Civil Code of the State of California, relating to liability of stockholders

Also: Senate Bill No. 1139—An Act to amend Section 1936 of the Code of Civil Procedure, relating to what shall constitute prima facie evidence

Also: Senate Bill No. 1186—An Act to amend Section 869 of the Penal Code of the State of California.

Also: Senate Bill No. 1202—An Act to amend Section 622*a* of the Political Code, relating to taxes on insurance premiums

Also: Senate Bill No. 1237—An Act to amend Section 1430 of the Code of Civil Procedure of California, relating to the disqualification of a judge in probate proceedings.

Also: Assembly Concurrent Resolution No. 3—Relative to the distribution of printed bills.

Have had the same under consideration, and respectfully report the same back without recommendation

JOHNSON OF SACRAMENTO, Chairman.

ON WAYS AND MEANS

ASSEMBLY CHAMBER, SACRAMENTO, March 20, 1909.

MR. SPEAKER: Your Committee on Way and Means, to whom was referred Senate Bill No. 4—Relative to the Alaska-Yukon-Pacific Exposition.

Also: Assembly Bill No 213—An Act authorizing and empowering the State Board of Harbor Commissioners to construct artesian wells along the water front in the city and county of San Francisco, and appropriating twenty-five thousand dollars therefor.

Also: Assembly Bill No. 229—An Act to establish and support a Bureau of Immigration.

Also: Assembly Bill No. 234—An Act to appropriate money for the purchase of land adjoining the present property of the State Normal School at San Francisco.

Also. Assembly Bill No. 322—An Act to make an appropriation for the repair and maintenance under the supervision, management and control of the Department of Engineering of the State of California, of that certain state highway commencing at Pine Grove, in Amador County, and running thence via Hope Valley to connect at Osgood's Place, in El Dorado County, with the Lake Tahoe wagon road, and via Markleeville, in Alpine County, to connect at Junction, in Mono County, with the Sonora and Mono road; to place such highway under the supervision, management and control of such Department of Engineering, and to designate and name such state highway as the Alpine State Highway.

Also: Assembly Bill No 333—An Act to provide for the payment of expense incurred in making repairs on and in the Capitol building, and for the furnishing of the legislative chambers and the clerks', officers', and committee rooms therein, and all other necessary expenses incurred in so doing, and to make appropriation for the same.

Also. Assembly Bill No. 490—An Act to locate and procure a site and prepare plans and specifications for a building or buildings for a state normal training school, and to make an appropriation therefor.

Also: Assembly Bill No. 586—An Act to amend Section 384 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, and to add a new section thereto, to be numbered 387, relating to the powers of the Governor, his salary and the salaries of certain appointees.

Also: Assembly Bill No. 758—An Act to amend section seven hundred and fifty-six of the Political Code, relating to salaries of deputies of the Clerk of the Supreme Court.

Also: Assembly Bill No 1167—An Act appropriating money to pay the claim of S B. Sumner against the State of California.

Also: Assembly Bill No 1013—An Act to amend Sections 385 and 386 of the Political Code, relating to the salaries of the Private Secretary and the Executive Secretary of the Governor.

Also: Assembly Bill No. 14—Relative to final adjournment.

Have had the same under consideration, and respectfully report the same back without recommendation.

BEARDSLEE, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 20, 1909

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 62—An Act providing for the erection of a monument of gratitude to the memory of the late General Mariano Guadalupe Vallejo, the Father of the State of California, one of the framers of the first Constitution, one of the first State Senators, and the founder of the cities of Sonoma, Vallejo, and Benicia

Also. Assembly Bill No. 76—An Act making an appropriation for the compilation of an index to the "Debates and Proceedings of the Constitutional Convention of the State of California 1878-9."

Also: Assembly Bill No. 77—An Act establishing a State Normal School and Agricultural Institute at Fresno, County of Fresno, State of California, and making

an appropriation for the construction of a building, and the maintenance of said school

Also: Assembly Bill No. 85—An Act to provide for the survey, location and construction of a state highway from the western terminus of Lake Tahoe wagon road to the city of Placerville, and from the western corporate limits of said city in a westerly direction to the town of Folsom, and to make an appropriation therefor.

Also: Assembly Bill No. 156—An Act to provide for the establishment and maintenance of a fish hatchery at or near Shaver Lake, in the Sierra Nevada Mountains, and making an appropriation therefor

Also: Assembly Bill No 202—An Act to provide for acquiring a right of way for deepening and widening, and for deepening and widening the channel or outlet of Clear Lake, in Lake County, and making an appropriation therefor

Also: Assembly Bill No 208—An Act making an appropriation for the purchase of additional lands for the use and benefit of the Mendocino State Hospital

Also: Assembly Bill No. 209—An Act making an appropriation for the erection and equipment of a building on the grounds of the Mendocino State Hospital to be used as a receiving ward for male and female patients, and the treatment of acute cases by hydrotherapy, electricity, and all other modern methods.

Also: Assembly Bill No. 217—An Act to provide for the improvement of the roads, gutters and curbs on the grounds of the Southern California State Hospital at Patton, and to make appropriation for the same

Also: Assembly Bill No 306—An Act to secure uniform public accounting and making an appropriation therefor.

Also: Assembly Bill No 386—An Act to make an appropriation for the repair and maintenance under the supervision, management and control of the Department of Engineering of the State of California, of that certain state highway commencing at Pine Grove, in Amador County, and running thence via Hope Valley to connect at Osgood's place in El Dorado County, with the Lake Tahoe wagon road, and via Markleeville, in Alpine County, to connect at Junction, in Mono County, with the Sonora and Mono road; to place such highway under the supervision, management and control of such Department of Engineering, and to designate and name such state highway as the Alpine State Highway.

Also: Assembly Bill No. 405—An Act to provide for the inspection of petroleum oils, kerosene, gasoline, benzote, naphtha and all fluids which are the product of petroleum or into which any product of petroleum enters, and to provide for a State inspector thereof, and deputies, and to define and provide for their duties and salaries, and to prescribe penalties for violation thereof

Also: Assembly Bill No. 433—An Act to repeal an Act approved March 13, 1907, entitled "An Act to regulate and license the hunting of game birds and animals, and to provide revenue therefrom for a game preservation and restoration, and to make appropriation for the purpose of carrying out the object of this Act"

Also: Assembly Bill No. 513—An Act to establish a State training high school near or on the grounds of the University of California, at Berkeley, in the county of Alameda, and making an appropriation therefor.

Also: Assembly Bill No. 568—An Act appropriating money for a state highway from Alturas to New Pine Creek.

Also: Assembly Bill No. 590—An Act to provide for the establishment and maintenance of a fish hatchery at or near Lemon Cove, in Tulare County, and making an appropriation therefor.

Also: Assembly Bill No. 601—An Act appropriating a thousand dollars to promote moral education.

Also: Assembly Bill No. 645—An Act appropriating money to be expended by and under the direction of the Department of Engineering, for the purpose of rectifying the channel of Petaluma River, and to dredge the bar formed by said river where it empties into the bay of San Francisco.

Also: Assembly Bill No 677—An Act making an appropriation of eight hundred and six and 23-100 dollars ($806.23) to repay the Regents of the University of California for moneys appropriated by them to complete the light and power plant at the Lick Observatory

Also: Assembly Bill No. 679—An Act making an appropriation for the purchase and acquisition of lands for the University of California

Also: Assembly Bill No. 681—An Act to appropriate the sum of two hundred thousand dollars ($200,000.00) towards the erection of an agricultural building for the University of California.

Also: Assembly Bill No. 713—An Act to reimburse the University of California for money advanced for the use of the University Farm and Agricultural School

Also: Assembly Bill No 748—An Act to appropriate the sum of $100 000 00 to pay the unpaid scrip of delegates to the convention framing the Constitution of the State of California.

Also: Assembly Bill No 752—An Act making an appropriation to reimburse the county of Marin for the support of orphans, half-orphans and abandoned children in 1904.

Also: Assembly Bill No 766—An Act to establish the Northern California Polytechnic School in the county of Shasta, and making an appropriation therefor

Also: Assembly Bill No. 777—An Act to regulate the operation and supervision of stationary steam apparatus.

Also: Assembly Bill No. 807—An Act to amend section one, section three, section eight, section nine and section ten of an Act entitled "An Act to promote the agricultural interests of the State of California by providing county inspectors of apiaries, and defining their duties, and providing for their compensation, and repealing the Act entitled 'An Act to authorize a board of supervisors of the several counties of the State to appoint inspectors of apiaries and provide for their compensation, and define their duties and further protection of bee culture,'" approved March 13, 1883, said first named Act having been approved February 20, 1901, and adding to said Act seven new sections, to be numbered and designated as sections twelve, thirteen, fourteen, fifteen, sixteen, seventeen, and eighteen.

Also: Assembly Bill No. 966—An Act making an appropriation for the construction and furnishing of a girls' dormitory at the California Polytechnic School.

Also: Assembly Bill No. 967—An Act making an appropriation for the construction and furnishing of a boys' dormitory at the California Polytechnic School.

Also: Assembly Bill No. 1006—An Act to appropriate money for better protection against forest and field fires

Also: Assembly Bill No. 1016—An Act for the relief of J. S. Godeau, and appropriating the sum of $500.00 to reimburse him for horses and harness taken and used by State officials

Also: Assembly Bill No. 1055—An Act making an appropriation to pay the claim of Herbert Von Meyerinck against the State of California.

Also: Assembly Bill No. 1062—An Act making an appropriation for furnishing the administration building at the California Home for the Care and Training of Feeble-Minded Children at Eldridge, California

Also: Assembly Bill No. 1130—An Act to provide for the completion of the hospital for insane at Folsom State Prison, and making an appropriation therefor

Also: Assembly Bill No. 1140—An Act to appropriate money to protect the banks of Mad River from erosion by means of riprap or jetty work, or both, along the banks thereof.

Also: Assembly Bill No. 1161—An Act to pay the claim of Herman Steinman against the State of California.

Also: Assembly Bill No. 1162—An Act making an appropriation to complete the westerly section of the Mono Lake basin state highway in Mono County.

Also: Assembly Bill No. 1207—An Act to pay the claim of S. B. Sumner, and making an appropriation therefor

Also: Assembly Bill No. 1208—An Act authorizing and directing the State Board of Prison Directors to make an investigation and report to the Governor of, and relating to, the cost, management and government of a reformatory institution in this State, and making an appropriation therefor.

Also: Assembly Bill No. 1227—An Act to appropriate the sum of one thousand dollars to pay the claim of Sergeant-Major Eugene De Sparr.

Also: Assembly Bill No. 1248—An Act appropriating money to pay the claim of the United States Fidelity and Guaranty Company against the State of California.

Also: Assembly Bill No. 1267—An Act making an appropriation for the Department of Engineering for the purpose of making necessary preliminary surveys, borings, plans and estimates for a suspension or other bridge across the Straits of Carquinez, between the counties of Contra Costa and Solano, and fixing the requirements to be made in designing such bridge

Also: Assembly Bill No. 1268—An Act appropriating money to pay the claim of the county of San Luis Obispo against the State of California

Also: Assembly Bill No. 1341—An Act to appropriate three hundred thousand dollars for the purpose of locating, surveying and constructing such levees, ditches, and other works as may be necessary to protect the city of Stockton from the flood waters of the Calaveras River and Mormon Slough

Also: Assembly Bill No. 1342—An Act making an appropriation to provide for painting the exterior of the Capitol, including labor and expenses contingent thereto

Also: Assembly Bill No. 1352—An Act to empower the State Board of Charities and Corrections to investigate the presence of vagrants in the State of California, and appropriate money therefor.

Also: Assembly Bill No. 1372—An Act to amend Section 739 of the Political Code of the State of California

Also: Assembly Bill No. 1396—An Act appropriating money to be expended by and under the direction of the Department of Engineering, for the purpose of doing all preliminary work in the surveying, platting and profiling of Russian River in Sonoma County and for preparing and making plans, specifications and estimates for the protection of the banks of said river and for the removal of trees, brush and other obstructions from the channel of the same.

Also: Assembly Bill No. 1425—An Act to appropriate the sum of $50,000 for the benefit of the Los Angeles Industrial Trade School, and for the purpose of purchasing and paying for an appropriate site for the buildings of said school.

Have had the same under consideration, and respectfully report the same back without recommendation.

BEARDSLEE, Chairman.

FINAL REPORT.

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1909.

MR. SPEAKER: Your Committee on Ways and Means beg leave to submit its final report for the thirty-eighth session, as follows

Mar. 1	—Assembly Bill No. 133—An Act to amend Sections 1 and 2 of an Act entitled an Act to provide for the regulation of fires on, and the protection and management of public and private forest lands within the State of California...	$20,000 00
1	—Assembly Bill No 142—An Act to authorize the establishment of the California State Trades and Training School for dependent orphans, half orphans, abandoned children and children committed by court and placed under guardianship by the board of trustees.....	125,000 00
1	—Assembly Bill No. 565—An Act to provide for the construction of a seawall on the bay of San Diego.....	100,000 00
1	—Assembly Bill No. 1013—An Act authorizing the State Board of Prison Directors to provide for assisting discharged prisoners to secure employment.....	8,000 00
1	—Assembly Bill No. 1161—An Act to pay the claim of Herman Steinman against the State of California.....	3,357 50
1	—Senate Bill No. 364—An Act to amend an Act entitled an Act to establish a school of industry.....	.....
1	—Senate Bill No. 510—An Act to purchase from the heirs of William Cogswell, deceased, two paintings, one of ex-President Abraham Lincoln, and the other of ex-President William McKinley	2,000 00
1	—Assembly Bill No 777—An Act to regulate the operation and supervision of stationary steam apparatus.....	.....
1	—Assembly Bill No 1208—An Act authorizing and directing the State Board of Prison Directors to make an investigation and report to the Governor of, and relating to the cost, management, and government of a reformatory institution in this State.....	2,500 00
1	—Assembly Bill No. 1440—An Act making an appropriation for the maintenance and improvement of the buildings of the Mission of St. Francis de Solano.	1,000 00
2	—Assembly Bill No. 283—An Act to provide for the survey, location and construction of a state highway from the town of Mariposa, through Bear Creek, Missouri Gulch and Stockton Creek	30,000 00
3	—Assembly Bill No 975—An Act making an appropriation to pay the claim of George H. P. Shaw.	600 00
4	—Senate Bill No 585—An Act to amend Sections 654, 684, and 685 of the Political Code, relating to the Board of Examiners	.....
4	—Senate Bill No. 898—An Act to provide for the purchase of portraits of Governor James N. Gillett, and Lieutenant-Governor Warren R Porter	1,000 00
5	—Assembly Bill No. 1247—An Act to amend Section 6 of an Act entitled an Act to regulate and license the hunting of game birds and animals, and to provide revenue therefrom, for game preservation and restoration	.....
5	—Assembly Bill No 1433—An Act appropriating money to pay the claim of the Bryan Elevator Company	1,150 00
5	—Assembly Bill No. 1434—An Act appropriating money to pay the claim of the Roebling Construction Company... .. .	5,732 50
5	—Assembly Bill No 1435—An Act appropriating money to pay the claim of James Campbell.....	2,500 00
5	—Assembly Bill No. 1436—An Act appropriating money to pay the claim of the Russell-Vail Engineering Company..	3,751 00
5	—Assembly Bill No. 1437—An Act appropriating money to pay the claim of the Columbia Marble Company....	1,683 76
5	—Assembly Bill No. 1438—An Act appropriating money to pay the claim of A. Merle & Company..	6,750 00
5	—Assembly Bill No. 1439—An Act appropriating money to pay the claim of the Palm Iron Works.	8,000 60
5	—Senate Bill No. 38—An Act authorizing the Regents of the University of California to hold farmers' institutes.... ..	20,000 00
5	—Senate Bill No. 95—An Act appropriating the sum of twelve thousand one hundred and fifty-five dollars to provide certain improvements to the plant and grounds of the Industrial Home of Mechanical Trades for the Adult Blind.....	12,155 00
5	—Senate Bill No. 221—An Act making an appropriation to pay the deficiency in the appropriation for postage and contingent expenses of the Clerk of the Supreme Court for the fifty-ninth and sixtieth fiscal years.....	2,000 00

Mar. 5	Senate Bill No. 234—An Act to appropriate money for the purchase of land adjoining the present property of the State Normal School at San Francisco	$60,000 00
5	Senate Bill No. 516—An Act to provide for the reappropriation of the unexpended balance of money appropriated by an Act entitled "An Act making an appropriation to pay certain claims against the California Home for the Care and Training of Feeble-Minded Children"	367 67
5	Senate Bill No 588—An Act to provide for the reforestation, the cutting of fire lanes and fire trails on the San Bernardino Forest Reserve	5,000 00
5	Senate Bill No. 637—An Act to provide for the construction of buildings and structures and repairs to the same on the University Farm at Davis	85,000 00
5	Senate Bill No 638—An Act to provide for the purchase of farm machinery, tools, wagons and harness for the University Farm and Agricultural School at Davis	3,000 00
5	Senate Bill No. 668—An Act to provide for the extension of the light, heating, power, water and sewer systems at the University Farm and Agricultural School at Davis	5,000 00
5	Senate Bill No. 669—An Act to provide for the purchase of supplies, apparatus, equipment, and furnishings of buildings, class rooms, and laboratories on the University Farm at Davis	25,000 00
5	Senate Bill No. 670—An Act to provide for the purchase of live stock for and for the use of the University Farm and Agricultural School at Davis	24,000 00
5	Senate Bill No 691—An Act authorizing the State Treasurer to purchase a bond filing case	400 00
5	Senate Bill No 757—An Act appropriating money for metal shelving, record cases, fixtures and other accessories for the use of the Clerk of the Supreme Court	6,000 00
5	Senate Bill 772*a*—An Act providing for the construction of additional houses for the use of the officers, guards, and employees at the State Prison at Folsom	3,500 00
5	Senate Bill No 772*b*—An Act providing for the construction of additional houses for the use of the officers, guards, and employees at the State Prison at Folsom	1,500 00
5	Senate Bill No 774—An Act providing for the construction and furnishing of a residence at the State Prison at Folsom	12,000 00
5	Senate Bill No. 831—An Act to appropriate the sum of ten thousand dollars, for the purpose of partly changing the line of road and making permanent culverts on the Sonora and Mono road	10,000 00
5	Senate Bill No. 882*a*—An Act providing for the construction of cottages for the use of guards and employees at the State Prison at San Quentin	5,000 00
5	Senate Bill No 882*b*—An Act providing for the construction of cottages for the use of guards and employees at the State Prison at San Quentin	20,000 00
5	Senate Bill No. 912—An Act to provide for the expenses of operating and conducting the University Farm and School of Agriculture to June 30, 1909	7,000 00
5	Senate Bill No. 939—An Act to promote education regarding laws of nature	500 00
5	Senate Bill No. 993—An Act to appropriate the sum of twenty thousand dollars for the general improvement of Lake Tahoe wagon road	20,000 00
5	Senate Bill No. 1167—An Act appropriating money to pay the claim of S B. Sumner	109 00
5	Assembly Bill No. 1445—An Act making appropriations for the support of the government of the State of California for the sixty-first and sixty-second fiscal years	9,654,295 00
6	Senate Bill No 12—An Act to authorize the establishment of the California State Trades and Training School for dependent orphans, half orphans, abandoned children, and children committed by court and placed under guardianship of the board of trustees	125,000 00
6	Assembly Bill No. 1352—An Act to empower the State Board of Charities and Corrections to investigate the presence of vagrants in the State of California	3,000 00
8	Senate Bill No 990—An Act fixing a bounty on coyote scalps	.....

Mar 8.—Senate Bill No 539—An Act to appropriate the sum of one hundred and one thousand three hundred and fourteen dollars for the use and benefit of the University of California $101,314 00

8—Senate Bill No 584—An Act to amend sections four hundred and eighty-four, four hundred and eighty-five, four hundred and eighty-six and five hundred of the Political Code, relating to the salary of the Surveyor General and the salaries of appointees in the office of the Surveyor General and Register of the State Land Office..... .....

8—Senate Bill No 586—An Act to amend Section 384 of an Act entitled an Act to establish a Political Code..... .....

8—Senate Bill No 689—An Act to amend Sections 439 and 440 of the Political Code..... .....

8—Senate Bill No 808—An Act to amend section four hundred fifty-six of the Political Code..... .....

8—Senate Bill No 977—An Act to amend Section 2302 of the Political Code ....

8—Senate Bill No 1217—An Act to amend Section 739 of the Political Code .....

9—Senate Bill No 283—An Act to provide equipment for the State Pathological Laboratory at Whittier 1,500 00

9—Senate Bill No. 284—An Act to provide for the continuation of investigations on the culture and utilization of eucalyptus trees by the University of California..... 5,000 00

9—Senate Bill No. 347—An Act to provide for experiment and research work in viticulture, directing publication of the results of experiments and investigations..... 15,000 00

9—Senate Bill No 485—An Act to provide for the issuance and sale of State bonds to create a fund for the construction by the Board of State Harbor Commissioners of wharves, piers, state railroad, spurs, betterments, and seawall appurtenances in the city and county of San Francisco.... 5,000 00

9—Senate Bill No 775—An Act to amend Section 2319 of the Political Code of the State of California ....

9—Senate Bill No. 896—An Act making an appropriation for furnishing the manor house at the California Home for the Care and Training of Feeble-Minded Children..... 2,500 00

9—Senate Bill No. 910—An Act to provide for the completion of the cottage at Mendocino State Hospital..... 12,500 00

9—Senate Bill No 925—An Act to appropriate money for the payment of the claim of Geo. W. Bush..... 453 96

9—Senate Bill No. 1003—Appropriating forty-four dollars to pay the claim of W. S. Kingsbury 44 00

9—Senate Bill No. 1017—An Act to appropriate the sum of two thousand five hundred thirty-six and seventy-six one-hundredths dollars to pay the claim of the Ætna Life Insurance Company of Hartford, Connecticut. 2,536 76

9—Senate Bill No 1018—An Act to appropriate the sum of $1,762.79 to pay the claim of the Germania Life Insurance Company of New York..... 1,762 79

9—Senate Bill No. 1019—An Act to appropriate the sum of $889 95 to pay the claim of the Bankers' Life Association of Des-Moines..... 889 95

9—Senate Bill No 1020—An Act to appropriate the sum of one thousand five hundred thirty-one and ninety-one one-hundredths dollars to pay the claim of the Prudential Insurance Company of America..... 1,531 91

9—Senate Bill No. 1021—An Act to appropriate the sum of two hundred twenty-two and eighty-five one-hundredths dollars to pay the claim of the Northwestern National Life Insurance Company..... 222 85

9—Senate Bill No. 1022—An Act to appropriate the sum of three thousand four hundred sixty-two and eleven one-hundredths dollars to pay the claim of the New England Mutual Life Insurance Company..... 3,462 11

9—Senate Bill No. 1023—An Act to appropriate the sum of three hundred forty-nine and sixty one-hundredths dollars to pay the claim of Minnesota Mutual Life Insurance Company..... 349 60

9—Senate Bill No 1024—An Act to appropriate the sum of $903.72 to pay the claim of the Massachusetts Mutual Life Insurance Company of Springfield..... 903 72

9—Senate Bill No. 1025—An Act to appropriate the sum of $1100 30 to pay the claim of the Life Association of America 1,100 30

Mar. 9—Senate Bill No 1026—An Act to appropriate the sum of sixty and 51-100 dollars to pay the claim of the Security Mutual Life Insurance Company	$60 51
9—Senate Bill No 1055—An Act to provide for the refurnishing of the offices of the Board of Railroad Commissioners of the State of California	2,000 00
9—Senate Bill No 1130—An Act appropriating money to pay the claim of the United States Fidelity and Guaranty Company against the State of California	1,328 00
9—Assembly Bill No 814—An Act making an appropriation to pay the claim of Lauretta Campbell	415 65
9—Assembly Bill No. 1446—An Act appropriating money to provide and equip quarters for the Hastings College of Law	6,800 00
10—Senate Bill No. 33—An Act to establish the School of Trades of the State of California	500,000 00
10—Senate Bill No 102—An Act making an appropriation for the completion of repairs to the manor house at the California Home for the Care and Training of Feeble-Minded Children	5,000 00
10—Senate Bill No. 108—An Act making an appropriation for fencing at the California Home for the Care and Training of Feeble-Minded Children	2,000 00
10—Senate Bill No 344—An Act to amend Sections 1 and 3 of an Act entitled an Act to create a fund to be known as the United States forest reserve fund	.....
10—Senate Bill No 349—An Act making an appropriation for the investigation of agricultural and horticultural problems and conditions in Imperial Valley	6,000 00
10—Senate Bill No. 465—An Act to provide for the construction of a section of seawall on the bay of San Diego	100,000 00
10—Senate Bill No. 590—An Act to amend Section 425 of the Political Code of the State of California	.....
10—Senate Bill No 446—An Act making an appropriation for the purpose of enlarging the power house at the California Home for the Care and Training of Feeble-Minded Children	15,000 00
10—Senate Bill No 756—An Act to amend Section 751 of the Political Code	.....
10—Senate Bill No 840—An Act to make an additional appropriation for the continuation of the location, survey and construction of a state highway from a point known as the Mt. Pleasant Ranch on the road between Quincy and Marysville	8,000 00
11—Assembly Bill No. 433—An Act to repeal an Act approved March 13, 1907, entitled an Act to regulate and license the hunting of game birds and animals	.....
11—Senate Bill No. 229—An Act to establish and support a bureau of immigration	13,800 00
11—Senate Bill No. 773—An Act authorizing the State Board of Prison Directors to provide for assisting discharged prisoners to secure employment	8,000 00
11—Senate Bill No 1179—An Act to amend an Act entitled an Act to prevent deception in the manufacture and sale of butter and cheese	$25,000 00
11—Senate Bill No. 593—An Act to amend Section 472 and Section 475 of an Act entitled an Act to establish a Political Code	.....
11—Senate Bill No. 359—An Act to authorize certain improvements at the California Institution for the Deaf and the Blind in Berkeley	13,144 00
11—Senate Bill No. 758—An Act to amend section seven hundred and fifty-six of the Political Code	.....
11—Senate Bill No. 821—An Act to fix the salaries of the State Forester, Deputy Forester and Assistant Forester	.....
11—Senate Bill No. 1013—An Act to amend Sections 385 and 386 of the Political Code	.....
11—Senate Bill No. 1065—An Act authorizing and directing the State Board of Prison Directors to make an investigation and report to the Governor of and relating to the cost, management and government of a reformatory institution in this State	2,500 00
12—Assembly Bill No 982—An Act to make an appropriation to locate, survey, and obtain an estimate of cost of a highway from Happy Camp, Siskiyou County, along the Klamath and Trinity rivers to Hoopa Valley	.....

Mar. 12—Senate Bill No. 215—An Act making an appropriation to locate, survey and obtain estimate of cost of a highway from Happy Camp, Siskiyou County, along the Klamath and Trinity rivers to Hoopa Valley... ..... $12,000 00

12—Senate Bill No. 278—An Act providing for the construction of the water and sewer system in California Redwood Park 5,000 00

12—Senate Bill No. 540—An Act making an appropriation of six thousand five hundred and twenty-seven and 12-100 dollars to repay the Regents of the University of California for moneys appropriated by them to make good losses by fire and disaster..... 6,527 12

12—Senate Bill No. 544—An Act making an appropriation of nineteen thousand dollars for the enlargement of the photographic laboratory and fire proof vault for astronomical photographs and plates at the Lick Observatory, in Santa Clara County..... 19,000 00

12—Senate Bill No. 888—An Act providing for the purchase of a boiler for the kitchen at the State prison at Folsom.... 2,500 00

13—Senate Bill No. 161—An Act providing for the investigation of the nature and means of control of destructive diseases of cultivated plants 15,000 00

13—Senate Bill No. 213—An Act authorizing and empowering the State Board of Harbor Commissioners to construct artesian wells along the water front in the city and county of San Francisco..... 10,000 00

13—Senate Bill No. 219—An Act making an appropriation to pay the claim of Lauretta Campbell 382 20

13—Senate Bill No 447—An Act making an appropriation for the erection and construction of a building at the California Home for the Care and Training of Feeble-Minded Children, as an addition to the present kitchen..... 15,000 00

13—Senate Bill No. 464—An Act to provide for the issuance and sale of State bonds to create a fund for the construction by the Board of State Harbor Commissioners for the bay of San Diego of a seawall..... 1,500 00

13—Senate Bill No. 490—An Act to locate and procure a site and prepare plans and specifications for a building or buildings for a State Normal Training School..... 10,000 00

13—Senate Bill No. 816—An Act to amend Section 268 of the Political Code of California..... .....

13—Senate Bill No. 1067—An Act providing for the construction of an executive mansion for the use of the Governor of the State of California and his family 150,000 00

13—Senate Bill No. 1068—An Act to provide for the completion of the hospital for insane at Folsom State Prison..... 39,000 00

13—Senate Bill No. 1171—An Act to amend section one of an Act entitled an Act authorizing and directing the completion of the main buildings at the California Home for the Care and Training of Feeble-Minded Children..... 75,000 00

13—Senate Bill No 1204—An Act providing for the selection of a site for a State Printing Office, at the city of Sacramento 160,000 00

13—Senate Bill No 1240—An Act making an appropriation for the maintenance and improvement of the buildings of the Mission of St. Francis de Solano.. .. .. 1,000 00

15—Senate Bill No. 242—An Act to provide for the survey, location and construction of a state highway from the town of Mariposa, through Bear Creek, Missouri Gulch, and Stockton Creek to the Yosemite Railroad at Bear Creek Station 30,000 00

15—Senate Bill No. 1111—An Act to amend section four hundred and eighty-four of the Political Code..... ....

15—Senate Bill No. 1112—An Act to amend section five hundred and thirteen of the Political Code..... .....

15—Senate Bill No. 1113—An Act to amend section four hundred and seventy-one of the Political Code. ....

15—Senate Bill No. 1114—An Act to amend section four hundred and fifty-five of the Political Code..... ... .

15—Senate Bill No. 1115—An Act to amend section four hundred and thirty-eight of the Political Code.... ....

15—Senate Bill No. 1116—An Act to amend Section 417 of the Political Code ....

15—Senate Bill No. 1118—An Act to amend section three hundred and eighty-four of the Political Code ....

Mar. 17	Senate Bill No 101—An Act providing for the maintenance and operating expenses of the forestry station at Santa Monica, Los Angeles County	$5,000 00
17	Senate Bill No 214—An Act appropriating money to carry on the work provided for in an Act entitled "An Act authorizing the Governor to appoint an expert in taxation and public finance"	5,000 00
18	Senate Bill No. 334—An Act to create the office of State Dental Surgeon, prescribe his duties, fix his manner of appointment, salary, and term of office	3,500 00
18	Senate Bill No 508—An Act to provide for a state highway from Moreno to Beaumont, in Riverside County	500 00
18	Senate Bill No 1203—An Act appropriating the sum of five thousand dollars for the purpose of repairing the green house, walks, and grounds of the State Capitol at Sacramento	3,000 00
18	Senate Bill No 1250—An Act making an appropriation for the pay of officers and clerks of the Senate of the thirty-eighth session of the Legislature	2,500 00
19	Senate Bill No. 322—An Act to make an appropriation for the repair and maintenance under the supervision, management and control of the Department of Engineering of the State of California, of that certain state highway commencing at Pine Grove, in Amador County	10,000 00
		$11,879.881 76

BILLS REPORTED FAVORABLY.

Mar. 1	Assembly Bill No 1056	$15,000 00
1	Assembly Bill No. 216	13,750 00
1	Assembly Bill No. 82	10,000 00
1	Assembly Bill No 83	10,000 00
1	Assembly Bill No 212	5,000 00
1	Assembly Bill No 213	20,000 00
1	Assembly Bill No 214	4,500 00
1	Assembly Bill No 215	14,000 00
1	Assembly Bill No 759	.....
1	Assembly Bill No 90	5,000 00
1	Assembly Bill No 92	5,000 00
1	Assembly Bill No 207	10,000 00
1	Assembly Bill No 210	2,500 00
1	Assembly Bill No. 211	5,000 00
1	Assembly Bill No 749	40,000 00
1	Assembly Bill No. 957	4,000 00
1	Assembly Bill No. 960	30,000 00
1	Assembly Bill No. 962	6,000 00
1	Assembly Bill No. 963	10,000 00
1	Assembly Bill No. 964	5,000 00
1	Assembly Bill No. 965	10,000 00
1	Assembly Bill No. 968	2,300 00
1	Assembly Bill No. 969	6,000 00
1	Assembly Bill No. 970	6,000 00
1	Assembly Bill No. 971	2,500 00
1	Assembly Bill No. 972	4,000 00
1	Assembly Bill No. 973	2,500 00
1	Assembly Bill No. 1014	3,500 00
1	Assembly Bill No. 1015	12,000 00
1	Assembly Bill No 767	.....
1	Assembly Bill No. 564	1,000 00
2	Assembly Bill No. 222	2,500 00
2	Assembly Bill No. 128	7,500 00
2	Assembly Bill No 131	5,000 00
2	Assembly Bill No. 132	5,000 00
2	Assembly Bill No. 127	10,000 00
2	Assembly Bill No 130	5,000 00
2	Assembly Bill No. 595	15,000 00
2	Assembly Bill No. 596	15,000 00
2	Assembly Bill No. 635	215,000 00
2	Assembly Bill No 669	367 67
2	Assembly Bill No 781	.....
2	Assembly Bill No 1063	2,500 00
2	Assembly Bill No. 762	5,000 00
2	Senate Bill No. 510	1,700 00
4	Assembly Bill No 135	2,000 00
4	Assembly Bill No. 320	.....

Mar. 4	Assembly Bill No. 1072	$1,725 00
4	Senate Bill No. 145	1,000 00
4	Senate Bill No. 271	3,500 00
4	Assembly Bill No 1168	60 51
4	Assembly Bill No. 1169	11 30
4	Assembly Bill No 1170	903 72
4	Assembly Bill No. 1171	349 60
4	Assembly Bill No 1172	3,462 11
4	Assembly Bill No 1173	222 85
4	Assembly Bill No 1174	1,531 91
4	Assembly Bill No. 1175	889 95
4	Senate Bill No. 364	.....
4	Assembly Bill No. 1176	1,762 79
4	Assembly Bill No. 1177	2,536 76
4	Assembly Bill No 975	600 00
5	Assembly Bill No 181	1,000 00
5	Assembly Bill No 1054	.....
5	Assembly Bill No 1255	5,600 00
5	Assembly Bill No 1265	.....
5	Assembly Bill No. 1280	2,000 00
5	Assembly Bill No. 683	.....
5	Assembly Bill No. 1416	.....
6	Senate Bill No 221	2,000 00
6	Senate Bill No 376	367 67
6	Senate Bill No 588	5,000 00
6	Assembly Bill No 610	25,000 00
6	Assembly Bill No 178	100,000 00
6	Assembly Bill No 838	1,000 00
6	Assembly Bill No. 1005	.....
6	Assembly Bill No 1081	453 96
6	Assembly Bill No 1143	44 00
6	Assembly Bill No 1013	8,000 00
6	Assembly Bill No 1440	1,000 00
6	Senate Bill No 585	.....
6	Senate Bill No 898	1,000 00
6	Senate Bill No 38	20,000 00
6	Senate Bill No. 772*a*	3,500 00
6	Senate Bill No 772*b*	1,500 00
6	Senate Bill No 774	12,000 00
6	Senate Bill No 831	10,000 00
6	Senate Bill No 882*a*	5,000 00
6	Senate Bill No. 882*b*	20,000 00
6	Assembly Bill No. 1433	1,150 00
6	Assembly Bill No 1434	5,732 50
6	Assembly Bill No 1435	2,500 00
6	Assembly Bill No 1436	3,751 90
6	Assembly Bill No 1437	1,683 76
6	Assembly Bill No. 1438	6,750 00
6	Assembly Bill No 1439	8,000 00
9	Assembly Bill No 1238	10,000 00
9	Senate Bill No 95	12,155 00
9	Senate Bill No 691	400 00
9	Assembly Bill No 844, committee substitute	420,000 00
9	Assembly Bill No 1065	7,500 00
9	Senate Bill No. 12	125,000 00
9	Senate Bill No 990	.....
9	Senate Bill No 584	.....
9	Senate Bill No 689	.....
9	Senate Bill No. 808	.....
9	Senate Bill No. 977	.....
9	Senate Bill No 1217	.....
10	Assembly Bill No. 675	15,000 00
10	Assembly Bill No 628	4,000 00
10	Assembly Bill No 1247	.....
10	Senate Bill No. 638	3,000 00
10	Senate Bill No 670	8,000 00
10	Senate Bill No 757	6,000 00
10	Senate Bill No 912	7,000 00
10	Senate Bill No 993	20,000 00
10	Senate Bill No 539	101,314 00
10	Senate Bill No 283	1,500 00
10	Senate Bill No 347	15,000 00
10	Senate Bill No 485	5,000 00
10	Senate Bill No 284	5,000 00
10	Senate Bill No 775	.....

Mar. 10	—Senate Bill No. 896	$2,500 00
10	—Senate Bill No. 910	12,500 00
10	—Senate Bill No. 1003, identical with Assembly Bill No. 1143.	
10	—Senate Bill No. 925, identical with Assembly Bill No. 1081.	
10	—Senate Bill No 1017, identical with Assembly Bill No. 1177.	
10	—Senate Bill No 1018, identical with Assembly Bill No. 1176.	
10	—Senate Bill No. 1019, identical with Assembly Bill No 1175.	
10	—Senate Bill No 1020, identical with Assembly Bill No. 1174.	
10	—Senate Bill No. 1021, identical with Assembly Bill No. 1173.	
10	—Senate Bill No. 1022, identical with Assembly Bill No. 1172.	
10	—Senate Bill No. 1023, identical with Assembly Bill No. 1171.	
10	—Senate Bill No 1024, identical with Assembly Bill No. 1170.	
10	—Senate Bill No. 1025, identical with Assembly Bill No. 1169	
10	—Senate Bill No. 1026, identical with Assembly Bill No 1168.	
10	—Senate Bill No. 1055, identical with Assembly Bill No. 1280	
10	—Senate Bill No. 1130	1,328 00
10	—Assembly Bill No 1446	6,800 00
10	—Senate Bill No. 33	500,000 00
11	—Senate Bill No 637	85,000 00
11	—Senate Bill No. 668	5,000 00
11	—Senate Bill No. 669	25,000 00
11	—Senate Bill No. 102, identical with Assembly Bill No. 132.	
11	—Senate Bill No 344	
11	—Senate Bill No 349, identical with Assembly Bill No. 249.	
11	—Senate Bill No. 590	
11	—Senate Bill No 756	
11	—Senate Bill No. 593	
12	—Assembly Bill No. 154	250,000 00
12	—Assembly Bill No. 20	100,000 00
12	—Assembly Bill No. 1008	10,000 00
12	—Assembly Bill No. 1163	
12	—Assembly Bill No. 1040	50,000 00
12	—Assembly Bill No 1421	360 00
12	—Senate Bill No. 22	100,000 00
12	—Senate Bill No. 465	100,000 00
12	—Senate Bill No. 840	8,000 00
12	—Senate Bill No. 1179	25,000 00
12	—Senate Bill No 359	13,144 00
12	—Senate Bill No. 821	
12	—Senate Bill No 1013	
12	—Senate Bill No 1065	2,500 00
12	—Senate Bill No. 215	12,000 00
12	—Senate Bill No. 278	5,000 00
12	—Senate Bill No 540	6,527 12
12	—Senate Bill No 888	2,500 00
12	—Senate Bill No. 773	8,000 00
15	—Senate Bill No. 446	15,000 00
15	—Senate Bill No. 161	15,000 00
15	—Senate Bill No. 219	382 20
15	—Senate Bill No. 447	15,000 00
15	—Senate Bill No. 464	1,500 00
15	—Senate Bill No. 816	
15	—Senate Bill No. 1067	150,000 00
15	—Senate Bill No. 1068	39,000 00
15	—Senate Bill No. 1171	75,000 00
15	—Senate Bill No. 1204	160,000 00
15	—Senate Bill No. 1240	1,000 00
15	—Senate Bill No. 242	30,000 00
15	—Senate Bill No. 1111	
15	—Senate Bill No. 1112	
15	—Senate Bill No. 1113	
15	—Senate Bill No. 1114	
15	—Senate Bill No. 1115	
15	—Senate Bill No. 1116	
15	—Senate Bill No. 1118	
16	—Senate Bill No. 101	5,000 00
17	—Senate Bill No. 108	2,000 00
17	—Senate Bill No. 544	9,000 00
18	—Senate Bill No. 334	3,500 00
19	—Senate Bill No 214	5,000 00
19	—Senate Bill No. 508	500 00
19	—Senate Bill No. 1203	3,000 00
19	—Senate Bill No. 1250	2,500 00
		$3,459,118 28

Amount of appropriations formerly reported	$2,654,570 63
Amount of appropriations in present report	3,459,118 28
General Appropriation Bill	9,654,295 00
Reductions in appropriations	440,701 00
Bills withdrawn from committee and identical	1,440,600 62
Bills returned to desk	1,849,784 32
	$19,499,069 85

RECAPITULATION

The following bills were received by the Ways and Means Committee for action:

Assembly Bills Nos. 249, 56, 447, 388, 838, 830, 831, 848, 5, 751, 419, 974, 302, 1008, 1018, 601, 674, 675, 676, 677, 678, 680, 681, 682, 713, 844, 1034, 1009, 1065, 1066, 278, 279, 657, 276, 590, 766, 783, 1006, 746, 747, 778, 779, 780, 807, 212, 213, 214, 215, 217, 279, 679, 809, 810, 1016, 1032, 1052, 1056, 1064, 1123, 47, 62, 76, 88, 125, 151, 154, 162, 163, 164, 165, 166, 173 176, 180, 182, 241, 242, 306, 374, 391, 392, 393, 394, 395, 397, 396, 398, 399, 400, 401, 402, 403, 404, 409, 447, 69, 85, 135, 377, 608, 610, 611, 612, 613, 614, 615, 620, 626, 77, 93, 96, 97, 128, 131, 132, 216, 51, 144, 299, 82, 83, 143, 156, 275, 513, 234, 235, 731, 20, 171, 178, 236, 274, 696, 698, 699, 700, 701, 702, 718, 645, 195, 690, 748, 752, 758, 201, 181, 386, 387, 640, 776, 689, 801, 811, 757, 759, 824, 1108, 55, 57, 58, 59, 60, 112, 113, 114, 115, 116, 1228, 117, 118, 119, 120, 248, 53, 54, 1140, 1160, 1162, 405, 628, 986, 1027, 1054, 1248, 1255, 255, 424, 812, 1038, 1053, 1163, 1265, 1267, 1268, 1280, 1313, 30, 90, 91, 92, 94, 95, 98, 100, 101 127, 129, 130, 207, 208, 209, 210, 211, 256, 257, 258, 266, 595, 596, 635, 749, 669, 781, 912, 957, 958, 959, 960, 962, 963, 964, 965, 967, 968, 969, 970, 971, 966, 972, 973, 1014, 1015, 1062, 1063, 1072, 1129, 1207, 1130, 9, 924, 1341, 1342, 767, 762, 568, 1040, 1234, 1363, 1369, 1372, 1377 1396, 1403, 1407, 1408, 1111, 564, 683, 206, 300, 1005, 1238, 1135, 1330, 1421, 1424, 1425, 1116, 1055, 1081, 1143, 1227, 1416, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 133, 142, 565, 1013, 1161, 777, 1208, 1440, 283, 975, 1247, 1433, 1434, 1435, 1436, 1437, 1438, 1439, 1445, 1352, 814, 1446, 433, 982, 1445 (General Appropriation Bill), aggregating $16,753,272 45

Also Senate Bills Nos. 309, 361, 451, 288, 289, 228, 258, 263, 583, 106, 222, 4 (Senate Resolution), 8. 22 (Senate Resolution), 25, 272 752, 330 712, 68, 302, 303, 304, 305, 306, 307, 308, 310, 311, 312 313, 46, 300, 301, 333, 533, 520, 521, 522, 523, 235, 239, 241, 164, 113, 143, 144, 145, 146, 147, 149, 169, 321, 271, 59, 22, 718, 364, 510, 585, 898, 38, 95, 221, 234, 516, 588, 637, 638, 668, 669, 670, 691, 757, 772*a*, 772*b*, 774, 831, 882*a*, 882*b*, 912, 939, 993, 1167, 12 990, 539, 584, 586, 689, 808, 977, 1217, 283, 284, 347, 485, 775, 896, 910, 925, 1003 1017, 1018, 1019, 1020 1021, 1022, 1023, 1024, 1025 1026, 1055, 1130, 33, 102, 108, 344, 349, 464, 590, 446, 756, 840 229, 773, 1179, 593, 359, 758, 821, 1113, 1065, 215, 278, 540, 544, 888, 161, 213, 219, 447, 464, 490, 816, 1067, 1068, 1171, 1204, 1240, 242, 1111 1112, 1113, 1114, 1115, 1116, 1118, 101, 214, 344, 508, 1203, 1250 322, 1013, aggregating 2,745,297 40

Total amount of bills received $19,499,569 85

Of the foregoing Senate and Assembly bills the committee has passed out, with favorable recommendation, bills aggregating $6,113,188 91

The committee has this day returned to the Assembly the following Senate and Assembly bills, to wit

Assembly Bills Nos 62, 76, 77, 85, 156, 202, 208, 209, 217, 306, 386, 405, 433, 513, 568, 590, 601, 645, 677, 679, 681, 713, 748, 752, 766, 777, 807, 966, 967, 1006, 1016, 1055, 1062, 1130 1140, 1161, 1162, 1207, 1208, 1227, 1248, 1267, 1268, 1341, 1342, 1352, 1372, 1396, 1425, Senate Bills Nos. 4 (Concurrent Resolution), 14 (Concurrent Resolution), 213, 229, 234, 322, 333, 490, 586, 758, 1013, 1167, all without recommendation.

Respectfully submitted

BEARDSLEE, Chairman.

SENATE MESSAGES

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, March 23, 1909.

MR SPEAKER: I am directed to inform your honorable body that the Senate amended and on this day passed as amended Assembly Bill No 1054—An Act to provide for the the medical treatment of indigent residents afflicted with incipent pulmonary tubercu-

losis; to prescribe the duties of the State Board of Health and other public officials with relation thereto; and making an appropriation for the purposes of this Act—and respectfully request your honorable body to concur in said amendment.

LEWIS A. HILBORN, Secretary of Senate.
By J. W KAVANAGH, Assistant Secretary.

The question being put: "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 1054."

Line 2 of title after the word "tuberculosis" strike out the following: "to create a fund therefor."

The roll was called, and the Senate amendment to Assembly Bill No. 1054 was concurred in by the following vote:

AYES—Messrs. Barndollar, Beardslee, Butler, Callan, Cattell, Collum, Cronin, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons Griffiths, Hammon, Hanlon, Hans, Hayes, Holmquist, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Leeds, Macauley, McClellan, McManus, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, Perine, Polsley, Pugh, Pulcifer, Rech, Sackett, Schmitt, Transue, Wagner, Webber, Wheelan, Whitney, and Mr. Speaker—49.
NOES—None.

Bill ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 23, 1909.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day denied passage to Assembly Bill No. 1436—An Act appropriating money to pay the claim of the Russell-Vail Engineering Company against the State of California.

Also: Assembly Bill No. 436—An Act to amend an Act entitled "An Act for the certification of land titles and the simplification of the transfer of real estate," approved March 17, 1897, by amending section five of said Act.

LEWIS A HILBORN, Secretary of Senate
By J. W. KAVANAGH, Assistant Secretary

RESOLUTION.

The following resolution was offered:

By Mr. Beardslee:

Resolved, That the Chief Clerk and the four assistants to the Chief Clerk of the Assembly must, at the close of this session of the Legislature, mark, label, and arrange all bills and papers belonging to the archives of the Assembly, and deliver them, together with all the books and papers of the Assembly, to the Secretary of the State, who must certify to the reception of the same, and for such services each officer herein named is allowed the sum of fifty dollars, the same payable out of the contingent fund of the Assembly, and the Controller of State is hereby directed to draw his warrant in favor of the above named officers in the said sums, payable out of the contingent fund of the Assembly, and the Treasurer is directed to pay the same.

Mr. Beardslee moved the adoption of the resolution.

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

AYES—Messrs. Barndollar, Beardslee, Beatty, Black, Bohnett, Cattell, Cogswell, Collum, Costar, Cronin, Dean, Drew, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Greer, Griffiths, Hammon, Hanlon, Hawk, Hayes, Holmquist, Johnson of Sacramento, Johnson of San Diego, Juilliard, Leeds, Macauley, McClellan, Melrose, Mendenhall, Moore, Mott, Odom, Perine, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Silver, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, and Mr. Speaker—49
NOES—None.

COMMUNICATION.

The following communication was sent to the desk by Mr. Transue:

PARTING GREETING.

To the California Legislature, Thirty-eighth Session, Senate and Assembly

GENTLEMEN: The editor, etc., of The Labor Knight, takes this method of thanking you for the kindness, courtesy and generous treatment accorded to himself by every member, official, attaché, and also by the boys of the official press, as well as State officials and employees of the State Capitol. And while my vanity is great, it is well known to myself, as others, that it is chiefly for the cause championed by my perambulating paper—LABOR—which, "being before capital," as the ever enduring Lincoln once said, "is entitled to higher consideration," still, as an evidence of my own personal appreciation (as well as in the name of organized labor which my honorary union card of P.

D and P of A. entitles me to do), to all of all named and to the people of the State, I have worked overtime to show it, in modeling two bas-reliefs—of this Legislature—in the concrete—one of Mr. President of the Senate, Lieutenant Governor Warren R. Porter; and one of Mr Speaker, Hon. Philip A Stanton, and these evidences of my labor of love and esteem, are now placed on their respective desks, and, if you choose, in some way best suited to yourselves, to accept the same as a freewill gift, to be placed with the other bas-reliefs of Washington, Lincoln, Roosevelt and Governor Gillett, already voted by your honorable bodies into the State Library forever, these, too, will be so placed by myself.

Sincerely,

CARL BROWNE,
The man who did not get on the grass this time.

Mr. Transue moved that the communication be printed in the Journal, and that the gift be accepted and placed in the State Library.

Motion carried.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, March 24, 1909.

MR SPEAKER: Your Committee on Ways and Means, to whom was referred all resolutions regarding the pay of certain clerks other than the Chief Clerk and his assistants, report that no sum whatsoever be allowed any other clerk whomsoever, and that all resolutions referred to your Committee on Ways and Means do not pass

BEARDSLEE, Chairman.

Mr. Beardslee moved the adoption of the report.

Motion carried.

MESSAGES FROM THE GOVERNOR.

The following messages from the Governor were received and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 24, 1909

To the Assembly of the State of California:

I have the honor to inform your honorable body that I have approved:

Assembly Bill No. 1032—An Act to add a new section to the Political Code of the State of California, to be numbered four hundred and twenty-six, relating to gardeners for State Capitol Grounds.

Also: Assembly Bill No 1449—An Act making an appropriation for the pay of the officers and clerks of the Assembly for the thirty-eighth session of the Legislature.

J. N. GILLETT, Governor

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 22, 1909.

To the Assembly of the State of California

I have the honor to inform your honorable body that I have approved

Assembly Bill No. 42—An Act to amend Section 758 of the Political Code, relating to the employment and compensation of the officers of the District Courts of Appeal

Also. Assembly Bill No. 278—An Act to provide for the digging and construction of a tunnel connecting the hydrotherapeutic building with the engine room of the female department of the Stockton State Hospital for the purpose of conducting water pipes, heating pipes, electric wires, etc., and to make appropriations therefor.

Also: Assembly Bill No. 280—An Act to provide for the erection of a water tower, tanks, pumps, boring of wells, and all necessary equipments for same at Stockton State Hospital for domestic use and fire purposes and to make appropriations therefor.

Also: Assembly Bill No 302—An Act to amend sections one thousand nine hundred and twenty-five, one thousand nine hundred and twenty-six, one thousand nine hundred and twenty-seven, one thousand nine hundred and twenty-eight one thousand nine hundred and twenty-nine one thousand nine hundred and thirty, one thousand nine hundred and thirty-one, one thousand nine hundred and thirty-two, one thousand nine hundred and thirty-three, one thousand nine hundred and thirty-four, one thousand nine hundred and thirty-five, one thousand nine hundred and fifty-one, one thousand nine hundred and fifty three, one thousand nine hundred and fifty-four, one thousand nine hundred and fifty-six, one thousand nine hundred and fifty-seven, one thousand nine hundred and fifty-eight, one thousand nine hundred and sixty-two, one thousand nine hundred and sixty-six, one thousand nine hundred and eighty-five, two thousand and twenty, two thousand and twenty-six, two thousand and seventy-six, two thousand seventy-eight, two thousand and seventy-nine, two thousand and eighty-one,

two thousand and eighty-six, two thousand one hundred and two, two thousand one hundred and eleven, and two thousand one hundred and twelve, all of the Political Code of the State of California, relating to the National Guard.

Also. Assembly Bill No 983—An Act to amend Section 4284 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the fifty-fifth class.

Also: Committee Substitute for Assembly Bill No 844—An Act to provide a site for an armory for the National Guard in the city and county of San Francisco, and making available and reappropriating certain moneys for the purchase of said site and erection, equipment completion and furnishing of said armory

Also: Assembly Bill No 984—An Act to amend Section 4381 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the fifty-second class

Also Assembly Bill No. 847—An Act to amend Section 4269 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the fortieth class.

Also Assembly Bill No 990—An Act authorizing the construction, acquisition, maintenance and control of a system of state highways in the State of California; specifying the work, fixing the payments to be made by counties for moneys expended therein providing for the issuance and sale of State bonds to create a fund for the construction and acquisition of such system; creating a sinking fund for the payment of said bonds, and providing for the submission of this Act to a vote of the people.

Also: Assembly Bill No. 1050—An Act to amend Section 4256 of the Political Code of the State of California, relating to salaries and fees of county and township officers in counties of the twenty-seventh class.

Also: Assembly Bill No 1166—An Act to regulate contracts on behalf of the State in relation to the erection, construction, alteration, repair or improvement of any State structure, building, road or other State improvement of any kind and to repeal an Act entitled "An Act to regulate contracts on behalf of the State in relation to erections and buildings," approved March 28, 1876.

Also: Assembly Bill No 1135—An Act to provide for the equipping and furnishing of the building now in process of erection at Stockton State Hospital under the provisions of Chapter 172 of the Statutes of 1907, and making an appropriation therefor.

J N. GILLETT, Governor.

RESOLUTIONS.

The following resolutions were offered:

By Mr. Beardslee:

Resolved, That the Speaker appoint a committee of three to wait upon His Excellency Governor James N. Gillett, and inform him that the Assembly is ready to adjourn and awaits his further pleasure.

Resolution read and adopted.

APPOINTMENT OF SELECT COMMITTEE.

In accordance with the above resolution, the Speaker named Messrs. Johnson of Sacramento, Rutherford, and Gibbons as such committee.

By Mr. Leeds:

Resolved, That a committee of three be appointed by the Speaker to wait upon the Senate, and inform that body that the Assembly is ready to adjourn, and ask if the Senate has any further communication to make to the Assembly

Resolution read and adopted.

APPOINTMENT OF SELECT COMMITTEE.

In accordance with the above resolution, the Speaker appointed Messrs. Leeds, McManus, and Baxter as such committee.

By Mr. Costar:

Resolved, That the thanks of the Assembly be and they are hereby extended to the Sergeant-at-Arms, John T. Stafford, for his careful and painstaking application to duty during this thirty-eighth session of the Legislature

Resolution read and adopted.

By Mr. Schmitt:

Resolved, That the thanks of this Assembly be tendered to the Hon. P A. Stanton, Speaker of the Assembly, for the signal courtesy, ability, and impartiality with which he has presided over its deliberations during this the thirty-eighth session of the Legislature

Resolution read and adopted, the question being put by Mr. Leeds.

By Mr. Hans:

Resolved, That we take pleasure in extending to the ladies of Sacramento our thanks for the many courtesies extended to the families of the members of the Assembly during our sojourn in their beautiful city

Resolution read and adopted.

Also:

Resolved, That the thanks of this Assembly be extended to the accredited newspaper representatives attendant at this session of the Assembly, for their manifest courtesy and fairness in writing up the deliberations of this thirty-eighth session of the Legislature.

Resolution read and adopted.

By Mr. Transue:

Resolved, That this Assembly hereby tenders its thanks to Hon Geo M. Perine for his services in presiding over the Assembly as Speaker pro tem , and hereby expresses its appreciation of his able, fair, and impartial rulings while presiding as Speaker pro tem

Resolution read and adopted.

By Mr. Pulcifer:

WHEREAS, The work ot the thirty-eighth session of the Assembly has been expedited by reason of the diligence and close application to duty of our esteemed Chief Clerk, and

WHEREAS, By reason of his legislative and executive ability, he has rendered the members valuable assistance and has maintained a high degree of efficiency in the several departments under his supervision, and harmony among the large clerical force—an important essential to good work; therefore, be it

Resolved, That the thanks of the Assembly be extended to Clio Lloyd, Chief Clerk, and that this resolution be entered in the Journal.

Resolution read and adopted.

By Mr. Rech:

Resolved, That the thanks of the Assembly be, and they are, hereby extended to Thomas G Walker for his careful and painstaking application to duty during this thirty-eighth session of the Legislature.

Resolution read and adopted.

REPORT OF SELECT COMMITTEE.

The committee appointed to wait upon the Governor appeared before the bar of the House, and presented His Excellency J. N. Gillett, Governor of California.

ADDRESS OF THE GOVERNOR.

The Governor, invited to the chair, addressed the Assembly in a few appropriate remarks, thanking the members of the Assembly for the faithful performance of their work, and congratulating them upon the successful manner in which they had completed the work of the thirty-eighth session of the Legislature.

REPORT OF SELECT COMMITTEE.

The committee to wait upon the Senate appeared before the bar of the House, and reported that the instructions of the Assembly had been carried out, and that the Senate would communicate its wishes through a committee from that body.

PRESENTATION TO SPEAKER.

Mr Beardslee, in behalf of the Assembly, arose and in a fitting address thanked the Speaker for his kindness and impartiality in pre-

siding over the Assembly, and presented him with a case of beautiful silverware as a token of the esteem and good will in which he was held by the members of the Assembly.

ADDRESS BY THE SPEAKER

The Speaker responded as follows:

My Fellow Members. When on the first day of the present session you elected me to the high office which I have since filled, I said to you then that it should be my effort to preside with absolute impartiality and fairness, and to give you as near as I knew how a strictly business administration. How well I have kept that pledge is for you to judge When after an eighty-day session of this body, one of the longest in the history of the State, we are now about to separate and depart to our respective homes, we do so in a spirit of good fellowship, with absolutely no feelings other than those of personal good will each to the others. I am satisfied that however you might have differed in your views with those of your Speaker, nevertheless I feel and believe that you fully thought that we each arrived at our different conclusions in a spirit of both honesty and fairness, having but one object in view, to do those things which we thought were for the best interests of our State. And when these different views were adjusted, as all matters must be adjusted, by the will and by the votes of the majority, we each and all of us acquiesced in their judgment, and abided by it. Thus on this last day of the session I bid you farewell, with but the kindliest feelings towards each and all of you, Democrat and Republican alike. You have all shown to your Speaker that degree of courtesy and of deference which the Chair has a right to expect and which, in this instance, he so highly regards coming from such a high class body of men as has constituted the present Assembly. It is generally conceded by both the press and the public that the present Legislature is one of the best in the history of the State, and, in my opinion, to be able to say in the future that you have been a member of the present Legislature is, indeed, in itself a high honor, and to have presided over the deliberations of this body is a still higher one

In taking leave of you to-day I also give a last farewell to this Chamber, where I have served for so many years, and where the memories surrounding the many contests in which I have engaged are the fondest and most pleasant. It is my hope and wish that this is my last appearance in public life,—for while I have enjoyed the strenuousity attached to the office I have filled, yet I feel that I have done my full duty to the people of the State, and that I am now justly entitled to retire In bidding farewell to public life I do so with a feeling of relief, but nevertheless with some feelings of regret I have made many warm and lasting friendships, and in the future I will look back upon the days spent in this hall as among the most interesting and enjoyable in my life: and I feel that my constituents and the people of the State understand and believe that in my entire public career I have been actuated with but one thought, and that was to do those things which, in my judgment I thought to be right, and regardless of criticism either public or private, I have adhered strictly to that rule. And now in retrospect, in looking back over my legislative career, I find no reason to regret the course I have taken upon any public question, nor have I any apologies to make for any vote of mine upon any public measure.

This session of the Legislature has proved to be a most strenuous one and to me unexpectedly so. Had I known the great responsibilities that were to rest upon my shoulders I would have hesitated long before accepting the Speakership In all of the issues, however, that have confronted us, they have been met fairly and squarely without equivocation of any kind: and how they have been solved is a matter of history Many measures of the utmost importance have been enacted into law The first of importance to engross our attention was the anti-race track bill The people demanded the enactment of this into a law and the Legislature responded promptly. The next great issue was the so-called "anti-Japanese bill," which attracted the attention of the national administration and the world at large. Had these bills been enacted into laws serious international complications would have arisen which would have embarrassed both our national and state governments The Legislature responded to the appeal of the national administration and refused to pass these measures, and in lieu thereof we have gone on record by resolutions expressing the desire of the people of the Pacific coast that exclusion laws be extended so as to include all Asiatics This sentiment, I believe, is well nigh universal on this coast, and in my judgment will be heeded not only by the national administration but by the governments of the far East, and thus in a rational, safe and sane manner, will the desires of the people be accomplished.

Another measure of importance is the new code of laws regarding the banking system of the State This, when put into force, and properly executed, will, in my judgment, do more to rejuvenate the financial condition throughout California than any other one or all of the measures passed by this body. It will compel each and every bank in the state to do business along strictly business lines It guarantees to the depositor a safety of investment of his money heretofore unknown, and when the workings of these new laws are thoroughly understood money will pour out of its hiding places into the banks and through them into legitimate channels of trade, failures of banking institutions will be unknown, and losses to depositors unheard of.

We have enacted a railroad rate bill which will give to the shippers of the State the relief which they have long sought. We have agreed to a reciprocal demurrage bill, which will aid along those lines

We will again submit to the people a constitutional amendment providing for a separate and distinct system of State taxation. We have passed a standard form of fire insurance policy which will leave no questions for adjustment between the insurer and the uninsured. We have added many important amendments to our pure food laws. We have added new and humane rules for the government of our penitentiaries. We will submit to the people a plan for the building of State roads on a scale unknown and unheard of in other states in the Union, and bills providing for immense improvements in the harbor and bay of San Francisco. We have also passed other measures placing different departments of the State upon a better business basis and have appropriated millions for the care of the afflicted in our asylums. We have also passed educational laws which will elevate and improve our entire school system in all of its departments.

Labor has also received consideration at our hands, and many laws to protect the laboring man have been passed by practically unanimous vote.

And as a last important act of the session, we have passed a direct primary bill which, when understood and digested, by the electorate of the State, will prove to be the very best law of its kind in existence in any state in the Union. It is impossible for me at this time to enumerate except briefly the many matters coming before us, but I do believe that when in retrospect the press and the public look back over this session and digest the work accomplished they will have absolutely no cause to complain of any measure which has been passed by this legislature, and met with the approval of the Governor, and nothing irrational or illogical will have found a place upon our statute books. When they consider the fact that approximately two thousand new measures have been before us for consideration, this feat in itself is most remarkable; and to me and to you it should be a source of sincere congratulation that our work has been so successful

In conclusion, permit me to say to you, first to our friends, the Democracy, that while I deprecate the fact that there are any Democrats in the Legislature, still, if we must have them, give us the kind that have served with us in this Assembly, for while they were partisans, and justly so, nevertheless they have been as citizens of California, legislating solely with a view of accomplishing the greatest good to the greatest number, and to the majority let me say that if we must have factions within our party, which I also deprecate, let us have men in those factions of the same calibre and character of those who have served in this session, for they too have been actuated solely with a desire to do those things which in their judgment were best for the State.

I believe that the Republican party can safely go into the campaign of next year and before the people with a clear certificate of character, and with a clean bill of health; and the people will make no mistake in continuing this party in control of all the departments of the State

Again permit me to express to you my high appreciation of the extreme courtesy and consideration I have received at your hands, and permit me to reiterate the statement made by me in my address on the first day of this session, to wit, that the acquaintances so begun will develop into lasting and endearing friendships

COMMITTEE FROM THE SENATE.

A committee from the Senate, consisting of Senators Welch, Caminetti, and Kennedy, appeared before the bar of the House and stated that the Senate had completed its labors and was ready to adjourn, and desired to know if the Assembly had any further communication to make to the Senate.

SPEAKER'S REPLY.

The Speaker informed the committee that the Assembly had appointed a committee to wait upon the Senate to inform that body that the Assembly was ready to adjourn.

RESOLUTION.

The following resolution was offered:

By Mr. Drew:

WHEREAS, The curtain is about to ring down and the finale to close the thirty-eighth session of the California Legislature; and

WHEREAS, The Honorable Grove L. Johnson, the sage of the California Legislature, has been one of the chief factors in molding and shaping the legislation of this session, as well as of many sessions prior thereto, for the past thirty years; therefore, be it

Resolved, That we express our deep appreciation of Mr. Johnson's services to this Assembly, for the able and courteous manner of his assistance and helpfulness to us all

for his aggressive and earnest efforts for all moral legislation, and for his determined efforts in behalf of right and justice, and for his able conduct of the business of the Judiciary Committee, and be it further

Resolved, That we extend to him and his good wife our best wishes for their future success and welfare, trusting that they will enjoy the full measure of happiness of a long and prosperous life; and be it further

Resolved, That a copy of this resolution be printed in the Journal, and the Chief Clerk be, and he is hereby, authorized and directed to present a properly engrossed copy of the same to our esteemed colleague, the Honorable Grove L Johnson

Resolution read and adopted.

REMARKS OF CHAPLAIN.

Upon invitation, the Chaplain, Rev. Seren N. Marsh, addressed the Assembly as follows:

Mr Speaker, and Gentlemen of the Thirty-eighth Assembly of the State of California

At the time of my election to the Chaplaincy of your body I was not accorded the privilege of thanking you for the distinguished honor you had conferred upon me With all my heart I now return to you my sincere gratitude.

It is becoming that we should acknowledge the clemency of divine love which has been extended to us. There has been no interruption in our proceedings, and we have been enabled to carry forward the work of the State

On the 21st day of this month the angel of death visited the home of the beloved Assemblyman of the Fifty-ninth District, the Hon. John J. Wyatt, relieving him of the pains and sufferings incident to our earth life Proper action has been taken by this body with reference to his memory

I desire especially to be grateful to my loving Father in heaven, who has enabled me to meet all the obligations which have rested upon me. Never have I been absent on any occasion, and never late

As your spiritual counselor and overseer I have endeavored to walk worthily before you, that I might to some extent elevate you to a higher plane of life. On bended knees in my chamber, both morning and night, I have borne this Assembly upon the pinions of prayer before the "Great White Throne" I have come to love you all You have shown me brotherly kindness on all occasions, and not one of you has at any time wounded my feelings I sincerely trust that the Great Jehovah will hear my prayer, and bring you all in His own best time to the inheritance of eternal life

As to myself, I have placed my hand in the hand of my loving Father, and fully expect Him to lead me step by step to the end of my journey.

Wishing you a safe transit to your respective homes, and trusting that we shall all meet in the "general assembly and church of the first born," I bid you a most tender and loving farewell

APPOINTMENT OF COMMITTEE.

The Speaker announced the appointment of Messrs. Transue, Beardslee, Leeds, Hewitt, McManus, McClellan, and Schmitt as a committee to represent the State of California at the Alaska-Yukon Exposition at Seattle, in conformity with Assembly Concurrent Resolution No. 5.

RESOLUTION.

The following resolution was offered by Mr. Johnson of Sacramento:

IN MEMORIAM.

In the death of Hon. J. J Wyatt the State of California has been deprived of the services of a public servant whose every aim was to improve the laws and advance the interests of our commonwealth The county of Monterey, that he honored by his residence and that honored him by successive reelection to this Assembly, has lost a citizen whose life was free from reproach, and whose example was ever inciting his friends and neighbors to do the right at all times.

We who were associated with him in the Assembly have felt most keenly his absence from our midst, because we had come in the past to rely upon his great ability, his innate honesty, and his keen perception of the necessities and proper bearing of each receiving proposition presented to the Legislature for decision, and to feel that when John J. Wyatt stated the law of the case we could safely follow his decision, knowing that good would result therefrom.

He has been taken from life in the prime of youthful manhood, and we regret that a career so full of promise of usefulness has been so suddenly terminated As a slight token of our regard for our departed member and friend we adopt this memorial, and do

Resolved, That we will attend the funeral of Hon. J. J. Wyatt in a body,

Resolved further, That this memorial and resolutions be printed in the Journal, and that a copy, duly engrossed, attested, and framed, be forwarded to the family of deceased,

and that a warrant be drawn, in favor of Clio Lloyd, upon the State Treasurer by the State Controller in the sum of $125, and the State Treasurer be and he is hereby directed to pay the same, the same to be used in defraying the expense thereof.

Mr. Johnson of Sacramento moved the adoption of the resolution.

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

AYES—Messrs Barndollar, Baxter, Beardslee, Black, Cattell, Cogswell, Collum, Costar, Dean, Drew, Feeley, Flavelle, Fleisher, Flint, Gerdes, Gibbons, Greer, Griffiths, Hammon, Hans, Hawk, Hinkle, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Juilliard, Leeds, Macauley, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Odom, Perine, Pulcifer, Rech, Rutherford, Sackett, Schmitt, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, and Young—48.

NOES—None.

REPORTS OF STANDING COMMITTEE.

The following reports of standing committee were received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 24, 1909.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled:

Assembly Bill No 154—An Act to provide for an exposition building at Los Angeles in Agricultural Park for the use of all of the counties of the State, for the purpose of maintaining permanent exhibits therein of the resources of the different counties, and to make an appropriation for the construction of said exposition building.

Assembly Bill No. 1407—An Act appropriating money to pay the claim of B A. Palmer against the State of California, on account of injuries sustained while in the service of the State of California in the National Guard thereof.

Assembly Bill No. 1450—An Act to amend Section 472 and Section 475 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the duties of the Attorney General, providing for an assistant, a chief deputy, deputies, clerks, phonographic reporter and stenographers in the Attorney General's office and fixing their salaries.

Assembly Bill No. 919—An Act to create a reclamation district to be called "American River Reclamation District Number 1," and providing for the control and management thereof.

Assembly Bill No 1313—An Act providing for topographic surveys and investigations of the water resources of the State, and making an appropriation therefor.

Assembly Bill No. 743—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts and, also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 59 thereof

Committee Substitute for Assembly Bill No. 745—An Act to amend Section 14 of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Assembly Bill No. 695—An Act to amend "An Act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force relating to estrays," approved March 23, 1901, by adding a new section thereto, to be known as section nine *a*, relating to appointment of poundkeepers outside of incorporated cities.

Assembly Bill No. 1087—An Act to prevent fishing or the taking of fish by means of weirs, dams, nets, traps or seines, in False Bay or in the entrance thereto.

Assembly Bill No 1404—An Act to amend Section 29 of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Assembly Bill No. 6—An Act to amend Section 170 of the Code of Civil Procedure.

Assembly Bill No 1409—An Act to amend section eight hundred and fifty of the Code of Civil Procedure, relating to notice of trial and service of notice thereof in the Justices' Court.

Assembly Bill No. 673—An Act to amend Article XVI of the Political Code, in regard to county boards of education

Assembly Bill No 815—An Act to amend section twelve hundred and thirty-eight of the Code of Civil Procedure, relating to the purposes for which the right of eminent domain may be exercised.

Assembly Bill No, 1428—An Act to prevent the destruction of wild game within the boundaries of the Pinnacles Forest Reserve and Pinnacles National Monument in the counties of San Benito and Monterey, in the State of California.

And were presented to the Governor March 23, 1909, at four o'clock P. M

YOUNG, Chairman.

Also:

ASSEMBLY CHAMBER SACRAMENTO, March 24, 1909.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled.

Assembly Bill No. 177—An Act to amend Section 1115 of the Code of Civil Procedure, relative to contesting certain elections.

Assembly Bill No. 1105—An Act to add a new section to the Code of Civil Procedure of California, to be known as Section 1810*a*, relating to conveyances by guardians

Assembly Bill No. 104—An Act to repeal three sections of the Code of Civil Procedure, numbered 953*a*, 953*b* and 953*c* respectively, relating to a new and alternative method for the preparation of records to be used on appeals from judgments, order of decrees of the Superior Court to the Supreme Court or District Courts of Appeal.

Assembly Bill No. 630—An Act entitled "An Act to amend Section 1564 of Article IV of the Political Code by increasing the allowance of money for conducting separate teachers' institutes."

Assembly Bill No. 735—An Act to amend Section 1576*a* of the Political Code of the State of California, relating to clerks of school districts

Assembly Bill No. 1102—An Act to amend Section 1696 of the Political Code of the State of California, relating to the duties of teachers

Assembly Bill No. 1431—An Act to allow unincorporated towns and villages to establish, equip and maintain public libraries; to provide for the formation, government and operation of library districts; the acquisition of property thereby; the calling and holding of elections in such districts, the assessment, collection, custody and disbursement of taxes therein; and to create boards of library trustees.

Assembly Bill No. 961—An Act to amend Section 8 of an Act entitled "An Act to provide for the organization and government of drainage districts for the drainage of agricultural lands other than swamp and overflowed lands, and to provide for the acquisition or construction thereby of works for the drainage of the lands embraced within such districts," approved March 20, 1903.

Assembly Bill No. 781—An Act to authorize the local boards of managers of the several State hospitals for the insane and homes for the feeble-minded of the State of California to employ regularly ordained ministers and priests to visit and perform spiritual duties and ministrations to the inmates of said State hospitals and homes for the feeble-minded, and to provide for their compensation.

Assembly Bill No. 137—An Act to amend sections two, three, four and six of an Act entitled 'An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof" approved February 20, 1905

Assembly Bill No. 84—An Act to amend an Act entitled "An Act to provide for the organization and management of county fire insurance companies" approved April 1, 1897, and Acts amendatory thereof, by amending Sections 10 and 11 thereof.

Assembly Bill No. 1284—An Act validating the title to lands selected by the State in lieu of surveyed school sections situated within the exterior boundaries of national reservations created by proclamation of the President of the United States and vesting the title of the State to such surveyed school sections in the United States

Assembly Bill No. 639—An Act governing and regulating plumbing, providing a state plumbing board, local boards of examiners and a state inspector of plumbing, and defining their duties, fixing their compensation and providing a special fund, and providing for the licensing of plumbers

Assembly Bill No. 179—An Act to provide for the appointment of a bake shop inspector and deputies; to provide for their compensation, and to define their powers and duties relating to the inspection of bake shops and bakeries

Assembly Bill No. 241—An Act providing for an assistant gardener for Sutter's Fort.

Assembly Bill No. 963—An Act making an appropriation for the erection of a combined power and lighting plant with a mechanical and electrical laboratory at the California Polytechnic School

Assembly Bill No. 964—An Act making an appropriation for the construction and equipment of barns at the California Polytechnic School.

Assembly Bill No. 1256—An Act to amend section three of an Act entitled "An Act for the registration of deaths, the issuance and registration of burial and disinterment permits and the establishment of registration districts in counties, cities and counties, cities and incorporated towns, under the superintendence of the State Bureau of Vital Statistics, and prescribing the powers and duties of registrars, coroners, physicians, undertakers, sextons and other persons in relation to such registration, and fixing penalties for for the violation of this Act," approved March 18, 1905.

Assembly Bill No. 1255—An Act to amend the Political Code of the State of California by adding a new section thereto, to be known and numbered as Section 415*a*, relating to the office of the Secretary of State

Assembly Bill No. 1072—An Act making an appropriation of one thousand seven hundred and twenty-five dollars ($1,725 00), to be applied to the cost of building concrete curb and gutter along the boundary of the grounds of the State Normal School at San Jose, and defining the duties of the Controller and Treasurer in reference thereto

Assembly Bill No. 1051—An Act to amend Section 642 of the Political Code of the State of California, relating to the fish commissioners and their assistants, and prescribing their powers and duties.

Assembly Bill No. 806—An Act to amend Section 2687 of the Political Code.

Assembly Bill No 1018—An Act to amend section four hundred and fifty-six of the Political Code, relating to the office of the Treasurer of State, his deputy and assistants and the salaries of the deputy and assistants

Assembly Bill No. 955—An Act to amend Section 4241 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the twelfth class.

Assembly Bill No. 185—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as section number 67*b*, relating to extra sessions of the Superior Court

Assembly Bill No. 27—An Act to provide for the employment of a clerk by certain justices of the peace and to pay the salaries of such clerk.

Assembly Bill No 317—An Act to promote the safety of employees and travelers upon railroads by compelling common carriers by railroad to properly man their trains

Assembly Bill No 1092—An Act to amend Section 4259 of the Political Code of the State of California relating to the salaries and fees of officers of counties of the thirtieth class, their deputies and assistants

Assembly Bill No. 1234—An Act for the establishment in the city of Santa Barbara of a state normal school of manual arts and home economics, and making an appropriation therefor.

Assembly Bill No. 724—An Act to amend Section 1874 of the Political Code, adding certain new sections, and changing the number of Section 1874*a*, all relating to text-books.

Assembly Bill No. 106—An Act authorizing certain suits against the State, and regulating the procedure therein.

Assembly Bill No 1145—An Act to amend Section 3495 of the Political Code of the State of California, relating to school lands belonging to the State and the affidavit on applications to purchase the same.

Assembly Bill No. 1144—An Act to amend Section 3498 af the Political Code of the State of California, relating to approvals of applications for State lands.

Assembly Bill No 803—An Act authorizing the payment into the general fund of the State treasury of moneys held for the redemption of certain coupons of the Central Pacific Railroad bonds of 1864, and providing for the redemption of said coupons.

Assembly Bill No 802—An Act authorizing the payment into the general fund of the State treasury of moneys held for the redemption of certain coupons of the civil bonds of 1857, and providing for the redemption of said coupons

Assembly Bill No. 580—An Act to amend Section 2144 of the Civil Code of the State of California relative to carrier's lien on property

Assembly Bill No. 579—An Act amending Section 1856 of the Civil Code of the State of California, relative to lien of depositary for hire on property

Assembly Bill No 686—An Act to amend Section 1663 of the Political Code, relating to the public schools

Assembly Bill No 1403—An Act to add four new sections to the Political Code of the State of California, relating to preparing a State budget.

Assembly Bill No. 1099—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as Section 1191*a*, relating to liens upon real estate, where reputed owner, after notice from health officer, or governing board of any city, town or sanitary district, refuses, neglects or fails to connect dwelling house and pumbing with sewer, and work and materials furnished to be held to have been done at the instance of such owner or person claiming any interest therein.

Assembly Bill No. 654—An Act to amend section eight hundred and seventy of the Penal Code of California relating to the keeping and furnishing of depositions on examinations in criminal charges

Assembly Bill No. 141—An Act to amend section thirty-six hundred and seventeen of the Political Code of the State of California, relating to the definition of terms and words.

Assembly Bill No 1031—An Act to amend Section 3514 of the Political Code of the State of California, relative to the issuance of certificates of purchase for state land.

Assembly Bill No 1448—An Act to amend Section 5 of an Act, which became a law February 25, 1901 entitled "An Act authorizing the incurring of indebtedness by cities, towns and municipal corporations for municipal improvements and regulating the acquisition, construction or completion thereof," as amended by an Act approved March 19, 1907

Assembly Bill No 1237—An Act to amend Section 4244 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the fifteenth class, and their deputies.

Assembly Bill No. 1033—An Act to amend section forty-two hundred and sixty-four of the Political Code, relating to salaries and fees of officers of counties of the thirty-fifth class

Assembly Constitutional Amendment No. 14—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding a

new section thereto, to be numbered Section 25 of article one thereof, relating to the right of the people to fish.

Assembly Bill No. 16—An Act to prevent any minor under the age of eighteen years visiting any prize fight, cock fight, or place where any prize fight or cock fight is advertised or represented to take place, and to provide a punishment therefor.

Assembly Bill No. 727—An Act to amend Section 1636 of the Political Code of the State of California, relating to taking the school census by providing for signature of parent or guardian to census, and by providing a fine for those refusing to give in the school census

Assembly Bill No. 790—An Act to amend Section 1259 of the Penal Code of the State of California, relating to what may be reviewed upon appeal taken by the defendant.

Assembly Bill No. 1002—An Act to amend section six hundred and fifty of the Code of Civil Procedure, relating to bills of exceptions

Assembly Bill No 355—An Act to amend Section 4275 of the Political Code of the State of California, relating to the compensation of officers of counties of the forty-sixth class.

Assembly Bill No 642—An Act to prevent false and incorrect representations and advertisements concerning articles offered for sale, and prescribing a punishment for the violation thereof.

Assembly Bill No 688—An Act to amend Section 1662 of the Political Code by determining the number of years of instruction in the day and evening elementary schools; determining the age of admission to the day and evening elementary schools, and providing for separate schools for Indian, Mongolian, and Chinese children, and authorizing the exclusion of children of filthy or vicious habits

Assembly Bill No. 1356—An Act to amend Section 4270 of the Political Code of the State of California, relating to the compensation of officers of counties of the forty-first class.

Assembly Bill No. 1125—An Act to amend Section 1195 of the Political Code, relating to constitutional amendments, how submitted.

Assembly Concurrent Resolution No. 8—Relative to appointment of a committee of five by the Governor, to investigate the feasibility of dividing the State into fish and game districts.

Assembly Bill No 1449—An Act making an appropriation for the pay of the officers and clerks of the Assembly for the thirty-eighth session of the Legislature.

Assembly Bill No. 773—An Act to change, establish and permanently locate the boundary lines of the county of Kings, and a portion of the south and east boundary lines of the county of Fresno.

Assembly Bill No. 1417—An Act to legalize bonds to be issued and sold by municipalities where authority for such issuance has already been given by a vote of more than two thirds of the electors of such municipality.

Assembly Bill No. 1402—An Act declaring February 12th, the birthday of Abraham Lincoln, a legal holiday, and providing for a half-day session of the public schools on such holiday, and providing for certain exercises in the public schools

Assembly Bill No. 628—An Act to appropriate money for promoting the study of agriculture in elementary and secondary schools.

Assembly Bill No. 1421—An Act appropriating three hundred and fifty dollars to be expended in purchase of a piano for the Whittier State School.

Assembly Bill No. 1446—An Act appropriating money to provide and equip quarters for the Hastings College of the Law.

Assembly Bill No 31—An Act to amend section number 2957 of the Civil Code, relating to chattel mortgages and the circumstances under which the same are void as to creditors and subsequent purchasers and incumbrancers.

Assembly Bill No. 167—An Act to amend sections one thousand nine hundred and eight, one thousand nine hundred and seventeen, and one thousand nine hundred and twenty-three of the Political Code of California, all relating to the enrolled militia

Assembly Bill No 231—An Act to amend the Code of Civil Procedure of the State of California, by adding a new section thereto to be numbered 1183*a*, relating to liens

Assembly Bill No. 282—An Act to amend section 775 of the Code of Civil Procedure, relating to sales in actions of partition

Assembly Bill No. 944—An Act to amend Section 1068 and Section 1074 of the Code of Civil Procedure, relating to writs of review.

Assembly Bill No. 1233—An Act to amend Section 4265 of the Political Code of the State of California, relating to the compensation of officers of counties of the thirty-sixth class and their deputies and assistants, and fixing the compensation of grand and trial jurors therein.

And were presented to the Governor March 23, at ten o'clock P. M.

YOUNG, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 24, 1909

MR SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled:

Assembly Bill No. 428—An Act to amend an Act entitled an Act to provide for the appointment of pilots, and defining their duties and compensation at the port of Wilmington, and bay of San Pedro, approved March 19, 1889.

Assembly Bill No 838—An Act to appropriate one thousand dollars for the erection of a monument in St. Mary's Cemetery, in the city of Oakland, county of Alameda, State of California, to the memory of Honorable John J. Burke, and appointing a commission to carry out the provisions thereof.

Assembly Bill No. 918—An Act to amend an Act to provide for the appointment of guardians of children maintained in any orphans' home or orphan asylum in this State, approved March 23, 1893

Assembly Bill No 945—An Act to amend an Act entitled an Act to form agricultural districts, to provide for formation of agricultural associations therein, and for management and control of the same by the State, and to repeal all Acts and parts of Acts in conflict with this Act, approved March 31, 1897, amendment approved March 15, 1901, by adding thereto and providing therein for a new district, to be known as agricultural district No. 46, composed of the county of Imperial.

Assembly Bill No. 1023—An Act to amend sections 15, 16, 16*a*, 16*c*, 16*d*, 16*e*, 19, 20, and 28, and to repeal Sections 17, 18, 21, 24, 25, 27, and 29, and to add a new section thereto to be numbered Section 17, and to renumber the sections so that they may follow consecutively, of an Act entitled "An Act to establish a school for the discipline, education, reformation, and protection of juvenile delinquents, in the State of California, to be known as the Whittier State School," approved March 11, 1889, and amended March 23, 1893, and March 7, 1905, and February 7, 1907; all relating to commitments to, and paroles and discharges from, the said Whittier State School.

Assembly Bill No. 1029—An Act to add a new section to the Penal Code to be numbered Section 413½, relating to sparring exhibitions and prize fights.

Assembly Bill No. 1243—An Act to amend Sections 3746 and 3756 of the Political Code of the State of California, relating to the publication of notice by the tax collector of the time when taxes become due, and when unpaid taxes become delinquent, and to the penalty on delinquent taxes.

Assembly Bill No. 1287—An Act to amend section nine hundred and seventy-eight of the Code of Civil Procedure of California, relating to undertakings on appeal from judgments of Justices' or Police Courts.

Assembly Bill No. 1354—An Act to provide for separate sewer districts within municipalities

Assembly Bill No. 1369—An Act authorizing property owners or their grantees or assignees to sue the State of California for damages done to real property situated at Wood Island, county of Sacramento, by reason of the construction and maintenance of jetties in the Sacramento River, known as Newtown Jetties, making an appropriation therefor and repealing an Act entitled "An Act to authorize the Lauritzen Company of San Francisco, a corporation, to sue the State of California," approved March 23, 1907.

Assembly Bill No. 1286—An Act to add a new section to the Code of Civil Procedure of California, to be known as section nine hundred and seventy-eight *a*, relating to the undertaking on appeal from judgments of Justices' or Police Courts

Assembly Bill No. 1416—An Act to amend the Political Code of the State of California, by adding a new section thereto, to be known and numbered as Section 419*b*.

Assembly Bill No. 1432—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, by adding thereto thirty-four new sections numbered 887 to 921, inclusive, so as to provide for municipal corporations of the seventh class.

Committee Substitute for Assembly Bills Nos. 64, 65, and 66—An Act to amend sections three hundred and fifty-three, fourteen hundred and twenty-five, and fourteen hundred and twenty-seven of the Political Code, all relating to Regents of the University of California.

Assembly Bill No. 281—An Act to amend Section 784 of the Code of Civil Procedure, relating to sales in actions in partition.

Assembly Bill No. 571—An Act to prevent the taking of fish by means of weirs, dams, nets, traps or seines, in certain tide water on the coast of Mendocino County.

Assembly Bill No. 574—An Act to amend Sections 10 and 14 of "An Act creating a state commission on voting or balloting machines, defining their powers, and providing for the use at the option of indicated local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result at such elections; and providing for the punishment of all violations of the provisions this Act," approved March 20, 1903.

Assembly Bill No 629—An Act entitled "An Act to amend Section 1880 of Article XXI of the Political Code, by increasing the purposes for which school bonds may be voted."

Assembly Bill No 670—An Act to amend Section 1617 of Article VII of the Political Code, relating to and defining the powers and duties of trustees of school districts and boards of education in cities by changing the provisions of certain sections, by adding new sections and by renumbering certain sections

Assembly Bill No. 1351—An Act to create a drainage district, to be called Yolo Basin Drainage District, to promote drainage therein, and to provide for the management and control of said drainage district

Assembly Bill No. 1252—An act to amend Sections 1240 and 1241 of the Code of Civil Procedure of the State of California, relating to the taking of private property for public use.

Assembly Bill No 163—An Act making an appropriation to pay assessments which may be levied against the Sutter Fort property by the city of Sacramento for street work.

Assembly Bill No. 221—An Act to amend section nine hundred and twenty-five of the Penal Code of the State of California.

Assembly Bill No. 222—An Act to amend section nine hundred and eighty eight (988) of the Penal Code of the State of California.

Assembly Bill No. 223—An Act to amend Section 995 of the Penal Code of the State of California.

Assembly Bill No. 975—An Act making an appropriation to pay the claim of George H. P Shaw against the State of California

Assembly Bill No 1126—An Act to add a new section to the Political Code of the State of California, relating to entry of amendments and propositions on ballots

Assembly Bill No 1282—An Act to add a new section to the Penal Code of the State of California, to be known and numbered section 402*e*

Assembly Bill No 1360—An Act to prevent the sale of thread of cotton, linen and silk, where such is not labeled as to its correct yardage and weight

Assembly Bill No 1413—An Act to create the office of attorney for the State Bureau of Labor Statistics.

Assembly Bill No 1424—An Act to aid in the carrying out of the provisions of an Act entitled, "An Act to provide for the gathering, compiling, printing, and distribution of statistics and information regarding the Japanese of the State, and making an appropriation therefor," making it the duty of certain officers to keep certain records and furnish such statistics and information.

Assembly Bill No 1441—An Act to repeal an Act entitled "An Act to provide for the accomplishment of the work of the direct improvement of the navigation of the Sacramento, San Joaquin and Feather rivers of the State of California, as recommended in the special report of the California Débris Commission, dated June 30, 1907, and made jointly by Brigadier General A Mackenzie, Chief of Engineers; C H McKinstry, Major, Corps of Engineers and Thomas H. Jackson, Captain, Corps of Engineers, of the United States Army, and printed with the annual report of the Chief of Engineers of the United States Army, for the fiscal year ending June 30, 1907, and making an appropriation for such work," approved February 12, 1909

Assembly Bill No 1447—An Act to amend section three thousand seven hundred and thirteen of the Political Code of the State of California, relating to the levy of taxes

Assembly Concurrent Resolution No. 18—Relative to granting leave to certain members of the Assembly to leave the State for a period of more than sixty days

Assembly Bill No. 320—An Act to amend Sections 1, 3, 8, 20, and 21 of an Act, approved March 23, 1901, and entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relating to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California," approved Mrach 12, 1885;" to repeal Sections 13 and 24 of said Act; also to amend Sections 10, 12, 14, and 19 of said Act as amended by an Act approved March 20 1903; also to amend Section 21½ of said Act as added thereto by said Act approved March 20, 1903; and also to amend Section 15 of said Act of March 23, 1901, as amended by an Act approved March 6, 1907, all relating to the Board of Dental Examiners of California, and the regulation of the practice of dentistry in the State of California.

Assembly Bill No 1265—An Act to amend section four hundred and fifty-seven of the Political Code.

Assembly Bill No. 1178—An Act to amend Section 604 of the Political Code, as to proceedings concerning insolvent insurance corporations.

Assembly Bill No. 1187—An Act to amend Section 604 of the Political Code, as to proceedings concerning insolvent insurance corporations

Assembly Bill No. 1186—An Act to amend Section 618 of the Political Code as to deposits required of insurance companies organized under the laws of this State

Assembly Bill No. 1185—An Act to amend Section 594*a* of the Political Code, as to deposits of insurance companies not organized under the laws of this State

Assembly Bill No 1181—An Act to repeal Section 600*a* of the Political Code, and to reenact same as Section 603*a* of the Political Code.

Assembly Bill No. 1136—An Act to amend Sections 22 and 57 of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, and to add two new sections thereto

Assembly Bill No. 916—An Act to amend section twenty-five hundred and forty-one of the Civil Code of the State of California, relating to assignment to mortgagee of thing insured.

Assembly Bill No. 915—An Act to amend section twenty-seven hundred and fifty-six of the Civil Code of the State of California, relating to measure of indemnity.

Assembly Bill No. 824—An Act to amend an Act entitled "An Act to amend an Act entitled "An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for the appointment of the members of said commission, to be known as "The Commissioners for the revision and reform of the law," and to prescribe their powers and duties, and to authorize the appointment of a secretary and stenographer therefor, and to provide for the compensation and expense of said commission, secretary and stenographer, and to appropriate money therefor," approved March 28, 1895," approved March 25, 1903, by amending section seven thereof.

Assembly Bill No 759—An Act to amend section seven hundred and fifty-one of the Political Code relating to deputies of the Clerk of the Supreme Court

Assembly Bill No. 99—An Act allowing certain pensions and providing for the payment of the same, of employees of twenty-one years and upwards of service by the State of California in one or more of the public institutions of this State for the insane, and those who shall become disabled while in the service of the State of California in one or more of the public institutions of this State for the insane, and providing for the payment thereof

Assembly Bill No. 1359—An Act to amend section seven hundred and seventy-four and section seven hundred and seventy-five of the Political Code, relating to the preparation and printing of the reports of decisions of the Supreme Court.

Assembly Bill No. 1358—An Act to amend Section 1444 of the Code of Civil Procedure, relating to appraisement of estates and pay of appraisers

Assembly Joint Resolution No. 11—Relating to maintaining without reduction the present tariff on wool imported into the United States from any foreign country.

Assembly Bill No. 250—An Act to amend Section 1874 of the Political Code of California, relating to standing committee on text-books.

Assembly Bill No 1184—An Act to amend Section 602 of the Political Code, as to what constitutes insolvency of an insurance company

Assembly Bill No 1259—An Act to amend section ten hundred and eighty-four of the Political Code, relating to the qualifications and disabilities of an elector

Assembly Bill No. 1054—An Act to provide for the medical treatment of indigent residents afflicted with incipient pulmonary tuberculosis; and to prescribe the duties of the State Board of Health and other public officials with relation thereto

Assembly Bill No 133—An Act providing for the management of the California Redwood Park and creating a board of five commissioners with power to manage said California Redwood Park.

And were presented to the Governor March 24, 1909, at twelve o'clock M

YOUNG, Chairman.

READING OF MINUTES.

The minutes of Wednesday, March 24, 1909, were read and, on motion of Mr. Transue, approved.

ADJOURNMENT.

At twelve o'clock M., of Wednesday, March 24, 1909, the Hon. P. A. Stanton, Speaker of the Assembly, announced that the time for final adjournment of the thirty-eighth session of the Legislature of the State of California had arrived, and thereupon declared the Assembly adjourned *sine die*.

P. A. STANTON.
Speaker of the Assembly.

GEO. M. PERINE,
Speaker pro tem. of the Assembly.

CLIO LLOYD.
Chief Clerk of the Assembly.

H. A. HARPER,
Minute Clerk of the Assembly.

WM. NYE.
Journal Clerk of the Assembly.