SACRAMENTO DAILY RECORD-UNION.

DAILY UNION SERIES—VOL. XLIX—NO. 7477.
DAILY RECORD SERIES—VOL. XVI—NO. 2479.

SACRAMENTO, FRIDAY MORNING, JANUARY 16, 1880.

DAILY RECORD-UNION SERIES.
VOLUME 10—NUMBER 126.

THE DAILY RECORD-UNION.

Entered at the Post Office at Sacramento as second class matter

PUBLISHED BY THE

Sacramento Publishing Company.

WM. H. MILLS, General Manager.

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

THE DAILY RECORD-UNION

Is published every day of the week, Sundays excepted.

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

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

Advertising Rates in Daily Record-Union.

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

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

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

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

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

Seven words to constitute a line.

THE WEEKLY UNION

[Published in semi-weekly parts],

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

Terms, One Year $2 00

Semi-Weekly Union Advertising Rates.

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

WANTED, LOST AND FOUND.

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

WANTED—SITUATION BY A YOUNG GIRL, to do cooking or general housework in a private family. Address "A.," this office. ja15-3t*

WANTED—INFORMATION IN REGARD TO GEORGE WHITFIELD GRAY, who went from Kentucky to California in 1849. Those having knowledge of him will confer a favor by writing to SAMUEL GRAY, at Bardstown, Nelson county, Kentucky. Postoffice Box 4. ja14-2w*

WANTED—BY AN AMERICAN WOMAN, A situation as housekeeper, or to do general housework. Call on I street, between Front and Second, at Coffee Mills. ja14-3t*

WANTED—EIGHT MESSENGERS AT SACRAMENTO Telephone Exchange. None but active boys, between the ages of 12 and 14, need apply. Inquire at Rooms 10 and 12, Babson's Building, corner Seventh and J streets. ja14-3t*

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*

WANTED—BY A WIDOW LADY OF REfinement, a position as housekeeper in a hotel or private family, or any position of trust. A home more than compensation. Address "M. J.," this office. ja10-1w*

TO PAPER MERCHANTS.

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

WOOD WANTED.

BIDS WILL BE RECEIVED UNTIL JANUARY 20th, for delivering IN THE YARD at this office, 100 CORDS OF OAK WOOD. The wood must be four-foot, and cut from live timber within one year past. Delivery to commence by the 1st of FEBRUARY, and be completed by the 1st of MARCH. ja3-tf

$1,000 REWARD.

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

JAMES SKINNER.

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

TO LET OR FOR SALE.

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

FOR SALE CHEAP—A LODGING HOUSE, of nine elegantly furnished rooms, in one of the most desirable locations in the city. Reasons for selling, owner is going East. MRS. M. A. HALL, northeast corner Third and K streets. ja14 1w*

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 streets, and on Third, between J and I streets. MRS. TENEYCK. ja10-tf

FOR SALE—A BLACKSMITH'S SHOP AND tools, complete, in the town of Rocklin. For sale cheap for cash. [ja10-1w] PETER LESHAN.

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.

ALSO,

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.

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

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

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

STORE FOR SALE.

THE STOCK AND FIXTURES of a Hardware, Tinware and Agricultural Implement Store, in the thriving town of Chico, is offered for sale at a great 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. 312 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 *Jatrus*, a Monthly Journal of Dental Science. d18-1ptf

B. B. BREWER,

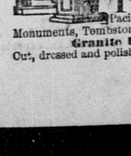
DENTIST, SOUTHWEST CORNER OF Seventh and J streets, in Bryte's new building, up stairs. Teeth extracted without pain by use of Improved Liquid Nitrous Oxide Gas d16-1p1m

R. H. PIERSON,

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

F. F. TERRETS,

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



G. GRIFFITH'S

PENRYN

GRANITE WORKS,

PENRYN, CAL.

THE BEST VARIETY AND largest quarries on the Pacific Coast. Polished Granite Monuments, Tombstones and Tablets made to order. Granite Building Stone Cut, dressed and polished to order. jy11-1p6m

THE MECHANICS' STORE.

WE REPRINT

—THE FOLLOWING—

REVIEW OF OUR ESTABLISHMENT

—AND—

Its Different Departments,

From the Annual Business Review of the "SACRAMENTO RECORD-UNION," published in their issue of January 1, 1880.

HOW THE PEOPLE OF THE CITY AND COUNTRY ARE ADVANTAGED.

A few Practical Considerations worthy careful perusal and thought.

There is scarce a man, woman or child of intelligence in California but has heard of the MECHANICS' STORE, Sacramento (WEINSTOCK & LUBIN, proprietors), K and Fourth streets.

Its history is phenomenal, but not more so than its methods of business.

Its growth has no parallel in the commercial annals of the State.

But this growth has been the legitimate result of the strict application of business principles all men should understand and practice.

The trade of the house is both wholesale and retail, and is conducted exclusively and unwaveringly upon a CASH BASIS.

More than this, "ONE PRICE" is the uniform rule with rich and poor, high and low, friend or foe—a rule as unalterable as the laws of the Medes and Persians.

The firm is a direct importer, and recently has so perfected its system that with greater truth than ever it may be said it has almost entirely done away with middlemen, and brought manufacturer and buyer face to face at the counter in Sacramento.

Whoever buys at the Mechanics' Store does so on a level with all other buyers and under the assurance that neither favor, affection, patronage or friendship gives one an advantage over the other, and under the guarantee that at this establishment all men are treated alike as purchasers.

A child can comprehend the justice, independence and fairness of this system.

But in matter of judgment favor is shown, not to one, or a class, but to all. How?

By placing all buyers upon an exact level, as all goods are plainly marked and undeviatingly rated, the poorly-posted or ill-judging customer stands exactly in the same relation at the counter of the MECHANICS' STORE as does the most skilled expert. Whatever either buys he get therefor his money's worth, for he pays no more in any case than the fairly and lowest possible rated value of the article.

It is a manufacturing firm, and makes up Men's and Boys' Underwear, in all lines; Boys' Suits; Ladies', Children's and Misses' Cloaks; Clothing for the Shop, the Laborer, etc., working up cotton, linen, woolen and mixed goods in large quantities.

Its Factory Machines are operated with an engine, and is upon one of the lower floors of the house. In this Department twenty-four operatives find constant employment, with a Forewoman, Cutter, two Special Workers and two Boys.

The MECHANICS' STORE embraces twelve distinct Departments, which are noticed separately in this review in the proper sections: First, Dry Goods; 2, Fancy Goods; 3, Men's Furnishing Goods; 4, Men's Clothing; 5, Boy's Clothing; 6, Yankee Notions; 7, Hats and Caps; 8, Millinery; 9, Boots and Shoes; 10, Wholesale Department; 11, Country Order Department; 12, Manufacturing Department.

WHOLESALE DEPARTMENT.

THE WHOLESALE DEPARTMENT is distinct from all others of the store, embraces all lines kept in any of the Departments, and is conducted upon the principles heretofore set out. The package rates are the same to all wholesale buyers, and respond only to CASH. The capacity of the Department is equal to any demand the trade of the coast can make. Orders are filled with greatest dispatch, and as faithfully when sent in as if the buyer were present in person.

COUNTRY ORDER DEPARTMENT.

The COUNTRY ORDER DEPARTMENT is a phenomenal one. It represents a vast business. Between one and two hundred orders are filled daily, and the goods dispatched mainly by mail. The selectors act for the customer, using the same judgment as if buying for themselves, and being responsible to the proprietors for the slightest deviation from the exercise of the fairest and best judgment in behalf of the intending buyer.

DRY GOODS DEPARTMENT.

At this establishment the Department of DRY GOODS occupies a spacious, admirably-arranged and popularly-located store-room at the corner of Fourth and K streets, which is stocked from floor to ceiling, and along the balcony running along one wall, with every variety of DRY GOODS, including Calicoes, Dress Goods, White Goods, Waterproofs, Linings, Felt Skirts, Shawls, Curtains, Domestics, Shirtings, Muslins, Silk, Cotton, Woolen and Mixed Goods of all grades, Blankets, Linens, Cloaks, House Linen, Ribbons, Toilet Supplies, Threads, Buttons, Dress Trimmings, etc. The Country Order Department supplies any Goods of this Department in any quantity. The most distant purchaser is afforded equal advantages with the one at the counter.

FANCY GOODS DEPARTMENT.

The Second Department is the FANCY GOODS DEPARTMENT comprises Hosiery, Gloves and Ladies' Handwear, Corsets, Laces, Ribbons, Notions, Embroideries, Articles of Personal Adornment, Edging, Combs, Ties, Jewelry, Collars, Cuffs, etc. Orders are filled from abroad for single articles or by the package.

MEN'S FURNISHING GOODS

—AND—

CLOTHING!

ADDRESSED TO MEN.

The Third Department contains MEN'S FURNISHING GOODS, including Hoisery, Handkerchiefs, Jewelry, Neckties, Collars, Cuffs, Gloves and Handwear of all descriptions; all classes of Shirts, Umbrellas, Bags, Trunks, Valises, etc.

The Fourth Department is the Men's Clothing Department, and includes all kinds of Cotton, Woolen, Silk Mixed and Rubber Clothing, and every possible garment worn by men, and kept even with the best styles. Any of these goods are forwarded to any section in large or small quantities, or by the single article. The absent buyer is treated in exactly the same spirit of fairness as if he or she stobd at the counter.

BOYS' CLOTHING!

Parents in California and throughout the land alike are interested in the purchase of Children's Clothing—especially in Boys' Garments. It is demonstrated that this class of Clothing can be purchased cheaper (and of as good stock and make) than if ordered made at home. At no place is there a more complete assortment of Boys' and Youths' Ready-made Clothing to be found than at the MECHANICS' STORE. The stock is constantly freshened, and the styles of the day in these garments kept pace with. Any of the goods are forwarded to order, by mail or otherwise, as desired.

YANKEE NOTIONS!

"YANKEE NOTIONS" is a very comprehensive term. In order, however, to comprehend what Yankee Notions means, a visit should be made to that Department of the MECHANICS' STORE. The Department includes all kinds of Yankee Notions known to this trade, such as Soaps, Stationery, Pocket Goods, Novel Personal Utensils, Brushes, Combs, Pocket Cases; a full line of Pocket and other Cutlery, Perfumery, Portemonnaies, Purses, and a variety of like goods far too numerous to be classified now. These and all other goods of the store are forwarded per order to any section in any large or small quantities.

HAT AND CAP DEPARTMENT!

The Seventh Department of the MECHANICS' STORE is the branch of the establishment devoted to the Hat Trade. It embraces full lines of Men's, Youths', Boys' and Children's Hats and Caps, including all the newest styles as soon as put upon the market, and in endless variety. Any article or package of articles forwarded in response to order, and selection is made with as much exactness and care in judgment as if the purchaser stood beside the salesman.

MILLINERY.

To Ladies of Sacramento, and to all those of the interior of California and adjacent sections, the Eighth Department of the Mechanics' Store addresses itself. The Department is an important feature of the business. It is stocked with all goods usually found under that head. Employing fashionable milliners and competent assistants, the goods and work are sent out in the best styles. The lines in Hats, Bonnets, Velvets, Ribbons, Feathers and Artificial Flowers are complete, and one or many orders are filled with equal dispatch.

BOOTS AND SHOES!

Of the Twelve Departments of the establishment, one is devoted exclusively to Boots and Shoes. It includes very full lines of Men's, Youths' and Boys' Boots and Shoes, Infants', Misses' and Ladies' Shoes, Slippers, Ties, etc., and full lines of Rubber Foot Wear. There is no fashionable, serviceable and novel article in this line which the department cannot supply. Country orders receive as much attention as if the buyer were present.

The above review speaks for itself, and needs no comment on our part. We will content ourselves by simply saying that although in the past we have worked *hard* for the benefit of patrons and the public, yet for the future we intend to work still *harder*, and give to all the full benefit of our efforts. To those living in the interior we cheerfully send a Price List and samples free on application.

ADDRESS ALL LETTERS:

Weinstock & Lubin,

Nos. 400, 402, 404, 406 and 408 K st., Sacramento, Cal.

CALIFORNIA LEGISLATURE.

TWENTY-THIRD SESSION.

ELEVENTH DAY.

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

SENATE.

SACRAMENTO, January 15, 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.

SPECIAL ORDER—RULE 6.

The Senate then took up the special order made last evening, which was the appeal from the decision of the President, holding that all bills must be read three times at length.

The PRESIDENT—The Chair, in explanation of its ruling, desires to state that he is perfectly familiar with the rule of parliamentary construction as contended for by the Chairman of the Committee on Rules, the Senator from the Fifteenth, supported by the Senator from the Fourteenth, the Chairman of the Committee on Judiciary, but will call the attention of the Senators and of the Senate to another equally familiar rule of construction, and followed by all Courts; and that is, in case of doubt on questions upon contracts or other written instruments, the Courts seek the intention of the parties through other portions of the same instrument, or the circumstances under which it was executed. Following the latter rule, he has only to look at the judgment of the committee of the Convention as expressed in its address to the people, which it adopted as its own, and by its order was sent out with the Constitution, which contains the exact language contended for and the interpretation of its own solemn act as they understood it, with the reasons for it. It is to prevent hasty and vicious legislation. The people accepted this construction and adopted the Constitution, and the Chair thinks that it is the duty of the Legislature and the Courts to follow that construction strictly, and if it is found inconvenient and injurious, by reason of its delay in legislation, let it be amended and submitted to the people at the next election.

A NEW PLAN.

Mr. SEARS—I desire to offer a resolution, and simply state what it is in order that the Senate may perhaps not object to its introduction. After the discussion here last night and the differences of opinion by lawyers and others for whose opinions on this question, and, by permission of the Senate, I will introduce it.

The Secretary read the resolution, as follows:

WHEREAS, a doubt exists in the minds of many members of the Senate and Assembly of the State of California now in session as to the proper construction of Section 15 of Article IV. of the Constitution, relative to reading bills; and whereas, the validity of laws passed during the forty-third session of the Legislature may be involved by the proceeding and practice of such Legislature concerning the reading of bills; and whereas, it is of great importance to the State that an opinion concerning said section of the Constitution should be obtained from the highest judicial tribunal of the State; therefore be it

Resolved by the Senate, the Assembly concurring, That we request the Supreme Court of the State to give to us an opinion upon the following questions: First, is it mandatory upon the Legislature to read all bills at length upon their first and second readings? Second, if a bill, I stead of being read at length, have only its title read for the first and second readings, then the bill for the third reading be read at length on its final passage, would such practice fully comply with said section of the Constitution in regard to the reading of bills?

Mr. SEARS said he was aware that it would be disrespectful to the Supreme Court to assume that they would give an opinion or not, but he believed they would.

Mr. SATTERWHITE was opposed to the adoption of the resolution, on the ground that the Supreme Court would not be likely to give an opinion, and, if they did, it would not be binding on them when they came to construe a law after its passage.

Mr. CHASE held that the Senate should decide upon their own rules and not appeal to the Supreme Court. If they were to read and read all bills three times by title they were safe.

Mr. NEUMANN did not believe in seeking counsel from the Supreme Court on the adoption of the rules.

Mr. BAKER spoke in favor of the resolution, and suggested that some of the Senators be sent to present the case fairly to the Supreme Court with the arguments on both sides.

Mr. EKOS was opposed to the resolution, and thought the only way to be sure they were right was to read all bills three times at length.

Mr. WENDELL favored the resolution. The Assembly were passing bills which were only read by title on their first reading, and even if the bills were read three times at length in the Senate they would not be constitutional, if the Supreme Court afterwards held three readings at length in each house to be necessary.

Mr. CHENEY favored the adoption of the resolution. He had been of the opinion that the Constitution clearly required the reading of all bills three times at length, from examining the address sent out with the Constitution. On learning the manner in which that address had been framed and adopted he was in doubt and thought it well to ask for an opinion from the Supreme Court.

Mr. COGHLAN held that the only safe way was to read all bills at length three times.

Mr. DAVIS believed that the Constitution required three readings of each bill at length, but as the Assembly had adopted the opposite rule it was of no use for the Senate to enter upon it. He should vote for the resolution in order to get an opinion from the Supreme Court.

ITS HISTORY.

Mr. BURT gave the history of the proceedings of the Constitutional Convention on this subject, and of the hurried adoption of the address that accompanied it. He said that the address did not emanate from the committee appointed for that purpose by the Chairman of the Convention, but by a committee of members that had been requested to prepare it by a majority of the members. This committee met and parceled out the different parts of the Constitution among them. Each drew up his part in rough notes, and these all were turned over to the Clerk, who wrote them all out together. The legislative department was the share of Mr. Filcher of Placer. He had seen Mr. Filcher a few days since, and that gentleman said he did not remember having put in the words "read at length" as they appear in the address, and could not tell whether he did it or whether it had been done by the Clerk. At all events, Mr. Filcher told him that it was his understanding of it that it was not meant that the bills should be read at length full three times, but only on the final passage. That was also his opinion of it.

Mr. MORELAND stated that his opinion was the same as that of Mr. Burt, and his recollection of the manner in which the address was gotten up was the same, as he was on that committee.

Mr. WEST agreed with the last two gentlemen as to the history of the address, but believed that it was intended that all bills should be read three times at length.

Mr. GLASCOCK also believed that the intent was to have all bills read three times by title.

Mr. DICKINSON argued in favor of the three readings and opposed the resolution. He thought it best to pass a bill and submit a case to the Supreme Court.

Mr. LAMPSON agreed with the position taken by Mr. Burt and Mr. Moreland, and corroborated their statements in regard to the history of the address.

Mr. GORMAN believed the intent was to have all bills read three times at length. He was opposed to the resolution or to taking any other course.

Mr. BROWN spoke briefly in favor of the resolution.

Mr. WATSON thought the suggestion of Mr. Dickinson a good one that a bill be passed and made a test case before the Supreme Court.

Mr. NELSON took the same ground as Mr. Gorman.

The roll was called on the adoption of the resolution and it was lost by the following vote:

Ayes—Baker, Burt, Cheney, Davis, Hittell, Hudson, Johnson, Lampson, Moreland, Pardee, Rowell, Ryan, Sears, Traylor, Wendell, West, Zuck—17.

Noes—Anderson, Brown, Carlock, Chase, Conger, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Johnston, Kane, Kelly, Langford, Nelson, Neumann, Nye, Pool, Satterwhite, Watson—22.

THE CONCLUSION.

The question then came on the appeal.

The PRESIDENT—The question is, Shall the decision of the Chair stand as the judgment of the Senate?

The roll was called, and the President sustained by the following vote:

Ayes—Anderson, Brown, Carlock, Chase, Cheney, Conger, Dickinson, Enos, Glascock, Gorman, Harlan, Hill, Johnston, Kane, Kelly, Lampson, Langford, Nelson, Neumann, Nye, Pool, Watson, West—23.

Noes—Baker, Burt, Davis, George, Hittell, Hudson, Johnson, Moreland, Pardee, Rowell, Ryan, Satterwhite, Sears, Traylor, Wendell, Zuck—16.

On testing his vote Mr. NYE explained that he had some doubts about the position he took yesterday after further examination, and thought that it might be that the word "read" was not intended to be used in its technical sense.

Mr. Davis explained his vote, that he held it useless for the Senate to read three times when the Assembly was taking the opposite course.

The Senate took a recess of one hour.

AFTERNOON SESSION.

The Senate reassembled at 1:30 P. M. Roll called and a quorum present.

GOVERNOR'S MESSAGE—APPOINTMENTS.

The Senate went into executive session to consider the appointment of George S. Evans, of San Joaquin county, as State Harbor Commissioner; J. K. Doak, of San Joaquin county, O. Harvey, of Sacramento county, Robert Watt, of Marin county, and Donald McLennan, of San Francisco, as Directors of the Insane Asylum.

The first two appointments were taken up separately and on a call of the roll unanimously confirmed.

The question came on the appointment of Obed Harvey.

Mr. SATTERWHITE—Obed Harvey is not a fit person to hold this place from the vote we took the other day, but I am in hopes that the Senate will change its views on this subject and confirm Obed Harvey, for the reason that Governor Irwin believed him to be a fit man, and because his Excellency Governor Perkins disagrees with this Senate and believes that he is a fit man and returns his name back here and as much as says to this Senate: "You should have confirmed the appointment made by Governor Irwin, of Dr. Harvey; and I hope that the Senate will have the good sense to recede from the action of the other day and confirm this appointment."

Mr. EKOS—I am not personally acquainted with the gentleman named, but I think that it is the duty of the Senate to consent to appointments that are sent in here by the Governor. I acted upon that belief the other day and voted for all the names submitted, among them the gentleman we are now called upon to confirm. I am prompted to do this by a radical plank in the platform of the party to which I have the honor to belong, which says that the office should seek the man and not the man the office. I trust I shall be consistent in voting to confirm the nomination, and I trust that our Republican friends will be so inconsistent as to vote for it.

The Senate unanimously confirmed the nomination of O. Harvey.

The nominations of Robert Watt and Donald McLennan were also confirmed.

Charles D. Bunker, as Commissioner of Emmigration, was confirmed.

John F. Sheehan, as Brigadier-General, was confirmed.

The nominations of H. Gibbons, C. C. Mason, J. P. Whitney and W. R. Cluness, as members of the State Board of Health, were confirmed unanimously.

A NEW DEPARTURE.

The appointment of Dr. C. W. Brevfogle as member of the State Board of Health then came up, and brought forth considerable discussion.

Mr. ROWELL said that he wished most respectfully to protest against the confirmation of the appointment, without any personal feeling against Dr. Brevfogle or any disrespect to the Governor. He wished to state that the name of Dr. Brevfogle does not appear among the list of regular practitioners of the State, but appears among the homeopathic practitioners. It had heretofore been the custom to fill the State Board of Health with regular graduates. There had been for a long time a feeling of dislike, or rather a want of harmony, between the medical professions. If Dr. Breyfogle is confirmed it would immediately create dissensions, and he was told that no member of the Board who may already have been appointed or confirmed will serve on such a Board. It would not be in accordance with the previous custom. It would not do any good, and would do harm. In protesting against the confirmation of Dr. Breyfogle he had no feeling of discourtesy to Governor Perkins, nor had he any special dislike to Dr. Breyfogle. He hoped the Senate would refuse to confirm this nomination. He wished to state further that Governor Perkins says that it is not for the purpose of creating dissension that he makes this appointment. The request that he should appoint one of the homeopathic practitioners had been quite earnestly urged and he had given his word that he would appoint one, and therefore he had sent in the name of Dr. Breyfogle.

Mr. BAKER said that as Dr. Breyfogle was from the county that he represented he wished to indorse his character as a man and his standing in the community in which he lived. He should vote to confirm the appointment.

Mr. CHENEY also favored the confirmation of the appointment. He held a man who had a certificate from the Homeopathic Board to be as regular as any other.

Mr. EKOS denounced the opposition to the confirmation of a man on account of the particular branch of medicine he practiced as an attempt at proscription.

Mr. CONGER favored the confirmation of the appointment.

Mr. ZUCK confirmed what Mr. Baker had said in relation to Dr Brevfogle. He was a physician who had the entire confidence of his whole county.

Mr. CHASE favored the confirmation and honored the Governor for breaking over the iron-clad system of monopoly that had controlled the action of legislatures and boards of medical men.

Mr. LAMPSON took the same position substantially as Mr. Rowell.

Mr. NEUMANN would vote against the confirmation because it would cause dissension in the Board and ruin my own good-nature.

Mr. JOHNSON favored the confirmation and denounced any form of proscription. He did not believe in ostracizing a man on account of the particular school of medicine he professed. He believed in the homeopathic treatment. He gave the history of the Homeopathic Board of Health in Sacramento, and held that the city was better for the change.

The roll was called and the appointment was confirmed by a vote of 21 ayes to 11 noes.

RESOLUTIONS.

The Senate resumed its regular business.

Mr. BROWN called up the following resolution, which was adopted:

Resolved, That the Sergeant-at-Arms be empowered to appoint two gate-keepers, one for each side of the Senate chamber, at a per diem hereafter to be fixed by the Senate.

COMMITTEES.

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

Resolved, That Senators Powell, Hill, Burt and Carlock be and they are hereby added to the Committee on Agriculture; that Senators Carlock and Zuck be and they are hereby added to the Committee on Claims; that Senator Cheney be and he is hereby added to the Committee on Judiciary; that Senators Hudson and Hittell be and they are hereby added to the Committee on Military Affairs; that Senators Carlock and Lampson be and they are hereby added to the Committee on Roads and Highways; that Senator Johnson be and is hereby added to the Committee on State Prisons; that Senator Johnston be and is hereby added to the Committee on Public Buildings; that Senator Davis be and is hereby added to the Committee on Irrigation, Water Rights and Drainage; that Senator George be and he is hereby added to the Committee on Corporations.

TRANSPORTATION REPORT.

A message was received from the Governor transmitting the biennial report of the Commissioner of Transportation, together with a communication from that officer calling attention to a correction to be made in the foot-note on page 78, where the words "not payable until maturity of bonds" should be omitted.

RULES.

The Senate resumed consideration of the rules.

Rule 14 was adopted, as follows:

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.

Rules 45, 46 and 48 were recommitted to the Committee on Rules.

CONTESTED CASES.

Mr. EKOS inquired if the President had the papers upon the contested election cases.

The PRESIDENT said that a communication would be forwarded to the Secretary of State to have them sent in to-morrow morning, when they would be referred to the Committee on Elections.

READING OF BILLS.

On motion of Mr. BROWN the Secretary was directed to take up all the bills that had been introduced, commencing at No. 1, and read them at length in accordance with the decision of the Senate.

Mr. NEUMANN introduced an Act amendatory of Section 4066 of the Political Code. (It classifies the counties: First in the first class counties having 150,000 inhabitants; in the second counties having over 50,000 and less than 100,000, in the third class counties having over 10,000 and less than 50,000, and in the fourth class counties with 10,000 and less.)

The Secretary took up and read at length bills from No. 1 to No. 8, and they were referred to their proper committees and announced as having been read the first time.

THE DELEGATION FIGHT AGAIN.

After Senate Bill No. 9, in relation to the price of gas in cities having over 100,000 inhabitants, was read, Mr. NEUMANN moved that it be referred to the San Francisco delegation.

Mr. JOHNSON moved that it be referred to the Committee on Corporations. He thought that question had been decided yesterday.

Mr. NEUMANN opposed the motion, and urged that as San Francisco was the only place affected by the bill it ought to go to that delegation. He had voted yesterday to refer the bill to the Committee on Judiciary because it contained questions of law to be determined, but he had then stated, and now repeated, that there were bills that ought to go to the San Francisco delegation.

Mr. EKOS warmly advocated the reference of the bill to the San Francisco delegation. He alluded pointedly to the interest which Senator Baker of of Santa Clara appeared to take in San Francisco affairs, and to his opposition to any recognition of the San Francisco delegation.

A WARM DEBATE.

Mr. BAKER gave the reasons why he considered all bills should go to some standing committee of the Senate. In the course of his remarks he said that the gentleman from the Thirteenth (Mr. Enos) did not own a foot of land in San Francisco. He continued: I am casting no insinuations and making no charges at all. I am simply defending myself from the sneers and flings that have come from the honorable gentleman who has just taken his seat, and from the member from the Tenth, though he clothed it in the words of a different tongue. I am merely defending myself when I state upon the floor of this Senate that, as small taxpayer as I am in that city, I pay five times as much taxes as the majority of the delegation, as at present constituted, pay altogether. Therefore I have a right, and I state it on this floor. The majority of the San Francisco delegation pay $33 and some cents taxes to the State of California and the city of San Francisco, and four of them do not pay a cent. Now, Mr. President, where are these bills to go? I make no charge; I expressly disclaim it; but when it is charged that I pay more attention to the interest of the city and county of San Francisco then I have a right to, I return it with all the indignation and contempt of a taxpayer for the charge and for its author. I am a Senator, not of Santa Clara, but of the State of California. I have interests, though they be not great, in the city of San Francisco, and I have friends who have interests which number many thousand times the interests of a majority of the San Francisco delegation. Therefore I claim that I have a right, an inalenable right, which I shall not be prevented from asserting by the slings, sneers or insults of any member of the San Francisco delegation. I will stand by what I believe to be right, in the face of that delegation, though they were united, which I do not believe they are; and in the face of the entire press, not only of the State of California, but of the United States. Though I stood alone upon a proposition, if I believe it to be right I will stand there until the resurrection day. And when the gentleman makes these insinuations, I return them to him with all the scorn and contempt which they deserve. So much for my interest in the city and county of San Francisco; and so much for my reason in taking this position. And I shall maintain it if it be until the adjournment of the Legislature. The gentleman talks about what he represents. What does he represent? Why he represents the ignorant rabble of the sand lots. Who sent him to these halls? Did the taxpayers and the citizens of San Francisco? I ask him, and he dare not reply. Mr. President, this thing should be settled right here and now, whether this class is to control or not; and I simply say this much because of these insinuations. But I pass to my real reasons for making this statement. My reasons are these: In seconding this motion my reasons are that we have adopted a Constitution that prohibits special legislation. The honorable gentleman from the Thirteenth was a champion of that instrument I believe. He favored it upon the rostrums of the State. It was announced loud and low that this Constitution was to do away with special legislation. There would be no more special legislation anywhere. And I must confess that I was greatly surprised to hear the Senator from the Thirteenth stand up on the floor of this Senate and assert that he proposed, notwithstanding the Constitution prohibited special legislation, that we can have special legislation under the guise of general legislation.

Mr. BAKER argued at length against any recognition of any delegation. He did not desire any such courtesy extended to his delegation. No other State in the Union recognized any delegation from any of their cities as a committee or delegation. He held that the real reason why this effort was made to refer these bills to the San Francisco delegation was that the San Francisco delegation might have a Chairman and a clerk to do its work. The whole purpose was that the majority of that delegation might name a clerk, who should do the work of the delegation, or at least of the majority. It was a well-known fact that they came to the Capital with their clerk selected, and that was the whole purpose of the filibustering last night. He hoped the bill would go to the Committee on Corporations.

Mr. SEARS raised the point of order that no discussion was in order on the merits of the bill, and that it should be confined to the question of reference.

Mr. JOHNSON hoped there would be no cutting off of the debate. He wanted the speakers to have a fair field and a free argument, and let their motto be "Lay on, Macduff, and damned be he who first cries hold, enough!"

Mr. CONGER replied at some length to the remarks of Mr. Baker. He had been deeply pained at the remarks of the Senator. He represented a constituency here as honest, as true and as loyal as did the Senator from Santa Clara. The men he had stigmatized as a rabble had hundreds, aye, thousands, of them stood under the flag of their country, and upheld its honor upon a hundred battle-fields of this country. They were men who could discuss questions of policy as fairly and intelligently as the constituency the gentleman claimed to represent. He not only represented his own party but he represented the honest portion of the Republican party in the Ninth Senatorial District. He received nearly a thousand votes of that party. He had himself stood in rms to uphold the flag of this country. He threw back into the gentleman's teeth with increased scorn the contempt he uttered for the men he represented. He was in favor of the reference of the bill to the San Francisco delegation.

Mr. DICKINSON also favored the reference of the bill to the San Francisco delegation, and deprecated the remarks of the Senator from Santa Clara. These were bills that would affect only San Francisco, and that delegation ought to be recognized and have such bills referred to them.

A SHARP RETORT FIRE.

Mr. ENOS—I have discussed the merits of this bill sufficiently to give the Senate the understanding that it was of a character that should be referred to the San Francisco delegation. I must confess that I had some local pride when I announced my views to this Senate that it should be referred, and that we should not be ignored as a delegation from that city. I have not intentionally, if I have done it at all, injured the personal feelings of any Senator on this floor; I have no acknowledgments to make to the distinguished gentleman from Santa Clara; I have not impugned the lofty integrity, the intelligence, the wealth or virtue of his constituents; I concede that they rank among the first in the State, and I trust that the record that he shall make on this floor will reflect the sentiments and the honor and the integrity of that constituency. But when the learned gentleman makes a personal assault upon me and my associates that represent the delegation from San Francisco, it is my duty not to shut down upon his weak and feeble physical structure, for he is illy prepared for a physical encounter with me, I know; and he shall receive the charity and the sympathy which the strong should ever give to the weak, and I extend to him the shield of my generosity at the protection of my own good-nature. I shall have no trenchant blades for him to break, for I, myself, go unarmed. I have no furious blows to give, for I am harmless and never strike. I shall fear none that he may aim at me, for they will fall harmless at my feet; but when the gentleman asks this significant question, "Who sent him here?"—it is my province and pleasure and duty to reply, I am sent, Mr. President, as a Senator on this floor from the Thirteenth District, receiving more votes than are in all Santa Clara county; I am sent from a district whose general intelligence and wealth takes the front rank in the