SACRAMENTO DAILY RECORD-UNION.

DAILY UNION SERIES—VOL. XLIX—NO. 7477.
DAILY RECORD SERIES—VOL. XVI—NO. 1479.

SACRAMENTO, WEDNESDAY MORNING, JANUARY 7, 1880.

DAILY RECORD-UNION SERIES.
VOLUME 10—NUMBER 118.

THE DAILY RECORD-UNION.

Entered at the Post Office at Sacramento as second class matter

PUBLISHED BY THE

Sacramento Publishing Company.

WM. H. MILLS, General Manager.

Publication Office, Third st., bet. J and K.

THE DAILY RECORD-UNION

Is published every day of the week, Sundays excepted.

For one year	$10 00
For six months	5 00
For three months	3 00
Ten copies one year, to one address	80 00

Subscribers served by Carriers at TWENTY-FIVE CENTS per week. In all interior cities and towns the paper can be had of the principal Periodical Dealers, Newsmen and Agents.

Advertising Rates in Daily Record-Union.

One Square, 1 time	$1 00
One Square, 2 times	1 75
One Square, 3 times	2 50
Each additional time	50

	1 Week.	2 Weeks.	1 Month
Half Square, 1st page	$2 50	$3 50	$5 00
Half Square, 2d page	3 50	5 00	8 00
Half Square, 3d page	3 00	4 50	6 00
Half Square, 4th page	2 00	3 00	4 00
One Square, 1st page	3 50	5 00	7 00
One Square, 2d page	5 00	7 00	10 00
One Square, 3d page	4 00	6 00	8 00
One Square, 4th page	3 00	4 00	6 00

Star Notices, to follow reading matter, twenty-five cents a line for each insertion.

Advertisements of Situations Wanted, Houses to Let, Society Meetings, etc., of FIVE LINES OR LESS, will be inserted in the DAILY RECORD-UNION as follows:

One time	25 cents
Three times	50 cents
One week	75 cents

Seven words to constitute a line.

THE WEEKLY UNION

[Published in semi-weekly parts],

Is issued on Wednesday and Saturday of each week, comprising Eight Pages in each issue, or Sixteen Pages each week, and is the cheapest and most desirable Home, News and Literary Journal published on the Pacific coast.

Terms, One Year $2 00

Semi-Weekly Union Advertising Rates.

Half Square, 1 time	$1 00
Each additional time	50
One Square, 1 time	2 00
Each additional time	1 00

WANTED, LOST AND FOUND.

Advertisements of five lines in this department are inserted for 25 cents for one time; three times for 50 cents or 75 cents per week.

WANTED—BY AN AMERICAN WOMAN, A position as housekeeper or to do general housework. Address "J.," this office. ja5-3t*

$1,000 REWARD.

THE UNDERSIGNED WILL GIVE ($1,000) One Thousand Dollars Reward for the arrest and conviction of the person or persons who attempted the assassination of James Skinner at his residence at Green Valley, El Dorado county, Cal., on the night of December 11, 1879.

JAMES SKINNER.

Green Valley, December 17, 1879. d18-1m

TO LET OR FOR SALE.

Advertisements of five lines in this department are inserted for 25 cents for one time; three times for 50 cents or 75 cents per week.

TO LET—ONE HANDSOME SUITE OF ROOMS at the Howard House, K street, between Front and Second. ja6-1w

FURNISHED HOUSE TO LET, NO. 1213 Ninth, between L and M streets; during the Legislature, with gas and water. ja1-1w*

FOR SALE—THE ENGINE, BOILER AND other machinery used in the California Carriage Factory. Good as new. Will be sold at less than 50 per cent. of first cost. Apply to d12-tf THOMAS J. CLUNIE, Sacramento.

FURNISHED ROOMS TO LET, IN SUITS OR single, with or without board, at No. 922 M street, between Ninth and Tenth (near State Capitol). d11-tf

FURNISHED ROOMS TO LET—PLEASANT, quiet, home-like rooms, neatly furnished. To rent by the day, week or month, at prices that cannot fail to give satisfaction. Northeast corner Third and J. Entrances on J street, and on Third, between J and I streets. MRS. TEN EYCK. d10-tf

STORE FOR SALE.

THE STOCK AND FIXTURES of a Hardware, Tinware and Agricultural Implement Store, in the town of Chico, is offered for sale at a bargain to close the business. To a responsible party a good opportunity is offered to obtain control of an old established business at a very low figure. Capital required, $4,000 or $5,000.

Address W. J. BLACKWELL, Chico; or M. C. HAWLEY & CO., Sacramento, or San Francisco. ja5-1p1m

DENTISTRY.

W. WOOD,

DENTIST (LATE WITH H. H. PIERSON), successor to T. B. Reid, No. 317 J street, between Third and Fourth. Artificial Teeth inserted on all bases. Improved Liquid Nitrous Oxide Gas, for the Painless Extraction of Teeth. d24-tf

DENTAL DEPOT:

MASONIC TEMPLE, COR. SIXTH and K streets.

W. O. THRAILKILL, D. D. S., Editor and Publisher of the Dental *Jairus*, a Monthly Journal of Dental Science. d18-1ptf

B. B. BREWER,

DENTIST, SOUTHWEST CORNER OF Seventh and J streets, in Bryte's new building, up stairs. Teeth extracted without pain by use of Improved Liquid Nitrous Oxide Gas d16-1p1m

R. H. PIERSON,

DENTIST 415 J STREET, BETWEEN Fourth and Fifth, Sacramento. Artificial Teeth inserted on Gold and al bases. Nitrous Oxide or Laughing Gas administered for the painless extraction of Teeth. d14-1m

F. F. TEBBETS,

DENTIST, 155 J STREET, BETWEEN Fifth and Sixth, Sacramento. Artificial Teeth inserted on Gold and al bases. Nitrous Oxide or Laughing Gas administered for the painless extraction of teeth. d13-1m

WATCHES, CLOCKS, JEWELRY

WILLIAM B. MILLER

(Late with Floberg),

NO. 190 J STREET, NEAR SEVENTH, Watchmaker and Jeweler. Importer and dealer in Watches, Silverware, Jewelry, Etc. Repairing a specialty, under Robert Marsh. All country orders promptly attended to. d29-1ptf

JOHN CONRAD,

DEALER IN WATCHES, CLOCKS, JEWELRY, Etc., 113 J street (opposite Kirk & Co.'s). All Watches and Clocks sold in my establishment warranted. Repairing Clocks and Watches my specialty. d3-1ptf

J. B. KLUNE

(Late with Wachhorst, and successor to Floberg),

WATCHMAKER AND JEWELER, NO. 60 J street, between Second and Third. Dealer in Watches, Clocks, Silverware, Jewelry, Etc. Repairing in all its branches a specialty, under Mr. FLOBERG. o10-1p1m

FRUITS, SEEDS AND PRODUCE.

LYON & BARNES

COMMISSION MERCHANTS AND DEALERS IN Produce, Vegetables, Butter, Eggs, Cheese, Poultry, Green and Dry Fruits, Honey, Beans, etc.

ALFALFA SEED.

Potatoes in car-load lots or less.

d23-1ptf Nos. 21 and 23 J street.

R. LEVY,

WHOLESALE COMMISSION MERCHANT and dealer in Foreign and Domestic Fruits Cigars and Tobacco, Pipes and Smokers' Articles, Cutlery and Notions, Nuts, Candies, etc., No. 54 J street, Sacramento. d11-1p1m

M. T. BREWER & CO.,

Commission Merchants and Wholesale

DEALERS IN

GREEN FRUIT, DRIED FRUIT, PRODUCE Vegetables, Honey, Seeds, Alfalfa Seed, Etc.,

Nos. 30 and 32 J Street, Sacramento.

d8-1ptf

W. R. STRONG & CO.,

Wholesale Commission Merchants

AND DEALERS

IN ALL KINDS OF CALIFORNIA GREEN AND Dried Fruits, Nuts, Honey, and General Merchandise.

All orders promptly attended to. Address,

W. R. STRONG & CO.,

d8-tf Nos. 6, 8 and 10 J street, Sacramento.

G. GRIFFITH'S

PENRYN

GRANITE WORKS,

PENRYN, CAL.

THE BEST VARIETY AND largest quarries on the Pacific Coast. Polished Granite Monuments, Tombstones and Tablets made to order

Granite Building Stone

Cut, dressed and polished to order. jy11-1p6m

THE MECHANICS' STORE.

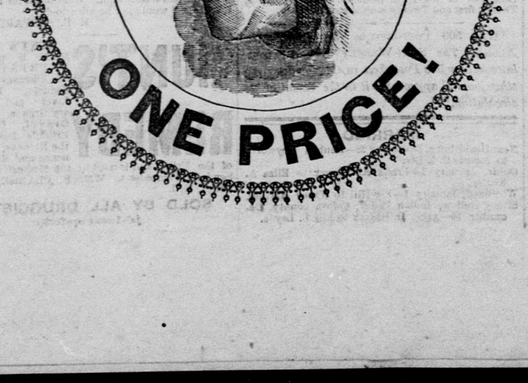
DURING THE WINTER MONTHS,

From and after the 1st of JANUARY, 1880,

WE WILL CLOSE AT 7 P. M.,

Saturdays and Pay Days at the Railroad Shops excepted.

WEINSTOCK & LUBIN.



CALIFORNIA LEGISLATURE

TWENTY-THIRD SESSION.

SECOND DAY.

[Phonographically Reported for the RECORD-UNION by Willis & Stockton.]

SENATE.

SACRAMENTO, January 6, 1880.

The Senate met pursuant to adjournment at 12 M., Lieutenant-Governor Johnson in the chair.

Roll called, and all the members present except Mr. Desty.

Minutes of yesterday read and approved.

Mr. JOHNSON—I move that the Senate do now proceed to the election of its officers in the order laid down in the Political Code.

Mr. DICKINSON—I second the motion.

The motion prevailed.

The LIEUTENANT GOVERNOR—The first business in order under this rule will be the election of a

PRESIDENT PRO TEM.

Mr. SEARS—Mr. President, I rise for the purpose of placing in nomination Senator George F. Baker, of Santa Clara, for that office. Our time is too precious to make any extended remarks, and I will simply say that we will wait and take his acts rather than the promises of his friends. He is a young lawyer of fine attainments and good executive ability, and if elected as President pro tem. of this Senate I am satisfied that he will, in presiding over the Senate, deal impartially with all Senators rather than be governed by partisan motives.

Mr. SATTERWHITE—Mr. President, I place in nomination for the position of President pro tem of this body the Hon. Warren Chase, of the Third District. In point of experience and public service that Senator has the advantage of any Senator upon this floor. He, sir, was 67 years of age upon the day when this Legislature convened. For our freedom, and the first time that he has appeared in a body like this. In 1850 and 1851 he was in the Senate of the State of Wisconsin. After that he was a member of two Constitutional Conventions of the same State, and if elected pro tem. of the duties of President pro tem. of this body I am satisfied, sir, he will do so to the satisfaction of all.

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

For Baker—Senators Burt, Brown, Carlock, Cheney, Davis, Dickinson, George, Hill, Hittell, Hudson, Johnson, Johnston, Lampson, Neumann, Nye, Pardee, Rowell, Sears, Traylor, Watson, Wendell and Zuck—22.

For Chase—Senators Andersen, Conger, Enos, Glascock, Gorman, Harlan, Kane, Kelly, Langford, Moreland, Nelson, Pool, Ryan, Satterwhite and West—15.

Senator Baker voted for Senator Sears, and Senator Chase for Senator Satterwhite.

George F. Baker was declared duly elected President pro tem.

The LIEUTENANT-GOVERNOR—The next business in order will be the election of a

SECRETARY.

Mr. DAVIS—I believe it is conceded that the duties of the Secretary of this Senate are most exacting and arduous. At this present session of the Senate all will concede that they will be more so than ever. The dominant party of this body, in making a selection for that office, have had these considerations in view and have been animated by the purpose of placing in nomination only a person who is eminently qualified for that position. I take pleasure in nominating Marcus D. Boruck, of San Francisco, for Secretary of the Senate.

Mr. ENOS—I rise to place in nomination for Secretary of the Senate, Samuel Carusi, of San Francisco, who is every way competent to perform the arduous duties of Secretary of the Senate. He has had experience and is qualified, and as such I commend him as a suitable person for Secretary of the Senate.

The roll was called and M. D. Boruck received 23 votes and Samuel Carusi 16 votes. Mr. Boruck was declared duly elected.

THE OTHER OFFICERS.

Mr. BAKER—I place in nomination for First Assistant Secretary J. R. Brierly, of Los Angeles.

Mr. CHENEY—I desire to place in nomination Jas. A. Orr.

Mr. ENOS—I move that we vote for both at once.

The LIEUTENANT-GOVERNOR—If there be no objection that will be taken as the sense of the Senate and we will vote that way. I hear no objection.

Mr. MORELAND—I place in nomination for Assistant Secretary Joseph Hotchkiss, of Sonoma county. He is a young man thoroughly qualified for the position.

Mr. CHASE—I place in nomination the name of Henry Carnes, of Santa Barbara. Mr. Carnes is a man of experience and ability and a man deserving, if any man is deserving, of something, at least from the Republican party. Mr. Carnes is a faithful and efficient man in every place. He is deserving and needy and I trust that some consideration will be given to our section of the State and district.

Mr. DAVIS—One of the Senators in making his nomination designated his candidate as First Assistant Secretary. We are liable to fall into some confusion.

The LIEUTENANT-GOVERNOR—They are both equal. When the Secretary calls the roll the Senators will announce the two parties for whom they vote for Assistant Secretaries of the Senate.

The roll was called, with the following result: Brierly, 25; Orr 26; Hotchkiss, 13; Carnes, 15.

Messrs. Brierly and Orr were declared duly elected.

The LIEUTENANT-GOVERNOR—With the consent of the Senate, at the request of the Secretary, I will swear in Mr. Boruck, whom you have elected, and let him assume the duties of his office at once. It will relieve Secretary Shoemaker, who is not able to read this morning. If there be no objection I will administer the oath to Mr. Boruck.

Mr. Boruck came forward, was sworn in, and at once assumed the duties of his office.

SENATOR DESTY.

Mr. ENOS—If there be no objection I have a communication that I desire to have read. It is of importance to the Senate and I desire to have it read. The secretary read the following dispatch:

NEW YORK, January 5, 1880.

To the President of the Senate: Unavoidably detained. Will appear and present credentials soon as possible. ROBT. DESTY, Joint Senator.

Secretary Boruck stated that there was also on his desk a communication from Mr. Desty, directed to the Secretary of the Senate to the same effect.

Mr. ENOS—I move that it be referred to the Committee on Elections when appointed.

The LIEUTENANT-GOVERNOR—If there be no objection the papers will take that course. The next business in order is the election of a Sergeant-at-Arms.

Mr. HILL—I rise to place in nomination Andrew Wasson, of Monterey county, for the position of Sergeant-at-Arms of the Senate. Without taking up the time of the Senate with any eulogistic remarks with regard to this gentleman, I will say that he is in every respect qualified for the position of Sergeant-at-Arms of the senate.

Mr. CONGER—I place in nomination Philip Openheimer, a young man raised in Sacramento and now residing in San Francisco. He is in every way qualified to fill the position. At this time I will not make any speech upon the subject, but leave it to the Senate.

On a call of the roll Mr. Wasson received 23 votes and Mr. Openheimer 16 votes, and the former was declared elected.

The LIEUTENANT-GOVERNOR—The next order of business is the election of an Assistant Sergeant-at-Arms.

Mr. PARDEE—I rise, sir, to place in nomination the name of a gentleman from Sierra county, Griffith Meredith. He has been long identified with a position similar to the one he now aspires to, and if elected I am satisfied that he will give satisfaction to every member of this Senate.

Mr. GORMAN—I will place in nomination Thomas Terry, for the position of Assistant Sergeant-at-Arms.

On a call of the roll Mr. Meredith received 23 votes and Mr. Terry 16 votes. The former was declared elected.

ASSEMBLY MESSAGE.

A message was received from the Assembly informing the Senate that the Assembly had completed its organization by the election of all its officers, a list of which was given, and that it awaited the pleasure of the Senate for legislative business.

Mr. WENDELL—I rise for the purpose of placing in nomination for the position of Minute Clerk Walter R. Lambert, of Solano County.

The roll was called and Mr. Lambert received 27 votes, two being cast for Mr. McStay. The former was declared elected.

Mr. BURT—I desire to place in nomination for Journal Clerk the name of Charles H. Graham, of Placer County.

Mr. CONGER—I nominate A. M. Stone, of San Francisco.

Mr. Graham received 24 votes and Mr. Stone 15, the former being declared elected.

Mr. WATSON—I desire to place in nomination for the office of Enrolling Clerk E. A. Roberts, of Nevada.

Mr. Roberts received 28 and all the votes cast, and was declared elected.

The Assistant Secretaries, Messrs. Brierly and Orr, were then called to the desk and sworn in by the Lieutenant-Governor.

Mr. JOHNSTON—I rise to place in nomination for the position of Engrossing Clerk E. E. Ames, of Sacramento, an old and respected citizen of Sacramento, who will perform the duties of the position correctly.

A NEW DEPARTURE.

Mr. ENOS—I have the pleasure and the honor to rise to present the name of Mrs. E. F. Ives as Engrossing Clerk of this Senate. She has all the qualifications necessary to perform the duties of that position. She has been Engrossing Clerk for two years in the State of Iowa, and she comes recommended as competent to discharge the duties which this position demands. I hold in my hand testimonials in behalf of Mrs. Ives, and I will read one or two brief extracts taken from the report of the committee at the close of the session in the years 1874–5: "Mrs. E. F. Ives waited patiently through the long reign of the 'two fifties' for the position which she, as Engrossing Clerk of the Iowa House of Representatives, obtained as soon as the House was organized. She is a native of New York, and was early left to her own guidance and support. Teaching was her resort till her marriage and settlement in Iowa, where, in connection with farming, she has kept up literary pursuits as correspondent and editor, and particularly during the occupancy of the office of County Superintendent of Schools, was active in the educational field. She has been one of the directors of the State Horticultural Society two years, and has just begun to elect, as she has taught, in all, thirty-three terms of school." I hold, also, a testimonial from ex-Governor C. C. Carpenter, of Iowa. I therefore feel warranted in commending this lady to the favorable consideration of this Senate for the position of Engrossing Clerk. The new Constitution has provided for and encouraged and opened wide all the avenues of professions and callings to the ladies, and I think the Senate of the State of California should commence by inaugurating a system of liberality by giving to this lady this position. I trust that she will receive at your hands favorable consideration.

Mr. WEST—For the first time I have learned that Mrs. Ives is present. I had the pleasure of her acquaintance in the State of Iowa. I know something of her, and I know she is well-known there to be a very estimable lady, and one who possessed the entire confidence of the best men of the State. I do hope that Mrs. Ives' claims will be considered, and that she will be elected to the position to which she aspires.

The roll was called, and Mr. Ames received 21 votes and Mrs. Ives 18 votes. The former was declared elected.

Mr. Ames and all the other officers of the Senate were the nominees of the Republican caucus.

Mr. DICKINSON—I desire to place in nomination for the position of Postmaster of the Senate Wm. A. Crawford, a young gentleman well known to many members of the Senate. It is not necessary to say anything further in regard to him.

Mr. Crawford received all the votes cast—32—and was declared elected.

Mr. BROWN—I move that the Secretary forward a communication notifying the House of our organization.

The LIEUTENANT-GOVERNOR—I am informed that the House has adjourned until 2 o'clock.

Mr. ENOS—I desire to offer a resolution.

Mr. JOHNSON—The first business in order is the swearing in of these officers, commencing with the President pro tem. I therefore object to the consideration of the resolution at this time.

The LIEUTENANT-GOVERNOR—It may relate to the same thing.

The Secretary read the resolution:

Resolved, That the Secretary of the Senate be directed to inform the Assembly that the Senate is now organized and ready to proceed to business with the following officers: President pro tem., George F. Baker; Secretary, M. D. Boruck; Assistant Secretaries, J. R. Brierly and James A. Orr; Sergeant-at-Arms, A. Wason; Assistant Sergeant-at-Arms, G. Meredith; Minute Clerk, Walter R. Lambert; Journal Clerk, Charles H. Graham; Enrolling Clerk, E. A. Roberts; Engrossing Clerk, E. E. Ames; Mail Carrier, Wm. A. Crawford.

Mr. JOHNSON—The resolution is out of order, because they are not sworn in yet.

The LIEUTENANT-GOVERNOR—We will swear in the officers and then take up the resolution.

The officers-elect then came forward and were sworn in by Lieutenant-Governor Johnson.

The resolution offered by Senator Enos was then taken up and adopted.

RESOLUTIONS.

Mr. WATSON offered the following resolution:

Resolved, That a committee of five Senators be appointed by the President whose duty it shall be to draft standing rules for the government of the body.

Mr. ENOS—I move that the resolution be adopted.

Mr. JOHNSON—I move that it be laid on the table temporarily.

The LIEUTENANT-GOVERNOR—If there be no objection it will lay on the table to be called up at any time.

Mr. DAVIS offered the following joint resolution:

Resolved, by the Senate, the Assembly concurring, That the two bodies meet in joint convention on Wednesday, January 7th, at 12 o'clock, noon, for the purpose of canvassing the vote and declaring the result of the election for Governor and Lieutenant-Governor.

The LIEUTENANT GOVERNOR—I will state that we will have to announce ourselves as organized to the Assembly before we can pass a concurrent resolution. If there be no objection the resolution will lay on the table for the present.

Mr. PARDEE offered the following concurrent resolution:

Resolved, by the Senate, the Assembly concurring, That a joint committee of six, three from the Senate and three from the Assembly, be appointed to notify the Governor that the Legislature is now organized and ready to receive any communication he may wish to make it.

The resolution took the same course.

Mr. JOHNSTON offered the following joint resolution:

Resolved by the Senate, the Assembly concurring, That a committee consisting of three members of the Senate and three members of the Assembly be appointed to confer with the Governor and Lieutenant-Governor elect, as to what time the inauguration ceremonies shall take place, and that said committee have full power in the matter.

The resolution took the same course.

By Mr. ENOS—*Resolved*, That the Secretary of State be and he is hereby requested to place upon the desk of each Senator a copy of the codes and amendments and statutes.

Mr. SATTERWHITE—That resolution perhaps had better be amended so as to read Hittell's Codes and Statutes. Two years ago a similar resolution was adopted, and the Secretary of State sent word that he did not have a sufficient number to furnish the Senate. The Senate at that time adopted a resolution that he purchase a sufficient number of Hittell's Codes and Statutes. I move to amend the resolution by inserting the word "Hittell's."

Mr. ENOS—I accept the amendment.

Mr. BAKER—I would like to inquire whether the same copies can be used by us or not, or whether this involves the purchase of forty new copies.

Mr. SATTERWHITE—I have on my desk the same copies that I used two years ago, and I am informed by Secretary Beck that he has about two-thirds of the number that were used two years ago. About one-third of the members took them home, and it will be necessary to purchase a few copies—perhaps ten or twelve.

Mr. BAKER—Then, Mr. President, I am opposed to this resolution, because they would be of service only for a short time, and if it involves the purchase of only fifteen new statutes I think it is unnecessary. A number of the members of this body are lawyers who probably have copies. If the resolution could be amended so as to request the Secretary of State to furnish the copies that he has, I could support it. I move that the Secretary of State be requested to furnish the copies he has in his possession.

The amendment was accepted and the resolution adopted.

By Mr. CHENEY—*Resolved*, That P. A. Bell be, and hereby is, appointed watchman, to have charge of the gallery, at a per diem to be hereafter fixed, payable out of the appropriation for the contingent expenses of the Senate.

The LIEUTENANT-GOVERNOR—The Chair thinks the resolution is out of order, for two reasons: first, it involves an appropriation of money for his pay; and second, that under the rules that appointment belongs to the presiding officer.

Mr. JOHNSON—I respectfully appeal from the decision of the Chair. I know of no law, I know of no rule, I know of no provision by which that resolution is out of order. The Senate of the State of California, under the Constitution of the State of California, may choose its own officers and fix their pay.

It has been done at every session of the Senate. It was done at the last session of the Senate by resolution.

The LIEUTENANT-GOVERNOR—I believe, if the gentleman will permit me, that the President of the Senate now appoints the Porters.

Mr. JOHNSON—This is not a Porter. If I understand the resolution calls for a watchman of the gallery. The Lieutenant-Governor appoints the Pages and Porters by courtesy of the Senate. If this Senate stood upon its constitutional privileges it could elect them all, and it is simply a courtesy that the Senate extends to him. It is for the Senate to say if they wish to have a watchman in the gallery.

The LIEUTENANT GOVERNOR—The Chair will state that there is no courtesy about this. The power is vested in the President of the Senate by an Act of the Legislature, passed by both houses and signed by the Governor, but it makes no difference. I will put the motion and save the time of discussing it.

Mr. ENOS—I move that $4 be inserted as the compensation per day.

Mr. JOHNSON—I will state, if the gentleman will pardon me, that the matter of compensation, as I am informed, was left blank because it was understood that the Committee on Contingent Expenses would report as to the compensation of all these minor officers, and then the matter could be done all at once. While I am perfectly willing to vote for the motion of the Senator if he desires it, I wish to state the reason why the compensation was left blank, as I am informed.

Mr. ENOS—The object of my amendment was that we might have to depend upon no circumstances or contingencies hereafter, and I insist on my amendment.

Mr. CHENEY—I accept the amendment.

Mr. SATTERWHITE—The Chair appoints three porters and three pages by law. Now, I move to amend that resolution by inserting before the word "watchman" the word "night," so as to read "night watchman," because the porters during the day can take care of the chamber. The Senate adopted last session the following resolution: "*Resolved*, That the Senate appoint a night watchman," etc. I move that amendment.

Mr. CHENEY—I understand that at the last session a watchman for the gallery was found to be absolutely necessary after trying to get along without him, and that a night watchman was also found to be necessary. I cannot, therefore, accept the amendment.

Mr. SEARS—The question has been raised whether we are not infringing on the right of the presiding officer, and not desiring to infringe upon those prerogatives, I move that this matter be laid over until it can be fully understood.

So ordered.

By Mr. BROWN—*Resolved*, That the Sergeant-at-Arms be empowered to appoint two Gatekeepers, one for each side of the Senate Chamber, at a per diem hereafter to be fixed by the Senate.

The LIEUTENANT-GOVERNOR—The Chair desires to state that I consider these officers named in the resolution as two of the Porters. Of course if it is any other officer than one of the Porters it is not an officer known to the law. This Senate has no more power to elect an officer not provided for by law than it has to elect a President of the United States, and it cannot pay for any officer that it is not authorized to elect by law.

By Mr. ENOS—*Resolved*, That the Secretary of State be and he is hereby requested to place upon the desk of each Senator a copy of the statutes of 1877–8. Laid over until to-morrow.

By Mr. PARDEE—*Resolved*, That the Sergeant-at-Arms be directed to furnish each member of the Senate with five daily papers, published in the State, or their equivalent in weeklies. Laid over until after organization.

By Mr. CHENEY—*Resolved*, That J. W. Johnston be and he is hereby appointed Mail Carrier of the Senate, at a per diem to be hereafter fixed, payable out of the appropriation for the contingent expenses of the Senate. Laid over until to morrow.

By Mr. DICKINSON—*Resolved*, That B. Cavanaugh be and he is hereby appointed Night Watchman, at a per diem to be hereafter fixed, payable out of the appropriation for the contingent expenses of the Senate.

Laid over until to-morrow.

By Mr. DICKINSON—*Resolved*, by the Senate, the Assembly concurring, that a joint committee of six, three from the Senate and three from the Assembly, be appointed to make the necessary arrangements, and to expend such sums of money as they shall deem necessary for the proper inauguration of the Governor-elect.

The LIEUTENANT GOVERNOR—It will take the same course.

Mr. ENOS—I move that it be laid on the table.

The LIEUTENANT-GOVERNOR—If there be no objection it will lay on the table.

CHAPLAIN.

By Mr. JOHNSON—*Resolved*, That the Senate complete its organization by the election of a Chaplain.

Mr. JOHNSON—I move the adoption of the resolution, and trust that a vote will be taken upon it now, and that it will not go over with the balance of the resolutions, to wait until the trump of some other Gabriel shall sound. If we are to have a Chaplain let us decide promptly. I have no desire to speak upon the subject except simply to say that I am in favor of having a Chaplain, and that I am in favor of deciding the matter now as to whether we have a Chaplain or not. I therefore ask for a vote on it now.

Mr. NEUMANN—Mr. President, as I understood your language before, there is nothing in the law that authorizes us to elect any officers except such as are given us in the law. I am not aware that the law provides for a Chaplain for this body. If that be the case I shall oppose the motion on that ground.

Mr. CHASE—Whatever respect I may have for the clergymen or their religion, I cannot consistently vote for this resolution nor for a Chaplain. If I understand the Constitution it prohibits our paying money out of the treasury for any religious institution or religious purposes, and as we have already decided in this State that religion is not necessary in the schools—prayers are not necessary in the schools—I think they are not necessary in the Legislature. I do not know that prayers are any part of legislation, or that they have any part in the law. To me it seems that it is extraneous, and that it is prohibited directly by the Constitution. I will not take up the time of the Senate by reading the articles which seem to me to prohibit the expenditure of any money for any religious purposes. I do not believe we have any right to pay for the services of clergymen either in this hall or elsewhere.

Mr. JOHNSON—As to the legal proposition which the Senator from San Francisco has given us by our presiding officer, I have this to say, that I know of no law which says that the Senate of the State of California shall not use the contingent fund in such manner it thinks best. On the contrary, the Senate of the State of California can spend every quarter of a dollar in the contingent fund of the Senate in the purchase of anything it desires, whether it be stationery, salaries for new officers or in presents to this man or that man. And if precedents are to govern, I would refer him to the last session, presided over by the same gentleman who presides over us so ably and so kindly, where officers were elected with his consent and received their pay upon his signature, to wit, a night watchman; to wit, mail carrier; to wit, watchman of the gallery; to wit, clerk to the Sergeant-at-Arms; to wit, clerks of the various committees. Now I call attention to that simply as a precedent. Now, when it comes down to the grand constitutional question, I have simply to say that I recognize the fact that this celebrated new Constitution, which we have all sworn to support, and I suppose we can, although we will find it difficult to do sometimes, commences thus: "We, the people of the State of California, grateful to Almighty God for our freedom, and in order to secure and perpetuate its blessings, do establish this Constitution." It seems to me that the gentlemen who framed this organic law were not afraid to recognize their dependence upon Almighty God. So far as appropriating money for religious purposes, if the gentleman will show me the section which applies, he will be able to show me a great deal more than I have been able to find. The only one which refers to it at all is section 30 of Article IV.: "Neither the Legislature, nor any county, city or county, township, school district, or other municipal corporation, shall ever make an appropriation from any public fund whatever, or grant anything to or in aid of any religious sect, church, creed, or sectarian purpose, or help to support or sustain any school, college, university, hospital, or other institution controlled by any religious creed, church, or sectarian denomination whatever; nor shall any grant or donation of personal property or real estate ever be made by the State, or any city, city and county, town, or other municipal corporation, for any religious creed, church or sectarian purpose whatever; provided, that nothing in this section shall prevent the Legislature from granting aid pursuant to section 22 of this article." Now, it may be that some cautious metaphysician may construe the election of a Chaplain and the paying him of a small per diem into an appropriation to support or sustain some religious sect, church, creed, or sectarian purpose. For one, my mind is not fine enough to see the distinction. For one, I am in favor of having a Chaplain, believing it to be legal and constitutional, and knowing it to be proper. This is a Christian community, and recognizing the fact that we are dependent, in the language of the Constitution, and that we are grateful to Almighty God, how can we better manifest it than for a few minutes at least each day putting away secular affairs and invoking religious aid. I make no pretension to any particular religious belief. Perhaps I might agree with the gentleman in his views, but I am speaking of this as an old and honored custom. I believe it to be a proper one. I believe it to be a legal one. I hope the Senate will adopt the resolution and not depart from a custom so old, so honored and so good as that of having a Chaplain.

Mr. ENOS—I offer the following as an amendment to the resolution—

The LIEUTENANT-GOVERNOR—The Chair desires to state that he is perfectly aware of the fact that all of this matter is out of order until the Senate is organized. I am perfectly satisfied of all this, yet we may as well act now as at any time.

Mr. ENOS offered the following substitute for the resolution:

Resolved, That the Senate hereby invites any and all clergymen of Sacramento to attend the opening of the Senate each day without pay.

Mr. ENOS—Now, Mr. President, as we are a Christian community, and as my distinguished friend from Sacramento has championed the cause of Christianity and the recognition of God in the Constitution and in the Senate Chamber, I trust we can get God's servants to come here without pay and give us a little spiritual warning and advice, and I trust the Senate will accept this as a substitute.

Mr. SEARS—I move that this whole matter go over until to-morrow, or until we are fully organized.

The LIEUTENANT-GOVERNOR—Both will lay over until to-morrow.

Mr. JOHNSON—I move that we take a recess until 2:30 o'clock.

The motion prevailed.

AFTERNOON SESSION.

The Senate reassembled at 2:30 P. M., Lieutenant-Governor Johnson in the chair. Roll called and a quorum present.

ASSEMBLY MESSAGE.

A message was received from the Assembly announcing the adoption of Assembly Joint Resolutions Nos. 1, 2 and 3.

The Secretary read Assembly Concurrent Resolution No. 1, providing for a joint session on Wednesday, January 7, 1880, at 12 o'clock M., to canvass the vote for Governor and Lieutenant-Governor, and it was concurred in.

Assembly Concurrent Resolution No. 2, providing for a joint committee of six to wait on the Governor and Lieutenant-Governor-elect, and ascertain what time they will be ready for inauguration, was read and concurred in.

Assembly Concurrent Resolution No. 3, providing for a joint committee of six to wait on Governor Irwin, and inform him that the Legislature was organized and prepared to receive any communication he might be pleased to make to it, was read and concurred in.

The Lieutenant-Governor appointed on the part of the Senate, under the last resolution, Senators Pardee, Watson and Brown.

Mr. JOHNSTON called up his resolution, introduced this morning, providing for a Committee on Arrangements for the inauguration of the Governor and Lieutenant-Governor-elect, and it was adopted.

The Lieutenant-Governor appointed on the part of the Senate, under that resolution, Senators Dickinson, Johnston and Satterwhite.

Senators DICKINSON and DAVIS withdrew the resolutions offered by them, and covered by the Assembly concurrent resolutions that had been concurred in.

Senator PARDEE, from the Special Committee appointed to wait upon Governor Irwin, reported that they had performed that duty, and that in a few minutes the Senate would receive the Governor's message.

BILLS INTRODUCED.

By Mr. JOHNSON—An Act to compel the restriction of false and defamatory articles in newspapers and publications. [This bill is an exact copy of the bill introduced by Mr. Johnson in the Assembly at the last session, and which attracted so much attention.]

The LIEUTENANT GOVERNOR—Under the old rule we were in the habit of reading bills by title and referring them. Under the new Constitution we have got to read this bill.

Mr. SATTERWHITE—I differ with the Chair on that proposition and will state why.

The LIEUTENANT-GOVERNOR—I hope that the gentleman will be able to show that it is not necessary, but I am inclined to think that it is.

MESSAGE FROM THE GOVERNOR.

E. W. MASLIN, Private Secretary of Governor Irwin, appeared in the Senate Chamber and said: I have the honor to transmit to you a message from William Irwin, Governor of the State of California, to the Legislature of this State. Also, to transmit to you the Governor's message announcing certain appointments, with the request that the Senate confirm and consent to the same.

On motion of Mr. JOHNSON, the latter message was made the special order for Thursday at 2 o'clock.

The opening of the other message was read, and, on motion of Mr. BROWN, it was referred to the appropriate committees when appointed, and 2,000 copies ordered printed.

Mr. SATTERWHITE—I think that the first and second reading of a bill may be by title, but on the third reading it must be read at length. Our Constitution provides: "Nor shall any bill be put upon its final passage until the same, with the amendments thereto, shall have been printed for the use of the members; nor shall any bill become a law unless the same be read on three several days in each house; unless, in case of great urgency, two-thirds of the house where such bill may be pending shall, by a vote of yeas and nays, dispense with this provision. Any bill may originate in either house, but may be amended or rejected by the other, and on the passage of all bills they shall be read at length, and the vote shall be by yeas and nays upon each bill separately, and shall be entered on the journal; and no bill shall become a law without the concurrence of a majority of the members elected to each house." I have compared that provision of our Constitution with other Constitutions. There are several State Constitutions of the United States which have this exact language. There are other Constitutions that use different language. In some of the Constitutions I see that they use the words, "they shall be read at large on three several days. Another expression is used, "shall be read at length on three several days." There are several expressions of that kind in the different Constitutions of the States. Now, sir, it is presumed that the members of the Constitutional Convention compared all these Constitutions and the expressions, and they adopted this one, "Nor shall any bill become a law unless the same be read on three several days," evidently intending that the bill should be read at length on the third day or upon its passage. If they had intended that the three readings of a bill should have been at length they certainly would have adopted the expression that we find in several Constitutions of the different States, and would have used the expression "read at length on three several days," or "read at large," or "read in full on three several days." I therefore come to the conclusion, sir, that we can read bills the first and second time by title and upon its third reading before passage it must be read at length.

Mr. JOHNSON—I desire to say that I have given this matter some attention, and that I am of the same opinion as the Senator from San Bernardino. I desire to say that I took counsel of other gentlemen, one of them well known to every lawyer in this State, who happened accidentally to be present. I allude to the Hon. A. C. Freeman, member of the Constitutional Convention, and his opinion is the same as the gentleman's from San Bernardino and mine, that the bills can be read by titles as heretofore, but they must be read at length on the final passage. I will state that I have no preference in this matter. As far as I am individually concerned I do not know of any more interesting reading to listen to than bills that I shall introduce, but at the same time I do not desire to introduce bills merely to interest and amuse, and I am willing to expedite business by abandoning all claim to have them read at full length, except upon their final passage. I believe it would be entirely legal and most eminently proper to read at length on the final passage. The words "at length" not being used the first and second times, they of course are only applicable to the third time.

Mr. SEARS—I also have given this question considerable investigation, and have arrived at the same conclusion that Senators Satterwhite and Johnson have. The object I had yesterday in making a motion for a Committee on Rules was in order that we might settle this question before any bills were introduced. But the question has now come upon us, and as it won