



LEGISLATURE--29TH SESSION.

The Telegraph-Common-Carrier Bill Passed by the Senate.

Sharp Debate Over It, and Notice Given of a Reconsideration--What Was Done in the Assembly.

SENATE.

SACRAMENTO, Thursday, Feb. 19, 1891. The Senate met at 11 o'clock A. M., Lieutenant-Governor Reddick in the chair. Roll called, and quorum present. Prayer by the Chaplain. Reading of the journal dispensed with.

Mr. Dray moved that the rule be suspended and A. B. 309, permitting the citizens of Sacramento to vote on the proposition to pay for past services of ten policemen, be considered a case of urgency, read three times and placed on its passage. He explained that the object was to avoid the holding of a special election, as a regular city election would be held in a few days.

Mr. DeLong moved to include S. B. 617, relating to the funded debt of the State, Carried, and A. B. 209 was passed, and the other amended and ordered to engrossment.

[Mr. Goucher in the chair.] MORE CASES OF URGENCY.

Mr. Ostrom moved that S. B. 564, declaring the Feather river bridge, Marysville a free highway, be considered a case of urgency and read three times. Carried, and the bill was passed.

The following bills were also considered as cases of urgency: S. B. 561, relating to writs of habeas corpus. Passed--ayes 31, noes 0.

S. B. 511, relating to the admission of attorneys-at-law, authorized by the Commissioners of the Supreme Court to examine applicants. Passed--ayes 28, noes 0.

S. B. 584, relating to the execution of judgments in criminal cases, pending appeal to the Supreme Court. Passed--ayes 28, noes 0.

S. B. 557, relating to the appellate jurisdiction of the Supreme Court. Passed--ayes 25, noes 0.

[The President in the chair.] Mr. Ostrom moved that the payment for certain skilled labor employed in the construction of the dam at Folsom. Passed--ayes 28, noes 0.

S. B. 442, amending Sections 3 and 13 of an Act to promote drainage, enabling Supervisors to exclude lands improperly included in drainage districts. Passed--ayes 25, noes 0.

A. B. 79, relating to the duties of Assessors in counties of the third class. The bill was amended to apply to counties of the second class, instead of the third, and passed to engrossment. Recross till 2 P. M.

AFTERNOON SESSION.

The Senate reassembled at 2 o'clock P. M., the Lieutenant-Governor in the chair.

S. B. 252, to pay the claim of Michael Curran, was, on motion, referred back to the Judiciary Committee.

Mr. DeLong, on behalf of the Special Committee on Joint Rules, reported a rule to the effect that each branch of the Legislature shall establish a special file on which shall be placed only bills that have passed either branch, to be considered from 2 o'clock to 3:30 each day.

After some discussion over the report, in regard to its effect upon the standing rules, it was adopted.

Mr. Goucher then gave notice of a motion to amend standing rule No. 7, so as to have it conform to the above rule.

Several Senators desired to have the Senate resume consideration of the order of business under the standing rules, and finally Mr. Goucher asked that it be made the special order for the evening.

Mr. Hancock said that would hardly be practicable, as there was to be a Republican caucus in the evening.

Mr. Goucher desired to know if a Republican caucus was above the Legislature.

Mr. Hancock replied that, by Democratic precedent, it was.

Mr. Goucher then stated that the regular business of the afternoon--consideration of the special file--be continued until 4 o'clock P. M., and in the meantime the unfinished business of the morning be resumed. Carried.

The Senate then took up S. B. 324, providing for a State Board of Funeral Directors.

The bill provides that the board shall consist of three persons, to be appointed by the Governor, and to hold office for four years; they shall meet three times each year--once in San Francisco, once in Los Angeles and once in Sacramento--but may meet more often if necessary.

It further provides that no person shall act as a funeral director without first having been examined and received a license from the said board, nor care for, prepare for burial or dispose of dead bodies of human beings. The bill contains various other novel features, including the imposition of a penalty of from \$25 to \$100 for violation of its provisions, and an allowance of \$100 for the day's services of members of the board.

Mr. Campbell of Solano vigorously assailed the bill, and on motion of Mr. Goucher section 12 was stricken out and the bill ordered reprinted.

COMMON CARRIERS.

S. B. 43, declaring telegraph companies to be common carriers, was opposed by Mr. Carpenter. He declared it to be an absurdity to class a telegraphic dispatch with a bag of wheat, and to say that companies shall be liable for damages in case it should be broken, to permit it within a certain period. Telegraph companies cannot follow a dispatch across the continent and see that it is not broken, because storms and cyclones are liable at any moment to prostrate the telegraph lines. The whole proposition was an absurdity, and he would not support it.

Mr. Campbell of Solano spoke in favor of the bill, confining his remarks chiefly to denunciation of telegraph corporations. The only legal proposition referred to in connection with the subject was that Michigan had a similar law in force. All that was asked was to have telegraphic companies placed on an equal footing with express and railroad companies.

The bill to allow an additional Superior Judge for Tulare County was passed.

Mr. McGowan then extended the speech in support of the bill. He was opposed to oppressive legislation directed against corporations, and would have every proper protection thrown about them. The question was whether or not the bill in question was in the interest of the people, and whether it was unjust to the telegraph corporations. He held that it was in the people's interest, and that it demanded of the Legislature nothing that was not right. Its purpose was to insure patrons of those companies against loss, as patrons of railroad companies are now treated. Mr. McGowan contended that the bill did not open the way to any controversy between the State and Federal authorities, as Government business would have precedence

over that of people of the State; also, that unaccustomed accidents to telegraph lines would result in the companies from liability to damages. The willingness of the companies to insure the safe transmission of a telegram for one-half more than the usual fee was sufficient answer to the allegation that there was great danger to wires from the elements.

Mr. Carpenter referred to the arguments of Messrs. Campbell and McGowan as bearing out his assertion that not a scintilla of evidence had been offered in support of the bill. Petitions had poured in upon the Senate for the abatement of many so-called evils, but he had yet to hear of any person or persons who had asked for any such legislation as this bill contemplated. Where had the bill originated, and why was it brought into the Legislature?

Why had the bill been introduced? At least one witness or one petitioner in its behalf? No matter whether the telegraph companies were rich or poor, he (Carpenter) had no more right to rob a rich man than a poor one. He would give up his cause whenever he found it necessary in order to carry a point, to resort to the arguments of the demagogue--to appeal to the higher passions of men, instead of to the higher and nobler qualities of human nature.

Mr. Campbell protested that so far as he knew, there were no improper influences behind the bill before the Senate. He held that the testimony from Los Angeles had insinuated something to that effect, and thereupon the speaker became worked up into a white heat of anger, casting from him a slip of paper which he held in his hand, Mr. Campbell said it contained something that, if he should see it, he would not be out of place in the Senate, so he would refrain. He had never been a paid agent nor attorney of any corporation.

The bill was read a third time and passed--ayes 21, noes 10.

BILLS INTRODUCED. By Mr. Hamill--To encourage sericulture.

By Mr. Bailey--Relating to irrigation districts.

By Mr. Maher--Relating to the qualifications of a juror.

Also, to prohibit Chinese immigration. Also, providing for a commission to revise the laws.

By Mr. McGowan--Relating to the printing and distribution of State text-books.

By Mr. McGowan--Relating to the settlement of accounts of executors of estates of deceased persons.

By Mr. Goucher (by request)--For the preservation of timber lands.

By Mr. Sprague--Relating to the assessment of lands in irrigation districts.

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Several emergency bills, relating to the Attorney-General's office, were introduced by Mr. DeLong, and one by Mr. Dray, relating to stationery, lights and fuel for the Capitol and State offices.

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MISCELLANEOUS BUSINESS. Mr. Hamill gave notice of a motion to reconsider the vote whereby the Senate passed the bill to make telegraph companies common carriers.

On motion of Mr. Goucher, the remainder of the session, including the emergency resolution were ordered at the head of the special order for Friday morning.

At the request of Mr. Flint, the Sutter bill was ordered placed on the special file.

At 5:15 P. M. the Senate adjourned until 10 A. M. Friday.

ASSEMBLY.

House assembled at 10 o'clock, Speaker Coombs in the chair. Roll called and quorum present. Prayer by the Chaplain.

Mr. Hayes moved that A. B. 70, relating to the leasing of wharves, etc., under the control of the Harbor Commissioners, be made a special order for this afternoon at 2 o'clock. Carried.

[Mr. Phillips in the chair.] Mr. G. moved that S. B. 176 be substituted for A. B. 178 and be read the first time. The bills are identical, and provide for the ascertaining of the will of the people of the State upon the subject of election of United States Senators. The motion was carried and the bill read.

Mr. G. then moved to suspend the rules and place on the special file, (known as the "ballot reform bills," and now resting far down the file at Nos. 180 to 190, inclusive) upon a special file, the bill to amend the constitution.

Mr. Dibble objected strongly to this, saying that it would virtually set aside the rules of the House and open the way for every member who had bills that he especially desired to push through to use the action as a precedent.

Some debate ensued, when Mr. G. closed by saying that he should not have thought of making the motion except for the action of the House on yesterday. On that occasion he had taken exactly Mr. Dibble's position, and he had protested against forcing forward a bill which was solely directed toward an individual case of the State, and not a "married woman administrator's bill," which made a special order for this morning.

Despite his protest the bill was placed under special orders, and when he found that special legislation and vicious legislation was placed before the House, he desired to see this Assembly squarely placed on record in the matter. If they would refuse to consider these bills, which the people were willing to see passed, and leave them in obscurity and in danger of being smothered entirely, he desired the people of the State to know.

The roll was called on the motion, with the following result: Ayes 40, noes 18. Notwithstanding this vote, a call of the House was demanded. The absentees were many, and included the Speaker of the House. When the doors were closed the Speaker pro tem, declared a recess. Mr. G. then demanded that the bill be had assumed the importance of a test of the House on ballot reform, besides striking the popular sentiment on its merits, the recess was remarkably lively.

Mr. G. seemed to be declared between the belligerent chiefs, who were the center of the storm, dimly seen through the smoke of their cigars, fraternally exchanging epithets of varied brilliancy. The great doors of the Assembly chamber and the motion picture of the Sergeant-at-Arms' room were tightly closed, when suddenly there appeared on the floor of the House the truant Speaker, for whom the Government was searching. It was supposed to be searching. It was whispered that he had entered by the window with his hands up.

When the House was called to order Mr. Phillips was still in the chair and as the roll was called, the absentees were indulged in and every inch of ground fought with all the weapons of parliamentary usage. The matter finally resolved itself into a recalling of the roll on Mr. G.'s original motion with the following result:

Ayes--Barnett of Sonoma, Beecher, Best, Biedson, Brown, Bruns, Cargill, Cunningham, Dennis, Doty, Dunn, Durner, Eakie, Estey, Fowler, Freeman, Galloway, Galloway, Hays, Hocking, Jackson, Lacey, Lewis, Lynch, Marion, Martin, Mathews, McCall, Mordecai, Murman, Murphy, Reno, Rice, Robertson, Shanahan, Smith of Butte, Smith of Orange, Stabler, Stranvont, Tennes, Weston, Young--44.

Noes--Alexander, Barnett, Barnett of San Francisco, Baumgarten, Bruner, Bryant, Carter, Coffey, Cram, Cutler, Dibble, Dow, Galbraith, Glyn, Gordon, Hall, Hayes, Harsney, Hunewill, Johnson, Jones, Kellogg, Lowe, Lutz, Mendenhall, Phillips, Steltz, Tully, Wentworth, Mr. Speaker--39.

Mr. G. then moved that the same bills be taken up out of order that they might be made a special order for Tuesday morning.

This precipitated a fresh discussion, which terminated only with the morning hour.

Mr. Shanahan claimed that the opposition to the motion was in reality opposition to ballot reform, and charged that those voting against it would be found, when the issue came, voting against the motion.

Mr. Dibble said that the claim that the opposition to the motion is an opposition to ballot reform, is in reality opposition to the bill which Mr. G. had prepared out of the bills which Mr. G. would wish to take up, with a view of reaching the evils which were justly claimed to exist, but he did not

wish any of the bills pushed to the detriment of the business of the House. He claimed that the companies from liability to damages. The willingness of the companies to insure the safe transmission of a telegram for one-half more than the usual fee was sufficient answer to the allegation that there was great danger to wires from the elements.

Mr. Carpenter referred to the arguments of Messrs. Campbell and McGowan as bearing out his assertion that not a scintilla of evidence had been offered in support of the bill. Petitions had poured in upon the Senate for the abatement of many so-called evils, but he had yet to hear of any person or persons who had asked for any such legislation as this bill contemplated. Where had the bill originated, and why was it brought into the Legislature?

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