SACRAMENTO DAILY RECORD-UNION.

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SACRAMENTO, WEDNESDAY MORNING, JANUARY 14, 1880.

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THE DAILY RECORD-UNION.

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WANTED—A SITUATION BY A YOUNG man of steady habits; will do anything; is a good rapid writer. Would like a situation in a grocery store, or to drive wagon; can give good references. Apply at 1014 J street. ja10-1w*

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BIDS WILL BE RECEIVED AT THIS OFFICE until FEBRUARY 1st, for SUPPLYING PAPER of the sizes used in the publication of the RECORD-UNION and WEEKLY UNION, for one year. The quantity needed and other specifications will be furnished upon application. Samples must accompany bids, and guarantees given that all paper will be equal to the samples submitted. Address W. H. MILLS, General Manager RECORD-UNION. ja9-tf

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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

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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.

FOR SALE OR TO LET—A FRAME House, located on Thirteenth street, between I and J. Containing seven rooms, with closets. Inquire No. 1122 H street. ja13-3t*

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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. Northwest corner Third and J. Entrances on J street, and on Third, between J and I streets. MRS. TENEYCK. ja10-tf

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FOR RENT—THE LARGE AND COMMODIOUS brick building corner of Fourth and L streets, five stories high, including basement, suitable for a first class hotel; will be rented on favorable terms to a good tenant.

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THE LARGE AND COMMODIOUS BRICK STORE, 160 feet deep, No. 58 J street, between Second and Third streets. Inquire of E. P. FIGG, ja10-2w Corner Fourth and L streets.

FURNISHED ROOMS—A FEW COMFORTably furnished rooms to let at reasonable rates in a private family. Please apply at the southeast corner of H and Seventh streets. ja9-1w MRS. BROWN.

NICELY FURNISHED ROOMS, WITH GAS, to let at No. 608 M street, between Sixth and Seventh, opposite the Pavilion. ja8 tf

$7.500 WILL BUY A CORNER BRICK Store, centrally located; second story nicely fitted up—first-class family residence. Also, adjacent dwelling. Buildings, 40x80 feet. Inquire at No. 420 L street. Address CARL STROBEL, Sacramento. ja8-1w*

MONEY TO LOAN ON REAL ESTATE, IN sums to suit. [ja5-tf] P. BOHL.

TO LET—A SUITE OF FURNISHED ROOMS, at reasonable rate. Apply at No. 608 J street, between Sixth and Seventh. ja7-tf

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20 ACRES LAND, 1½ MILES FROM THE city; six acres of Strawberries and other improvements. Apply SPINKS & ACOCK, No. 402 J street. ja8-1w

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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

H. H. PIERSON,
DENTIST 415 J STREET, BETWEEN Fourth and Fifth, Sacramento. Artificial Teeth inserted on Gold, Vulcanite and all 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 all bases. Nitrous Oxide or Laughing Gas administered for the painless extraction of teeth. d13-1m

PENSIONS, BOUNTY AND ARREARS:
Attention given to Land Claims, Soldiers' Bounty and Pension Claims.

P. J. HOPPER,
ATTORNEY-AT-LAW AND NOTARY PUBLIC, U. S. Land Office Building, Sacramento. d20-1ptf

CALIFORNIA LEGISLATURE.

TWENTY-THIRD SESSION.

NINTH DAY.

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

SENATE.

SACRAMENTO, January 13, 1880.

The Senate met at 10 A. M., pursuant to adjournment, President Mansfield in the chair.

Roll called and a quorum present.

Journal of yesterday approved, the reading being dispensed with on motion of Mr. CHASE.

COMMITTEES.

Mr. JOHNSON—I move that so much of the rules as provides for committees and their numbers be adopted by the Senate so as to enable the President to appoint his committees this morning.

The motion prevailed, and Rule 15 was adopted, as follows:

Rule 15. The following standing committees shall be appointed: Committee on Agriculture, to consist of five members; Committee on Claims, to consist of five members; Committee on Commerce and Navigation, to consist of five members; Committee on Contingent Expenses and Mileage, to consist of five members; Committee on Corporations, to consist of seven members; Committee on Counties, County Governments and Township Organization, to consist of five members; Committee on Education, to consist of five members; Committee on Engrossed Bills, to consist of six members; Committee on Enrolled Bills, to consist of six members; Committee on Federal Relations, to consist of five members; Committee on Finance, to consist of seven members; Committee on Hospitals, to consist of five members; Committee on Judiciary, to consist of nine members; Committee on Military Affairs, to consist of five members; Committee on Mines, to consist of five members; Committee on Public Buildings, other than Prison Buildings, to consist of five members; Committee on Public and Swamp and Overflowed Lands, to consist of five members; Committee on Public Morals, to consist of three members; Committee on Public Printing, to consist of three members; Committee on Roads and Highways, to consist of five members; Committee on State Library, to consist of three members; Committee on State Prison and Prison Buildings, to consist of seven members; Committee on Irrigation and Water Rights and Drainage, to consist of seven members; Committee on Fisheries and Game, to consist of five members; Committee on Elections, to consist of seven members; Committee on City and Town Governments, to consist of five members.

REPORTS—WATER BILL.

Mr. ENOS, from the San Francisco delegation, reported back 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—recommending its passage; also recommending that the rules and Section 15 of Article IV. of the Constitution be dispensed with, the bill read a third time and put upon its final passage.

Mr. GORMAN presented the following report: Mr. President and gentlemen of the Senate: A minority of the San Francisco delegation to whom was referred Assembly Bill No. 1—An Act, etc.—report that while we are in favor of the repeal of the said Act we are not in favor of the suspension of Section 15 of Article IV. of the Constitution, which says: "Nor shall any bill become a law unless the same be read on three several days in each house, unless, in case of urgency, two-thirds of the house where such bill may be pending shall, by a vote of ayes and noes, dispense with this provision." Signed by Messrs. Gorman, Kane, Kelly and Nelson.

Mr. ENOS—I move that the bill be taken up and read a second time.

Mr. JOHNSON—For the purpose of assisting the gentleman, I move that the rules be suspended so as to take up Assembly Bill No. 1 and the two reports of the San Francisco delegation.

The PRESIDENT—The Chair will state that the bill will be taken up immediately unless there is objection. The bill will be considered as before the Senate for consideration now. The Secretary will read the bill a second time by title.

The Secretary read the bill by title a second time.

Mr. JOHNSON—I rise to a point of order. That is not the proper motion. The proper motion, as I understand it, ought to be that this being a case of urgency the provision of Section 15, Article IV. of the Constitution be suspended.

The PRESIDENT—The requirements of the Constitution should appear in the minutes, and it would be necessary to incorporate that in the motion.

Mr. ENOS—That is embodied in the report.

Mr. HITTELL—It would be better to follow the language of the Constitution. The Constitution says "dispense with this provision." The motion should be that it be dispensed with instead of suspended.

AS TO URGENCY.

Mr. CHASE—I would like some gentleman to explain to me what emergency has arisen since last evening. We voted last evening to put this off and let the bill take its regular course; now what emergency has arisen to demand that the rules should be suspended?

Mr. BAKER—I am in the same condition. I would like to hear from the Chairman of the San Francisco delegation on that subject.

Mr. ENOS—When the bill was reported from the Assembly I moved that it be referred to the San Francisco delegation, it being a matter of local interest to San Francisco. I made the statement then that I was willing, if the matter was referred to the San Francisco delegation, to report the bill back in favor of its passage this morning, and that I was also in favor, if the Senate deemed it a matter of urgency, and a necessity for the interests of the city, to vote in favor of a suspension of the rules. The bill was referred to the San Francisco delegation and the majority have made this report, and that is all the reason I have in asking the Senate to pass upon this bill this morning.

Mr. GORMAN—The Constitution plainly says that no bill shall be passed or railroaded through either of the Houses unless in case of emergency. I cannot, for the life of me, see where the urgency comes in on this bill. If we let it go for to-day or to-morrow or the day after, what difference will it make? There will be no new law made. The Board of Supervisors met last night in San Francisco; they will not meet again for a week, even if they could do anything, and they cannot do anything but call an election, for which they have to give a notice of thirty days. Now, Mr. President, I believe in following out the new Constitution, as adopted by the people. There has been too much of this rushing bills through, and I for one propose to do all that I can, by my vote, to stop it. There is no need of this hurry now, and I shall all the time be opposed to rushing bills through this house.

REASONS FOR IT.

Mr. DICKINSON—I believe that the reasons for putting this bill upon its final passage were very fully explained yesterday during the debate. I think it is a case where it requires more speed upon the part of the Legislature when the fact is understood that although this Act has been in existence for some four years nothing had been done under it by the Commissioners appointed or the officers authorized to exercise powers under the Act, except what might be termed preliminary matters, until during the month of December last. Prior to that time the Commissioners themselves had been engaged in listening to reports or going on junketing expeditions around the country. They traveled largely, became gentlemen of experience, and profiting by that experience they seemed to quietly let the matter drop, until in December last the matter was resuscitated after some three or four years had elapsed. Then these Commissioners were appointed, went to work immediately, and inside of three weeks after the appointment of the Commissioners we have a report which was to be presented to the Board of Supervisors last evening for their confirmation. I think, as was well said by the gentleman from Yuba last evening, the delegation being united in the opinion that it is an attempt to perpetrate a fraud on the city, that it does not become us in this early stage of the session to handle so carefully a matter which is admitted upon all hands to be a fraud. I think that if we are satisfied upon that point, that this bill should be repealed, it seems to me that it is

DECENT AND PROPER,

And comports well with the dignity of so august a body even as the Senate of the State of California, to handle this fraud without gloves, and, in the language of the day, to sit right down upon it most emphatically.

Mr. CONGER—I am in favor of the suspension of the rules in this case. I think it was pretty well settled here yesterday that the matter was looked upon generally as a fraud, and the vote upon the bill would be nearly unanimous. I think, as we have only one hundred days in which to remodel all the laws of the State of California and make them comply with the provisions of the new Constitution, that there is urgent necessity that we should not waste any more time than is necessary on such measures as this, when we have thoroughly satisfied ourselves that it is a fraud. I myself cannot see any necessity for delay upon this measure. Matters that have not been considered I would of course object to being rushed through, but I think the whole State of California is satisfied in regard to this measure; and, as the gentleman who preceded me remarked, I think it will comport with the dignity of this body to suspend the rules and pass it.

Mr. WENDELL—It seems to me that the question involved here is not as to the merits of this bill, but as to the propriety or expediency of suspending the constitutional provision which requires every bill to be read on three days. I have no doubt that the Assembly bill is a good one—I expect to vote for it on its passage—but I do not believe it is

SETTING A GOOD PRECEDENT

For this Senate, at the commencement of the session, with ninety days of the session before us, when a bill comes in to us from the Assembly, where it originates, having passed through all the ordinary stages of a bill, for us to set the example of suspending the rules to pass it. The reason seems to be principally that this is a good bill. Now, if we inaugurate the principle of suspending the rules to pass a bill because it is a good bill, we may end up by passing some bills under a suspension of the rules which are not so good. Similar provisions to this in our Constitution are incorporated in the Constitutions of various States, and all of them have been adopted in the last forty or fifty years. The clause authorizing the Legislature to suspend that constitutional provision in case of urgency was put there not that the Legislature might suspend the rule whenever in their judgment it was desirable, but simply that in times of great public danger, as insurrection or invasion, a case of emergency might arise, and it might be necessary to pass a bill at once. I do not understand that it was intended to give the Legislature the power to suspend that provision whenever they thought it was necessary to pass a bill in haste. In one day more we can pass this bill legally and constitutionally. It was said yesterday that it was a case of urgency because the Board of Supervisors were to meet last night, and that they might do something. Last night has passed, and the session of the Board of Supervisors has passed, and we have heard nothing advanced on this floor to-day to show any emergency or urgency in this case.

Mr. BAKER—When this question was before the Senate on Saturday I voted for a suspension of these rules, because I believed that this was, if there ever could be one, a case of urgency. I am still of that opinion this morning, and shall vote in favor of a suspension of these rules. On yesterday there was an opposition, coming from a portion of the San Francisco delegation, to a suspension of these rules. I put to the gentleman who represents that delegation this morning the question why, when he had said he would vote for the passage of the bill, he would not then and there vote in favor of suspending the rules, and to that I received no answer whatever. There is this morning no reason assigned for the change in the position of the gentleman from the Thirteenth District. I have been unable to comprehend the course of certain Senators in the San Francisco delegation. There has been no reason assigned, and although I asked again this morning, still there is no reason. Now it does seem to me that this is

TRIFLING WITH THE SENATE.

It seems to me that when the minds of the members of this body are made up that there is a reason for a course, that that course ought to be followed. It seems to me that to refer this matter to the delegation merely for the purpose of receiving from that delegation a report upon a measure which they themselves are in favor of, and which they have said on the floor of this Senate and out it, that they are in favor of, is a course most extraordinary. And I am frank to say, from the debate on the floor of this Senate, that the only reason, so far as I could fathom it, was to enable certain moves to be taken in a certain quarter, and for assaults on the Republican party. Now, so far as these measures are concerned that have been taken outside of the Senate, I have nothing to say; but, so far as the assaults made upon the Republican party and the Board of Supervisors of San Francisco are concerned, they will very soon pass away and be forgotten. Stronger arms than those of the Senator have attacked the Republican party and have fallen; more trenchant blades than his have been shattered to atoms in attempting to overthrow its grandeur and its greatness. I refer to it now, sir, for the purpose of saying that so far as I can understand motives or intentions, that was the only reason for opening the debate yesterday upon that question. So far as I am concerned, I am prepared to be content and to vote in favor of the suspension of these rules. It is very true that

THE CONSTITUTION

Calls for a case of urgency; but what is a case of urgency? What shall be, but the judgment of the Senate? And after the San Francisco delegation, in open Senate, have said that they are in favor of the bill, and that they will vote for it when the proper time comes, what is there to stand in the way of this measure and of this suspension of the rules? It is an old maxim that we should never put off until to-morrow what can be done to-day, and after hearing the remarks of the Senator from Marin, showing that this Act is a supposed fraud in all its terms, and when every San Francisco Senator was pledged to its repeal, and nearly every taxpayer of that city was in favor of its repeal, it seems to me that we should then and that we ought now, at the earliest possible moment, put this bill upon its passage and call for its repeal. As a taxpayer in the city and county of San Francisco, I shall vote to suspend these rules and for the repeal of this Act. As a resident of Santa Clara, representing a constituency among whom are the owners of property in San Francisco amounting to millions of dollars, I shall vote for the suspension of the rules and the repeal of this Act, and I take it that though I come from Santa Clara county—I represent a constituency possessing as much of the intelligence and wealth of that great city, though they may reside in Santa Clara, as any gentleman who voted against the suspension of the rules yesterday on the other side of the Senate. Now I yield to no man in my

VENERATION FOR THE NEW CONSTITUTION,

Which we have sworn to support. I shall stand by it in the letter and in the spirit. At the same time I do not recognize any rule in that instrument as an iron-bound rule, which we are compelled to follow at the dictation of anybody; but it shall be administered, so far as I am concerned, in accordance with its spirit and letter in all instances. I cannot understand why we should delay twenty-four hours, and I think that the bill ought to be immediately put upon its passage and placed in the hands of the Governor for his signature at the earliest possible moment. These are my reasons for voting to-day, as I voted yesterday, for the suspension of the rules. I trust that they will be suspended and the bill passed.

Mr. ENOS—I am here to impugn no Senator's motives, and while I shall concede to all Senators the belief that their motives are good, I shall not allow any Senator to impugn my motives without I shall put that Senator right and show him that he is wrong. I have been charged, in making my strenuous resistance to the suspension of the rules yesterday, that my motive was that I might

ATTACK THE GREAT REPUBLICAN PARTY.

I had no such motive. I respect a great party. Why, Mr. President, the idea that I had the motive of attacking the Republican party! I had to give the history of this Lake Merced scheme; I had to say that this scheme had been on the statutes for four years nearly; I had to say to this Senate, in giving the history, that the old Board of Supervisors refused to confirm the Commissioners that had been selected by the District Attorney, the Mayor and the Auditor. I did say, and I say it now, that the Republican Board of Supervisors inaugurated this very scheme and put it on foot, which calls for the necessity of the suspension of the rules. Seven men in that Board of Supervisors, without giving a moment's warning, on the evening of the 15th of December passed this resolution approving of the appointment and confirming the appointment of these Commissioners. It took the people of San Francisco by surprise. They were astonished; and in less than six hours the whole city was filled with denunciations against these men, and the cry of corruption went forth, and it is my right to denounce them as public officers for that act. That was the object, and the only object, I had in speaking of that Board of Supervisors. They were elected with the express understanding that they were

HOSTILE TO THIS ROGERS ACT.

No man in the city of San Francisco that was placed upon that ticket, or any other, for any office where they would be called upon to exercise any legislative power, could have received a hundred votes, hardly, in San Francisco at that time, unless he was. And it is because of the action of that Board that this Senate to-day is called upon to deem this a matter of urgency. The gentleman says that he made inquiries yesterday as to why I would not then move and vote for the suspension of the rules. I gave him my reasons then, and I reiterate them now. I am not in favor of taking a bill up without more reference. I thought it was due to the San Francisco delegation that they should be recognized, and that was one of the reasons I made my opposition to it at that time. I am opposed to hasty legislation. Why, we have witnessed, and I take this opportunity of congratulating the distinguished Senator from Sacramento on his opposition—when they brought up that famous law known as the gag-law. The city officials of San Francisco rushed up here and they said, "Without you pass this bill now we will have a war. The streets of the city of San Francisco will run with blood." And without any time to consider they rushed through that law, and I stand here to-day and assert, as a matter of fact, that I believe there is hardly a man who voted for the law, if they could have waited a day or two, that would have voted for it. I have heard many regrets on it from the members of the Senate and lower house.

THESE ARE THE REASONS

Why I have taken the course I have in relation to this measure. It was referred to the San Francisco delegation. We are all in favor of the repeal of this law. And the reason I assign for making this report is that we all agree that it should be repealed. The matter has been discussed and the law has been presented to the Senate. We are prepared now to act upon it. There may be some liability attach to the city by our delay. The provisions of that Act are still in doubt, and therefore I am in favor of the suspension of the rules.

Mr. BAKER—I would like to ask the Senator a question. Was this bill discussed in the San Francisco delegation last night?

Mr. ENOS—No, sir; it was not. It was not discussed because every member of the San Francisco delegation was already acquainted with the merits of this bill. They came

FRESH FROM THE PEOPLE.

They have got their instructions from their immediate constituents. They need no instructions from this Senate to vote upon this proposition.

Mr. CHENEY—It was my intention to keep my seat and act in a conservative manner as an impartial juror in this matter, but I have come to the conclusion that if this matter was or was not a case of urgency, it is rapidly becoming one. Already three or four hours of the time of the Senate has been used up in discussing the urgency of the passage of a bill that every Senator admits is a good bill, a just bill, and one that ought to be passed. It has been referred to the San Francisco delegation that we might tickle their fancy and their desire to be recognized, and I am now in hope that this Senate will put this bill upon its passage and end this matter. We have but about ninety days more before us and the business of the Senate is accumulating rapidly. The people desire some reforms, and among others, that there should be some retrenchment in public expenses, and yet this Senate will spend three or four hours on such a discussion as this.

IT IS NOW URGENT.

We may be three or four hours more at this discussion. Let us settle the matter, and vote by a two-thirds vote to suspend the rules. These are my reasons for so voting.

Mr. SEARS—In order that we may not make any mistake when we come to vote upon this question I desire to say a word in regard to the provision of the Constitution. It reads as follows: "No law shall be passed except by bill. 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 urgency, two-thirds of the house where such bill may be pending, shall, by a vote of yeas and nays, dispense with this provision." The motion ought to be to dispense with Section 15 of Article IV. of the Constitution, and place this bill upon its final passage. The vote of the Senate, I take it, will decide the question of urgency. If the Senate shall by a two-third vote decide in favor of dispensing with this provision, that vote will settle the question of urgency, as no Court will go behind the action of the Senate to determine whether any urgency existed. And in regard to suspending this provision, it simply is to suspend the provision in order that a bill may be read more than once the same day. I only state the question as I understand it, and if I have not stated it correctly I would be pleased to have some Senator make some further statement. I only desire that the bill may be passed in a satisfactory manner, and when the vote is taken on dispensing with this section of the Constitution, of course the ayes and noes have to be called. I move to amend the motion so that Section 15 of Article IV. of the Constitution, or so much of it as relates to the reading of bills on three several days, be dispensed with.

Mr. ENOS—I accept the amendment.

The roll was called and the motion lost by a vote of 22 ayes to 17 noes—two-thirds being required.

THE COMMITTEES.

The CHAIR directed the Secretary to announce the following appointments on committees:

Agriculture—Johnston, Harlan, West, Langford, Glascock.

Claims—Traylor, Davis, Enos, Pool, West.

Commerce and Navigation—Dickinson, Traylor, Nye, George, Ryan.

Contingent Expenses and Mileage—Zuck, Carlock, George, Moreland, Nelson.

Corporations—Sears, Johnston, Traylor, Harlan, Kelly, West, Pool.

County and Town Governments—Wendell, Rowell, Zuck, Satterwhite, West.

Education—Davis, Watson, Hill, Baker, Moreland.

Engrossed Bills—Cheney, Carlock, Lampson, George, Nelson, Glascock.

Enrolled Bills—Hudson, Burt, Anderson, Chase, Kelly, Gorman.

Federal Relations—Baker, Cheney, Davis, Enos, Satterwhite.

Finance—Pardee, Johnson, Traylor, Carlock, Brown, Conger, Ryan.

Hospitals—Rowell, Lampson, Hudson, Anderson, Gorman.

Judiciary—Nye, Wendell, Hittell, Johnson, Davis, Dickinson, Satterwhite, Moreland, Enos.

Military Affairs—Dickinson, Pardee, Conger, Glascock, Nelson.

Mines and Mining—Neumann, Watson, Burt, Pool, Ryan.

Public Buildings—Baker, Hill, Hudson, Harlan, Kelly.

Swamp and Overflowed Lands—Johnston, Brown, Rowell, Cheney, Langford.

Public Morals—Burt, Chase, Johnston.

Public Printing—Hill, Rowell, Gorman.

Roads and Highways—Brown, Burt, Harlan, Langford, Kane.

State Library—Lampson, Hittell, Johnson.

State Prison—Watson, Nye, Sears, Lampson, Moreland, Langford, Kane.

Irrigation, Water Rights and Drainage—Johnson, Watson, Rowell, Neumann, Brown, Pool, Satterwhite.

Fisheries and Game—Carlock, Pardee, Wendell, Cheney, Glascock.

Elections—Neumann, Sears, Johnson, Zuck, Nelson, Ryan, Anderson.

City and Town Government—Hittell, Dickinson, Pardee, Zuck, Chase.

On motion of Mr. JOHNSTON, the Committee on Education was increased from five to seven members.

CHINESE IMMIGRATION.

Mr. JOHNSON—I move that there be an additional standing committee, to be known as a Committee on Chinese and Chinese Immigration.

The motion prevailed.

By Mr. ENOS—Resolved, That a committee be appointed on Labor and Capital. Adopted.

STANDING RULES.

On motion of Mr. JOHNSON, the Senate took up the Report of the Committee on Rules and adopted rules as follows:

1. The time of meeting of the Senate shall be 10 o'clock A. M. (Sundays excepted), and in case any other is named, it shall be applicable only to one day, and shall not affect this rule beyond the day named for a different hour of meeting, and a recess shall be taken from 12:30 to 1:30 P. M.

2. The President shall call the Senate to order at the stated hour, and, if a quorum be present, he shall order read the journal of the proceedings of the preceding day.

3. A President pro tem. shall be elected, who shall, in the absence of the President, take the chair and call the Senate to order at the hour of the meetings of the Senate, and have the same power as the President; but the President pro tem. shall vote only as any other member of the Senate. When the Senate is equally divided, the Secretary shall take the decision of the President.

4. No member shall absent himself from the service of the Senate without leave first obtained. A less number than a quorum of the Senate are hereby authorized to send the Sergeant-at-Arms, or any other person, for any or all absent members, as the majority of such members present shall agree, at the expense of such absent members respectively, unless such excuse for non attendance shall be made as the Senate, when a quorum is convened, shall judge sufficient, and in that case the expense shall be paid out of the contingent fund; and this rule shall apply as well to the first convention of the Senate, at the legal time of meeting, as to each day of the session after the hour has arrived to which the Senate stood adjourned. The President or acting President of the Senate or less than a quorum thereof shall have the power to issue process, directed to the Sergeant-at-Arms, or any other person, to compel the attendance of members absent without leave. Any Senator who shall refuse to obey such process, unless sick and unable to attend, shall be deemed guilty of a contempt of the Senate, and the Sergeant-at-Arms, or other person to whom such process may be directed, shall have power to use such force as may be necessary to compel the attendance of such absent member, and for this purpose he may command the force of the county or of any county in the State.

5. After the reading and approving of the journal, the order of business shall be as follows: 1. Presentation of petitions. 2. Reports of standing committees. 3. Reports of select committees. 4. Messages from the Governor. 5. Messages from the Assembly. 6. Introduction, first reading and reference of bills. 7. Second reading and engrossment of bills. 8. Motions, resolutions and notices. 9. Business on general file and third reading of bills. 10. Unfinished business of the preceding day. 11. Special orders of the day. 12. Reports from the Committees on Enrollment and Engrossment shall at all times be in order. Provided, that messages from the Governor, State officers and from the Assembly may, on motion of any Senator, be considered at any time.

Rule 6 was temporarily passed over, as it was likely to provoke a long discussion. It is as follows:

6. Every bill shall be read on three several days previous to its passage. When a bill is introduced, it shall be read and referred to an appropriate committee and printed, which shall be the first reading of the bill. When a bill is reported back from a committee with amendments, or otherwise, it shall be considered in Committee of the Whole, and when the same is perfected to the satisfaction of the Senate, it shall be read a second time, which shall be the second reading of the bill, and engrossed and printed. On the final passage of a bill it shall be read at length by sections, which shall be the third reading of the bill. On the final passage of a bill the roll of Senators shall be called and the vote taken by yeas and nays, which shall be recorded in the Senate Journal, and no bill shall be declared passed unless a majority of the Senators elected vote for the passage of the same. The presiding officer of the Senate shall give notice at each reading whether it be the first, second or third reading of the bill.

7. The general file shall be the special order for each day from 1:30 until 3 o'clock P. M., unless sooner disposed of; but no bill shall lose its place upon the file by expiration of the time or by adjournment of the Senate while it is under consideration; and this order shall take precedence of all others.

8. The Secretary shall post each morning, in a conspicuous place, and place upon the desk of each Senator, a list of all bills upon the general file, giving their order, and also setting forth their number, and so much of their title as necessary to enable Senators to understand their general purport.

9. All bills, amendments and resolutions, after being engrossed, in pursuance of the order of the Senate, shall be carefully examined and reported back by the Committee on Engrossed Bills, the engrossed copy to be transmitted to the Assembly, with the proper indorsements, and the original retained by the Senate.

10. All bills, after the second reading (if the same be not committed, but if committed, then upon being reported), shall be placed upon a general file, and shall be taken up for consideration and passage in the order of their being placed on the file; provided, that engrossed bills shall take precedence of bills not engrossed.

11. Substitutes may be offered at any time when a bill or resolution is open to amendment, previous to engrossment, and when adopted shall take the place of the original bill or resolution, and shall be open to amendment.

12. No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment or substitute.

13. In filling up blanks, the least sum or number and the shortest time shall be put first.

14 When an amendment to the Constitution, or any bill requiring the concurrence of two-thirds of the Senators, is under consideration, the concurrence of two-thirds shall not be required to decide any question for amendments, or extending to the merits, being short of the final question.

Rule 14 was passed over temporarily and not adopted.

Rule 15 is given in the opening of this report.

16. All committees of the Senate, special and standing, and all joint committees on the part thereof, shall be appointed by the President, unless otherwise specially ordered.

17. No committee, standing or special, shall elect a Clerk or Sergeant-at-Arms without first obtaining the consent of the Senate.

18. When a resolution shall be offered or a motion made to refer any subject, and a different committee shall be proposed, the question shall be taken in the following order: (1) The Committee of the Whole Senate; (2) A standing committee; (3) A select committee.

19. No claim shall be paid out of the contingent fund of the Senate until the same shall have been referred to and reported on by the Committee on Contingent Expenses. This rule has no application to the election of attaches of the Senate.

20. When a question is under debate, no motion shall be received but the following privileged questions, which shall have precedence in the following order: 1. To adjourn. 2. For a call of the Senate. 3. To lay on the table. 4. To postpone to a day certain. 5. To commit. 6. To amend. 7. To postpone indefinitely.

21. No motion shall be debated until the same be seconded and distinctly announced by the President; and it shall be reduced to writing, if desired by the President or any member, and read by the Secretary before the same shall be debated. A motion may be withdrawn at any time before amendment.

22. When the reading of a paper is called (except petitions), and the same is objected to by any member, it shall be determined by a vote of the Senate, without debate. But this rule is not applicable to any bill, resolution, amendment, or other proposition which may be at the time directly under consideration.

23. Every Senator, when he speaks, shall, standing in his place, address the President, and when he has finished he shall sit down. No member shall speak more than twice in any one debate on the same day and at the same stage of the bill, without leave; and Senators who have once spoken shall not again be entitled to the floor (except for explanation) to the exclusion of another who has not spoken.

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

25. When a member shall be called to order he shall sit down until the President shall have determined whether he is in order or not; and every question of order shall be decided by the President, subject to an appeal to the Senate by any member. If the member be called to order for words spoken, the exceptional language shall immediately be taken down in writing.

26. The final question upon the second reading of every bill originating in the Senate, and requiring three readings previous to being passed, shall be: "Shall the bill be engrossed and read a third time?" And no amendment shall be received for discussion at the third reading of any bill, but it shall at all times be in order, before the final passage of such bill, to move its commitment under special instructions.

27. The previous question shall be in this form: "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the Senators present upon division, and its effect shall be to put an end to all debate and bring the Senate to a direct vote upon amendments reported by a committee, if any, upon pending amendments, and then upon the main question. On a motion for the previous question, and prior to the seconding of the same, a call of the Senate shall be in order; but after a majority of Senators shall have seconded such motion, no call shall be in order prior to the decision of the main question.

28. On a motion for the previous question, and under the previous question, there shall be no debate. And all incidental questions of order, arising after the motion is made for the previous question (or while acting under the previous question), shall be decided, whether on appeal or otherwise, without debate.

29. When the ayes and noes shall be called for by three members present, every member within the bar of the Senate at the time the question was put, shall declare openly, and without debate, his assent or dissent to the question. In taking the ayes and noes, and upon the call of the Senate, the names of the members shall be taken alphabetically. When the ayes and noes shall be taken upon any question in pursuance of this rule, no member shall be permitted, under any circumstances whatever, to vote after the decision is announced from the Chair.

30. When any member is absent without the bar of the Senate when his name is called on the call of ayes and noes on any vote about to be taken, his vote shall not be received unless unanimously agreed to by the members present; nor shall a member be counted, on a division of a vote, who is absent without the bar of the Senate without leave.

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

32. If a Senator gives notice that he intends to move a reconsideration, the Secretary shall not report the bill or resolution to the Assembly till the reconsideration is disposed of, or the time for moving the same has expired.

33. The titles of bills, and such parts thereof only as shall be affected by proposed amendments, shall be inserted in the journal.

34. The proceedings of the Senate, when not acting as a Committee of the Whole, shall be entered on the journal as concisely as possible, care being taken to record a true and accurate account of the proceedings; but every vote of the Senate shall be entered on the journal, and a brief statement of the contents of each petition, memorial or paper presented to the Senate shall also be inserted in the journal.

35. The rules of the Senate shall be observed in Committee of the Whole, so far as may be applicable, except limiting the number of times of speaking, and except that the ayes and noes shall not be taken.

36 In all cases not provided for by these rules, the Senate shall be governed by the law and practice as laid down in Cushing's Law and Practice of Legislative Assemblies.

37. No standing rule or order of the Senate shall be rescinded or changed without a vote of two-thirds, and one day's notice being given of the motion therefor; but a rule or order may be suspended temporarily by a vote of two-thirds of the members present, except that portion of Rule 6 relating to the final passage of bills; all proposed amendments to these rules shall be referred to the Committee on Rules without debate.

38. The rooms, passages and buildings set apart for the use of the Senate shall be under the control and direction of the President of the Senate, and he shall have the control and direction of the journals, papers and bills of the Senate; he shall see that all officers of the Senate perform their respective duties, and may assign places to reporters.

39. In case of a disturbance or disorderly conduct in the lobbies, the President (or Chairman of the Committee of the Whole Senate) shall have power to order the same to be cleared.

40. The President shall have the right to name any member to perform the duties of the Chair, who is hereby vested, during such time, with all the powers of the President; but such substitute shall not lose the right of voting on any question while so presiding.

41. A Sergeant-at-Arms shall be elected, to hold his office during the pleasure of the Senate, whose duty it shall be to attend the Senate during its sittings, to execute the commands of the Senate from time to time, together with all such process issued by authority thereof as shall be directed to him by the President. The actual expenses of the Sergeant-at-Arms for every arrest, for each day's custody and releasement, and for traveling expenses for himself and special messenger going and returning, shall be paid out of the Contingent Fund, and no other fees shall be paid him beyond his per diem. It shall be the duty of the Sergeant-at-Arms to keep the accounts for pay and mileage of members, to prepare checks, and, if required so to do, draw the money on such checks for the members (the same being previously signed by the President and indorsed by the member or person to whom the check is made), and pay over the same to the member or person entitled thereto.

42. Messengers are introduced in any state of business, except while a question is being put, while the ayes and noes are being called, or while the ballots are being counted.

43 It shall be the duty of the Doorkeeper to prohibit all persons except Senators, members of the Assembly, officers of the two houses, and such reporters as have seats assigned them by the President, from coming within the bar of the Senate, unless invited by the President or a Senator, and to arrest for contempt all persons outside the bar, or in the gallery, found engaged in loud conversation, or otherwise making a noise, to the disturbance of the Senate.

44. When nominations shall be sent by the Governor to the Senate for their confirmation, the same shall be, unless the Senate shall by a majority vote otherwise direct, acted upon at once.

45. Three hundred and sixty copies of all bills shall be printed; and the Sergeant-at-Arms shall be required to certify to the reception, by the Senate, of all printed matter, and the quantity, before payment shall be made or bills audited therefor. Two copies of each bill or paper printed by order of the Senate shall be delivered to each Senator, and one to each Assemblyman and State officer; five copies to the State Library, and the remainder shall be reserved by the Sergeant-at-Arms for general distribution.

Passed over temporarily.

46. Three hundred and sixty copies shall be printed of each document or other matter ordered, unless the Senate specially direct a different number.

Passed over temporarily.

47. On a motion, made and seconded, to close the doors of the Senate on the discussion of any business which may in the opinion of the Senate require secrecy, the President shall require all persons except the members, Secretaries, Sergeant-at-Arms and Doorkeeper of the Senate, to withdraw, and during the discussion of said motion the doors shall remain closed; and every member and every officer of the Senate shall keep secret all such matters, proceedings and things whereof secrecy shall be enjoined by order of the Senate.

48. All bills ordered engrossed shall be delivered to the Engrossing Clerk by the Secretary of the Senate, and the receipt, in writing, of the Engrossing Clerk taken therefor; and all said bills shall be engrossed in the order of their receipt by said Engrossing Clerk; and all Senate bills shall, after their final passage by and receipt from the Assembly, be delivered to the Enrolling Clerk by the Secretary of the Senate in the order of their receipt from the Assembly, and the receipt, in writing, of said Enrolling Clerk taken therefor; and said bills shall be enrolled by the Enrolling Clerk in the order of their receipt from the Secretary of the Senate.

Passed over temporarily.

49. The Superintendent of State Printing shall print a sufficient number of copies of the journal of every day's proceedings of the Senate, to supply Senators daily, during the session, with the journal of the previous day's proceedings; and also, a sufficient number of copies, with proper repaging, to bind at the end of the session of the Legislature, in book form, as the journal of the Senate, required by law.

50. The author of a bill, motion, or resolution, shall have the privilege of closing the debate, unless the previous question has been sustained.

SPECIAL ORDER.

On motion of Mr. SEARS, the consideration of Rules 6, 14, 45, 46 and 48 were made the special order for to-morrow at 2 o'clock.

NEW RULE.

Mr ENOS offered the following, to be Rule 58: "All committees, special and standing, and all joint committees on the part of the Senate, shall report to the Senate their action on any bill or matter referred to them within seven days after its reference, unless otherwise specially ordered.

Mr. BROWN—I move that it be referred to the Committee on Rules.

So ordered.

EX-GOVERNOR IRWIN'S APPOINTMENTS.

The Senate then went into executive session on the following appointments submitted by ex-Governor Irwin:

P. W. Murphy, Brigadier-General of the National Guard.

Thomas J. Clunie, Brigadier-General of the Fourth Brigade, National Guard, vice M. S. Horan, resigned.

John Garber, Trustee of the Asylum for the Deaf, Dumb and Blind, vice H. H. Haight.

Frank McCoppin, State Harbor Commissioner, vice A. M. Burns.

State Board of Health—Luke Robinson, of Colusa; H. Gibbons, of San Francisco; Henry S. Orm, F. W. Todd, W. R. Cluness.

Directors of the Insane Asylum—Robert Watt, S. S. Baldwin, Caleb Dorsey, Obed Harvey.

The roll was first called on the confirmation of P. W. Murphy, and the Senate refused to confirm by the following vote:

Ayes—Anderson, Chase, Enos, Gorman, Harlan, Kane, Kelly, Langford, Moreland, Nelson, Pool, Ryan, Satterwhite, West—14.

Noes—Baker, Burt, Brown, Carlock, Cheney, Conger, Davis, Dickinson George, Hill, Hittell, Hudson, Johnson, Johnston, Lampson, Neumann, Nye, Pardee, Rowell, Sears, Traylor, Watson, Wendell, Zuck—24.

PARTY LIBERALITY.

The question then came up on the confirmation of T. J. Clunie.

Mr. SATTERWHITE—I believe somewhat, gentlemen, in the doctrine that to the victors belong the spoils, but, sir, in applying that rule I have always looked around to see if there were any spoils. To keep up party organization there must be discipline and allegiance. The Republican party and its members, and it is numerous, charge the Democratic party with upholding party organization and always voting the ticket. In fact, that we were not sufficiently progressive, enlightened and cultivated to be impartial on this subject of appointments and giving away offices when we were in the majority. I believe, sir, that all parties, more or less, want offices, but I wish to institute a comparison right here. Here is an appointment—one just refused and another one about to be—which amounts to nothing at the present time. There is nothing in it, to use the usual expression. Now I take it from the vote we have just had that this Senate does not intend to confirm this appointment. Now, sir, I wish to direct the attention of Senators to the action of the Democratic Senate as compared with the action we have taken. I refer to the confirmation of General McComb. The Democratic Senators met in caucus, sir, when his nomination was before this body, and without a dissenting voice agreed to confirm the appointment of that gentleman as Brigadier General, and I refer to the members of the State Board of Health, the Regents of the State University, Directors of the Insane Asylum; and I refer to the Republican Senators here present as to the number of appointments that we confirmed that Governor Irwin made and this Senate confirmed, and the number of appointments that Governor Booth made that the succeeding Democratic Senate confirmed. Now, sir, if this Senate proceeds and refuses to confirm the appointment of General T. J. Clunie I will only be glad of the opportunity to say that we, at least, have proved ourselves, as Democrats, as liberal, as cultivated and as enlightened as the Republican party itself.

TO THE VICTORS.

Mr. JOHNSON—I simply desire to say that when the appointment of General W. T. Crowell and others came before a Democratic Senate they were refused confirmation, and I go by the principle laid down by the Senator from San Bernardino, that to the victors belong the spoils. He says it is good doctrine, and I shall vote against the confirmation of each and all the nominations.

Mr. SATTERWHITE—Does not the gentleman know that General McComb was confirmed?

Mr. JOHNSON—I answer, I believe some dawning of reason did get athwart the vision of the Democratic Senate, and that by some miraculous dispensation of Providence they did confirm General McComb, but they did it by mistake. When they found they had done it, it was too late for them to correct the mistake.

The Senate proceeded to vote upon each of the appointments above named, and refused to confirm each one by about the same vote as on the first.

On motion of Mr. JOHNSON, the Senate adjourned.

ASSEMBLY.

SACRAMENTO, January 13, 1880.

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

Roll called and quorum present.

Prayer by the Chaplain.

On motion of Mr. TYLER, the journal, after being amended, was considered read and approved.

CONSIDERATION OF BILLS.

Mr. COOPER moved to take up Assembly Bill No. 9 and finish the reading.

Mr. TYLER opposed the motion. The motion was lost.

REPORTS OF COMMITTEES.

Mr. FOX, Chairman of the Committee on Judiciary, reported back Assembly Bill No. 3—An Act for the protection of laborers on public works—with a recommendation that it do not pass, the committee believing that its provisions are unwise, impractical and unconstitutional.

Also, Assembly Bill No. 11—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—with a recommendation that the same be referred to the San Francisco delegation. So ordered.

Also, Assembly Bill No. 12—An Act to repeal Chapter 4 of Title 1, Part 2, of the Political Code—with a recommendation that it pass.

NOTICE.

By Mr. CORCORAN—Notice of a motion to amend Rule 18 by adding a new section as follows: "A Committee on Irrigation, to consist of nine members."

INTRODUCTION OF BILLS.

By Mr. MAY—An Act in relation to certain deputies and assistants for County Clerks. [It empowers County Clerks to assign deputies to Superior instead of District Courts.]

By Mr. TYLER—An Act to legalize and validate the assessment-rolls in cities and counties. Referred to Committee on Judiciary.

Also, an Act in relation to Courts of justice in Alameda county. Referred to the Alameda delegation.

By Mr. GORLEY—An Act to preserve the public morals and prevent the spread of vice. [This bill prohibits the exhibition of lewd, nude and flashy pictures in the windows of venders of such stuff, and makes it a crime for photographers to take in a nude state the pictures of either males or females. It is also aimed at the illustrated flash papers.]

By Mr. LEVEE—An Act to prohibit the sale of intoxicating liquors in the State Capitol building. [Any person having in charge the State Capitol building who shall permit liquors to be sold shall be guilty of a misdemeanor.] Referred to the Committee on Public Morals.

By Mr. FOX—An Act to amend Sections 596 and 633 of the Political Code. Referred to the Committee on Corporations.

Also, an Act to amend an Act to provide for the incorporation of Mutual Insurance Companies. Referred to the Committee on Corporations

By Mr. HARRIS—An Act to amend Section 1295 of the Code of Civil Procedure. Referred to the Committee on Judiciary.

By Mr. MAYBELL—An Act regulating the appointment of aliens to positions under city and county, city, county or town officials. [The bill declares, in accordance with the Constitution, that no alien shall be appointed to any position of profit under any official, either State or municipal, unless he shall have declared his intentions to become a citizen of the United States. To insure the execution of the provisions of this Act, it declares that the Treasurer paying a salary to any such alien does so at his own cost.]

By Mr. WALKER—An Act to provide for licensing of and against the evils arising from the use of intoxicating liquors. [It differs entirely from any existing law on the statutes of this State. It is not a prohibitory law, but requires the vendor of intoxicating liquors to give a bond for the damage his liquor may do, making it a misdemeanor to sell without a license and a bond.]

The SPEAKER—It will be referred to the Committee on Corporations.

Mr. BRAUNHART—I move that the bill be referred to the Committee on Chinese Immigration and Emigration. It is nothing more than a matter of courtesy that a member introducing a bill be allowed to suggest to what committee it should go.

The SPEAKER—The rules provide that the Chair shall refer all bills to the appropriate committee, unless otherwise ordered by the House. The Chair will send this bill to the Judiciary Committee unless otherwise ordered by the House.

Mr. BRAUNHART—I move its reference to the Committee on Chinese Immigration and Emigration.

Lost.

By Mr. BRAUNHART—An Act to limit and fix the wages and hours of labor of conductors and drivers on street railroads.

Mr. BRAUNHART—Now, sir, if this Committee on Chinese, as was originally intended by the author of the resolution, is to be shorn of any power in dealing with matters that refer to and affect aliens and Chinese, then it will be well to reconsider the action of the House creating that committee. I see no reason why these gentlemen here so persistently object to the reference of measures affecting Chinese to the proper committee, or why they should wish them referred to committees which I consider unfriendly and hostile to such legislation. Gentlemen referred here yesterday to bills that are being introduced as class legislation. They seem to know in advance that it is class legislation, and are exceedingly anxious that such bills shall be considered by the committees of which they are members. And here I may say that the majority of these committees are men who have declared upon more than one occasion——

The SPEAKER—The gentleman will come to order. It is not in order to refer to any member of this House, or to any member of a committee, in disrespectful terms. The gentlemen have all sworn to obey the Constitution, and it is not in order to refer to them in disrespectful terms.

Mr. BRAUNHART—I do not desire that a bill having the interest of the people at stake should be intrusted to men who have declared that these Acts were unconstitutional——

The SPEAKER—The gentleman will come to order.

Mr. BRAUNHART—I think I am justified by the remark made by the gentleman here from Alameda, that this is class legislation, and of the gentleman from San Francisco, when he intimated that the committee that would be appointed by the Chair upon Chinese was incompetent to deal with these questions. I do not know exactly what that committee will be. I have reason to believe that I will be on that committee. And so far as I am concerned, though not an attorney, I say that I have just as much right to deal with questions of this kind as the Judiciary Committee or any other committee.

Mr. TYLER—Now it seems to me that such a discussion is very unprofitable. There is a way of doing things decently and in order. Here is a bill that refers simply and entirely to the matter of corporations incorporated within this State who employ certain classes of people—Chinese or Mongolians, I do not know what the difference is—the author uses both words. Now is not the Committee on Corporations the proper committee to deal with this bill. You might just as well refer this bill to the Committee on Public Morals, of which the gentleman from San Francisco is Chairman. He seems to think that he is charged with guarding the interests of the people, and that these bills should all—if they refer to a certain class of legislation—go to the appropriate committee, and when they come back from that committee, if it is thought proper by the members of this house, they can still be referred to the Committee on Chinese and get the scintillating genius of the gentlemen of that committee.

Mr. MAY—To my mind, Mr. Speaker, the gentleman from San Francisco makes a great mistake. Now there is but one sentiment upon this floor with regard to the Chinese question. There are no two sentiments here. You may poll the membership of this house and there will not be found one vote against the objects that the gentleman seeks to accomplish. But if by a wholesale, sweeping resolution you refer everything that by any possibility might touch the Chinese to the Committee on Chinese Emigration and Immigration, you will only retard the labors of this house. Take that bill, for instance. Suppose you refer it to that committee. They will sit upon the bill, bring back their report, and we will get into a wrangle in less than five minutes over the constitutionality of the measure. One of these gentlemen learned in the law will point out that the bill cannot be made to stand the test of judicial interpretation, and we will get into a wrangle over it, and eventually will have to refer it to the Judiciary Committee, and when it comes back it will then be referred to the Committee on Corporations, where it ought to have gone in the first instance. And so the bill will go all this round, and I venture to say that there can be found no difference of opinion with reference to the objects sought to be attained. I have no doubt of it. Here is a gentleman brings in a bill preventing fishermen from catching little minnows. Now some one jumps up and says, "That has reference to Chinese, and must go to the Committee on Chinese Immigration and Emigration. You must not refer that to the Committee on Fish and Game." Why, the thing is absurd. I have in my desk a bill relating to the health department of San Francisco, in which I incorporate some very stringent matters that will be peculiarly applicable to the Chinese, and then some gentleman will jump up and move that the bill be referred to the Committee on Chinese, and say that the San Francisco delegation are inimical to the principles contained in the bill. That the Judiciary Committee of this House, composed of the ablest lawyers on the floor, is inimical to the principles of anti-Chinese legislation. The Committee on Corporations, composed of the most distinguished men on the floor of this House—anti-Chinese, I believe, every one of them—will be charged with being inimical to legislation on the Chinese question. I do hope that the House will signally "sit down upon" all this thing, and say that every bill shall go to its appropriate committee.

Mr. HARDY—Mr. Speaker, I think this bill should go either to the Judiciary Committee or to Committee on Chinese. As far as I am concerned I am willing that the Committee on Chinese Emigration and Immigration should have the bill for digestion. After it has been returned to us, then if it is thought proper, it can be sent to the Judiciary Committee. After they have passed upon these bills, why they should be sent to the Committee on Corporations is more than I can see. It affects the emigration of Chinese. It affects the Chinese as much as it does the corporations, and why not send it to the Committee on Chinese, and after they have reported on it then it can be sent to the Judiciary Committee. They are as capable of passing on this bill as the Committee on Corporations.

Mr. FOX—Mr. Speaker, I had not proposed participating in this debate, but since it has been charged by the gentleman from San Francisco that I yesterday intimated that the Committee on Chinese Immigration and Emigration would be composed of gentlemen incompetent to pass upon questions of this kind, I wish to say that I have never made any such intimation. I am not endowed with the foreknowledge of the gentleman from San Francisco, and do not know who may have the honor to be appointed on that committee. Again, sir, I am not so suspicious of my fellow-members upon this floor as to believe that it is possible for the Speaker to have appointed a committee from the members of this house who are incompetent to form a correct judgment upon any matter that may come before them. I recognize every member upon this floor as a man of intelligence, a man selected by an intelligent constituency to represent them here, and entitled to be considered such until he proves himself unworthy of such consideration. But what I did say was that the bill under discussion was not one in reference to Chinese immigration and emigration, but that it was in reference to the revenues of this State, and the subject of licenses It was a bill properly referable to either the Judiciary Committee or the Committee on Ways and Means. The present bill is particularly appropriate for the Committee on Corporations. There is no possible way for this Assembly to perform the duties devolved upon it except to divide the labor of investigation between the several committees; to give us reports upon particular points. That is best done by referring each bill to the committee whose duty it has been made to carefully consider the subject which that bill embraces. Now, I submit that the Committee on Chinese Emigration and Immigration, when appointed, will be one of the most important committees of the House. It will have to deal with the Federal relations of this State upon the subject of Chinese. It will have to deal with the whole world upon this subject, not with corporations, not with the revenues of this State, but a committee whose duty it will be to consider all resolutions and bills which shall be presented here bearing upon the question of emigration from China. The duties will particularly require its members to be familiar with the treaty between the United States and the Empire of China, and to speak, through this house, to the Federal Government, suggesting how this treaty should be modified. I look upon it as a committee of very great importance, and if as the gentleman says, he is to be on the committee, I can assure him that before this session is over he will be called upon to pass upon some of the greatest questions that have ever been passed upon in the United States of America. He will have to make known the wishes and wants of the people of the State of California, and he will have his hands full without handling the judicial laws of this State, or the laws relative to the revenues of the State.

Mr. MAYBELL—Mr. Speaker, the gentleman from San Francisco, Mr. May, seems to be very ticklish about the Committee on Chinese not making these laws constitutional. I have this to say. There is not a member on this floor who does not know that any and every law we can make upon the Chinese question will be declared unconstitutional until the people have the execution of the law. Give me the execution of the law and I will give you the making of the law. It is the execution of the law that makes constitutional or unconstitutional. To-day why is it that the people have no relief? Because the enemies of the people and the friends of Chinese emigration have the execution of the law, not only in this State, but in the United States. Mr Blackstone, the father of all you lawyers, says that no law is law, or is to be respected as law, that is in defiance of and contrary to natural law, and that nothing that is written with ink upon paper that declares that a free and loyal people of a State shall die, shall starve to death, that its civilization shall go down beneath an avalanche of barbarism, can be law, because it is contrary to the natural law of self-preservation. The bill at present under discussion, I think no member on this floor imbued with a spirit of fairness will deny, aims directly at Chinese emigration. It is in indirect language, it is true, but the direct force of the bill is aimed at Chinese emigration. Why, then, refer it to any other committee unless it is to defeat the bill.

Mr. BRAUNHART—Mr. Speaker, from the remarks of the gentleman from Alameda, Mr. Fox, I would infer the scope of this committee to be to report upon resolutions which may be introduced in this house and thereafter referred to the Committee on Chinese. And he believes that we might distinguish ourselves here upon this floor by grand, eloquent speeches upon the subject. That is certainly not my intention. Why does he desire to oppose the reference of these bills to the proper committee? He declares that we will have to pass upon resolutions to be sent to his fraudulency, the de facto President of the United States——

Mr. TYLER—I call the gentleman to order. No member on this floor has the right to refer to the President of the United States as "his fraudulency."

The SPEAKER—The point of order is well taken.

Mr. LANE—I raise the point of order that the gentleman was not in his seat when he raised the point of order.

The SPEAKER—Then the Chair will of its own motion make the point and call the gentleman to order.

Mr. BRAUNHART—We will have to supplicate Congress and the President of the United States with our resolutions. The very language of some of the gentlemen who I now have in my mind's eye declare that the provisions of the Constitution in the Chinese article were simply buncombe, and perhaps they have that opinion still. I believe, sir, that there are certain rights reserved to the sovereignty of the people of the State of California. Under the Tenth Amendment to the Constitution of the United States we can deal with this Chinese question, and I, having that object in view, introduced a resolution creating a Committee on Chinese, which the Committee on Rules afterwards emasculated into Chinese Emigration and Immigration, in order that no bills, no resolutions whatever, might be referred to that committee. If this is to be the scope of the committee, why did this house stultify itself by adopting the resolution?

The question being upon reference to the Committee on Chinese, the ayes and noes were demanded by Messrs. Braunhart, Maybell and Carr of Yuba, and the roll was called, with the following result, 79 members answering to their names: Ayes 34, noes 45. The bill was then referred to the Committee on Corporations.

Mr. LANE moved to adjourn. Lost.

The SPEAKER announced as the Committee on Chinese Emigration and Immigration Messrs. Braunhart, McCarty of Lake, Young, York, Felton, Morse, Carr of Yuba, Maybell, Anthony.

Mr. BRAUNHART declined to serve.

The CHAIR then appointed Mr. McCarthy of San Francisco as Chairman of the committee.

Mr. BENNETT introduced a bill to amend Section 3770 of the Political Code. Referred to the Committee on the Judiciary.

Mr. FOX, from the Committee on the Judiciary, reported back Assembly Bill No. 13, with a recommendation that it be referred to the San Francisco delegation.

THE SAME QUESTION OVER.

Mr. DUBRUTZ—Mr. Speaker, I hereby give notice that I will at an early day introduce an amendment to the standing rules of the House in reference to the reading of bills on three several days, protesting against the action of the House against reading at length on the first and second days. The object of this is to allow any one who wants to to go upon the record.

Ruled out of order.

Mr. LEACH—Mr. Speaker, I have a motion to make upon this subject. First, I ask the privilege of reading an extract from the *Daily Bee*. It is as follows: "The heated debates and long-winded disputes now occupying the attention of the House are liable to occur at any moment, upon any other provision of the Constitution, the gist of the arguments in each case being, as in the debates on the reading of bills, to arrive at some conclusion as to the intent of the framers of the Constitution. The intent is, of course, the fundamental principles of all law, and is laid down as a maxim by Story in his work on Constitutions Jamison on Constitutions also claims that the intent of a constitutional provision cannot be thoroughly understood or correctly interpreted unless the debates in convention for and against the measure are known and understood. The debates in the Constitutional Convention of this State are in existence, and if they are consulted much debate and loss of time will be saved. When the intent of the framers of the Constitution is thoroughly understood from a reading of the debates, it will be found that the opposition in the House on the triple reading proposition is correct in its premises.' Now, sir, I think the suggestion a good one. I am one of those who supported the report of the Judiciary Committee. But if it can be shown that the framers of the Constitution intended that a bill should be read at length three times I would feel it to be my duty to vote for a reconsideration of the report of the Judiciary Committee. I am informed that Messrs. Willis & Stockton, phonographic reporters of the Constitutional Convention, have the notes of the debates in full, and that they can and will furnish to this House a report of the debates upon this particular subject, that will show clearly and succinctly the intention of the framers of the Constitution. Therefore I move that Messrs. Willis & Stockton be requested to furnish to the Clerk of this House the debates of the Convention upon this subject, which the Clerk shall read for the information of the members.

Mr. TYLER—Whatever may be said in regard to this matter, it has been judicially determined in several cases by the Supreme Courts of several States, that a Court had no authority or power to refer to the debates of a Constitutional Convention for the purpose of determining the meaning of words used. It makes no difference what somebody thinks the words mean. The men who got up then and discussed this matter in the Constitutional Convention were no better able to determine the meaning of these words than we are. I am perfectly willing that any gentleman should refer to the debates. You will find the whole discussion in the RECORD-UNION, in which Mr. Reynolds, the introducer, declared that it was not his intention to put any such construction upon the clause.

Mr. HARDY—As I understand the resolution, it is that the debates be produced and read. We don't want all the debates brought in here.

Mr. MCINTOSH—I move to lay the resolution on the table. Lost.

Mr. CORCORAN—I would suggest that if any gentleman desires information upon this subject, that he himself, in his individual capacity, and at his own expense, has the privilege of getting the debates. We don't want to go to the expense of four, five or six hundred dollars to decide a point of this kind, which is already plain to my mind.

Mr. MAY—I have no doubt at all with reference to this question. I am thoroughly satisfied with the decision of this House, rendered over and over again. And yet there are gentlemen here who think differently, and they have a right to think differently, from the majority of the House. And we should respect their opinions. And since in their judgment it goes to the very essence of the value of a law that is passed here, I think we cannot well take too much pains to disabuse their minds, if it is possible to do so. Now, if for the asking we can get from the reporters the debates upon this important matter, let us get them by all means, and let the parts which affect this question be read. We cannot expect a voluminous report, but let us call for such portions of it as at this time as have a bearing upon this subject, so as to have it settled to the satisfaction of every man upon this floor. I am emphatically in favor of the resolution.

Mr. LEVEE—I would like to ask if the vote of the Convention on that clause is contained in the debates?

The SPEAKER—I am informed that it is. I am informed that the debates on this clause will not make more than two pages of legal cap paper.

The question being upon the adoption of the resolution calling for the debates, it was adopted almost unanimously.

Mr BRAUNHART gave notice of a motion to amend the rules in reference to the reading of bills.

On motion of Mr. LANE, at 12:30 the Assembly adjourned.

THE DEBRIS QUESTION.

EDS. RECORD-UNION: It has been said that "in a multitude of counselors there is safety." If the old proverb is exactly true in every instance, then Marysville seemingly has little to fear. Since the question as to whether or not she would commence an action against the miners was first mooted, poor Marysville has been beset with advisers. They have talked to her at her own doorstep; they have talked to her from the neighboring yards and housetops; dinning their advice into her ears at all times, as stridulous-voiced as Cassandra, as strenuous and insistent as Thersites, always counseling "yet a little sleep, a little slumber;" like Thersites, advising a little more complacency, a little further delay; and when they could not get to talk with her they have written letters to her from abroad, one of which appeared in your paper of January 8, 1880, and many of which have appeared in the San Francisco *Stock Report*, notably one communication shortly after the decision of our Supreme Court in the Keyes case.

Marysville has been complacent too long; too long has she been content with bare promises, and too long apathetic as to her prospects and future. But if her thoughts have been purposeless in the past, she has at length awakened to a realization of her danger; to a realization that if the ruinous plans of the miners are ever to be checked; if the compact that Nature has made with one of her strongest elements, aided by the miners' industry, to ruin her, is ever to be resisted and broken, it behooves her to be up and doing, and to be doing that she has to do right speedily.

The miners would stipulate with us now, saying, "We'll legislate." Does any one know what the Legislature will do? Can any one answer that it will certainly do anything that will benefit us or the farmers, or tend to effectually remedy this great evil (*sic*), or avert the great calamity that certainly awaits us if a remedy is not had? Can the promises of the miners be relied upon now with any greater certainty that they will be kept than heretofore?

Heretofore the miner has always pleaded for "time, time," and "time, time" has been given him, and "time, time," coupled with his enterprise, has wrought us all our sorrow. Is this last promise to legislate anything more than another demand for "time, time"? And if legislation is sought, will the miner's gold be less effectual than other gold has been to procure partisan legislation and ineffectual enactments?

Since the city's action against the miners was first spoken of a great number of critics have sprung up—fruit of the dragon's teeth—all equally ready to pick a flaw or carp at a mistake, and all unanimous that a mistake was made; first, in not accepting the money offered by the miners to prevent the commencement of an action against them; second, in commencing an action against the miners at all; and, third (in view of the fact that the miners promise that legislation shall be had), in not dismissing the action that has been commenced. Inquiry discloses that nearly all of these self-constituted advisers are interested in some way or another in mining property. The proper criticism, therefore, to be passed upon their advice in the premises, is obvious—an old lawyer would characterize every such advice as *Janus in legibus*. To be sure, some of those who advised that the city accept the money offered by the miners, advised in good faith. Their good faith is not questioned, but we think that all such advisers have had the good taste not to make an opportunity of every stump, rostrum and market place, and place where there were hearers that would hear, to lament the city's policy on the one hand, and extol the miner's magnanimity, or munificence—as you please—on the other. We rather effect to believe that all such—having a common interest in the city's welfare—are now heartily interested to see the city successful in its action and (letting bygones be bygones), taking an active, hopeful and helpful part therein.

It is true that there is no desire upon the part of the citizens of Marysville to stop hydraulic mining—we have no quarrels with the miners simply for their vocation's sake; but we do insist that the miner, in getting his gold, shall not destroy us! We know that it is "an excellent thing for brethren to dwell together in unity," and we feel that *interest Republicæ ut sit finis litium*—that our interests, as well as those of the State at large, would be best subserved by a speedy settlement of this question. Yet so long as our happiness, our prosperity, our very lives are at stake, depending upon the discontinuance of the miners' industry, so long shall we be at war with that industry; so long, and as long as there is a Court to go to, shall we demand at the bar of public justice the right which the miners deny to us: the right to exist.

ANOTHER TAXPAYER.

Marysville, January 9, 1880.

THE COURTS.

SUPREME COURT.

SAN FRANCISCO, January 13, 1880.

10,470—Ex parte Yun Chin—On reading and filing the petition herein, ordered that a writ of habeas corpus issue, as prayed for, returnable before Hon. J. C. Cary, one of the Judges of the Superior Court in and for the County of San Francisco, on Thursday, the 8th day of January, A. D. 1880, at 10 o'clock A. M., at the Court-room of the Superior Court in the city of San Francisco.

WEDNESDAY, January 7th.

Ordered that George H. Smith be and he is hereby appointed Reporter of Decisions, to hold such office at the pleasure of the Justices of this Court.

THURSDAY, January 8th.

O. S. Wetherby vs. Charles Thomas—On reading and filing the affidavit herein, it is ordered that the appellant have twenty days additional time within which to serve and file transcript on appeal.

10,471—Ex parte Hung Lin—On reading and filing the petition herein, ordered that a writ of habeas corpus issue, as prayed for, returnable before the Supreme Court of the State of California, at its Court-room, in the city and county of San Francisco, on Friday, the 9th day of January, A. D. 1880, at 11 o'clock A. M.

FRIDAY, January 9th.

Ex parte Hung Lin on habeas corpus—Argued by Louderback for petitioner and by Horan and Marshall for the people, and submitted. Subsequently application for bail was denied, and petitioner remanded to the proper authority.

Chief Justice Morrison designated Justices McKinstry, McKee and Ross to constitute Department No. 1, and Justices Thornton, Myrick and Sharpstein to constitute Department No. 2. Justices McKinstry, McKee and Ross, comprising Department No. 1, elected Justice McKinstry to preside over said department. Justices Thornton, Myrick and Sharpstein, comprising Department No. 2, elected Justice Thornton to preside over said Department.

MONDAY, January 12th.

6540—Turney vs. Doherty—Motion to recall remittitur argued by Bates and Parker for appellant, and motion denied.

Durkee vs. Central Pacific Railroad Company—On motion of Hayes, and by consent of counsel, hearing set for the 19th instant. Ordered that the case be heard in banc.

Ordered by the Chief Justice that all even numbered cases be assigned to Department No. 1, and that all odd numbered cases be assigned to Department No. 2.

Ordered that examination of applicants for admission to practice be set for Friday, January 16, 1880.

6896—De Castro vs. Lewis—On motion of Seawell for respondent and Clerk's certificate and stipulation on file, ordered that the appeal herein be, and the same is hereby, dismissed.

TUESDAY, January 13th.

10,471—Ex parte Hung Lin on habeas corpus—Opinion divided.

Adjourned until 11 A. M. to-morrow.

DEPARTMENT NO. 2.

W. W. Likens admitted to practice on motion of E. D. Sawyer and a license from the Supreme Court of New York.

6618—Pickett vs. Wallace et al—On motion of Wilson for respondents, motion to dismiss appeal set for hearing January 19th.

NOTE.—The class of applicants for admission to practice will be examined on Friday, January 16th. Applications must be filed with the Clerk on or before Thursday, the 15th.

SUPERIOR COURT.

HON. S. C. DENSON, presiding.

TUESDAY, January 13, 1880.

F. S. George vs. J. P. Counts—Order submitting cause heretofore entered, set aside.

Eva Bissell vs. Charles T. Bissell—Cause submitted to W. F. George, as referee, to take testimony.

John W. Greenlaw vs. His Creditors—Sheriff appointed assignee.

In the matter of application of Trustees of H-street Methodist Church to mortgage property—Decree modified.

Recess till to-morrow at 10 o'clock A. M.

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