

CALIFORNIA LEGISLATURE.

XXVIIIth Session—NINETEENTH DAY.

SENATE.

SACRAMENTO, January 25, 1889. The Senate met at 11 A. M., President pro tempore, Stephen M. White in the chair.

Roll called and all present except Senators Dargie, Hancock, McLaughlin, Moffitt, Williams.

Prayer by the Chaplain, Rev. A. C. Kane. The journal of yesterday was read and approved.

On the request of Mr. Goucher, the Committee on Corporations were granted leave to retire to their room for the purpose of considering important measures before the committee.

REPORTS.

Mr. Jones, from the Judiciary Committee, reported back favorably Senate Bill No. 276, favorably with amendments, Senate Bill No. 265, and favorably Senate Bill No. 264.

Mr. Jones, from the Committee on Fish and Game, reported back favorably Senate Bill No. 244, without recommendation, Senate Bill No. 233, and adversely Senate Bill No. 234.

Mr. Brice, from the Committee on Hospitals, reported back favorably Senate Bill No. 231, Mr. Cannetti, from the Committee on Education, reported back favorably Senate Concurrent Resolution No. 9.

Mr. Meany, from the Committee on Claims, reported back favorably Senate Bill No. 230, and favorably Senate Bill No. 23. Also, from the Committee on Forestry, Yosemite Valley and Mariposa Big Trees, Senate Bill No. 2, and favorably Senate Bill No. 2.

Mr. Moffitt, from the Finance Committee, reported back favorably Senate Bills Nos. 53 and 54, and favorably with amendments, Senate Bills Nos. 125 and 126.

Mr. Spelley, from the Committee on Commerce and Navigation, reported in favor of the adoption of Senate Concurrent Resolution No. 10. Mr. Goucher, from the Committee on Corporations, reported back favorably Senate Bill No. 125.

ASSEMBLY MESSAGES.

The Senate took up the messages from the Assembly and disposed of them as follows:

Assembly Bill No. 25—An Act to provide for the correction and establishment of a portion of the eastern boundary line of the State of California. Placed on the general file.

The message announcing the adoption of Senate Concurrent Resolution No. 4, requesting Congress to maintain the Scott Expedition Act, upon motion of Mr. Wilson, was laid on the special order for Tuesday next at 3 P. M.

Assembly Concurrent Resolution No. 4, relating to filling the vacancy caused by the death of William Blanding, Director of the Soldier's Home (recommended), and a joint resolution referring to the Committee on Federal Relations.

Assembly Concurrent Resolution No. 5, relative to the appointment of a joint committee to investigate the matter of unpaid claims of the State against the United States, was referred to the Committee on Claims.

BILLS INTRODUCED, read by title and referred as follows:

By Mr. Randall—An Act to amend Section 704 of the Penal Code, relating to security to keep the peace. Judiciary Committee.

By Mr. Fraser—An Act amendatory of and supplementary to an Act to authorize and direct County Judges to execute certain writs in relation to lands granted to incorporated towns by Congress, etc. Judiciary Committee.

Also, an Act to add Section 744 to the Code of Civil Procedure, to define the duties of County Treasurers, relating to moneys in the hands of Public Administrators. Judiciary Committee.

By Mr. McComas—An Act to provide for the creation of existing counties, and for the creation of new counties. [A general law authorizing counties to vote on the question.] Committee on Counties and County Governments.

By Mr. Goucher—An Act to amend Sections 1, 3 and 4 of an Act authorizing the appointment of the permanent employees of the State Capitol and fixing the compensation of said employees. Committee on Counties and County Governments.

By Mr. Dixon (by request)—An Act providing the mode, time and place of inflicting the death penalty. [Provides executions by hanging, in State Prisons, before sunrise.] Committee on State Prisons.

By Mr. Flint—An Act to pay the claim of William Fyfe for services rendered as a private soldier in defending the eastern frontier against attacks of Indians. Committee on Claims.

Also, an Act to repeal an Act to incorporate the city of Monterey, etc. Committee on Cities, Counties and Town Governments.

By Mr. Britt (by request)—An Act to propose an amendment to Section 1 of Article V of the Constitution, relative to the jurisdiction of the Justices of the Peace. Committee on Constitutional Amendments.

By Mr. Wilson—An Act to repeal Section 906, Article II, Chapter 1, of the Code of Civil Procedure, of the Code of Civil Procedure, relative to corporations. Judiciary Committee.

Also, an Act to amend Section 494 of the Penal Code, relative to the sale of the property of purchasers of the school lands of the State. Finance Committee.

By Mr. McGowan—An Act to amend an Act to establish a uniform system of recording given records, relative to the compensation of Superintendents of Public Schools and fees of Records. Committee on Counties, County Governments and Township Organizations.

Also, an Act to amend an Act to establish a uniform system of recording given records, relative to the duties of County Treasurers. Same reference.

JUNKETING TRIPS.

On motion of Mr. Cannetti the Committee on Education was granted a leave of absence, to visit the Branch Normal School at Chico.

On motion of Mr. Spelley, the Committee on Public Moral was granted a leave of absence to visit Chikawina in San Francisco and the State Prison at San Quentin.

LABOR COMMISSIONER BILL.

Senator Murphy reported back, amended in accordance with the instructions of the Senate. Senate Bill No. 63, an Act to amend an Act entitled "An Act to establish and support a Bureau of Labor Statistics," approved March 3, 1883. The bill was ordered re-engrossed and printed as amended.

Senate Bill No. 67—An Act to provide for the improvement of the State Capitol grounds located at Sacramento, and to appropriate money therefor, was read a third time.

Mr. Cannetti introduced a bill for the erection of a grand stand in front of the Capitol building.

Mr. Dray moved to refer the bill to a committee of one to investigate so as to put the grand stand east of the Capitol building.

At the suggestion of the Chair the bill was passed on the file to give Senators time to investigate.

Senate Bill No. 71—An Act to provide for the grading and graveling of that portion of Fifteenth street, between L and N, in the City of Sacramento, adjoining the State Capitol grounds, and to provide for the payment of the same, by Mr. Dray, was read a third time and passed by a vote of 22 yeas to none. Messrs. Campbell, Conklin and Hamill voting "no."

Senate Bill No. 109—An Act to provide for the safety of persons against danger from machinery, elevators and hoists, by Mr. Pinder, was read a third time.

Mr. Campbell moved to strike out the enacting clause.

Mr. Moffitt moved a call of the Senate and it was ordered, but further proceedings under the call were dispensed with after a roll call.

In the absence of the author of the bill its consideration was postponed until Tuesday, subsequently the bill was passed on the file.

Senate Bill No. 88—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1877, by Mr. Jones, was read a third time and passed.

Senate Bill No. 152—An Act to amend an Act to amend Section 167 of said Act, relating to sureties and bonds, by Mr. Jones, was read a third time and passed.

Senate Bill No. 28—An Act to add a new section to the Penal Code, to be known as Section 358, relative to hotels, inns, restaurants, boarding-houses and lodging-houses, by Mr. Dray, has been introduced and printed, it was recommended to the Senate by Mr. Jones, was read a third time and passed.

The bill was ordered re-engrossed and printed as amended.

Senate Bill No. 29—An Act to amend Section 963 of the Code of Civil Procedure of the State of California—by Mr. Jones, was read a third time and passed.

MOTIONS, RESOLUTIONS AND NOTICES.

On motion of Mr. Cannetti, the order of Motions, resolutions and Notices was taken up.

Mr. Cannetti introduced for Mr. Hancock a proposed amendment to Sections 2 and 3 of Article VI of the Constitution, which was referred to the Committee on Constitutional Amendments.

Senate Concurrent Resolution No. 1, relative to the opening for settlement of Klamath river, Indian Reservation, was read and adopted.

On motion of Mr. Moffitt, the Committee on Commerce and Navigation, was granted leave of absence until Tuesday next, for the purpose of visiting and inspecting the progress of the work on the seawall at San Francisco and the property of the State connected therewith.

On motion of Mr. Cannetti, the special committee to investigate commissions was authorized to provide a clerk until their report was ready.

Mr. White introduced a proposition to amend Section 10 of Article 12 of the Constitution. Committee on Constitutional Amendments.

Mr. Jones reported Senate Bill No. 63, correctly engrossed.

Mr. Boggs offered a resolution, which was adopted, providing that the senate adjourn on Monday at 2 P. M., except on days when the majority of the senators are present, and that leave of absence had already been granted to the majority of the senators.

Mr. Meany introduced a resolution to equalize the pay of attachés without reading the same to the Committee on Attachés, which was referred to the Committee on Attachés.

Mr. Bowers introduced an Act to amend the Penal Code by adding Section 247, relative to the sale and use of opium or other narcotics, or any preparation thereof. Committee on Public Morals.

Also, an Act to amend an Act to establish a uniform system of county governments by adding Section 1934. County Governments and Township Organizations.

A message was received from the Assembly, announcing the adoption of Senate Concurrent Resolution No. 7, relative to memorializing Congress to grant to the city of Oakland the north side of the eastern bay.

On motion of Senator Cannetti the Senate adjourned until Tuesday evening, for the discussion of the resolution on claims of the State against the United States.

On motion of Mr. Campbell, the people of California to establish a county of Mendocino, in the northern part of the State, was referred to the Committee on Counties and County Governments.

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308 of the Penal Code, concerning orders made by the Board of Prison Commissioners, by Mr. Dray, was read a third time and passed.

Assembly Bill No. 25—An Act to amend Section 128 of the Civil Code of the State of California, relative to the execution of writs, by Mr. Dray, was read a third time and passed.

Mr. McVay, of the Committee on Roads and Highways, reported back Assembly Bill No. 32, to amend Section 202 of the Civil Code, relative to the National Guard of California.

Assembly Bill No. 33—An Act to amend Section 202 of the Civil Code, relative to the National Guard of California.

Assembly Bill No. 34—An Act to amend Section 202 of the Civil Code, relative to the National Guard of California.

Assembly Bill No. 35—An Act to provide for the burial of ex-Union soldiers, sailors and marines in this State, who may heretofore die without leaving sufficient means to defray funeral expenses.

Assembly Bill No. 36—An Act to provide for the revision of the records of the California Volunteers, and to authorize the Superintendent of State Printing to print, bind and issue the same.

Assembly Bill No. 37—An Act to amend Section 52 of the Penal Code, concerning the crime of obtaining money by property by false pretenses.

Assembly Bill No. 38—An Act making an appropriation to pay the salary of an additional clerk to the Superintendent of Public Instruction for the fiscal year 1889-90.

Assembly Bill No. 39—An Act to provide for the deficiency in the appropriation for the County of San Diego for the thirty-ninth fiscal year.

Assembly Bill No. 40—An Act to define and regulate the duties and obligations of master and apprentice.

Assembly Bill No. 41—An Act to create the county of Orange, to define the boundaries thereof, to determine the county seat by an election, and to provide for the election of county officers, and to classify said county.

Assembly Bill No. 42—An Act to provide for the proper sanitary condition of hotels and work-shops, and the preservation of the health of the employees thereof.

Assembly Bill No. 43—An Act to amend Section 304 of the Political Code, relative to the duties of the Registrar of Births, Deaths and Marriages.

Assembly Bill No. 44—An Act to amend Section 302 of said Code, and to add a new section to the Political Code, relating to Board of Health.

Assembly Bill No. 45—An Act to amend the Political Code of the State of California by adding Sections 284 and 285, relative to the State of California, general vaccination in the State of California.

Assembly Bill No. 46—An Act to encourage and protect the general vaccination in the State of California.

Assembly Bill No. 47—An Act to appropriate money to prevent the introduction of contagious and infectious diseases.

Assembly Bill No. 48—An Act to amend Sections 307, 307 1/2, 308 and 308 1/2 of the Political Code, relative to the registry of births, deaths and marriages.

Assembly Bill No. 49—An Act to amend Section 378 of the Penal Code, relating to the preservation of public health and safety, and a contest of registration of births, deaths and marriages.

Assembly Bill No. 50—An Act to amend Section 377 of the Penal Code, and to amend Section 378 of said Code, relative to the preservation of public health and safety.

Assembly Bill No. 51—An Act to amend Section 377 of the Penal Code, and to amend Section 378 of said Code, relative to the preservation of public health and safety.

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Assembly Bill No. 77—An Act to amend Section 377 of the Penal Code, and to amend Section 378 of said Code, relative to the preservation of public health and safety.

seclusions therein, and for the management and control of the same by the State, approved April 10, 1880, and amended by Act approved March 9, 1882, so as to create a new district, relative to the National Guard of California.

Assembly Bill No. 156—An Act to amend Sections 1912, 1912 1/2, 1920, 1920 1/2, 1921, 1921 1/2, 1922, 1922 1/2, 1923, 1923 1/2, 1924, 1924 1/2, 1925, 1925 1/2, 1926, 1926 1/2, 1927, 1927 1/2, 1928, 1928 1/2, 1929, 1929 1/2, 1930, 1930 1/2, 1931, 1931 1/2, 1932, 1932 1/2, 1933, 1933 1/2, 1934, 1934 1/2, 1935, 1935 1/2, 1936, 1936 1/2, 1937, 1937 1/2, 1938, 1938 1/2, 1939, 1939 1/2, 1940, 1940 1/2, 1941, 1941 1/2, 1942, 1942 1/2, 1943, 1943 1/2, 1944, 1944 1/2, 1945, 1945 1/2, 1946, 1946 1/2, 1947, 1947 1/2, 1948, 1948 1/2, 1949, 1949 1/2, 1950, 1950 1/2, 1951, 1951 1/2, 1952, 1952 1/2, 1953, 1953 1/2, 1954, 1954 1/2, 1955, 1955 1/2, 1956, 1956 1/2, 1957, 1957 1/2, 1958, 1958 1/2, 1959, 1959 1/2, 1960, 1960 1/2, 1961, 1961 1/2, 1962, 1962 1/2, 1963, 1963 1/2, 1964, 1964 1/2, 1965, 1965 1/2, 1966, 1966 1/2, 1967, 1967 1/2, 1968, 1968 1/2, 1969, 1969 1/2, 1970, 1970 1/2, 1971, 1971 1/2, 1972, 1972 1/2, 1973, 1973 1/2, 1974, 1974 1/2, 1975, 1975 1/2, 1976, 1976 1/2, 1977, 1977 1/2, 1978, 1978 1/2, 1979, 1979 1/2, 1980, 1980 1/2, 1981, 1981 1/2, 1982, 1982 1/2, 1983, 1983 1/2, 1984, 1984 1/2, 1985, 1985 1/2, 1986, 1986 1/2, 1987, 1987 1/2, 1988, 1988 1/2, 1989, 1989 1/2, 1990, 1990 1/2, 1991, 1991 1/2, 1992, 1992 1/2, 1993, 1993 1/2, 1994, 1994 1/2, 1995, 1995 1/2, 1996, 1996 1/2, 1997, 1997 1/2, 1998, 1998 1/2, 1999, 1999 1/2, 2000, 2000 1/2, 2001, 2001 1/2, 2002, 2002 1/2, 2003, 2003 1/2, 2004, 2004 1/2, 2005, 2005 1/2, 2006, 2006 1/2, 2007, 2007 1/2, 2008, 2008 1/2, 2009, 2009 1/2, 2010, 2010 1/2, 2011, 2011 1/2, 2012, 2012 1/2, 2013, 2013 1/2, 2014, 2014 1/2, 2015, 2015 1/2, 2016, 2016 1/2, 2017, 2017 1/2, 2018, 2018 1/2, 2019, 2019 1/2, 2020, 2020 1/2, 2021, 2021 1/2, 2022, 2022 1/2, 2023, 2023 1/2, 2024, 2024 1/2, 2025, 2025 1/2, 2026, 2026 1/2, 2027, 2027 1/2, 2028, 2028 1/2, 2029, 2029 1/2, 2030, 2030 1/2, 2031, 2031 1/2, 2032, 2032 1/2, 2033, 2033 1/2, 2034, 2034 1/2, 2035, 2035 1/2, 2036, 2036 1/