

LEGISLATURE—29TH SESSION.

Report Against P. J. Murphy's Claim to J. H. Mahoney's Seat.

The Senate Exempts the Wheel of Fortune from the List of Prohibited Games.

SENATE.

SACRAMENTO, Tuesday, Feb. 3, 1891.

The Senate met at 11 o'clock a. m., Lieutenant-Governor Reddick in the chair. Roll called and quorum present. Prayer by Rev. A. T. Needham. Journal read and approved.

REPORTS OF COMMITTEES.

Mr. Maher, from the San Francisco delegation, reported back S. B. 62, for the relief of Patrick Creighton, recommending that it do pass. Mr. G. H. Williams, from the Committee on Federal Relations, reported back S. B. 493, to establish a naval battalion to be attached to the National Guard, recommending its passage.

BILLS INTRODUCED.

By Mr. Ragsdale—Amending the Constitution relative to the State Board of Equalization. Also, for the relief of the widow of Albert G. Quigler. By Mr. Simpson—To establish the office of Justice of the Peace in cities of less than 20,000 inhabitants. By Mr. Crandall—To define the duties of licensed land and surveyors.

SPECIAL FILE.

S. B. 128, S. C. A. 3, and S. C. A. 7, were passed on the file. S. B. 321, appropriating \$18,245 to pay the salaries of the San Diego Harbor Commissioners, read the first time.

THIRD READING.

S. B. 148, providing for a kitchen and dining-room at the Napa Asylum, was referred for amendment. S. B. 45, amending the Political Code, to prohibit gaming. Mr. G. H. Williams moved to refer the bill to a special committee of one (Britt) to amend by striking out the words "wheel-of-fortune."

Mr. Heacock raised the point of order that the proposed amendment was identical with the one offered the other day and voted down, and therefore could not be entertained.

Mr. Dray explained that on introducing the bill he had misled as to its contents, and felt it to be his duty to vote for the reference.

The motion prevailed by a vote of 25 yeas to 10 nays, and the bill ordered reprinted.

S. B. 215, authorizing the purchase of the lands on which the Sissons and Tahoe Fish Hatcheries are located, was read the third time and passed—yeas, 25; nays, 3.

S. B. 22, relating to the power of courts in the matter of punishing for contempt, was read the third time and passed—yeas 30, nays 6.

MORE REPORTS.

Mr. Sprague, from the Committee on Judiciary, reported back favorably the following bills: S. B. 14, to validate the acts of Notaries Public. S. B. 231, relating to execution of judgments after death.

S. B. 276, relating to preferred purchasers of lands sold to the State for taxes.

A. B. 1, relating to the duties of District Attorneys.

S. B. 280, relating to the qualification of married women to administer on the estates of deceased persons.

S. B. 299, relating to the continuation of administration on estates of deceased persons.

Mr. Mahoney, from the Committee on Commerce and Navigation, reported back favorably the following bills: S. B. 141, relative to pilots and pilot regulations. S. B. 290, relating to charges for tonnage.

Also, S. B. 330, relating to a seawall in San Diego harbor, recommending its reference to the Finance Committee. So ordered. Recess till 1:30 p. m.

Afternoon Session.

The Senate reassembled at 1:30 p. m., the Lieutenant-Governor in the chair. Mr. Heacock moved that the special order, S. C. A. 8, relative to the pardoning power, be postponed until February 10th at 2:30 p. m.

At the suggestion of Mr. Ostrom, the motion was amended to make the date February 8th, and the motion was carried.

SECOND READING.

S. B. 240, relative to the registry of births, deaths and marriages, with committee amendments. Read the second time. S. B. 221, to provide a State hospital for lepers. Read second time.

S. B. 226, providing for a State Sanitary Inspector. Read second time.

S. B. 108, to prohibit the sale of tobacco and its preparation to persons under 16 years of age. Read second time.

S. B. 115, authorizing the issuance of arms and accoutrements to Camps of Sons of Veterans. Read second time.

S. B. 117, requiring preference to be given to favorably discharged Union soldiers and sailors on public labor. Read second time.

S. B. 211, to increase the police force of cities.

On motion of Mr. Maher, the bill was made to apply to only cities of the first, second, third and fourth classes, and ordered engrossed.

S. B. 131, relating to the levy and collection of school taxes, cities of the first class. Read second time.

Substitute for S. B. 75, relating to the duties of officers. Read second time.

S. B. 69, relative to the payment of the necessary expenses of witnesses in criminal cases. Read second time.

S. B. 118, determining who shall practice law in the several courts of the State. Amended and ordered engrossed.

[Mr. Fraser in the chair.]

S. B. 74, relative to the non-insurance of property belonging to the State against fire, risk of damage or destruction by fire. Read second time.

S. B. 120, authorizing the sale of property of the Public-Minded Home. Read second time.

On motion of Mr. Heacock, Section 2 was stricken out and the bill ordered engrossed.

S. B. 107, enabling trustees of school districts to purchase property for school purposes, liquidating indebtedness, etc. Read second time.

Substitute for S. B. 165, relative to the selling of pools.

Mr. Langford favored the substitute, because it provided for the closing of pool-rooms in cities, but allowed pools to be sold at race-tracks.

Mr. Heacock moved that action on the substitute be postponed until it could be printed.

At the suggestion of Mr. Sprague, the substitute was again read by the secretary for the better information of the Senate.

Mr. Preston moved that, owing to the absence of the author, the bill be passed on file. So ordered.

S. B. 278, to prevent the sale of liquors

within one mile of any institution where juveniles are kept.

Mr. Voorhies moved to amend by restricting the distance to one-half mile. Lost.

The bill was then referred to the committee for correction.

S. B. 28, relative to the preservation of the public health. Read second time.

S. B. 10, providing for the election of the Superintendent of State Printing. Read second time.

S. B. 16, relative to the laying of street railway tracks and their joint use by different companies. Read second time.

S. B. 18, relating to estates of deceased persons. Passed on file.

A. B. 132, relating to County Clerk's assistants. Read second time.

S. B. 61, relating to the filing of lists of insurance policies with County Assessors. Passed on file.

S. B. 2, ratifying franchises already granted for running cars by electricity. Read second time.

S. B. 214, relating to the preservation of fish and game. Read second time.

S. B. 66, regulating the sale of olive oil. Read second time.

S. B. 294, relating to breeders' liens on animal livestock. Read second time.

S. B. 40, providing for a State Veterinary Surgeon. Passed on file.

S. B. 133, to protect and promote horticultural interests. Read second time.

S. B. 281, for the payment of the wages of mechanics and laborers employed by corporations. Read second time.

S. B. 31, providing for a State Board of Arbitration for the settlement of differences between employers and employes. Read second time.

S. B. 17, relating to train-wrecking a capital offense. Passed on file.

S. B. 27, relating to incompetent persons. Read second time.

S. B. 134, relating to the recording and acknowledgment of transfers. Read second time.

S. B. 287, relating to divorce. Read second time.

S. B. 238, relating to the time when action in certain criminal cases must be commenced. Read second time.

Several standing committees sent in reports of bills acted on.

The Committee on Elections reported regarding the contest of P. J. Murphy for the seat of J. H. Mahoney.

The decision of the committee was in favor of Mr. Mahoney.

Mr. Dray offered a resolution authorizing the printing of the report of the Inaugural Committee the 575 voted by outstanding indebtedness. Adjourned till Wednesday.

ASSEMBLY.

House met at 11 a. m., Speaker in the chair. Roll called; quorum present. Prayer by the Chaplain. Journal of yesterday approved.

MR. BAUGHMAN VS. KAMLE.

Mr. Baughman—in accordance with notice given by me on yesterday, I now move that the vote by which the minority report of the Committee on Elections was yesterday adopted by the House, be reconsidered.

Mr. Bledsoe—I move that consideration of the motion be made the special order for Friday next, immediately after the reading of the journal.

Mr. Dibble moved to lay the motion on the table, but subsequently withdrew it.

The question then being on the motion to reconsider, the following debate was had:

Mr. Bledsoe—I do not wish to consume more than five minutes of the time of the House in this matter, but on this reconsideration I wish to say that I know the motion should be adopted if we are sitting here to do justice.

Mr. Kamle—I can see why Republicans here should vote, or can vote, to retain Mr. Eakle in his seat. But if we are sitting here to do justice, we should vote to remove him from his seat.

Mr. Bledsoe—I do not understand how the gentleman from Shasta can have so much sympathy for the Republican party as he professed. I have always looked upon him as a Democrat of the Democratic party.

Mr. Kamle—I have seen the epithet of "the tall sycamore of Shasta," applied to him; that if I remember correctly, it was the tall sycamore of Shasta.

Mr. Bledsoe—I do not understand his sympathy for the Republican party, unless it is that he is not satisfied with the result of the election, and he wishes to see a Democrat sit here, and he is willing to go to any extreme to accomplish that end.

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achieved in this case. I believe that Campbell was duly elected, and that no conscientious man, who will consider the testimony of any other witness, can believe that he was not elected.

I am for the contestant because I believe he received the largest number of votes cast. I care not whether he be a Republican or a Democrat, but he was elected and ought to be seated, and that is why I argue that the vote of yesterday should be reconsidered, in the interest of justice.

Mr. Baughman—the gentleman from San Francisco (Dibble) is not at all consistent. He states now that our time is very valuable, the one whom I have just week he stood in his place here and stated openly that he would stand there making dilatory motions until the thing was decided his way. The time of the House was not very valuable then.

Mr. Dibble—the suggestion of the gentleman from Tehama (Matlock) that there has been any abandonment of duty by their party by the Republicans of the House is absolutely and entirely without foundation. In my judgment, and I believe that of every other gentleman here, the gentleman who is not a Republican candidate, nor the choice of the Republicans of the House, is not in that county as a Republican at all, but as a citizen, and as a local question involving county division. He went before the people and voted for a Republican candidate, and that if the selection of a United States Senator should depend upon his vote it would be cast for Stephen M. White.

Mr. Bledsoe—That I deny.

Mr. Dibble—There are men in the hearing of my voice to whom he made that statement, and who are here now.

Mr. Bledsoe—I have his exact language.

Mr. Dibble—He made the admission to gentlemen whom we all honor, and who presides over us.

Mr. Bledsoe—Is not the House bound to decide a contested election according to the law, and as much as a jury in a court of justice?

Mr. Dibble—Yes. But it is within the province of a jury to disbelieve a witness; and I do not believe that the gentleman in behalf of the contestant. I believe it is perjured.

Mr. Bledsoe—Are not witnesses presumed to speak the truth, and are they bound to take their testimony if undenied?

Mr. Dibble—Not in a political case. I would not believe anybody in a political case.

Mr. Bledsoe—Do you understand this to be a political case?

Mr. Dibble—Yes, and I do not pay any attention to the testimony, or at least do not regard it as I would in a case between citizens. I heard some of it read, and I do not believe anybody in a political case.

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