THE DAILY RECORD-UNION.

MONDAY.....JANUARY 12, 1880.

CALIFORNIA LEGISLATURE.

TWENTY-THIRD SESSION.

SIXTH DAY.

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ASSEMBLY.

SACRAMENTO, January 10, 1880.

The Assembly met pursuant to adjournment, Speaker Cowdery in the chair.

Roll called and quorum present.

A SEMI-POLITICAL PRAYER.

The Rev. Mr. Bentley, Chaplain of the Assembly, offered the following prayer:

"We praise Thee, oh Lord, in whom we live and move and have our being. We praise Thee for the light and purity of this beautiful day and for the cheer that it brings to our hearts. We praise Thee for the comforts of peace, of our homes, and for the health that we have to enjoy all the blessings by which we are surrounded. Yet tidings come of sadness to us this morning. The beautiful life, the promising man, the massive intellect, the able and distinguished jurist of Southern California, has passed away—the Judge Superior into the presence of the Judge Supreme. We pray Thee that in his death there may come forth a declaration of his life, so esteemed in the circle in which he moved, as that to all of them and all of this State, there shall come a noble appreciation of our State Judiciary. We ask Thy blessing this morning upon our country. We pray that Thou wilt bless Thy servant, the Chief Magistrate of this nation, and all members of his Cabinet. Give unto our law makers in Congress wisdom and discretion, and grant to all the Governors of the States of the Union Thy Benediction. And upon that State farthest to the East we ask Thee, oh Lord, that the little cloud that rises from the Atlantic seaboard, no larger than a man's hand, threatening to cover the whole firmament of our nation—we pray that it may disappear; that wise counsel may prevail; that the majesty of the law may be vindicated, and that the rights of every citizen may remain inviolate. We pray Thee that to every wrong doer Thou wilt speak with Thine own divine voice. And now, Blessed God, we praise Thee for the prosperity of our State, for the future outlook of material advancement. We ask Thee, in behalf of its prosperity, that Thou wilt bless Thy servant the Governor, and pray that Thou wilt keep him in health and strength; that Thou wilt bless all those who are his advisers, and those who are the officers of State; that Thou wilt bless these, Thy servants, who are assembled in these halls dedicated for the construction of just laws. We pray Thee, Blessed God, that Thou wilt be a tower to evil-doers, and a praise to them that do well. We beseech Thee that disloyalty may hide its face; that here may be no words that breathe of disrule or anarchy; that here no hand may be extended to purchase the honor of a single statesman in Thy presence; and may patriotism, fidelity, truth and justice prevail among all these the servants of the people. God grant to give to all in Thy presence continued health and strength. May the angel of health preside over the homes of thy servants and preserve in well-being their wives and children. And now unto Him who is able to do exceeding abundantly, more than we can ask or think, be praise forever and ever. Amen."

The Journal of yesterday was read, and after correction was approved.

RULES.

Mr. BRAUNHART—I move that the House resolve itself into Committee of the Whole for the purpose of considering the report of the Committee on Rules.

Mr. FINLAYSON—I hope this House will not resolve itself into Committee of the Whole. I think we had enough of that last night. Let us continue before the House and get through with them as soon as possible.

Mr. MAY—I should say, Mr. Speaker and gentlemen of the Assembly, that we had quite enough of that last night. Now in an hour's time in this Assembly we can get through with the rules.

Mr. BRAUNHART—I withdraw my motion.

The report of the Committee on Rules was then taken up at Rule 17, and all the rest of the rules adopted after discussion and amendment. Rule 19 provides for the following

STANDING COMMITTEES.

Committee on Agriculture, 7 members; Agricultural, Mining and Mechanic Arts College, 7 members; Attaches and Employes, 5 members; Claims, 7 members; Commerce and Navigation, 5 members; Corporations, 9 members; Counties and County Boundaries, 9 members; Culture and Improvement of the Grape Vine, 7 members; Education, 5 members; Engrossment, 5 members; Enrollment, 5 members; Fish and Game, 7 members; Federal Relations, 7 members; Indian Affairs, 5 members; Internal Improvements, 5 members; Irrigation, Water Rights and Drainage, 7 members; Judiciary, 13 members; Mileage, 3 members; Military Affairs, 5 members; Mines and Mining Interests, 7 members; Public Buildings and Grounds, 7 members; Public Expenditures and Accounts, 5 members; Public Lands, 9 members; Public Morals, 5 members; Public Printing, 7 members; Retrenchment and Reform, 5 members; Roads and Highways, 5 members; Rules and Regulations, 5 members; State Hospitals, 5 members; State Library, 3 members; State Prison, 9 members; Swamp and Overflowed Lands, 7 members; Ways and Means, 9 members; Immigration and Emigration, 9 members; Forestry, 5 members; County Governments and Municipal Corporations, 9 members—37 committees.

On motion of Mr. BRAUNHART, No. 38 was added—Committee on Labor and Capital, to consist of nine members.

Mr. FOX moved that 240 copies of the rules be printed for the use of the Assembly.

Mr. TYLER moved to increase the number to 500.

Mr. BRAUNHART—I hope the gentleman will withdraw his motion, as I desire to offer an amendment to the rules defining the duties of the Committee on Labor and Capital. We have provided for the committee without defining its duties.

The SPEAKER—It can only be done by unanimous consent. Is there any objection?

Mr. MAY—I object.

Mr. BRAUNHART—The Committee of the Whole simply reported back that it has adopted in Committee of the Whole part of these rules up to section 11, and we have not yet adopted them in House.

The SPEAKER—The Chair will state that the Committee of the Whole last night reported progress. The House met and adopted all up to and including rule 6. Then the whole matter came before the House, and we have adopted all the rules separately and as a whole. Now it is too late to amend except by unanimous consent.

Mr. BRAUNHART—I ask unanimous consent.

Mr. TYLER—I object.

The SPEAKER—The objection kills it.

Mr. MAY—I will suggest to the House, Mr. Speaker, that the publication of these rules be deferred until the joint rules of the Senate and Assembly are prepared, so that we can have them printed together, and it will be well to have the committees printed in the same volume, and then we have it all before us.

NOTICES.

By Mr. MAYBELL—I hereby give notice that I will on Monday move to reconsider Rule 5 on Commerce and Navigation.

By Mr. BRAUNHART—I hereby give notice that I will on Monday move to add two additional rules to the standing rules of the House, defining the duties of the Committee on Labor and Capital and the Committee on Chinese Immigration.

INTRODUCTION OF BILLS.

Bills were introduced, read first time by title and referred, as follows:

By Mr. TYLER—An Act entitled an Act to amend an Act to amend Section 3783 of the Political Code. Committee on Judiciary.

By Mr. CORCORAN—An Act entitled an Act to amend Sections 1, 3, 8, 10, 12, 20, 29 and 36 of an Act entitled an Act for the relief of solvent debtors and protection of creditors. Committee on Judiciary.

By Mr. CORCORAN—An Act entitled an Act to provide for a Board of Commissioners of Examining Engineers. Committee on Judiciary.

By Mr. SAYLE—An Act to amend Sections 266, 267, 268 and 269 of the Political Code, in relation to compensation of members, officers and employes of the Legislature. Committee on Judiciary.

By Mr. BROOKS—An Act to declare valid writs, processes and certificates issued by the Superior Courts of the State and the Clerks thereof, before said Courts shall have been provided with seals. Committee on Judiciary.

By Mr. MORSE—An Act to amend Sections 214, 215, 216 and 218 of an Act entitled an Act to establish a Code of Civil Procedure, relating to the time and manner of drawing jurors for Courts of record. Committee on Judiciary.

By Mr. COOPER—An Act to amend Sections 3440 and 3494 of the Political Code, relative to interest on deferred payments for state lands. Committee on Public Lands.

By Mr. CAMERON—An Act to amend Section 268 of the Political Code. Committee on Judiciary.

By Mr. MAYBELL—An Act to secure the payment of workmen for labor performed or material furnished either by contract or otherwise.

Mr. MAYBELL—I ask that it be referred to the San Francisco delegation.

Mr. FOX—I object.

Mr. MAYBELL—The object of the bill is to insure the payment of workmen engaged upon the erection of buildings and the improvement of real estate, and it has more effect directly upon the city of San Francisco than any other city in the State, or any county or town.

The SPEAKER—That belongs properly to the Committee on Judiciary.

Mr. BRAUNHART—I move that it be referred to the Committee on Labor and Capital.

The motion was lost on a division, by a vote of 23 ayes to 35 noes.

CONSCIENCE MONEY.

By Mr. MAYBELL—An Act authorizing the Treasurer of any county, city and county, city or town in the State, to accept any money donated by any person to such county, city and county, city or town.

Mr. MAYBELL—I call for the reading of the bill.

The Clerk read:

Section 1. Any person offering to donate any money to the treasury of any county, city and county, city or town in the State, shall have the right to designate in what particular fund said sum of money shall be paid into, and the Treasurer of said county, city and county, city or town, shall place the said sum of money into the fund designated, and the money thus donated shall be appropriated by the county, city and county, city or town according to the law governing the fund to which the money is donated.

Sec. 2. This Act shall take effect immediately.

Mr. MAYBELL—I move it be referred to the San Francisco delegation.

Mr. BRAUNHART—I second the motion, and in explanation I would state that it has particular reference to San Francisco, and the gentleman who introduced it desires that reference. It is to provide for the distribution of funds which may be paid into the Treasury of the city and county of San Francisco by persons elected and pledged by the platform of a party.

The SPEAKER—If there is no objection it will be referred to the San Francisco delegation.

Mr. MCINTOSH—I object.

The SPEAKER—Under Rule 25 it will go to the San Francisco delegation unless a motion is made to refer it to some standing committee.

Mr. MCINTOSH—I move to refer it to the Committee on Judiciary.

The SPEAKER—That motion takes precedence.

A CURIOUS CASE.

Mr. TYLER—I would like to say one word before the vote is taken. I would say that it has never been considered the part of a gentleman for one who has happened to get notice of a bill to be introduced to attempt to introduce a bill in advance of it. It is a fact that a bill which was to be introduced by myself came under the eye of a gentleman of this House. It has no reference whatever to San Francisco. It is a bill that is found on the statute books of nearly every State in the Union. There never happens to have been one passed in this State. That bill provides that whenever any individual or corporation may make donations of money or property to cities or towns, that the Treasurers shall have the right to receive it, and if the donor wishes it to go to a particular fund he may so designate, and it must be so appropriated, otherwise it goes to the school fund. It has no more reference to San Francisco, or any matter in connection with San Francisco, than any other part of the State, and I hope it will be referred to the Committee on Judiciary.

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

MORE BILLS.

By Mr. GREEN—An Act providing for the appointment of County Boards of Education, and defining the duties thereof. [Provides that the County Superintendent of Schools shall appoint a County Board of Education, subject to confirmation by the Board of Supervisors, the number to correspond with the number of Supervisors. The County Superintendent shall be ex-officio President of the Board. Board to hold office for two years, unless removed for cause. No person eligible unless he or she is the holder of a first grade teacher's certificate. The duties of the Board shall be to examine teachers, give certificates, select text-books, provide a course of studies, etc. Members of Board to receive $3 per day in addition to actual traveling expenses. School teachers in each county shall each receive $500 for their services, and if any balance is left in the fund it shall be apportioned to the different districts upon the average attendance.] Read and referred to the Committee on Education.

By Mr. MCCARTHY of San Francisco—An Act to punish persons engaged in selling personal property upon false representation. Committee on Judiciary.

Also, an Act to declare the soliciting of prostitution publicly a misdemenor.

Mr. LANE—I call for the reading of the bill.

The Secretary read the bill, the purport of which is fully expressed in the title.

It was referred to the Committee on Public Morals.

By Mr. BRAUNHART—An Act to amend Section 243 of the Penal Code, relative to battery. [Makes battery punishable by a fine of not exceeding $1,000, or by imprisonment in the County Jail not exceeding six months, but if committed on the wife of the assailant, to be punished by imprisonment in the State Prison not less than one nor more than five years.] Read and referred to the Committee on Judiciary.

WOMEN IN DIVES.

By Mr. BRAUNHART—An Act to amend Section 303 of the Penal Code, relating to the sale of liquor by women.

The bill was read. It made it a misdemeanor for any person to employ women, other than the wife and daughter of the proprietor, to sell liquors in any place connected with any theater, concert room, dance hall, etc.

Mr. TYLER—I move that that bill be rejected. I will give you my reasons. That bill provides that no female can be employed in any kind of an attractive dress of that kind—no play or anything of that kind.

Mr. BRAUNHART—No, sir.

Mr. TYLER—We have an Act now providing that no female shall be employed in any of the places designated after 6 o'clock in the evening, and it seems to me that the rights and duties and privileges of the female portion of the community are restricted far enough. I do not believe in restricting them any further, and I do not believe there is a half dozen men on this floor that are in favor of restricting them any farther than they are now, and I believe a large majority of us are in favor of extending them a little more.

Mr. BRAUNHART—The gentleman is entirely mistaken in the object of the bill. The object of the bill is simply to prevent these dives on the Barbary Coast being kept open. They now permit them to be kept open until 12 o'clock, and I wish to prevent them from being kept open at all. It is only intended to reach at these dives, and if the gentleman desires to have the bill rejected on that account, I am perfectly willing that the House be the judge of it.

MISUNDERSTANDING.

Mr. FOX—I think this presents a fair illustration of the benefit of reading a bill at length. Now the author of the bill tells us that it means one thing; my colleague from Alameda and myself understand it differently. If I understand that bill correctly by hearing it read, it will cut off the employment of the actresses of the best theater in California.

Mr. BRAUNHART—I withdraw the bill.

Mr. LANE—I object.

Mr. TYLER—I hope that unanimous consent will be given.

Mr. BRAUNHART—I hope the gentleman will not place me in an improper position.

The SPEAKER—The Clerk will return the bill.

Mr. LANE—I object.

Mr. TYLER—Then I insist upon the vote rejecting the bill if objection is made.

Mr. BRAUNHART—I desire to state here before that vote is taken that I see that the object of this is to place me in an improper light before the people of this State.

The SPEAKER—The Chair will state that a majority vote is necessary to withdraw a bill. The question now is, Will the gentleman have leave to withdraw the bill?

Mr. FOX—I hope the gentleman will have leave. He thinks I want to place him in a false position. I stated what I understood to be the reading of the bill. I do not believe he intended to do that. If I misunderstood it I say that illustrates the utter uselessness of relying on a reading from the desk and the advantage of relying upon our own reading. If we are wrong in it, why the bill may be all right. I do not want to deny him the privilege of putting himself right.

The motion prevailed, and the bill was withdrawn.

RESOLUTIONS.

Mr. SAYLE offered a joint resolution relating to pre-emption and homestead claims. The long preamble set forth that many citizens had proved the mineral off their lands, and that now the Commissioner of the General Land Office had issued an order directing the officers of the several District Land Offices to require further proofs. The resolution is as follows:

Resolved, by the Senate and Assembly of the State of California, That our Senators in Congress be instructed and our Representatives required to urge by all honorable means to have the order of the said honorable Commissioner recalled or rescinded, so far as the same relates to our said citizens who have heretofore made proof and payment for the said land through the office of District Land Offices having the disposal of the same; and further, that the Governor be requested to forward a copy of these resolutions to our Senators and members of Congress. Referred to the Committee on Public Lands.

By Mr. BRAUNHART—Resolved, That House bills Nos. 4, 5 and 10 be referred to the Committee on Chinese Immigration. Adopted.

By Mr. BRAUNHART—Resolved, That Assembly Bill No. 3 be referred to the Committee on Capital and Labor.

Mr. FOX—That bill is not in the possession of the House. It is in the possession of the Judiciary Committee.

Mr. BRAUNHART—I desire to take it from the Judiciary Committee.

Mr. TYLER—I rise to a point of order; that when a bill has been referred, no such resolution is in order. I think the only way we can get it back is to wait until the committee report it back.

The SPEAKER—The Speaker will rule that the committee have fifteen days in which to report on a bill that has been referred.

Mr. TYLER—I want to call your attention to the fact that a motion of this House to refer to the Judiciary Committee, or any other committee, is like any other motion, and can only be reached by reconsideration upon notice given at the time by a man who voted in the affirmative.

Mr. BRAUNHART—The gentleman assumes a very strange attitude. Under the general head of motions and resolutions I can offer this resolution, and it can be taken from the Judiciary Committee by a majority vote.

Mr. TYLER—There has been no such committee as Capital and Labor appointed by the Chair.

The SPEAKER—A motion is made to refer that bill to the Committee on Labor and Capital, and the bill is referred to the Committee on Judiciary. The Chair will hold that in order to do that there will have to be a resolution adopted withdrawing the bill from the Committee on Judiciary and referring it to the other committee. It will require a majority vote to do so.

Mr. BRAUNHART changed his resolution to read as follows:

Resolved, That Assembly Bill No. 3 be withdrawn from the Committee on Judiciary and referred to the Committee on Labor and Capital.

Mr. TYLER—I call for the reading of the bill.

EIGHT-HOUR LAW.

Mr. BRAUNHART—I wish to state that the title of this bill is for the protection of laborers on public works, and it establishes the eight hour law; provides what amount shall be received by laborers on public works—something that it is eminently proper should be referred to the Committee on Labor and Capital.

Mr. TYLER—I have had the exquisite pleasure of reading the bill, and it seems to me that it is in the exact place it ought to be—the Committee on Judiciary. It provides—

Mr. BRAUNHART—I rise to a point of order. The merits of the bill are not up for discussion. The motion is simply for reference.

The SPEAKER—The gentleman is in order.

Mr. TYLER—I was aware of the fact, but the gentleman don't seem to be aware of it. I do not propose to discuss the merits of the bill. I am simply letting the House know what the bill is. Now, if this bill was passed into a law and a flood should come here and begin to tear away the surroundings of this city, and the water was likely to come in, every man would be guilty of offense that would work over eight hours a day, or that proportion. That shows simply the absurdity of such a thing as that and I hope the bill will remain where it is. If it is a proper bill to become a law, they will refer it back with or without recommendation and it can be referred to the Committee on Capital and Labor. It seems to me now to be a little discourteous to the Committee on Judiciary, after having sent it to them, to withdraw it before they have time to examine it.

SHARP CUTS.

Mr. MAYBELL—I am perfectly satisfied, for the Republican party of this State, represented in this chamber, to put itself upon record against a eight-hour law, and also in opposition to the people, or in opposition to the expressed sentiment laid down in the Constitution adopted by a majority of the people of this State.

Mr. TYLER—I was not aware that there was any representatives of the Republican party on this floor. I thought we all came here as representatives of the people. It seems now that I am mistaken, and that the gentlemen themselves understand that they are here to represent a mere political party. If they wish to put themselves in that position, put themselves on record. I represent no political party. I represent, in part—the whole people of California.

The resolution was lost.

ADJOURNMENT.

Mr. TYLER—I hope this House will remain in session as long as it intends to do, without recess, and then adjourn over until Monday. It is well known that the Judiciary Committee and other committees have a large amount of work before them. The Speaker will not appoint the committees until Monday, and I think we might adjourn at 2 o'clock, and not meet this afternoon.

Mr. MERRY—I move to adjourn.

Lost by a vote of 20 ayes to 40 noes.

Mr. TYLER—I move that when this House adjourns it adjourns to meet on Monday at 10 A. M.

Lost.

MORE RESOLUTIONS.

By Mr. FRASER—Resolved, That the Sergeant-at-Arms be empowered to employ a man to repair the flagstaff of the Capitol and raise the flag each day.

Mr. FINLAYSON—I think that belongs to the Secretary of State.

The resolution was lost.

Mr. MCCARTHY, of San Francisco—Resolved, That the Sergeant-at-Arms of the House be authorized to supply each newspaper representatives having a seat on the floor of the Assembly with stationery, the value of which shall not exceed $12 50, the same to be paid out of the appropriation for the contingent expenses of the Assembly.

The SPEAKER put the question and promptly declared it lost. A division was demanded by several members but not recognized by the Chair.

By Mr. BROOKS—Resolved, That the Sergeant-at-Arms be instructed to furnish each member of the House at his request postage stamps to the amount of not exceeding $10, payable out of the contingent fund of the Assembly.

Mr. TYLER—I move that it be indefinitely postponed.

The motion prevailed.

THE BURLINGAME TREATY.

By Mr. MCCARTHY, of San Francisco—Be it resolved by the Assembly, the Senate concurring, That our Senators and Representatives in Congress be requested to urge by all consistent means the abrogation of the Burlingame Treaty now existing between the United States and the goverment of the Chinese Empire.

Resolved, That they direct the attention of the President and his Cabinet to the almost unanimous vote of the citizens of California against the further immigration of Chinese, at the general election held September 3, 1879, as an expression of the people irrespective of party.

Resolved, That these resolutions be telegraphed to our Senators and Representatives at Washington.

Mr. CARR, of Sacramento—I do not understand that a majority of this Assembly, or that a majority of the people of this State, have ever desired the abrogation of the whole of the Burlingame Treaty. We do desire the abrogation of a part of it, and I am willing to recommend to the President that a portion of that treaty be abrogated, but I am not ready to vote that the whole of that treaty be abrogated, consequently I shall vote against the resolution.

Mr. FOX—My objection to the resolution is not to the spirit or intent of it, but only to the necessity of it. It seems to me, Mr. Speaker, that a larger body than this Assembly, to wit, the people of California, have already spoken to the Congress of the United States in tones that reverberate from one ocean to the other, and that the Governor of this State, in obedience to the commands of the Legislature, has already informed the President of the United States of the result of that voice. Almost the unanimous vote of this State has been polled in favor of the principles presented in the resolution, and under the command of the law by which the question was submitted to the people the Governor has already informed the official authorities of the result. It seems to me, therefore, that there is no necessity for repeating that information from this lesser body and adding to the expense.

Mr. MCCARTHY of San Francisco—Believing the resolutions are not exactly in the form they ought to be, I ask leave to withdraw them.

Granted.

CHAIRS.

By Mr. CORCORAN—Resolved, That the Sergeant-at-Arms be and is hereby authorized to purchase cane-bottom rotating chairs for those members of the Assembly who may desire them for use during the session, and that the same be paid for out of the appropriation for the contingent expenses of the Assembly.

On motion of Mr. DU BRUTZ, it was indefinitely postponed.

QUESTIONS OF PRIVILEGE.

Mr. FOX—In justice to my friend from San Francisco (Mr. Braunhart) I rise to a question of privilege. I have, at his request, examined the bill which he presented, and I now say that it has not the scope that I supposed it had, from the reading at the desk, to prevent the employment of females in theaters. I think the bill ought to be somewhat modified, however.

Mr. BRAUNHART—I thank the gentleman, and I desire to rise to a question of privilege. It has been charged here that a certain bill meant a certain thing, and now it will be seen of what particular value the opinions of the gentleman from Alameda are.

The SPEAKER—The gentleman will come to order.

Mr TYLER—I rise to a question of privilege. I had no means of knowing what the bill meant any more than the other gentleman. I understood it to be the same scope that he did. Why should the gentleman make any allusion of that kind to me and not the other? It simply shows the capacity of some people. [Laughter.]

The SPEAKER—The Chair will state to the House that all references by members to each other is entirely unparliamentary and out of order. If we do not stop it here we will get into confusion. The Chair will promptly stop it in future.

Mr. COLEMAN—I move that we now adjourn. Lost.

Mr. BRAUNHART—I move that we take a recess until 2 o'clock. Lost.

GENERAL FILE.

The Assembly then took up the general file of the day, as follows:

Assembly Bill No. 1—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 to condemn and purchase private property for that purpose," approved March 27, 1876. (By Mr. Fox).

The clerk read the bill by sections, and each section was adopted.

The question was on the final passage of the bill.

THE WATER BILL.

Mr. MAY—Mr. Speaker, I desire, particularly for the benefit of the members who do not reside in San Francisco, to say a few words in explanation of this bill. At a former Legislature an Act was passed, and became a law, giving to San Francisco the right to condemn three several water properties—the Laguna de la Merced, the Spring Valley Water Company's works, and the Water-works of San Mateo. Soon after the passage of the Act there arose in San Francisco such a storm of popular indignation against the scheme, that the officer whose duty it was to execute the law by the appointment of Commissioners under the Act refrained from doing so. It has passed on for a term of years, and no officers of that city and county have ever dared to face the people and undertake to enforce that Act. The gentleman from Alameda who was upon the floor a few moments ago said that he represented the people. Well, I do also, partly, and yet I am a Republican. At the last canvass in San Francisco, although I live in a district where I believe I received a majority of 2,700, and I think from behind my colleagues, I am sure that I would have been overwhelmingly defeated if I had not pledged myself to the people that I would vote for the repeal of

THIS INFAMOUS LAW

There is but one sentiment in San Francisco on this question, and the demand is far and wide over the city to repeal it at the earliest possible moment. Gentlemen have noticed spread upon the pages of the press within the last few days that the new Board of Supervisors that have just taken their seats have, to the astonishment of everybody, undertaken to galvanize this piece of corruption into life again. It has been dead for years and should have been buried, but some mysterious galvanic battery has been applied to it, I will not undertake to define how, and it has risen again into life. An Commission has been appointed to estimate the value—not all the property that the bill covers, the total properties of Lake Merced, the Spring Valley and the San Mateo Water Works—but only of the one pool of water called Lake Merced. To the best of history within my recollection, and I doubt not it may be within the recollection of other gentlemen on this floor, that the managers of this property of Lake Merced offered it to the manipulators of the Democratic party of San Francisco within the last four or five years for $75,000, and it was refused. Now, the Commissioners appointed to make a report say that San Francisco shall buy that property and pay for it one million and a half of dollars. That is all! Just a million and a half!

VERY SWEET, THAT IS.

Sugar enough to go round in that! A million and a half—that's all! From $75,000 up to $1,500,000; and these men sit there and undertake to say that San Francisco, whether she wants it or not, shall have it at that price. I know what you all think of that. It may be a new sort of sensation to some of you, but it is not new to some of us; we have seen such things before, and it is not unlikely that we may have to see them again. But I have not the slightest doubt that this Assembly will, with exceeding unanimity, say that this scheme shall be stopped now and here. Under this Rogers Act the gentleman who owned that property was authorized to appoint three commissioners to represent him. He appointed three. He took one of the constituents of my friend from Santa Cruz. He took three gentlemen—all honorable gentlemen—and the three have been sitting. They have been incubating. The city was authorized under the Act to appoint three Commissioners to offset the three appointed by the gentleman who claims to own Lake Merced. It is not necessary for me to go into details, but simply to say that by hook and by crook two men have been enabled to claim some sort of authority to sit on that Board to represent San Francisco. The third position has gone begging. A gentleman by the name of Crowley, known to myself and you perhaps, was honored with the appointment, and he very courteously declined. Then requisition was made upon the Democratic party for a man, and a very honorable and very high-toned gentleman, Mr. Wm. T. Coleman, received the appointment to represent San Francisco and sat up out that Board, and he indignantly spurned the offer, and said he was not yet prepared to engage in any such operation. Any one who knows Wm. T. Coleman, would have known that that he would have been just what he would have said. It was like him; a photograph of the man. Then San Francisco had upon that Board, or pretended Board, but two representatives. The thing was to be made right, and three of them being all on one side and the three others, perhaps, all on the other side, the Rogers Act provides that the County Judge of San Francisco should appoint the seventh and he should sit as umpire. He appointed a man and he sat and he signed a verdict that San Francisco should buy that pool of water in which fish will not die—the water is good enough for fish to live in it—they do not die in it unless they are caught. He signed an award, within the last two days, for $1,500,000. As a signature upon that award, the only solitary man on it to give a verdict against San Francisco, was Dr. Mears, of San Francisco. Not another man. There you have an award against San Francisco for a million and a half of dollars, and the only signature upon it and the only one to bind her to it as representing San Francisco, is Dr. Mears of that city. There is the plain unvarnished tale, Mr. Speaker and gentlemen of the Assembly, and I will not demand your attention longer, for you know the whole of it. I thank you and beg heartily that you may vote to repeal that Act.

A CONSTITUTIONAL QUESTION.

Mr. ANTHONY—I am very glad that the gentleman from San Francisco has given us some light upon this first act of ours as legislators. For the first time we are called upon to pass a law. Well, now, so far as this question is concerned, it immediately interests San Francisco locally. It certainly is sectional. The whole people of the State sympathize with San Francisco. It is our great commercial center. Without going to speak in reference to that Commission or any other steps that have been taken under this Rogers Act, we must bear in mind that it is nearly four years old. There has one Legislature intervened since this Act was passed that we are now called upon to repeal. Why wasn't it repealed then? I ask that question. Why wasn't it repealed two years ago? Then they had a Constitution under which local or sectional legislation was allowed. I learn, however, that it was not done. Probably it ought to be done now. I know nothing to the contrary. I believe, from the information I have got, that the San Francisco delegation are a unit for repealing that Act. But have not some rights accrued already? I listened to hear a report from the Committee on Judiciary. Here we have this bill that was referred to that committee, but I have not heard any report on the law question in this matter. It is

THE LAW QUESTION

That bothers me. One of the gentlemen from San Francisco said that a portion of this Legislature was constitutional lawyers, and that they considered every other man trying to violate the new Constitution. So far as I am concerned I am here professing to understand something of the new Constitution in my humble way. And now I call attention, Mr. Speaker, to two of the prohibition clauses of the Constitution against special legislation, and if this is clearly against the Constitution, why I must vote against it. If it is not, I will vote for this bill. But here, for the first time, I think we should take time and settle this question as to what is admissible for us to pass in the shape of a law. Now I read the sixteenth prohibition as laid upon the Legislature. It shall not pass local or special laws "releasing or extinguishing, in whole or in part, the indebtedness, liability or obligation of any corporation or person to this State or to any municipal corporation therein." I would like to know whether this bill comes under that. Further, the nineteenth prohibition, "granting to any corporation, association or individual any special or exclusive right, privilege or immunity." If the repealing of this bill grants to San Francisco any particular privilege as against the Rogers Act or any action that may have been taken by that Commission to condemn Lake Merced, I pretend to say that if it is a relief to San Francisco as against any person or individual, it strikes me that it is clearly unconstitutional. It strikes me it is prohibited here now. Action had been taken under the law, and it is now for judicial action. It is now

FOR THE COURTS TO SETTLE.

My county has special laws for roads and for salaries of officers, and for almost everything, and they must run on until we can reach them by a general law. It strikes me that is the intention of the new Constitution, and that we have a right to repeal any law that may refer to my county or any county that will conflict with any rights that have been granted to the people, or to a person or corporation. That is the idea I have of this matter, and I would like to have some light on the matter.

Mr. MAYBELL—I will state why I shall favor the repeal of the Rogers Act. I have read that Act and I am in favor of repealing it because I believe it must have been written by a corporation attorney in favor of a corporation. I believe it is dog eat dog. I believe that it is Lake Merced against Spring Valley, and Spring Valley against Lake Merced, and that when rogues fall out honest men get their dues. But behind this Act of repeal may be a black cloud of corruption. Probably upon the destruction of a lesser evil it may be sought to build up a greater one; but the majority of the San Francisco delegation will be at all times ready to vote to repeal a corporation Act, and they will also be at all times in favor of fighting the substitution of anything in the shape of a corporation Act. That is why I shall favor the repeal.

Mr. DU BRUTZ was perfectly willing and anxious to favor any bill that was in the interest of the people most concerned. If the bill would be to the advantage of San Francisco he would not decide. But he would like to know if the repealing of this Act, in preventing San Francisco from purchasing Lake Merced, would not saddle upon San Francisco the Spring Valley Water Company. Would that not be

THE EFFECT OF IT?

He was satisfied that the people of San Francisco had for years been complaining of the high rate charged by the Spring Valley Water Company, and he feared that this Act might saddle that company upon the city. He would like to hear something more upon that point.

Mr. HARDY of San Francisco favored the repeal, and gave as his reasons that there was an attempt to condem and purchase Lake Merced, a pond near the ocean beach, which would not supply more than one-quarter of the water demanded by San Francisco, and which was not connected with that city by mains. He elaborated his reasons at length.

Mr. MERRY felt that he would be derelict in the duty which he owed to his constituents, the people of the city and county of San Francisco, if he failed to raise his voice in behalf of this bill and to ask for its passage. In doing so he would answer the question of the gentleman from Santa Cruz, as to why this Rogers Act had not been repealed before. It was because it had been ascertained by the opinion of the Supreme Court that the Commission would only have power to condemn water or water rights to the peninsula of San Francisco.

Mr. LANE said that he was the only member of the San Francisco delegation who had voted

AGAINST THE BILL.

He voted that way on the ground that it was not right to push any bill through so quick. It had been stated that San Francisco was in danger, and that it was necessary to pass this bill so quick because this Commission had met. He believed that if the Commissioners had not condemned the property the bill would have been brought up anyway.

Mr. TYLER favored the repeal of the bill because he had no property interest in San Francisco. He went back to the passage of the Act and recited the action taken under it since. He did not believe the city of San Francisco could be made to pay the award, but the passage of this bill would save the city from much expensive litigation. As to its being contrary to the Constitution, that was mere sham. The sections alluded to had nothing to do with it.

Mr. SINON favored the passage of the bill because the people of San Francisco wanted it passed. That was enough for him.

Mr. MCDADE favored the repeal of the Rogers Act because it gave too much power to one man, and because the people of San Francisco wanted it repealed.

IN DOUBT.

Mr. CARR of Yuba was in great doubt about the propriety of passing the bill, as he had never yet been able to find out what it was San Francisco wanted on the water question. The press of that city seemed to be divided on it, and he could not decide.

Mr. FINLAYSON favored the passage of the bill. He recited, at some length, the course of the proceedings under the Rogers Act, and took the same ground as Mr. May.

Mr. BRAUNHART favored the passage of the bill because it was universally demanded by the people of San Francisco. The Workingmen of San Francisco had not been pledged to the repeal of the Rogers Act as the Republicans had, but they desired to carry out the wishes of the people of San Francisco. The sentiment there was universal in favor of the repeal. No doubt this bill did please the Spring Valley. It was a case of dog eat dog, as his colleague had said. It was a contest between the houses of Montague and Capulet, and he said:

A PLAGUE ON BOTH YOUR HOUSES.

He knew perfectly well why Spring Valley desired the repeal of the Rogers Act, but San Francisco did not want this pool of water called Lake Merced.

Mr. CARR of Yuba—I move we adjourn.

Lost.

Mr. DEL VALLE favored the passage of the bill because it was universally demanded by the people of San Francisco.

Mr. GAFFEY favored the bill because the people of San Francisco desired it, and for no other reason.

Mr. MCINTOSH did not see the use in taking up all this time in talking about it. He hoped they would let Mr. Fox close the debate and take a vote.

Mr. MCCALLION hoped the bill would pass unanimously. He was in favor of it because San Francisco wanted it.

Mr. MCGUIRE felt that the people of San Francisco wanted the Rogers Act repealed, and that it was his duty to vote for it.

Mr. COOK was not yet determined and wanted to hear from Mr. Fox. He desired to know in what condition the repeal of this Act would leave San Francisco in.

THE AUTHOR'S REMARKS.

Mr. FOX—Mr. Speaker, I feel some interest in the passage of the bill before the House, and I will endeavor before I sit down to explain to the members of the House what it is that we are trying to repeal and what will be its effect. But before I enter upon that explanation I feel that in justice to myself I should put myself on a fair footing and understanding with the Assembly and with its members. Much of the discussion that has been had here would lead one to suppose that the Spring Valley Water Works was represented, or has a representative upon this floor, seeking to accomplish some purpose for itself. Having been, perhaps for a longer period than any other one man has ever served one client, the attorney of that corporation, I could not but believe that the allusions were to myself. That I was upon this floor, the author of this bill, representing the Spring Valley Water Works. Now, I want to say, and I believe those members of this Assembly who have known me for many years—and thank God there are some of them here who have known me for some time—that I am not upon this floor the attorney of the Spring Valley Water Works. I am a lawyer, it is true. I have been the official attorney of that corporation for eighteen years. I am its attorney to-day, in the Courts of this State, but, sir, I have never been its attorney in any legislative or political matter. It has no attorney in me in the matter of legislation. My allegiance as a legislator is to the people of California and to no other corporation on the face of the earth. I would hide my head in shame if I could accept a place to legislate my claims or my clients' claims through the Courts.

I DESPISE THE LAWYER

Who will ever go into a legislative body to legislate his own claims through the Courts, or those of his clients. I wish it distinctly understood that I am here as the representative of the people. They are my clients first, last and all the time, when we come to make laws; when we come into the other branch of the government to interpret laws and find out the rights of individuals, whether those individuals be natural born persons or artificial ones, there I appear and speak for my clients. But here we are making laws. So much for my personal relation or position. Now, I have been asked a dozen times since I introduced this bill, "Wise did you, the attorney of the Spring Valley Water Works, introduce this bill for?" The attorney of the Spring Valley Water Works did not introduce it. The Assemblyman from Alameda introduced it. It was the Assemblyman from Alameda introduced the bill, and nobody's attorney. Why, then, did the Assemblyman from Alameda introduce the bill in reference to San Francisco? Because, though he resided in Alameda and was elected from that county, he is a taxpayer of San Francisco; second, because his own immediate constituents who elected him to this Assembly pay almost one-quarter of all the taxes in the city and county of San Francisco; third, because he saw the danger of delay in repealing this bill and the necessity of early action. Mr. Fox then proceeded at considerable length to give a complete history of the Rogers Act and all that had been done under it, elaborating what had been sketched by Mr. May. The Act would have been repealed, he said, by the Constitution on the 1st of July, but there was danger to San Francisco in the meantime, and he did not believe the city could be made to pay the award, but it could be annoyed by expensive litigation.

PASSAGE OF THE FIRST BILL.

On the passage of the bill the roll was called, and there was only one vote in the negative—Mr. Lane, of San Francisco—the vote standing, ayes 71, noes 1.

The Speaker appointed on the Engrossing Committee Messrs. Carr of Yuba, Cooper, Brusie and Josselyn.

On motion of Mr. DEL VALLE, at 2:52 P. M. the Assembly adjourned, to meet on Monday at 11 A. M.

Suicide.

A distinguished Scientist once said: "No man with a strong, healthy stomach ever committed suicide," yet many suffer the torments of the damned with dyspepsia, when a single bottle of DR. MINTIE'S ENGLISH DANDELION LIVER AND DYSPEPSIA PILLS will give relief, and, if persisted in, cure the worst case of this distressing trouble. This pill cures torpid liver