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SATURDAY.....JANUARY 10, 1880.

CALIFORNIA LEGISLATURE.

TWENTY-THIRD SESSION.

FIFTH DAY.

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

SENATE.

SACRAMENTO, January 9, 1880.

The Senate met pursuant to adjournment, President Mansfield in the chair.

Roll called and a quorum present.

Journal of yesterday read and approved.

Senator Traylor was granted leave of absence, on the request of Mr. Johnson.

APPOINTMENTS.

The Secretary announced the following appointments by the Lieutenant-Governor: Pages—Andrew Lawrence, Henry Dürner, Richard Levy, Percy Ross and John Larkin; Porters—Charles Collins, Edward Colter and George B. Johnson.

THE GOVERNOR'S PRIVATE SECRETARY.

The following message was received from the Governor: I have the honor to inform your honorable body that I have appointed Albert Hart as the Private Secretary of the Governor. All official communication which shall have to be made by your honorable body will be made through him.

RESOLUTIONS.

By Mr. DAVIS—Resolved, That the Sergeant-at-Arms be and is hereby authorized to retain four and deliver to Isaac S. Belcher, Thomas B. Stoney and A. C. Freeman one copy each of each bill introduced in the Senate at its present session.

Mr. ENOS—I would like to know the object of that resolution.

Mr. DAVIS—I would state to the Senators that I introduced this resolution at the request of Judge Belcher. The Senate knows that the three gentlemen named in this resolution have been appointed by ex-Governor Irwin and the present Governor, Perkins, as a Commission. The object of that Commission is well known to all. What action the Senate is to take in reference to that Commission I do not know, but it seems to me there cannot be any objection to granting the request of these gentlemen to have copies of these bills.

Mr. ENOS—It has been rumored that these gentlemen named by the honorable Senator have been selected by the outgoing and incoming Governors to do some work in relation to preparing Codes. The object of my inquiry as to the character of that resolution and its object was to prevent—by a resolution or in any way, without an understanding by the Senate—a recognition in any way of the appointment of these men to act. They have been appointed

WITHOUT AUTHORITY

And without any law, and without any provisions in the Constitution or in the law to make any compensation for them; and I do not know why we are called upon to spread upon the journals of this Senate any resolution of that character.

Mr. BAKER—I think that the resolution is perhaps somewhat premature and I would move to lay the resolution on the table for the present.

The motion prevailed.

THE INAUGURAL BALL.

Mr. JOHNSON offered the following resolution, which was adopted:

Resolved, That the use of the Senate Chamber and all adjoining rooms be and the same are hereby given to the Committee of the Inauguration Ball for the evening of Tuesday, January 13, 1880.

THE STANDING RULES.

Mr. SEARS, from the Committee on Rules, reported back of rules with the request that they be ordered printed before action be taken on them by the Senate. He moved that they be ordered printed.

Mr. SATTERWHITE—I would suggest to the Senator from Marin that we adopt that rule providing for the committees so that the presiding officer may know what committees are necessary and make the appointments accordingly. I move that we read that rule referring to the committees and adopt it now.

Mr. WEST—I am of the opinion that it would be well enough to have that rule read and take it up for consideration.

The PRESIDENT—The Secretary will read the rule called for.

Mr. PARDEE—I move that the rules be read seriatim. It strikes me that they could be as well read before printing as afterwards, and if any corrections are to be made they can be made better before they are printed than afterwards. It will take but a short time.

Mr. SEARS—I am as anxious as any one to consider the rules. I am ready to consider them now if the Senate is. I presume that the members would like to have copies so that they might examine the peculiar provisions about which we differ. I will withdraw the motion.

Mr. ENOS—I am not prepared to consent to the proposition of reading the rules now. I would like to have time to examine them. If the rules are now read I do not know that I am prepared to discuss them, as I would like to have time to consider them. This is a question of great importance, and we should have the rules laid before us here. I think the suggestion of the gentleman from Marin is a very proper one, that they should be printed, that we may have an opportunity to examine each rule.

Mr. WATSON—I trust that the motion will not prevail. I know of no reason why we should delay the rules before printing any more than we should any bill that is presented; and for one, I wou d like to have a copy of the rules before me when they are read so that I can intelligently discuss them and know what I am voting for.

The PRESIDENT—The question is on the motion of the gentleman from Ameda that the rule be read.

Mr. PARDEE—I cannot see any innovation upon ordinary rules. All bills are to be read before their adoption, and the rules that are now under consideration shall be read, and in order that the presiding officer may act in forming his committees, it is necessary that portion of them shall be adopted, and if that portion of them shall be adopted, why not read them all and adopt them all. It is not binding on the Senate, and if at some future time we find that the rules do not answer the wishes of the Senate they will be subject to revision or amendment. It is a quicker way to get along with this business to do it at once.

Mr. ENOS—There is perhaps nobody who knows anything about the rules except those who were on the committee.

Mr. PARDEE—They are good men.

Mr. ENOS—I have no doubt they are good and competent men; but I want time to examine these rules. The only way I see is that they be printed before they are acted upon. As I understand the motion we are called on to act upon them as they are read. Now, I am unprepared. As regards the suggestion that the President should have the rules, so that he may know what committees to appoint, the President can have that knowledge without having the rules now read and passed upon.

Mr. ZUCK—I hope that the motion will not prevail, and I concur in the remarks of the Senator who last had the floor. It is certainly unwise to act hastily upon the rules. Each Senator wants time to carefully consider them, and I think we would gain nothing by an attempt to adopt the rules at the present time, and I certainly hope that the motion will be defeated.

Mr. PARDEE—I withdraw my motion.

Mr. SEARS—I anticipated that this discussion would arise, and therefore made the motion to have the usual number of copies printed to expedite business. Then we can, probably at an early day next week, take up and adopt the rules. I now renew the motion which I made, that the usual number of copies be printed.

The motion prevailed.

TIME!

By Mr. JOHNSON—Resolved, That the Secretary of State be and he hereby is directed and requested to procure a clock, to be placed near the desk of the President.

Mr. JOHNSON—I will state the necessity of it. From the President's desk, as I am informed, the large clock cannot always be seen. There was one there, but the Secretary of State informs us that it is gone forever, and the only way is to get another.

The resolution was adopted.

READING OF BILLS.

By Mr. JOHNSTON—Resolved, That it is the sense of the Senate that the reading of bills the first and second times by title complies with the requirements of Section 15, Article IV., of the Constitution.

Mr. PARDEE—I move that it be referred to the Committee on Judiciary.

Mr. JOHNSTON—I hope that the motion will not prevail. When I state my reasons I think the Senator from Alameda will agree with me. My object in offering that resolution at this time was for the benefit of the Secretary's desk. There is an accumulation of bills there which cannot be disposed of. The object is not to take the matter out of the hands of the Committee on Judiciary. When that committee is appointed it will be referred to them, and they will report upon it. It is simply a temporary arrangement, so that the Secretary can regulate his desk. It is not intended as a standing rule of the Senate, and is not intended to become a part of the rules of the Senate. It is simply for a temporary arrangement until the Judiciary Committee is appointed. I move, as an amendment to the motion to refer, that it be adopted.

Mr. SEARS—Now, Mr. President, I am very much opposed to any action upon that resolution at this time, for it will only lead to confusion. That is the bone of contention on which this Senate will differ. That refers to a provision in the Constitution on which members of the legal fraternity do not agree, and this whole discussion will come up on the adoption of the rules when they are printed, and it is of no use to have this discussion twice. Many members have said here that they are unprepared to discuss this question now, and we have just by a vote of this Senate ordered the usual number of copies printed, in which is embraced a rule covering this very question. Therefore I move that the resolution be laid upon the table.

The motion prevailed.

"HOLD-OVERS."

By Mr. PARDEE—Resolved, That the report of the Committee on Contingent Expenses of the hold-over assistants be returned to the committee for correction.

Mr. JOHNSTON—I would like to ask what amendments are necessary.

Mr. PARDEE—I will state that it was a clerical error of the committee that we only gave the Pages in for one day, instead of three or four.

The PRESIDENT—It is very proper then.

Mr. SATTERWHITE—As the shadow of Bones has not gone yet and the question of hold overs is dangerous, I move to insert "temporary officers" instead of "hold-overs." [Laughter.]

Mr. DICKINSON—I second the amendment.

The PRESIDENT—Does the gentleman accept the amendment?

Mr. PARDEE—I don't accept anything.

The resolution was adopted.

DEATH OF HON. EUGENE FAWCETT.

Mr. CHASE—I rise to make a melancholy announcement, and I beg the indulgence of the Senate in announcing the death of the Hon. Eugene Fawcett, Judge of the Superior Court of Santa Barbara county and a member of the Constitutional Convention from our county. I move that when the Senate adjourns this day it adjourn out of respect for the memory of Hon. Eugene Fawcett.

The motion prevailed.

BACK PAY.

Mr. BAKER offered the following:

WHEREAS, In pursuance of an Act entitled an Act to provide for a Convention to frame a new Constitution for the State of California, approved March 20, 1878, a Constitutional Convention assembled in the Assembly Chamber, at the Capitol, in the city of Sacramento, on the 28th day of September, 1878; and whereas, the said Act, in Section 5 thereof, provided in terms that no compensation should be allowed delegates to the said Constitutional Convention after the expiration of 100 days; and whereas, the said Constitutional Convention remained and was in session for a longer period than 100 days, to wit, for a period of 157 days; and whereas, in violation of said Act providing for the assembling of said State Convention and the compensation of its members, the Constitutional Convention, after being paid in full for the term allowed by law, to wit, 100 days, at the rate allowed by law, to wit, $10 per day, by a formal resolution, issued to each member of said Convention warrants or certificates for the further period of 53 days, during which the said Convention remained in session after the 100 days, the time for which pay could be lawfully drawn, which said warrants are now extant and in the possession of various parties; and whereas, the Constitution proposed by the said Convention was afterwards, to wit, on the 7th day of May, 1878, adopted by a vote of the people, and is now the law of the land; and whereas, Section 19 of Article XX. reads as follows, towit: Section 19. Nothing in this Constitution shall prevent the Legislature from providing by law for the payment of the expenses of the Convention framing this Constitution, including the per diem of the delegates for the full term thereof; and whereas, by reason of the facts hereinbefore set forth, the people of the State of California are liable to be called upon to pay said warrants or certificates so improperly issued, as aforesaid, in violation of law, amounting in the aggregate to $86,640 United States currency; now, therefore, be it

Resolved by the Senate, the Assembly concurring, That Section 19 of Article XX. of the Constitution of the State of California be amended so as to read as follows:

Section 19. The warrants or certificates issued by the Constitutional Convention which met in Sacramento September 28, 1878, for the per diem of delegates, in excess of the 100 days for which compensation was allowed by law, is hereby declared null and void, and the Legislature is hereby prohibited forever from in any way acknowledging or paying the said warrants or certificates, or any of them, in whole or in part, or from passing any law for that purpose, or securing or providing for the same, or any of them, in whole or in part, by any appropriation of money, property, stocks, bonds or assets of any kind whatsoever to them paid.

Resolved by the Senate, the Assembly concurring, That the foregoing amendment shall be known as Constitutional Amendment No. 1. That it shall be submitted to the people of the State of California for their ratification or rejection at the next election for the members of the Assembly, to wit, at the election to be held on the first Tuesday after the first Monday in November, 1880. The ballots or tickets shall have printed on them the words, "For Constitutional Amendment No. 1, or, "Against Constitutional Amendment No. 1." Publication of the said proposed amendment shall be made by the Governor in his proclamation for the election of members of the Assembly to be held on the first Tuesday after the first Monday in November, 1880. It shall be his duty to set forth in his proclamation for the said election the foregoing amendment, and to call upon those desiring to ratify said amendment to write or print upon their ballots or tickets the words, "For Constitutional Amendment No. 1," and for those opposed to it to write or print upon their ballots or tickets the words, "Against Constitutional Amendment No. 1." No other publication than that made by the Governor in his proclamation shall be required.

Mr. SATTERWHITE—I move that the resolutions be referred to the Committee on Judiciary when appointed.

Mr. BAKER—I second the motion.

Mr. ENOS—I would add that they be referred to that committee with the understanding that they should never be printed.

The PRESIDENT—The amendment is out of order.

A QUESTION OF FACT.

Mr. WEST—I would move to amend that they be referred back to the author, with instructions to correct the matters of fact contained in the preamble. Mr. President, if I understood the reading, it averred that the members of the Constitutional Convention had received the full pay for the 100 days, which was not a fact, and it is proposed to establish for a fact what is not a fact, for there was a deficiency in the appropriation, which, if I remember right, paid only about 80 days, instead of 100. The motion is that they be respectfully referred back to the gentleman who have introduced them for corrections of matter of fact.

Mr. NYE—As no second has been made to that motion, I move that they be referred back to the author with instructions to strike out the entire preamble. Either the resolutions are right or wrong. If they are right they do not require the lengthy preamble by which they are preceded. We should vote upon them on their merits. Four lines would cover it all, or ten at least. I make that motion.

Mr. WEST—I second the motion.

Mr. BAKER—I think, with all deference to the opinions of the Senators upon this question, that the proper course for these resolutions to take is to go to the Judiciary Committee, and if that motion had not been made by the Senator from San Bernardino I should have made it myself. There are no intentional misstatement of fact in the resolutions. I am aware, every one must be who can make a simple arithmetical calculation, that the members of the Constitutional Convention had not been paid in coin for their services for the 100 days.

Mr. SEARS—I rise to a point of order. The motion is to commit the resolutions. Now, the merits of the resolutions cannot be discussed on a motion to commit or refer.

The PRESIDENT—The point is well taken.

Mr. JOHNSON—Before that is decided permit me to ask the Senator from Contra Costa if he thoroughly understands the motion. The question, as I understand it, is that they be referred with special instructions, to wit, to strike out the entire preamble. That necessarily, then, permits us to discuss the questions contained in the preamble.

Mr. SEARS—The point of order was taken on the motion to refer to the Judiciary Committee. That, I understand, is the motion before the Senate.

Mr. JOHNSON—The motion, as I understand, is by the Senator from Alameda, Mr. Nye, that these resolutions be re-committed to the author, with instructions to strike out the entire preamble.

The PRESIDENT—That is the motion.

Mr. BAKER—I claim the floor. As I said, Mr. President, there was no intentional misstatement of fact in the preamble of these resolutions. I am informed that the Controller of this State issued to the members their warrants for their pay, though they may not have been cashed, for the full period of 100 hundred days. These warrants I have recognized as a payment, and, of course, the contract of the State being with the members of the Convention to pay them for one hundred days, the State is bound to make the appropriation.

QUESTION OF ORDER.

Mr. SEARS—I rise to a point of order. If I understand the condition of these resolutions it is this: Senator Satterwhite made a motion that they be referred to the Committee on Judiciary, when appointed. That is a standing committee. The motion made by the Senator from Alameda was to re-commit to the author to strike out all after the enacting clause, or something to that effect—strike out the preamble. Now the motion to refer to a standing committee takes preference of any motion to refer to a select committee or a single Senator.

Mr. SATTERWHITE—The motion of the Senator from Alameda is the same as a motion to refer to a special committee, and a motion to refer to a standing committee takes precedence.

Mr. JOHNSTON—I rise to a point of order. I understand the motion is to refer to the Committee on Judiciary. As we have no such committee, then the motion would be eminently proper to refer to the Senator, who is a special committee created by the motion.

The PRESIDENT—The Chair will rule that the point taken by the Senator from Marin, if the motion was seconded, as stated by the Senator from San Bernardino, is well taken under the rule.

Mr. BAKER—Then I call for the motion to refer to the Committee on Judiciary. Then this matter may be discussed in the report of that committee.

The motion prevailed, and the resolutions went to the Committee on Judiciary.

BILLS INTRODUCED.

The following bills were introduced, and read the first time by title:

By Mr. BAKER—An Act to amend Section 1590 of the Penal Code. [Repeals the Goodwin Act (so known) concerning commutations of sentence of prisoners in the State Prison, and restores substantially the law as it was before the passage of the Goodwin Act.] Referred to the Committee on State Prisons.

By Mr. ENOS—An Act to fix the price of gas in all cities within the State of California having a population of 100,000 and over. [Makes the rate of gas at $2 per thousand and directs the local Boards of Supervisors of such cities to fix the rate within ten days after the passage of the Act.] Referred to the Committee on Corporations.

By Mr. GORMAN—An Act to regulate the salaries of officers in cities and counties containing 100,000 inhabitants and upwards. [Reduces the salary of Mayor from $3,000 to $2,400; Assessor, from $4,000 to $2,400; Auditor, from $4,000 to $2,400; Tax Collector, from $4,000 to $2,400; Recorder, from $4,000 to $2,400; County Clerk, from $4,000 to $2,400; Public Administrator, to $2,400 instead of fees; Surveyor, to $2,400 instead of fees; Superintendent of Streets, from $4,000 to $2,400; Sheriff, from $8,000 to $4,000; Treasurer, from $4,000 to $3,000; District Attorney, from $5,000 to $3,000; City Attorney, from $5,000 to $3,000; Supervisors are raised from $1,200 to $1,800; Justices of the Peace, $2,400, no fees.] Referred to the Committee on City, County and Townships.

By Mr. MORELAND—An Act to provide for the appointment of a Board of State Prison Directors, to define their duties and to provide for the management of the State Prisons. Referred to the Committee on State Prisons.

By Mr. JOHNSON—An Act for the relief of John Hoagland.

Also, an Act for the relief of James Reed.

Also, an Act for the relief of Wm. B. Henry.

Also, an Act for the relief of Mrs. Mary J. Van Orsdell.

Also, an Act for the relief of George Cooper.

Also, an Act for the relief of Rebecca S. Hoagland.

All of the above bills are in relation to the well-known Hoagland claim for damages alleged to have been caused by diverting the channel of the American river. They were referred to the Committee on Claims.

By Mr. CHASE—An Act relating to the foreclosure of mortgages. [Providing that the foreclosure of any mortgage shall discharge the debts in full for which it was made, and that foreclosures shall be made by order of Court by the attorney, and costs equally charged between the parties. Referred to Committee on Judiciary.

By Mr. KANE—An Act to protect the business rights of the citizens of this State. [Prohibits persons who are ineligible to become citizens from carrying on any kind of business.]

By Mr. WATSON—An Act to amend Section 4204 of the Political Code.

Referred to the Committee on Judiciary.

By Mr. ENOS—An Act to prohibit savings banks or savings and loan societies, and the attorneys, counselors and other employes, from charging borrowers for searching in passing upon the title of property mortgaged to said banks or societies, and providing for the appointment and payment of attorneys and counselors of such banks or societies.

Referred to the Committee on Judiciary.

By Mr. NYE—An Act to amend various sections of the Penal Code.

Also to add new sections to the Penal Code.

Also declaring it to be a misdemeanor for any railroad or transportation company to fail or refuse to conform to the rates of charges for the transportation of passengers and freight established by the Railroad Commissioners, or to charge rates in excess thereof, and prescribing the punishment therefor.

Also to amend various sections of the Political Code relating to public officers, their duties and compensation.

All referred to the Committee on Judiciary.

AN OBJECTION.

Mr. JOHNSON—I desire to object. I propose to raise an objection to the consideration of all these bills, on the ground that they do not comply with Section 24 of Article IV. of the Constitution.

Mr. WENDELL introduced another large batch of bills—amendments and alterations of the Codes, and understood to be from the Code Commissioners. They were referred to the Committee on Judiciary.

ADJUTANT GENERAL APPOINTED.

A message was received from the Governor announcing the appointment of Samuel W. Backus as Adjutant-General.

On motion of Mr. JOHNSON, the Senate went into executive session and unanimously confirmed the appointment.

MORE HEAT.

Mr. CARLOCK offered the following resolution:

Resolved by the Senate, the Assembly concurring, That the Secretary of State be and is hereby requested and directed to procure such an additional assistance as he may need for the purpose of properly heating the Senate and Assembly Chambers, the expenses thereof to be paid equally by the two houses, and the said additional assistance to be retained only as long as may be absolutely necessary.

Mr. CARLOCK explained that the Secretary of State had only one engineer, and he could not run night and day, as requested by the Senate.

After considerable discussion, on motion of Mr. JOHNSON, the whole subject was referred to a special committee, to be appointed by the Pres dent.

The PRESIDENT appointed Senators Johnson, Pardee and Rowell.

MORE BILLS.

By Mr. DAVIS—An Act to repeal an Act to prevent changes in the text-books in use in the public schools, approved December 18, 1875.

Also, and Act to amend Section 1503 and to repeal Section 1495 of an Act entitled an Act to establish a Political Code approved March 12, 1872, relating to the State Normal School.

Also, an Act amending and repealing various sections of the Political Code relative to the public schools.

They were all referred to the Committee on Education.

By Mr. NYE—An Act to amend Section 1183 of the Civil Code relating to liens of mechanics and others upon real property. Referred to the Committee on Judiciary.

By Mr. KANE—An Act to distinguish the kind of labor employed in the manufacture of goods. Referred to the Committee on Judiciary.

By Mr. ENOS—An Act to repeal an Act entitled "An Act to amend the Political Code," approved January 19, 1878. Referred to the Committee on Judiciary.

Also, an Act relative to testimony and evidence in criminal cases. Referred to the Committee on Judiciary.

Also, an Act to secure to all persons freedom in the selection of an occupation, profession or employment. Referred to the Committee on Judiciary.

Also, an Act to prohibit and abolish the fee system. Referred to the Committee on Judiciary.

Also, an Act to punish bribery. Referred to the Committee on Judiciary.

By Mr. GORMAN—An Act relating to trade-marks filed in the office of the Secretary of State. Referred to the Committee on Judiciary.

By Mr. KANE (by request)—An Act to repeal an Act entitled an Act to authorize the city and county of San Francisco to provide and maintain public water works for said city and county, and condemn and purchase private property for that purpose, approved March 27, 1878. Referred to the San Francisco delegation.

Also, an Act to secure the wages of laborers upon realty. Referred to the Committee on Judiciary.

TEMPORARY OFFICERS.

Mr. PARDEE, from the special committee appointed to ascertain the amount due the temporary officers, returned the report of the committee with the necessary correction, and the report was adopted.

CHAPLAIN.

Mr. ENOS called up the resolution in regard to appointing a Chaplain.

The Secretary read the resolution offered by Mr. Johnson, as follows:

Resolved, That the Senate complete its organization by the election of a Chaplain.

Also, the substitute offered by Mr. Enos, as follows:

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

Mr. CHASE—If I understand the amendment, it invites all the clergymen of the city each day to open the Senate with prayer. I do not think we will have time to wait for them to get through. I do not think the gentleman intended to have all the clergymen here every morning.

Mr. ENOS—I think the Senator misunderstands the intent of the substitute. It was to extend an invitation to all that might see fit to come here.

Mr. BAKER—I am opposed to the substitute for this reason. There are a great many clergymen in this city who, perhaps, would desire to participate in these services. There is nothing in the substitute proposed by the gentleman from San Francisco which directs the order or provides for any arrangement as to the clergymen who shall come here. It will necessitate a committee of members to pass upon the claims of the various clergymen who shall be invited to pray in this assembly, if there be pay attached. I think the resolution is silent upon that question.

Mr. ENOS—It expressly says without compensation.

Mr. BAKER—It seems to me if we are to have a Chaplain at all we should have it done in the way it is done in every deliberative body in the Union, and that is to make him a regular officer of this body. I am opposed to the substitute, and shall vote against it.

Mr. BROWN—I hold in my hand a resolution that I desire to offer as a substitute for the others, and if the Senate will indorse it they will settle this whole matter finally:

Resolved, That immediately after the Senate is called to order on each morning session the President shall call one Senator to offer prayers, and that such selection shall be made alphabetically, as arranged in the roll-call. [Laughter.]

The PRESIDENT—The Chair will declare the resolution out of order, from his knowledge of several Senators.

Mr. GORMAN—I move to indefinitely postpone the whole subject.

The ayes and noes were demanded by Messrs. JOHNSON, SATTERWHITE and GORMAN.

The roll was called, with the following result:

Ayes—Burt, Brown, Chase, Davis, Dickinson, Glasgock, Gorman, Harlan, Hittell, Hudson, Kane, Kelly, Langford, Moreland, Neumann, Pardee, Pool, Ryan, Satterwhite—19.

Noes—Anderson, Baker, Carlock, Cheney, Conger, Enos, George, Hill, Johnson, Johnston, Lampson, Nelson, Nye, Rowell, Sears, Watson, Wendell, West, Zuck—19.

The vote being a tie, the President voted "no," and the motion was lost.

ANOTHER SUBSTITUTE.

Mr. SEARS offered the following substitute:

Resolved, That the Rev. Alfred Higby be and he is hereby employed to act in the capacity of Chaplain of the Senate, and that he be allowed the sum of $5 a day for his services.

Mr. SEARS—While I am very liberal in my religious opinions, and while they are very well settled, yet I confess that out of respect to the members of this Senate who desire to have prayers for a few minutes in the morning, I am willing to vote for a Chaplain. I believe that we owe a great deal to the Christian religion. I believe it has done more than any other institution in the world for the advancement of civilization and liberty, and in letters to the name of this gentleman which I have sent up, I will simply state that it is the name of an old pioneer of the State; that he is now blind—has entirely lost his eyesight. He was once a member of the Legislature, I think from Los Angeles county. He is a man also of scientific attainments. He is very needy, and he has hope that if he can procure some means that through surgical assistance his eyesight may be restored. He is a man of good moral character, a man of good habits, a very worthy and eminent man in every respect, and is devoted not only to his profession as a minister of the gospel, but also to science. I think under all the circumstances, seeing the Senate has just decided by vote to have a Chaplain, there is no man in the State more worthy of the position, and no man who will give greater satisfaction to the Senate than the gentleman I have proposed. I therefore hope and trust, seeing the peculiar condition that he is placed in, seeing that he has lost one of the important organs of his body, seeing that he has a ray of hope that through the means (if elected) this Senate will give him, his eyesight may be restored, I trust that the Senate will adopt that resolution and give this gentleman that place.

AN ASSORTMENT WANTED.

Mr. ENOS—I believe that my substitute is first to be acted upon, and is now before the Senate. When the resolution was introduced by the Senator from Sacramento that the Senate proceed to perfect its organization by the election of a Chaplain, I offered this substitute, that we might recognize the necessity from a moral standpoint of having our sessions opened with prayer, and having that recognition in view I offered this substitute, that we might have an assortment; that we might have representatives of different denominations come here. I did not want to have any pay attached to this arrangement, and I hope and trust that my substitute will be adopted.

NO PLACE FOR PRAYER.

Mr. KANE—Mr. President and Senators, I differ from the sentiments of my distinguished colleague from the Thirteenth. I believe that we come here—not to learn prayers. I have come here from the Eleventh Senatorial District to work in behalf of the people—not to learn to pray. We all know how to pray. Love our enemies, pray for those that persecute us, etc. I came here, as I said, to legislate if possible, all that was in me, in behalf of the people—not to learn them to pray. Now, if any of those gentlemen wants us to go and pray, I think the house of God is the proper place for us to go and pray to our God. It is not their place, in my humble judgment, to come here in the halls of legislation to learn us to pray. I hope that this resolution, substitute and everything pertaining to it will lay on the table, and that whenever we feel like praying we will go to the house of God and there adore him. I, for one, am against having any Chaplain, because, in my mind, the majority of these preachers are China-loving preachers; a majority of them come into the halls of legislation and other places with a China-washed choker on them. [Laughter.] I want no China preacher. I hope and trust in God, Mr. President, that this will lay on the table, with due deference to my distinguished friend from the Thirteenth. Thank God that he is becoming a pious man! [Laughter.]

Mr. PARDEE—I move that the whole subject-matter be laid upon the table.

The motion prevailed by a vote of 20 ayes to 18 noes.

On motion of Mr. SATTERWHITE, after some discussion, the Senate adjourned until Monday at 2:30 P. M.

ASSEMBLY.

SACRAMENTO, January 9, 1880.

The Assembly met pursuant to adjournment at 11 A. M., Speaker Cowdery in the chair. Roll called and quorum present.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

MESSAGE FROM THE GOVERNOR.

A message was received from the Governor announcing that he had appointed Albert Hart Private Secretary, and that all communications which he might have to make to the Assembly would be made through him.

GOVERNOR'S MESSAGE.

On motion of Mr. TYLER, Governor Perkins' message was referred to a committee of the whole House.

REPORTS OF COMMITTEES.

Mr. CAMERON, from the Committee on Attaches, reported a substitute for the resolution referred to them in reference to the appointment of a day and night watchman and an Assistant Postmaster, and recommended its adoption.

Mr. BRUNER moved to amend so as to allow the Postmistress to appoint her own assistant. Withdrawn.

Mr. MERRY moved to make the pay of night watchman $5, instead of $4.

A discussion was provoked, and Mr. MERRY withdrew his amendment rather than waste the time of the State in discussion

Mr. BRAUNHART renewed Mr. Bruner's amendment to allow the Postmistress to appoint her own assistant. Adopted.

The resolution as amended was adopted.

The SPEAKER named as Night Watchman Frank Remer, and as Day Watchman M. A. Cook.

The Committee on Attaches also reported back a resolution allowing the San Francisco delegation to employ a clerk, recommending that he receive $5 a day.

After a discussion of half an hour the delegation was allowed a clerk.

The committee also reported back the resolution allowing the Sergeant-at-Arms to appoint one Mail Carrier, one Porter for Sergeant-at-Arms, one Porter for committee-rooms, two Gatekeepers, one Hear Porter, and recommending that the Sergeant-at-Arms be authorized to appoint one Mail Carrier at $3 per day, one Porter for Sergeant-at-Arms at a salary of $3, and two Gatekeepers at a salary of $3 per diem. Adopted.

The committee also reported back the resolution appointing P. Levy to attend to the gas lighting, recommending that it be not adopted.

The resolution was rejected.

Also, against the resolution appointing O. P. Dodge as Porter of the gallery.

Mr. BRAUNHART moved to amend by inserting the name of James Kidney. Adopted.

On motion of Mr. TYLER the resolution as amended was indefinitely postponed.

Mr. YOUNG, from the Committee on Rules, made a report with a draft of a series of rules for the government of the body.

On motion of Mr. TYLER, the matter was referred to the Committee of the Whole.

On motion of Mr. HARDY, the Assembly took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

The Assembly reassembled at 2 o'clock, Speaker Cowdery in the chair.

REPORTS OF COMMITTEES.

Mr. FOX, from the Judiciary Committee, reported back Assembly Bill No. 7, concerning the seals of Courts, with a recommendation that it pass. Also, Assembly Bill No. 8—An Act to amend the Code in relation to counselors at law—recommending passage as amended

RESOLUTIONS.

By Mr. SWEETLAND—A resolution authorizing the Sergeant-at-Arms to draw a warrant for $10 to pay postoffice box-rent

Adopted.

By Mr. BRAUNHART—A resolution instructing the Sergeant-at-Arms to procure two water-filters.

Adopted.

By Mr. MAGUIRE—A joint resolution providing for a joint Commission of Labor and Capital.

Referred to the Committee on Rules.

By Mr. FRASER—A resolution directing the Chief Clerk to have the journal of each day's proceedings printed for the use of the members.

Adopted.

By Mr. COOPER—A joint resolution directing that a copy of every bill which becomes a law which refers in any way to Courts of justice or judicial offices, shall be forwarded to each Superior Judge in the State.

On motion of Mr. FOX, it was amended so as to include only those laws which go into immediate effect, and authorized to print.

By Mr. BRUNER—A resolution allowing the Assistant Clerks at the desk, who are now acting under a resolution allowing them to remain four days, to remain at their places for a further period.

Adopted.

By Mr. ADAMS—A resolution instructing the Committee on the Culture of the Grape Vine to ascertain what facilities there are at the State University for conducting experiments in grape culture, and in the process of fermentation. Referred to the Committee on the Culture of the Grape.

By Mr. CAMERON—Resolved, That the Speaker be and he is hereby authorized to appoint J. S. Carter porter for the use of the chambers, for the sum of $50 for the entire session.

On motion of Mr. MCCARTHY the resolution was tabled.

By Mr. MCCOMAS—Authorizing the Speaker to appoint two additional members of the Judiciary Committee.

Referred to Committee on Rules.

By Mr. MCCOMAS—Authorizing the Sergeant-at-Arms to procure the services of a locksmith to repair the locks on the desks of members.

Adopted.

By Mr. WASSON, of Mono—A resolution in relation to instructing the Committee on Mining to report certain measures.

Mr. TYLER moved to refer to the Committee on Mining.

Mr FOX—Mr. Speaker, it seems strange that we should lid introduce a resolution here instructing a committee to do certain things, and then refer the resolution to the committee to ascertain whether they want to be instructed or not. I think the house should instruct the committee.

Mr. WASSOX—The resolution only requests the committee to report a bill.

By Mr. WASSOX—A resolution instructing the Committee on Mines and Mining to present a bill providing for the inspection of mining machinery, tunnels and drifts, in order that human life may not be jeopardized. Referred to Committee on Mining.

By Mr. WASON—WHEREAS, A knowledge of the many valuable minerals, their distribution and extent of deposit throughout this State, is essential to mineralogists, prospectors, miners and capitalists, without which much of the force and enterprise of the people are misdirected and wasted, and opportunities for employment and the creation of wealth are lost or overlooked; and whereas, the researches and reports of the State Geological Survey, having commenced with abstruse science instead of with elementary principles and the statements of useful information to serve as a guide for prospectors and miners, and practically useless to all who desire to engage actually in the business of mining, and whereas, there has never been published, either through private or public efforts, any complete summary or description of the minerals of this State, their distribution, value and accessibility, such as is most needed to indicate the best and cheapest methods of developing our mineral resources, only gold and silver having in the past received serious attention,

Resolved, That the Committee on Mines and Mining be instructed to examine into the question, and to report a bill providing for the preparation and publication of such a report on minerals as is demanded for the practical use of prospectors, miners and capitalists who may desire to invest in mining enterprises.

Referred to the Committee on Mines and Mining.

By Mr. BRUNER—Resolved, That W. F. Beveridge be allowed $12 for his services as Postoffice Page for three days, during the organization of this House.

Referred to Committee on Attaches.

By Mr. MULHOLLAND—Resolved, That the proper officer be instructed to keep the heating machinery going night and day until the hall is sufficiently warm.

Adopted.

By Mr. FOX—Resolved, That the Sergeant-at-Arms be and he is hereby instructed to retain for and to deliver to the Hon. I. S. Belcher, Hon. T. P. Stoney and A. C. Freeman one copy of each bill introduced into the Assembly during the present session.

Adopted.

By Mr. MCCARTY—A resolution allowing Harvey Helm two days' pay as Page.

Referred to Committee on Attaches.

By Mr. HARDY (by request)—A resolution employing W. M. Ord for three days to assist at the Clerk's desk.

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