DAILY RECORD-UNION

CITY OFFICIAL PAPER.

FRIDAY..................AUGUST 20, 1886.

The RECORD-UNION *is the only paper on the coast, outside of San Francisco, that receives the full Associated Press dispatches from all parts of the world. Outside of San Francisco it has no competitor, in point of numbers, in its home and general circulation throughout the coast.*

SAN FRANCISCO AGENCY.

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NEWS OF THE MORNING.

FOREIGN—The British Parliament met yesterday......Thirty-nine policemen have been arrested at Belfast and sent to jail. ......Silver in London, 42 2-16d; consols, 101; 4s of 1907, 129½; 4½s, 112½.

EASTERN—The Anarchist trial closed yesterday......There is a report that Secretary Bayard intends to resign......Villard will return to New York......The New York canal boatmen have settled their disputes. ......Arrest of a forger in New York......The New York Central Labor Union is to decide to-day whether to enter politics or not...... The Ehret brewing boycott has proved a failure.......The Democracy of New York city is in a shaky condition......General Butler says boycotting is an old American practice......The President caught another fish......Government bonds are quoted in New York at 125¼ for 4s of 1907; 110½ for 4½s; 100½ for 3s; sterling, $4 82½; silver bars, 91⅞.

PACIFIC COAST.—Two San Francisco boys who were supposed to have been drowned have turned up all right......The El Dorado County Republican Convention met yesterday and nominated a ticket......The fair at Chico is a success......Hon. A. H. Saxton, a California pioneer, died at Tahoe City yesterday......Several head of cattle were poisoned near Livermore......An enthusiastic railroad meeting was held at Santa Rosa Wednesday......Ten carloads of chrome ore were shipped to Philadelphia from Livermore..... The residence of A. C. Fleming was burned at Lincoln last evening...... Thomas Nealon was run over by a freight train in San Francisco and killed.

THE IMPORTANCE OF THE FORESTRY QUESTION.

The chief causes of forest destruction are fires and browsing stock. Nearly all the former result from carelessness, though some few are purposeful. The injury by stock is due to the trampling down of the ground until it packs about the trees, prevents percolation of the water through the soil and kills off the nutritious herbage. Sheep destroy the young forest growth by eating the tender bark and foliage, and stock herders are known to set fires for the purpose of burning off dried herbage, and these fires communicate to the forests themselves. Added to these causes is the trespassing upon wooded lands—the outright thieving of timber. Under this combination of assaults it is altogether probable that if unchecked, the work of destruction of our wooded slopes will have so far advanced in five years more, as to seriously affect climatic conditions, augment the danger of floods, and reduce the capacity of our streams. The irrigation cause ought to have close sympathy with that of forestry. In fact, Irrigation, Forestry and Reclamation should move hand in hand. This journal has for ten years or more urged consideration of the forestry question upon the people. It has never failed in keeping it before the public. The hope that has been entertained of gaining for it some measure of attention has not wavered; though until very recently it has not had much gratification.

Now, it appears, there is growing up a lively forestry sentiment, and we are inclined to believe that some active steps will be speedily taken to prevent the denudation of our hills.

When the people are fully and vividly impressed with the truth that the even flow of the rivers, the avoidance of floods, the feeding of the springs, the mitigation of great heat, the humidity of the atmosphere in winter and summer alike, and the annual precipitation of moisture all depend in great degree upon the preservation of the integrity of the forest robes of our hills and mountains, remedies will be applied to correct present ills and prevent greater threatened evils.

We look to action by the American Forestry Congress at Denver to greatly engage public interest in the grave question. The telegraphed comments of the New York *Sun* on this topic prove that there is a sentiment at the East that is surprised at our inactivity here. New York has had some bitter experience in the Adirondack forest region of the dangers of forest destruction, and has seen its noble Hudson suffer by the stripping of timber upon its head waters. At a late hour the State passed stringent laws to stop the work of the destroying agencies and to set apart forever great timber reservations. These steps are being followed by others to encourage the growing of timber and the liberal planting of trees throughout the State. New York, indeed, is more "alive" to the vast importance of the "forestry" question than any other section of the Union. There is some error but much of truth in the remarks of the *Sun* upon California rivers, when it says:

> Their very existence is seriously threatened. Two classes of Californians are hotly disputing the right to water, while the third is silently and slowly destroying the capacity of the rivers to furnish any water at all during the months when the use of water is really essential. The topography of no other part of the world is so adapted to develop dangerous floods and subsequent periods of water famine as that of California. Californians, in the meantime, go on in their vain and short-sighted efforts to divert into one or another industrial channel the water that flows from their mountain reservoirs without any heed to the reservoirs themselves. California, without a permanent summer supply of water, a supply unreplenished by summer rains, will perish with its forests. This fact is as immutable as the laws of nature.

There is enough of sound sense in this to awaken us to the importance of action at once. We have been too long deluded by the statement of optimists that there is no danger, because all throughout the mountain regions a dense undergrowth of pine is springing up, which promises greater protection to the soil, longer retention of water in it and more humidity for the atmosphere than was due to the original forests.

All these statements are capable of refutation, but we cannot at this time enter upon it. It must suffice to say that the new growth is suffering quite as much as the old, and that not in a quarter of a century will it, if unharmed, afford us the protection and benefit that we have from the original. There is nothing to insure us against the same assault upon the new pine that has been prosecuted against the old growth. Indeed, with the increase of population and expanded occupancy of lands, we may anticipate but brief life for oncoming tree-growth. The thing to do, therefore, is to preserve both old and new trees from depredations of hunters, stock men and timber thieves.

If there is any doubt in the minds of any of our readers concerning the gravity of the question and the importance of early action and drastic measures, we invite them to examine Commissioner Hough's elaborate and deeply-interesting report to Congress on forestry and its modern history; Marsh's "The Earth as Modified by Human Action;" the proceedings of the American Forestry Congress, the report of inquiry into the question made by the Legislature of New York, and the several works that present the action of the German, French and Italian Governments on the maintenance and removal of forests and the effects upon river sustenance, on the influence of woodlands in warm climates, on the dependence of rainfall upon timber growth, on the control of floods by wooded lands, on the mitigation of high temperatures and the checking of low temperatures by forests, on the breaking of the force of strong winds by timber belts, on the relation of vegetable growth on plains to tree growth on uplands, etc.

JEFFERSON AND THE "SPOILS" SYSTEM.

The San Francisco *Examiner* says: "The question is asked by an interior contemporary. Did Thomas Jefferson ever hold the doctrine that 'enough men should be turned out to give our fellows at least an equal chance?' Yes; he did. The great Democratic chieftain held that very identical doctrine, and stated it with his usual terseness and force." Let us see about that. Dogmatic assertion will not stand before the authentic facts of history. Under Jefferson there were fewer minor offices to fill than now relate to the Custom-house of either of the two greatest commercial ports of the Union, and as Mr. Curtis has shown by quoting from Mr. Randall, the biographer of Jefferson, they were "understood to be held upon the constitutional tenure of good conduct." In 1835 John C. Calhoun was active in declaring that the practice of arbitrary removals was of recent date—since 1820, when the "four years' law" was passed. Jefferson was opposed to the four years' system, and prophesied its ill results. He came to the office not upon the doctrine of distribution of spoils, but upon the doctrine of economic administration and the necessity of a strong Government. What Mr. Jefferson did say concerning removals was: "Some removals, I know, must be made. They must be as few as possible, done gradually, and bottomed on some malversation or inherent disqualification. Good men, to whom there is no objection but a difference of political opinion, practiced on only so far as the right of a private citizen will justify, are not proper subjects of removal." Will the *Examiner* put its finger upon a line in any of the several written lives of Jefferson, or in any of his own writings, where any different expression on the subject was made by that statesman? It having asserted that Jefferson held that "enough men ought to be turned out to give our fellows at least an equal chance," it is bound to produce the proof. The *Examiner* ought to known that the spoils system was introduced by Jackson in 1829, when, in his inaugural address, he interpreted "reform" to mean that he was to remove the officeholders of former Administrations, and supply their places with his own partisans. In the first year of his term he removed over 700 officials on political grounds, exclusive of subordinate clerical places he made vacant. But in the forty years preceding Jackson there had been but sixty-four removals. Jackson's removals were on the ground of political faith, and not for unfitness, and thus flew directly in the face of Jefferson's doctrine. Sterne, in his "Constitutional History," finds no record of any expression or action by any Administration prior to Jackson, favoring removal for political reasons. It was only with and after Jackson that appointments went by favor, not by merit. Thomas Jefferson was not a Democrat, as Democrats now are. No one of his biographers class him with Democratic timber of the modern order. His best biographer wrote him down "a Republican and a philanthropist." In his inaugural address, delivered March 4, 1801, Jefferson used this language: "Every difference of opinion is not a difference of principle. We have called by different names brethren of the same principle. We are all Republicans; we are all Federalists." By Republicans, Jefferson meant his political friends and his party, and by Federalists, the party of Adams and Hamilton. It is a known fact of history that Jefferson repeatedly expressed his disapproval of the term Democracy when applied to him by the Federalists, says Norcross in his trenchant review of the Democratic party. The party now known as Democratic was unknown to Thomas Jefferson, and there is in no portion of its practice, or line of its theory, anything in sympathy with the faith to which Jefferson adhered, and least of all in the matter of the civil service.

OF all the bungling defenses ever made for miserable murderers that set up by Zeisler on behalf of some of the Chicago Anarchists at their trial was the most conspicuous. Just read, for instance, his excuse for incendiary language:

> Mr. Zeisler pleaded as an excuse for the more "energetic utterances" of Spies, Parsons and Fielden that their hearers were often of that class of laboring men who were ignorant because the amount of time required to earn bread for themselves and their families left them none in which to gain knowledge. In order to have the desired effect upon such an audience ordinary language would not suffice; it was necessary to use emphatic figures of speech. This explained the remark of Parsons that Marshall Field in accumulating his vast fortune had robbed the poor and that his hearers would do nothing criminal if they marched to Marshall Field's store and took what they required for their comfort.

THE *Alta* very sensibly says that howl-power is not a motor of grave public questions. It believes the irrigation interest has been much injured by it, and the solution of the problem postponed by the unwise effort to force it to a conclusion by lung and vituperative force. The *Alta* adds this general truth:

> Calling your adversary a hard name, and denouncing all who may dare to differ with you as bribed, bought and corrupted scoundrels, are methods that have wrought their last results long ago. They are to public discussion what a hoodoo is to medicine. They are the signs of social atavism, and our society disregards them through its fixed determination not to retrograde and return to a lower type.

THE Japanese extradition treaty with the United States is the first ever covenanted by an Oriental nation. It is so much more liberal, on so much a higher plane of civilization, so much more frank, broad, manly and just, as to put England to shame for the narrow lines to which she confines extradition.

LOUISE MICHEL'S promised raid upon the patience of the people of the United States has been postponed, The Anarchist Amazon was sentenced on the 13th instant to four months' imprisonment for using seditious language. A pity it is we have not a little French law here for our blatant Anarchists.

GERONIMO wants to surrender on terms—to Mexico. Any way to get hold of the rascal. The Mexicans can as well hang him as we.

CALIFORNIA LEGISLATURE.

EXTRA SESSION—TWENTIETH DAY.

SENATE.

THURSDAY, August 19, 1886.

The Senate met at 11 A. M., President Daggett in the chair. Roll called and quorum present. Prayer by the Chaplain. Journal of preceding day read and approved.

APPROPRIATION BILL.

Assembly Bill No. 11, appropriating $20,000 for expenses of the session, was taken up for third reading.

Del Valle objected to the passage of the bill at this time, and moved to make it the special order for the following day at 11:30 P. M.

Knight favored its passage. The Assembly is already in need of some of this money, and what is not used will remain in the Treasury.

Saxe thought the Senate should not be too sensitive about newspaper statements to the effect that the Legislature is using the people's money. The people are using his (Saxe's) money—twice as much of it daily as he is getting for his services.

The motion to postpone was lost.

The bill was then passed.

RESOLUTION.

Boone offered a resolution appropriating the sum of $8, to defray the expense of hack hire on the occasion of the reception of General Sherman and Grand Army officers. Adopted.

THE WATER QUESTION.

Cross resumed his remarks on Senate Bill No. 16. He had never yet heard of any complaints of extortion on the part of appropriators owning irrigation works. There was little danger of any over-charges for water, or extortionate exactions, for the people have in their power the matter of regulating the rates to be charged. The bill under consideration itself embodies the very protective provisions desired. The small land-owner cannot afford to buy out the rights of the riparianists below him on the river. Men of means must come in and secure large possessions of land in order to warrant the purchase of riparian rights. State ownership and control might be the best; but if we can get the control, without the ownership, great good would be accomplished. The doctrine of the day is that individual prosperity must depend upon individual effort. Originally the bill seemed to leave no protection to the riparian; but of late a better spirit has prevailed, and it has been amended in such manner as to protect vested rights. It now leaves to the riparianists all the rights they have enjoyed. It gives to them all they have acquired in the past—all the privileges they have enjoyed heretofore; water for domestic purposes, the watering of live stock, and for irrigation where practicable. As amended, the bill gives the riparianist even greater privileges than the Courts have accorded him. Its passage would at once end all pending lawsuits affecting water rights. He knew of no reason why the riparianist should desire more than this bill, in its present form, would give him. It has been said that the passage of this bill would result in the destruction of inland navigation. This, to him, was no serious objection. The time has come when inland navigation is no longer important nor desirable. The railroads of the country, running parallel with the greatest waterways of the world, are already doing the bulk of the transportation, and doing it cheaper than can be done by water. The rivers and lakes are no longer the transportation thoroughfares of the nation—the railroads have superseded them. A wise system of irrigation would enhance the values of land, as had been done elsewhere; the population of the State will be increased to millions, and its cities become great and important centers of art and commerce. With all the provisions now in this bill justice would be done to the riparianists, and at the same time the vast interests of the State subserved. The Senator concluded his remarks by drawing a picture of the near future—should the bill under consideration be passed—in which the riparian owners of to-day were enriched beyond measure by the enhanced value of their lands, through irrigation.

Days combatted some of the arguments of Cross, and contended that large aggregations of land by the rich has ever been productive of misery among the poor. This fact can be illustrated graphically by reciting the condition of affairs in Ireland, Switzerland, Italy and elsewhere.

Chandler said he came here to do what he thought was right to all interests involved. He was in favor of State control of the waters. He liked the argument of Senator Cross, and wanted to vote with him, but it was impossible for him to tell how the Senator from Nevada will vote finally. Before the provisions of Section 1422 of the Civil Code should be abrogated, before he could vote to repeal it, he wanted to see some law placed on the statute books to give the State control of the waters.

Steele expressed similar views. He was afraid of the great monopolies that are growing up, and he could not vote to place the interests of the people in the power of selfish aggregations of capital. The waters should be in the hands of the State to distribute among the people, and thus saved from the monopolists on either side.

LEAVE OF ABSENCE.

Indefinite leave of absence was granted to Senators McClure and Foster.

Recess till 2 P. M.

Afternoon Session.

On reassembling, Cox spoke against Senate Bill No. 16. He explained the nature and effects of the irrigation construction works taking water from Kern river, and denied that these works could be made profitable or beneficial to the riparianists on the river below the point of appropriation. The passage of the proposed bills would shut them out, absolutely, from the use of one drop of water. It is not a fact that the people of Los Angeles, Kern, Tulare and Fresno are not a unit in support of these bills. Scores of them have implored him to stand up and oppose to the end all attempts at a monopoly of the waters running in the streams. He had acquired his property rights honestly and fairly, and would be less than a man not to defend them. He demanded the right to hold and enjoy those rights which the Almighty had given him. The owners of the irrigation canals and ditches had even constructed levees to prevent the speaker and his neighbors from benefiting in the smallest degree from the effects of contiguous irrigation. A proposition was made by the riparianists to the appropriators to accept one-fourth of the water flowing in the river, and to give the latter the other three-fourths for their own use and profit, but the offer was rejected. Referring to the statement by Senator Cross, that irrigation would enrich him (the speaker) by enhancing the values of his land, he denied that such would be the case. His head is already whitening with age, and before the millennium promised by the Senator from Nevada shall come around, he (the speaker) would be sleeping in his grave. But this is not all. He was contending for right and justice. He preferred to enjoy his own rights and property acquirements in his own way. It is a bad time, and in bad taste, for owners of property to be quarrelling in this way about their acquired or desired rights. He wanted to have the matter settled equitably and definitely, but it was for the water claimants to now make concessions and propose equitable terms of settlement.

Boone criticised the system of legislation proposed in the interest of a few men. Two years ago the speaker was a riparianist. Since then he had come to the conclusion that some system of irrigation is necessary. But shall a monopoly of the water be given to a few individuals who, with their money, come into the halls of the Capitol to influence legislation? He had investigated the systems of irrigation in vogue in the older countries, and found that Governmental control had been a success, whereas private or corporate ownership and control had been a detriment. The question before us is one that cannot be readily adjusted; and it behooves this Legislature to consider carefully its work. If present conditions be not interfered with, there will be time enough in the future in which to arrive at a proper understanding of the problem.

Routier said that vested rights are good enough as far as they go. But what made vested rights? The law made them, and the same power that made a bad law can make a better one. He had no respect for vested rights that were oppressive and against the interests of the people. The American colonies had vested rights once, and the Southern States had vested rights in their negroes, and what has become of them? The British landlords have their vested rights, but will they be maintained in the face of that justice which the people of Ireland demand? California has no right to give to the few vested rights that belong to the people. The present condition of things is leading toward the shotgun policy. In California there can be little prosperity without irrigation. If the people of the southern counties are not given the water they require they will take it. Two years ago it was said on this floor that we had not had light enough on the problem; but the men who opposed irrigation then oppose it now. The enemy of irrigation is a public enemy—not intentionally, perhaps, but still a public enemy. We owe it to our common country, and to our manhood, to give the people the use of the waters for beneficial purposes.

Kellogg moved to take up Assembly messages.

Spencer urged postponement of the matter until the subject under consideration be disposed of.

The motion was lost.

THE MAIN QUESTION.

The main question then recurring on the motion to reconsider the vote by which the Reddy amendment was defeated on the 12th instant, the roll was called, with the following result:

Ayes—Cross, Del Valle, Filcher, Hurlburt, Johnson of San Bernardino, Johnson of Sonoma, Kellogg, Lowe, Mahler, McClure, Parkinson, Reddy, Routier, Wright—14.

Noes—Boone, Chandler, Cox, Creighton, Days, De Long, Dougherty, Drumm, Kelly, Knight, Langford, Lynch, Palmieri, Parker, Perry, Saxe, Spencer of Napa, Steele, Taylor, Wallis—20. Lost.

Filcher moved to strike out the provision intended to protect navigation in navigable streams as being surplusage. Ayes, 4; noes, 30.

Spencer moved to strike out Section 2 [repealing all Acts in conflict]. The roll was called, with the following result:

Ayes—Boone, Chandler, Cox, Creighton, Days, Dougherty, Drumm, Kelly, Langford, Palmeiri, Parker, Perry, Saxe, Spencer, Taylor—15.

Noes—Cross, DeLong, Del Valle, Filcher, Hurlburt, Johnson of San Bernardino, Johnson of Sonoma, Kellogg, Knight, Lowe, Lynch, Mahler, McClure, Parkinson, Reddy, Routier, Steele, Wallis, Wright—19. Lost.

The bill was ordered engrossed by the following vote:

Ayes—Baldwin, Cross, De Long, Del Valle, Filcher, Hurlburt, Johnson of San Bernardino, Johnson of Sonoma, Kelly, Kellogg, Knight, Lowe, Lynch, Mahler, McClure, Parker, Parkinson, Reddy, Routier, Steele, Knight—21.

Noes—Boone, Chandler, Cox, Creighton, Days, Dougherty, Drumm, Langford, Palmieri, Perry, Saxe, Spencer, Taylor, Wallis—14.

THE BILL AS IT STANDS.

Senate Bill No. 16, as it now stands, reads as follows:

An Act concerning the ownership, appropriation, diversion and use of waters in this State:

Section 1. The water of all natural streams within the State are hereby declared to be the property of the public and dedicated to the use of the people of the State. Such waters may be diverted and used for irrigation, or other beneficial purposes, under regulations prescribed by law; *provided*, that no diversion of water shall in any manner affect the right of any riparian proprietor for the use of so much of any natural body of water flowing through, over or adjoining lands of any proprietor, as may be necessary for domestic use, watering stock and for irrigation where practicable; *provided*, that navigation in navigable streams shall not be impaired, and that nothing in this section shall be construed to impair any vested rights.

Section 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 3. This Act shall take effect from and after its passage.

AMENDING THE CONSTITUTION.

McClure moved to suspend the rules and take up out of order Assembly Concurrent Resolution No. 7, amending Article IV. of the Constitution, relative to the construction of ditches and canals. [It adds to Section 25 of Article IV. the following]:

"But nothing in this section shall prevent the Legislature from passing local or special laws regulating the diversion, distribution and use of water for irrigation or mining purposes, and the construction of canals, ditches and other works therefor, as the same may be specially required, in any county or district created by law for that purpose."

Del Valle made a strong appeal in behalf of the proposed amendment. He claimed that if there are some counties not interested in irrigation, those counties should not deny to others—in which the issue is a burning one—the right to regulate the matter in their own way.

Spencer contended that the effect of the amendment would be to go back to the old system of special legislation, and was not in accord with the spirit of the day.

McClure wanted to know what could be the danger of submitting a constitutional amendment to the people on the subject of the use of water. In his opinion it was the only fair and proper thing to do. Why come back here next January and go all over this discussion, when the people can settle the question themselves at the coming election? What objection to allowing the whole people of the State to say whether or not the Legislature shall have authority to legislate specially on this water question?

Chandler thought the Constitution too restrictive. As an upholder of vested rights, he was in favor of allowing each county or section of the State to vote on this question according to their own interests, and would favor the consideration of this subject.

Taylor opposed the taking up of the proposed amendment. He was against the present Constitution, because it prohibited special legislation; still he could not favor special legislation on special subjects only.

Spencer renewed his opposition to special legislation, which he said had nearly ruined the State.

Knight spoke against taking up the bill out of order in preference to Senate bills on the file.

The Senate declined to take up the bill by the following vote:

Ayes—Baldwin, Chandler, Cross, Del Valle, DeLong, Filcher, Hurlburt, Johnson of San Bernardino, Johnson, of Sonoma, Kellogg, Lowe, Mahler, McClure, Parkinson, Reddy, Routier, Steele, Wright—17.

Noes—Boone, Cox, Creighton, Days, Dougherty, Drumm, Kelly, Knight, Langford, Lynch, Palmeiri, Parker, Perry, Saxe, Spencer, Taylor, Wallis—18. [A two-thirds vote being required to pass a constitutional amendment.]

FINAL ADJOURNMENT.

Assembly concurrent resolution, providing for adjournment from to-day until September 7th, was taken up.

Cross offered a substitute providing that the Legislature adjourn sine die at 12 M. on Friday, August 20th.

The roll was called, and all the Senators voted in the affirmative except Baldwin, Langford and Wright.

At 4:35 the Senate adjourned till Friday, at 11 A. M.

ASSEMBLY.

THURSDAY, August 19, 1886.

The Assembly met at 10 A. M., Speaker Parks in the chair. Roll called, and a quorum present. Prayer by the Chaplain. Journal of preceding day read and approved.

ADJOURNMENT.

Henry offered a concurrent resolution that the Legislature adjourn sine die on Saturday next at noon.

Morris offered as a substitute that when the Legislature adjourn to-day, it be to September 6th, at 2 P. M.

The substitute was, after some debate, adopted by a vote of 29 to 27.

The resolution as amended was then defeated—ayes 25, noes 31.

Hazard said that in voting for the substitute he had overlooked the fact that it also included the Senate. He opposed the resolution finally, because he did not want to let the Senate get away without meeting the issue.

Henry then reintroduced his concurrent resolution, that the Legislature adjourn sine die on Saturday at 1 P. M.

May opposed it because he wanted to put the Senate on record on the irrigation question.

Munday offered an amendment to Henry's resolution—that when the Legislature adjourns to-day it be to Tuesday, September 6th, at 2 P. M.

The matter was debated at some length, when a call of the House was ordered. After McGlashan and Clark were brought in the House concluded it was ready to proceed with business, and a lengthy debate ensued.

The roll was called and Munday's amendment adopted by a vote of 37 ayes to 29 noes.

The resolution as amended was then adopted by a vote of 37 ayes to 28 noes.

Munday offered a resolution allowing the Postmistress of the Assembly an extra per diem of $2, for services rendered as mailing clerk. Adopted.

McJunkin called up his motion to reconsider the vote by which the resolution instructing the Secretary of State to furnish members of the Legislature with copies of the Constitutional Debates was lost on yesterday. Reconsideration was granted and the resolution passed.

McMurray introduced a resolution that Martin Steinman be allowed $1, dating from the beginning of the session and extending to its close, for lighting the gas in the Assembly Chamber and committee rooms. Referred to the Committee on Attaches.

At 11:30 A. M. a recess was taken till 2:30 P. M.

Afternoon Session.

On reassembling, Morris' constitutional amendment concerning the salaries of Justices of the Supreme Court was taken up, considered, and refused passage.

Morris offered a concurrent resolution calling upon the President to demand the release of Cutting, an American citizen held in bondage by the Mexican authorities. Tabled.

Munday offered a concurrent resolution providing that when the Legislature adjourns on Saturday it adjourn until the 7th of September. Adopted.

The Assembly then took a recess until 5 o'clock P. M., to await the Senate's action on Assembly Constitutional Amendment No. 7.

On reassembling, a message from the Senate was read, announcing the passage of a substitute for Assembly concurrent resolution providing for a recess till September 7th.

Munday moved a call of the House. So ordered, and the Sergeant-at-Arms was sent out to bring in the seven absentees, several of whom put in an appearance shortly afterward.

REFUSAL TO CONCUR.

The Senate concurrent resolution providing for adjournment sine die at 12 M. on the following day, was taken up for consideration. The roll was called, and the resolution defeated by a vote of 20 ayes to 45 noes.

McJunkin gave notice of a motion to reconsider.

Munday moved to lay the motion on the table. Out of order.

Henley moved that when the House adjourn to-day it adjourn until 2 P. M. on the following day.

Ward of Butte moved to make the hour 10:30. Lost.

On motion of Colby the Assembly adjourn till the regular hour on Friday.

THE MATTER OF ADJOURNMENT.

Concerning the question of the adjournment of the Legislature, this is its present status: The Assembly, at the forenoon session of yesterday, passed and sent to the Senate a concurrent resolution providing for the adjournment of the Legislature until the 7th of September. At the afternoon session of the Senate the message of the Assembly was taken up, and a substitute for its concurrent resolution was passed, providing for an adjournment of the Legislature *sine die* at noon to-day. At its second afternoon session, the Assembly received this message of the Senate and refused to concur in the substitute. No committee of conference was appointed. A motion to reconsider was noticed.

Section 11 of Art. V. of the Constitution reads: "In case of a disagreement between the two houses with respect to the time of adjournment, the Governor shall have power to adjourn the Legislature to such time as he may think proper; provided, it be not beyond the time fixed for the meeting of the next Legislature." Evidently the words "with respect to the time of adjournment" relates to any disagreement of the houses relative to a time of final adjournment. In this case one house proposes a recess, and the other adjournment *sine die*. Each disagrees with the other on the several propositions. It is therefore a disagreement as to the time when the Legislature will finally adjourn. But the question will not probably reach a finality, so as to authorize action by the Governor, until all legislative methods to agree have been exhausted. This is not yet the case; that is, a motion to reconsider the Assembly nonconcurrence is pending, and when that is disposed of there will probably be named committees of conference. If the conference shall fail, then it may be said that legislative expedients have been exhausted to secure agreement, whereupon the Governor may adjourn the Legislature to a time certain, as is stated in the section quoted, but not *sine die*.

At a late hour last night it was generally asserted, and with positiveness, that the Governor has his message prepared to adjourn the Legislature until September 7th. It is held, by the Democrats mainly, that there is at present a disagreement, and that the prerogative of the Governor immediately applies, so that he may at once dismiss the Houses. On the other hand, and with the force of reason, the Republicans claim that the notice of a motion to reconsider suspends the disagreement, and that the question on concurrence with the Senate, is, therefore, still an open one. It is believed that reconsideration will be had, and that concurrence to adjourn *sine die* at noon to-day will follow, that the increased expense of longer sitting may not be used as political capital against the Republicans. For it is understood that this is especially the scheme of the Democrats, and hence their anxiety to bring about permanent disagreement between the Houses. But Republicans were very outspoken last night in their declaration that they do not propose to have the odium of the expense of the extra session saddled on them, or any further expense, by adjournment to September 7th, used as a campaign argument against the party.

Ex-Mayor Daniel R. Clymer, of Reading, Pa., publishes in the *Daily Eagle*, of that city, the following, as a valuable discovery: "Onions inhaled cause sleep, rest and repose. The soldier on his march and the exhausted iron-worker get great strength from eating the onion. Tie a fresh onion around the neck and bruise it to make its odor thorough, and you secure sound sleep from its nightly inhalation."

DON'T fill the system with quinine in the effort to prevent or cure Fever and Ague. Ayer's Ague Cure is a more potent remedy, and it leaves in the body no poisons to produce dizziness, deafness, headache or other disorders. The proprietors warrant it.

Brodie, who jumped from the Brooklyn bridge, is now on exhibition in a dime museum.

OUT AT LAST.

THE PETITION FOR THE EXTRA LEGISLATIVE SESSION.

And the "Pledge" Attached Thereto—Names of Legislators Who Signed the Document.

Following is the petition to the Governor to call the extra session, as to the terms of which there has been so much speculation, together with the reasons therefor, and the pledge made by the signers to pass certain measures:

To His Excellency George Stoneman, Governor of California—SIR: We, the undersigned Senators and Assemblymen, respectfully request you to convene the Legislature in special session, for the purpose of passing certain bills and measures which we herewith submit, relating to irrigation and water rights. While we disclaim all intention of controlling your Excellency's judgment, yet we beg to suggest that the present crisis in the question of water rights, which vitally affects the immediate welfare of the State, demands prompt attention, and constitutes such an extraordinary occasion as to warrant the convening of the Legislature as we request.

The Supreme Court of the State has recently decided that the riparian owners along the innavigable streams are possessed of riparian rights, so called, as known under the common law of England, that they may obtain writs of injunction against persons who may have appropriated flowing waters for irrigation under the provisions of the Civil Code and under the authority of the several Acts of Congress permitting such appropriation from streams on the public land. The consequences which must inevitably follow the enforcement of this legal doctrine are painful to contemplate.

The existing appropriations of water for irrigation are almost without exception for the benefit of non-riparian owners, and of riparian owners whose right to irrigate depends upon their appropriations under the Civil Code and pre-existing customary law. Such diversions of water may, as we say, under the decision of the Supreme Court, be enjoined at the suit of lower riparian owners. Many such suits have heretofore been instituted; writs of injunction have been issued which have not been enforced pending the consideration of the question by the Supreme Court, and, in a large number of cases, have not been obeyed, although attempts have been made to enforce them. But the fact remains that the Court has so declared the law that nearly every irrigating ditch and canal in the State may be closed by injunction.

The mere suspension of irrigation for a single season would result in wholesale destruction of many thousands of homes and of millions in value of improved and permanent property. The irrigators of the State now stand in fear of the immediate enforcement of the destructive policy asserted by the majority of the Supreme Court. An attempt to do so might, and most probably would, result in bloodshed in many sections of the State. Free-born American citizens will not look upon the destruction of their homes and see the results of years of toil swept away without resistance.

We believe that the rule of water rights in California as laid down by the minority of the Court is, and ought to be, the law of the State. In common with the masses of the people, as shown by the action of several Conventions, and by the united voice of the public press, we have reached this conclusion, after deliberate consideration of the subject. In the month of May, 1884, a Convention of those interested in the water question met at Riverside. The matter was there fully discussed. Again, in December, 1884, a Convention assembled at Fresno, when the measures which we now propose were discussed and formulated. The Legislature met. These measures, among others, were introduced. They passed the House by a vote of 51 out of 80. In the Senate they secured a large majority, and only failed for want of time. Thereupon the public agitation continued, and on the 20th of May of this year a large and representative body convened in San Francisco. Again these measures were considered and unanimously indorsed and proposed. The movement has received the earnest support of the whole press. Thousands of the best citizens have enrolled themselves in an organization to secure this reform in the laws, necessary to the peace and prosperity of the commonwealth. This organization is pledged to advocate the adoption of the particular amendments and laws which we herewith submit, and it is safe to say that a vast majority of the people of the State are in full sympathy with the irrigation movement. For these reasons we unhesitatingly commit ourselves to vote for the measures which we append to this memorial, without amendment.

The first of these is a constitutional amendment determining and fixing the nature of water rights; the second is also a proposed constitutional amendment regulating the use of water for irrigation; the third is an Act governing the right to acquire the use of water by appropriation; the fourth is an Act to repeal Section 1422 of the Civil Code.

We believe that the Executive and the legislative departments of this State without delay should exercise their power to the fullest extent in ascertaining and confirming the right of appropriation, and in repudiating the riparian doctrine of water rights announced by the Supreme Court. The State and the people cannot wait. Before the next regular session of the Legislature in January, thousands of citizens and their families may be ruined, and millions of property may be destroyed. In our judgment the exigency is so great that the constitutional amendment should be submitted to the people at a special election, to be held in the shortest time possible under the Constitution. We will vote for a bill providing for such special election.

We now, therefore, respectfully memorialize your Excellency to convene the Legislature in extraordinary session to pass these measures.

We further respectfully suggest that the Legislature be requested in the proclamation to consider suitable measures looking into the reorganization of the Supreme Court. It cannot be disputed that the best judgment of the bar of this State and the general opinion of the people is that the Court should in some way be reconstituted. The salaries paid to the Judges are too small, and yet they cannot be increased while the present incumbents hold office. We submit that your Excellency might well include in your proclamation the general subject of changing the organization and the personnel of the Supreme Court.

SENATORS WHO SIGNED THE CALL.

Boone,	Knight,
Creighton,	Lowe,
Days,	Palmieri,
DeLong,	Parker,
Dougherty,	Parkinson,
Drumm,	Perry,
Filcher,	Reddy,
Hurlburt,	Routier,
Johnson of S. Ber.	Wallis,
Kelly,	Wright,
Kellogg,	Total, 21.

SENATORS WHO DID NOT SIGN.

Baldwin,	Mahler,
Chandler,	McClure,
Cox,	Saxe,
Cross,	Spencer of Napa,
Del Valle,	Steele,
Foster,	Taylor,
Johnson, Sonoma,	Vrooman,
Langford,	Whitney,
Lynch,	Total, 17.

ASSEMBLYMEN WHO SIGNED THE CALL.

Allen,	Hunt,
Almy,	Hussey,
Ashe,	Jones,
Banbury,	Kalben,
Barnes,	Laughlin,
Beard,	Long,
Black,	Loud,
Britt,	Lovell,
Buhlert,	May,
Carter, Cont'a Costa	McDonald,
Carter of Solano,	McGlashan,
Clark,	Mears,
Colby,	Moffitt,
Cook,	Morris,
Corcoran,	Munday,
Culver,	Patterson,
Daley,	Pellett,
Davis,	Pyle,
Deveny,	Reeves,
DeWitt,	Russ,
Dooling,	Sullivan,
Douglas,	Swayne,
Edwards,	Torry,
Firebaugh,	Van Voorhies,
Franklin,	Watson of Alame'a
French,	Watson, El Dorado,
Goucher,	Ward of S. F.,
Hazard,	Weaver,
Heath,	Whitcomb,
Henley,	Wood,
Heywood,	Woodward,
Hollister,	Yule—Total, 64.

ASSEMBLYMEN WHO DID NOT SIGN THE CALL.

Coleman, in Europe	McMurray, (out of State),
Ellison,	
Gregory,	Porter,
Henry,	Roseberry,
Johnson,	Walrath,
Jordan,	Ward of Butte,
McJunkin,	Speaker Parks—Total, 14.
McLean,	

[NOTE.—Mr. Woodward called at the RECORD-UNION office last evening, and states that although he reluctantly signed the petition on July 6th, he on the morning following sent a letter requesting his name to be erased, as more mature thought convinced him that he did not wish to be in any degree responsible for an extra session.]

NEW ADVERTISEMENTS.

Clara Barton L. L. L., No. 2, meets THIS (Friday) EVENING, August 20th, at Grangers' Hall, Tenth and K.
CORNELIA E. SHIRLAND, President.
BELLE S. HERR, Secretary. au20-1t*

Regular meeting of Sacmento Parlor, No. 3, N. S. G. W., THIS (Friday) EVENING. D. G. L. Davis and D. D. G. P. Owen will pay a fraternal visit and exemplify the ritual All members earnestly requested to attend. ED. H. KRAUS, W. P.
GEO. D. IRVINE, R. S. au20-1t*

BOY WANTED.—APPLY TO J. DONLEY, 1021 Tenth street. au20-1t*

WANTED—AT ONCE, NURSE GIRL TO take care of baby and assist in light housework. Apply to 1204 P street, between Twelfth and Thirteenth. au20-2t*

FOR SALE—A HOUSE AND LOT, CORner Eighteenth and L streets; new House; hard finished; lot, 80 by 120; also, one Stable and Fruit Trees. Inquire JOS. L. SCHULER, on premises. au20-1w*

TICKET 128

WON THE TOILET CASE RAFFLED BY Fair Oaks Relief Corps. The holder of the winning number will call at MRS. JUDGE HENRY'S, corner of Fifth and J. au20-1t

CALIFORNIA

National Bank!

—OF—

SAN FRANCISCO, CAL.

Authorized Capital......$1,000,000

Paid Up Capital........ $300,000

BOARD OF DIRECTORS:

R. R. THOMPSON, Capitalist.	W. H. DIMOND, Williams, Dimond & Co.
CHAS. H. HOLT, Holt Bros.	W. L. MERRY, Merry, Faull & Co.
DAVID McKAY, Capitalist.	ALEX. G. HAWES, Gen. Agt. N. Y. Life Ins. Co

SENATOR GEO. E. WHITNEY, Attorney-at-Law.

The Bank Office will be located on Market street, in the vicinity of the Palace Hotel.

☞ The Capital stock of the CALIFORNIA NATIONAL BANK will consist of 3,000 Shares of $100 each, amounting to $300,000, and will be payable, say 50 per cent. on allotment of stock, and balance as called for by order of the Board of Directors. Parties desiring to subscribe are requested to communicate with the undersigned, stating amount of Shares required. The Subscription List will be closed as soon as full stock is allotted, and not later than the 28th day of AUGUST, 1886.

C. H. RAMSDEN, Cashier pro tem.
P. O. Box 1689, San Francisco, Cal.

N. B.—Temporary Office of the Bank for organization purposes, Room No. 4, 640 Market street, San Francisco. Office open 10 to 12 A. M. and 3 to 4 P. M. au20-1plw

Trustees' Sale of Real Estate!

WHEREAS ABRAM KEITHLY AND GERTRUDE KEITHLY, his wife, made two certain Deeds of Trust to Ed. R. Hamilton and W. P. Coleman, one dated March 29, 1883, and the other dated November 24, 1883. The first was recorded on the 4th day of April, 1883, in Book No. 108 of Trust Deeds, at page 69; and the other on the 24th day of November, 1883, in Book No. 108 of Trust Deeds, at page 201, both in Records of Sacramento county, State of California. The said Trust Deeds conveying the real property hereinafter described, for the purpose of securing the payment of two certain promissory notes, made by ABRAM KEITHLY; and whereas default has been made in the payment of said notes, now therefore under the authority vested in them by said Trust Deeds, and upon the application of the holders of said notes, the undersigned, as such Trustees, will on WEDNESDAY, the 25th day of SEPTEMBER, 1886, between the hours of ten and eleven o'clock A. M., at the front door of the Courthouse, in the city of Sacramento, State of California, sell at public auction, to the highest bidder for cash, in U. S. gold coin, all the said real property, situate in the county of Sacramento, State of California, and described as follows, to wit: The Northwest Quarter of Section Twenty-two (22), in Township Ten (10) North, Range Five (5) East, containing 160 Acres, more or less; together with all the improvements and appurtenances thereto belonging.

Sacramento, Cal., August 19, 1886.
ED. R. HAMILTON, Trustee.
W. P. COLEMAN, Trustee.
au20-3wMWF

CHAS. A. VIEMEISTER & CO.,

822 K street, Sacramento, Cal.

HAVING BEEN ASSOCIATED FOR SOME time with the house of H. Scheunert & Co. (formerly Gattmann & Scheunert), I take this method of informing my friends that I have embarked in the CIGAR BUSINESS for myself, exclusively wholesale, and shall be pleased to receive a portion of their patronage. The trade can rely upon being fairly dealt with, and all patronage extended will be highly appreciated by yours very truly, CHAS. A. VIEMEISTER.
1m

AUCTIONS.

Auction Sale

—OF—

FURNITURE

FRIDAY, AUGUST 20, 1886,

AT 10 O'CLOCK A. M. SHARP, AND WITHout reserve, at residence, No. 1617 M street, between Sixteenth and Seventeenth, BELL & CO., Auctioneers, will sell, consisting in part as follows: One fine Hair-cloth Parlor Set; 1 fine Marble Center Table; Parlor Ornaments and Brackets; 9 choice Pictures; 1 elegant Walnut Bedstead; Spring and White Curled Hair Walnut Chairs, Rocker, Camp Chair; 1 Mahogany Bedroom Set, Spring and Top Mattresses; 1 fine Feather Bed and Pillows; 1 Bed Lounge; 1 Extension Table; Dining Chairs; Double Crib and Mattress; Blankets, Comforts, Spreads, Sheets; Brussels and Ingrain Carpets; Wardrobe; Cook Stove; Crockery; Glassware; Lawn Mower and Garden Tools, etc.

☞ SALE POSITIVE. ☜

au19-2t BELL & CO., Auctioneers.

W. H. Sherburn,

323 K street, bet. Third and Fourth.

"Housekeepers' Delight"

VAPOR

STOVES!

1, 2, 3 and 4 Burners.

The best, safest and most economical Vapor Cook Stove ever made.

COVERING OVER THIRTY PATENTS. ALL THE BEST AND LATEST IMPROVEMENTS.

SEE THEM,

—AT—

W. H. SHERBURN'S,

323 K STREET.

CALIFORNIA ANNUAL STATE FAIR

AT SACRAMENTO

SEPTEMBER 6-18th 1886

Commodious Exposition Building, Showy Stock Grounds.

A GRAND EXHIBITION OF PACIFIC COAST PRODUCTS

ADDRESS THE SECRETARY FOR PREMIUM LISTS AND OTHER INFORMATION.

Edwin F. Smith, SECRETARY. Jesse D. Carr, PRESIDENT.

L. L. LEWIS & CO.

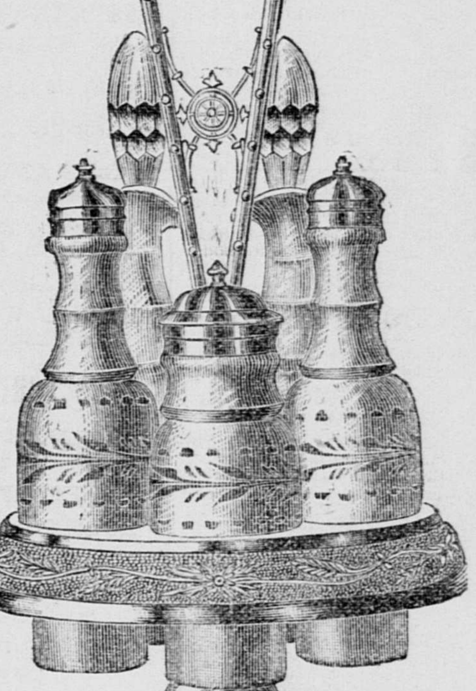
$2. This Caster Only $2.

We offer, commencing TO-DAY, GRAT BARGAINS IN SILVER-WARE. We quote below a few PRICES of some of our staples in the above Ware:

Silver plated Teaspoons (per set)	90 cts
Silver-plated Tablespoons (per set)	$1 40
Silver-plated Forks (per set)	1 40
Silver-plated Knives (per set)	1 25
Beautiful Napkin Rings (warranted), only	35 cts
Beautiful Butter Knives (single-plated)	40 cts
Triple-plated Ice Pitchers (beautiful), only	$3 90
Triple-plated Ice Pitchers (beautiful), only	5 40

We offer this CASTER (which we show in the cut), for $2.

ONLY $2!



ONLY $2!

The above CASTER is a beauty and will wear a long time, and cost you the small sum of $2.

Our Biggest Bargain is a lovely SILVER SET, consisting of: One Silver Tea Pot, 1 Silver Coffee Pot, 1 Silver Cream Pitcher, 1 Silver Spoon Holder, 1 Silver Syrup Pitcher, 1 Silver Sugar Bowl (6 pieces in all), and we will sell it for $11 90. The Tea Pot alone worth the price.

A Gold-lined Card Receiver for only	$2 50
A Gold-lined Cake Basket for only	3 50
Beautiful Salt and Pepper Sets (something new), only	75
Silver Cups, Gold-lined (very pretty), only	85

☞ The above is only a few prices which we present to our many customers for their inspection, and if in want of any of the above goods, call or send to us before buying elsewhere.

☞ Our 16-page Price List Sent on Application. ☜

L. L. LEWIS & CO.,

Nos. 502 and 504 J st., and 1009 Fifth st.

OFFICIAL PROCLAMATION

Proclamation.

STATE OF CALIFORNIA,
EXECUTIVE DEPARTMENT,
SACRAMENTO, July 31, 1886.

WHEREAS, THE LEGISLATURE OF THE State of California, at its Twenty-sixth Session, beginning on the fifth day of January, A. D. eighteen hundred and eighty-five, two-thirds of all the members elected to each of the two Houses of said Legislature voting in favor thereof, proposed the following amendment of Sections One, Eight, Ten and Eleven of Article Thirteen, of the Constitution of the State of California:

AMENDMENT NUMBER ONE.

SECTION 1. All property in the State, except railroads, not exempt under the laws of the United States, shall be taxed in proportion to its value, to be ascertained as provided by law. The word property, as used in this article and section, is hereby declared to include moneys, credits, bonds, stocks, dues, franchises and all other matters and things, real, personal and mixed, capable of private ownership; *provided*, that growing crops, property used exclusively for public schools, and such as may belong to the United States, this State, or any county or municipal corporation within this State, shall be exempt from taxation. Growing vines and fruit trees shall be deemed to be and shall be assessed and taxed as a part of the realty; and, *provided further*, that railroads shall be taxed as provided in Section Ten of this article; and, *provided further*, that the Legislature may provide for the exemption from taxation of ships and vessels owned and registered or enrolled in this State, or may tax such ships and vessels on their gross or net earnings, in lieu of an ad valorem tax. The Legislature may also provide, except in case of credits secured by mortgage or trust deed, for a deduction from credits of debts due to bona fide residents of this State. Double taxation in any form is prohibited.

SEC. 8. The Legislature shall, by law, require each taxpayer in this State to make and deliver to the County Assessor, annually, a statement under oath, setting forth specifically all property, real and personal, except railroad property, as defined in Section Ten of this article, owned by such taxpayer, or in his possession or under his control, at twelve o'clock meridian, on the first Monday in March.

SEC. 10. All property, except railroad property, as hereinafter provided, shall be assessed in the county, city, city and county, town, township, or district in which it is situated, in the manner provided by law. Every corporation and person owning or operating a railroad, or any portion thereof, in this State, shall, on or before the first day of July of each year, pay to the State Treasurer an annual tax of two and a half per cent upon the gross earnings, earned within this State, of such railroad, for the year ending upon the thirty-first day of December next preceding, which tax shall be in lieu of all other State and county taxes upon the franchise, business, right of way, roadway, roadbed, rails, rolling stock, fences, stations and their appurtenances, and upon ferryboats, when operated as a part of such railroad, and upon the shares of the capital stock, and upon the mortgages, deeds of trust, contracts or other obligation by which a debt is secured upon such property. All other property belonging to such corporation or person shall be assessed and taxed as other property is assessed and taxed. The gross annual earnings earned during the year ending on the thirty-first day of December last preceding, of all railroads, shall be, annually, before the first day of May thereafter, ascertained and declared by the State Board of Equalization, under such rules and regulations as may be prescribed by said Board; *provided*, however, that the Legislature may at any time pass laws prescribing said rules and regulations. In all cases where railroads are situated partly within this State and partly without this State, the gross annual earnings thereof shall be ascertained and determined by taking:

First—The gross earnings which, during the year last preceding, have been earned wholly within this State.

Second—The gross earnings which, during the same year, have been earned partly within this State and partly without this State, which shall be ascertained by apportioning such earnings between this State and other States or Territories, in the proportion which the number of miles of such railroad situated in this State, and used in making such earnings, bears to the whole number of miles thereof, by the use of which such earnings have been made. The proportion of interstate earnings thus ascertained shall be added to the earnings made wholly within the State, and the total thus obtained shall be taken and deemed to be the gross earnings of such railroads for all purposes of assessment and taxation. For every purpose of this section, except for the purpose of ascertaining the proportion of interstate earnings to be added to the earnings made wholly within this State, all railroads operated as one system shall be treated as one road. One-third of the tax paid by corporations or persons owning or operating railroads under the provisions of this section shall become part of the General Fund of this State, and two thirds thereof shall be paid to the county or counties in which said railroad is situated, in proportion to the length of the railroad operated in the several counties. For the purposes of this section a consolidated city and county shall be treated as a county. Any corporation, association, partnership, person or persons, unlawfully failing or refusing to pay the tax herein provided, when the same shall become due, or within thirty days thereafter, shall be deemed to have waived their right to operate their railroads within this State. The taxes herein provided for, together with such penalties as the Legislature may impose for the non-payment thereof, shall be a lien upon the property hereinbefore in this section designated, and may be enforced in such manner as the Legislature may by law prescribe. All railroads, so far as the same are situated within the boundaries of any common school district, shall be subject to an ad valorem tax for school purposes voted by the electors of the district, at a special election held for that purpose, the same as other property situated within the district, anything in this article to the contrary notwithstanding. And all railroads, as far as they are situated within the boundaries of any incorporated city or town, shall be subject to an ad valorem tax for municipal purposes the same as other property situated therein, anything in this article to the contrary notwithstanding.

SEC. 11. Income taxes may be assessed and collected from persons, corporations, joint stock associations or companies, resident or doing business in this State, or any one or more of them, in such cases and amounts and in such manner as shall be prescribed by law. No Court within this State shall have power, by injunction or otherwise, to interfere with, hinder or delay the collection of any tax laid under the form of law, except upon a showing that the same property has been taxed more than once for the same purpose in the same year, and then only upon payment to the Tax Collector, or into Court, of a sum equal to the amount of one of the taxes so laid upon the property in question; *provided*, that in all cases actions may be maintained against the Tax Collector to recover illegal taxes paid under protest. All such actions must be commenced within thirty days after such illegal taxes have been paid. It shall be the duty of the Courts in which such actions may be brought, to try them, upon the request of either party, in advance of all other civil actions, and such taxes so paid under protest shall be retained by the Tax Collector, or such other officer as the Legislature may designate, until such actions shall have been finally decided.

SCHEDULE.

Nothing in this amendment shall affect any assessment or tax heretofore made or levied, or interest thereon, or any penalty heretofore incurred, or any action or right of action on account of any such assessment, tax, interest or penalty; and all laws in force at the adoption of this amendment, not inconsistent therewith, shall remain in full force and effect until altered or repealed by the Legislature. The first levy and payment of taxes against railroad property hereunder, shall be made in the year eighteen hundred and eighty-six, and shall be upon the gross earnings, to be ascertained as herein provided, for the entire year of eighteen hundred and eighty-five. Taxation for the fiscal year ending June thirtieth, eighteen hundred and eighty five, is not affected by this amendment.

NOW, THEREFORE, pursuant to the provisions of the Constitution and an Act of the Legislature, entitled "An Act to Provide for the Submission of Proposed Amendments to the Constitution of the State of California to the Qualified Electors for their Approval, approved March 7th, A. D. 1883," the said amendment is submitted to be voted upon, by ballot, by the qualified electors of the State on

Tuesday, November 2, 1886.

The amendment is designated "Amendment Number One," and the BALLOTS used at such election must contain the words, "FOR THE AMENDMENT Number One," and the words, "AGAINST THE AMENDMENT Number One," written or printed thereon.

And I do hereby offer a reward of one hundred dollars for the arrest and conviction of any and every person violating any of the provisions o Title IV., Part 1, of the Penal Code; such rewards to be paid until the total amount expended hereafter for the purpose reaches the sum of ten thousand dollars.

Witness my hand and the Great Seal of the State, the day and year first written.

[SEAL.] GEORGE STONEMAN, Governor.

ATTEST: T. L. THOMPSON, Secretary of State.
jy31-tdm