

LEGISLATURE—29TH SESSION.

Charles N. Felton Chosen United States Senator Yesterday.

A Committee to Investigate State Library Matters—Work on the Appropriation Bill.

SENATE.

SACRAMENTO, March 19, 1891. The Senate met at 10 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.

The first business taken up was the consideration of the county government bill, which was variously amended and ordered engrossed. There was considerable discussion over an amendment offered by Mr. Carpenter, empowering the Governor to fill vacancies in Boards of Supervisors for the unexpired terms, instead of for ninety days and until special elections can be held. The amendment was lost—ayes 20.

Mr. Mead called up his bill for the relief of Colonel J. D. Stevenson, which was read the second time, amended slightly and ordered engrossed.

S. B. 699, to provide a salary for the keeper of the archives in the custody of the Secretary of State, was read the second time, amended slightly and ordered engrossed.

The joint resolution memorializing the Secretary of State to request the line between California and Nevada, in accordance with the recent survey thereof, was adopted.

A. B. 581, relating to the powers and duties of highway officers, and to provide for the construction, maintenance and improvements of highways by contract let out to the lowest bidder—known as the general road bill—was read the first and second time and made the special order for Friday morning.

S. B. 334, relating to the distribution of voters (an urgency bill), was called up by Mr. Berry and passed.

The Senate concurred in the Assembly amendment to the bill for the purchase of the sites of the Sissons and Taloo fish hatcheries (striking out the latter).

A. B. 542, relating to the organization of sanitary districts of the city of Sacramento, was read the second time, amended slightly and passed.

A. B. 554 was substituted for S. B. 468 on the same file.

At 12 o'clock a. m. the Senate went into joint convention with the Assembly to ballot for United States Senator, and then took a recess until 2:30 p. m.

Afternoon Session. The Senate reassembled at 2:30 p. m., the Lieutenant-Governor in the chair.

A resolution offered by Mr. Dray, to pay certain small bills for supplies, was referred to the Committee on Attachés.

Mr. Goucher introduced a resolution providing that the Legislature adjourn sine die at midnight on Saturday, the 21st.

Mr. Campbell of Solano opposed the resolution, holding that the appointment bill, the county government bill and the general road bill could not be completed without adjournment.

Mr. Goucher replied that if sufficient promptness were observed by the State Printer and proper energy by members of the Legislature, his bill could be reprinted and passed by Saturday.

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ordered printed. A synopsis is given in another column.

Mr. Bruner moved to reconsider the vote by which S. B. 324, establishing a Board of Funeral Directors, and for the efficient prevention of contagious diseases, was lost. Carried. The bill was amended to apply only to cities or cities and counties of over 10,000 inhabitants and passed as amended.

THE FISCAL BALLOT.

It was a crowded house which the Senate found awaiting its entrance to the floor of the Assembly and one over which an air of expectancy seemed to hover. Speaker Reddick and Speaker Coombs presided. The usual preliminaries were rapidly gone through with, and, notwithstanding a motion that the bill be declared informal while the present investigation is pending, the President ruled that the ballot to ensue should be formal. It proved also decisive.

On the roll-call not many changes were apparent. It stood as follows:

For Estee—Ames, Barnett of Sonoma, Beecher, Bert, Brown, Bryant, Cargill, Clark, Culver, Estey, Freeman, Hall, Howe, Hawley, Hoeking, Kellogg, Lacey, Lewis and Smith, Murphy, Stutz, Tuttle, Smith of Orange, Sturtevant, Weston, Coombs—25.

For White—Berry, Britt, Mead, Ostrom, Welch, Wm. H. Williams—6. For Hancock—Goucher, Hamill, Langley, Howie, H. P. Reddick and Speaker Coombs presided. The usual preliminaries were rapidly gone through with, and, notwithstanding a motion that the bill be declared informal while the present investigation is pending, the President ruled that the ballot to ensue should be formal. It proved also decisive.

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The total number of books manufactured has been 1,181,175. Deducting those sold and donated, the balance on hand is 881,181. The books sold have yielded the sum of \$94,147.43, an amount but \$65,812.57 short of the entire cost of the text-books.

The report calls attention to the statement of A. J. Johnston, Superintendent of State Printing, showing a total saving to purchasers of \$213,875.35, as compared with the prices existing before the series was introduced, of \$192,134.00.

The State Board of Education in 1888 made a slight advance in the selling price of some of the books. The report says that if any loss to the State occurred at the prices first established, the later prices have recouped them and they are a surer against any loss in the future.

The condition and resources of the department on the 15th of February, 1891, is shown by the following statement:

Balance to credit of Printing Fund.....\$36,602 95 Balance to credit of State School Fund..... 6,900 73 Balance to credit of State School Book Fund..... 90,190 10 Value books on hand (finished)..... 29,372 00 Value books on hand (unfinished)..... 17,828 00 Value material on hand..... 20,337 00 Value of State series, as compared with the prices existing before the series was introduced, of \$192,134.00.

During the consideration of the general road bill, the members were in an unusually hilarious mood, and voted down an important amendment offered by Senator Coombs. He then found that they had done, permission was asked to have the question reopened. President Reddick refused, however, and said that if Senator Coombs would attend to his duty, they must bear the consequences. Senator Carpenter moved that further consideration of the bill be postponed until the morning, when the Senate might be in a condition to consider it seriously. It was so ordered.

At yesterday afternoon's session of the Senate Mr. Goucher announced that a special and important session would be held this evening when the members and their families and friends, and all the officers and their families were requested to be present. He did not reveal the nature of the business, but it was known that there is a suspicion abroad that certain persons are to be made recipients of the usual charitable contributions on the closing of the session.

The "Shanahan baby" which, it will be remembered, was born at the County Jail, just after the convening of the present Legislature, and the record of its birth spread upon the minutes, appeared in the Record-Tribune yesterday, a fine, thriving mountain ladie of two months old. On motion of George Merced the House took a ten-minute recess to allow the members to view the infant Mrs. Shanahan a select committee of one to name the baby, and when the name was announced—"Frank George Shanahan"—a cheer and applause sounded which would have frightened the child to death if it had not been a foreordained and predestinated political patsy. The cheer was serenely from the Speaker's desk and captured its multitudinous adoptive parent as well.

A very handsome gift was presented to the child yesterday, with the alphabetical name who has the honor to be the original father of the infant, looked happy at this rousing reception.

EVERYBODY'S COLUMN. Correspondence of Interest to the General Public. [Under this heading the Record-Tribune will publish short articles on topics of interest to the general public. The matter in these communications will be understood to represent the views of the writers. All communications must be accompanied by the name of the writer, not for publication, unless so directed, but as a guarantee of good faith.—Ems.]

The State School Books. ENDS RECORD-TRIBUNE: Allow one who has been a teacher in this State for twenty years to express his appreciation of your course in regard to school legislation. We teachers generally fear too much legislation rather than too little.

The Secretary for the Institute of 420 teachers, just adjourned in Los Angeles, I have some knowledge of the conditions and school-conditions in Nevada City, used for the purpose of conducting the public schools, into the possession of George E. Shaw, J. C. Hall and N. Douglas, who claim to have been recently elected School Trustees. The point relied on by the appellants is that the Act of March 25, 1874, known as the Brown and Samuel Gerson Act, Nevada City, has been acting for more than sixteen years, is unconstitutional. The Supreme Court says the position of the appellants is untenable, and affirms the judgment of the lower court.

In the matter of D. L. Wright et al., insolvents. This is a Talara county case, and the judgment is affirmed.

GUILITY OF BATTERY. The Decision of the Jury in the Foutz Case. L. C. Foutz was tried by a jury yesterday in the Police Court and found guilty of the charge of battery in beating his wife. The jurors were James Hanford, Thomas Phillips, John Bruner, George Morrison, John Scroggs, P. Clark, C. E. Schumert, Warren Cole, Samuel Gale, Perry Curtis, Thomas O'Brien and Samuel Gerson.

Mrs. Foutz said that for the past six months she and her husband had been working in a dance hall at 115 Second street, he as a musician and she as a waitress. They had been married about two months. She had been in the habit of going to her room and falling asleep. Foutz came in shortly afterward, and, awakening her, asked her why she retired so early and why she was so tired. She denied being drunk and told him that he himself had sent her to bed. Upon refusing to tell where she obtained her drink, he seized a razor-strop and belabored her with blows. He tore an undergarment she wore and struck her on the side of the head and in the stomach.

The defense attempted to cross-examine the witness to show that she swore to the facts for the purpose of raising money for her son, so that the couple could live with another man. Judge Cravens would not allow the questions, however, and the jury returned a verdict of guilty.

Barwick's Statistics. The Signal Service temperature at 5 A. M. yesterday was 54° and 63°, while the highest and lowest temperatures were 65° and 53°, with fresh and variable winds and a partly cloudy sky. The barometrical readings at 5 A. M. and 5 P. M. were 29.57 and 30.06 inches, showing a rise of .49 inch.

The remains of Dr. W. S. Manlove were interred in the City Cemetery yesterday afternoon. A large number of friends of the deceased attended the funeral, which took place from St. Paul's Church. Rev. J. F. von Herlich preached the sermon. The pall-bearers were Charles Robinson, Dr. C. G. Coffey, John Studarus, Jr., Senator Boutier, H. M. LaRue and J. E. Camp.

But She Got It—A Sample of Letters Daily Received. Only those who have tried it can know what it is that prompts one to send 1,500 miles for it to get it again. Here is another of many such instances:—

DEAR SIR: I send \$5, for which please return to me a box of your "Vegetable Compound." I have moved here from Sierra City, Cal. I took three bottles before leaving, but I have not had time to get more. It was just before I left Sierra City, when I was very ill. I had a headache and was all pains and aches, especially in my shoulders and head. The doctor said it was my liver, and he gave me medicine which relieved me somewhat. One of my neighbors happened in and told me she had started to take your "Vegetable Compound," and advised me to try it. I did, and with such good effect that I now feel like a new being. I have persuaded one of my neighbors here to take it, so part of it is for her. I am, Sir, your obedient servant, MRS. G. O. DELBORG.

The reader, who has not tried it, has no idea what the vegetable juices in this remedy will do for diseased systems.

High heels, it is said, owe their origin to Persia, where they were introduced to raise the feet from the burning sands of that country.

THE LAW.

Opinions of the Supreme Court in Important Cases.

Blame Attached to a Careless Conductor for the Killing of a Brakeman in a Collision.

Quite a large batch of opinions were filed yesterday in the Supreme Court Clerk's office, the matters being appeals from courts in the Sacramento district. They are as follows:

Kate Congrave et al. (plaintiffs) and appellants vs. Southern Pacific Railroad Company. This case was brought by the widow and infant son of James W. Congrave, deceased, to recover damages for the death of the latter, who was killed by an accident on the train which left March 18, 1889, to pursue Tamarack Station, a few miles west of Summit, at fifty-five minutes past 12 o'clock, noon, and earlier, and it was the duty of the conductor not to allow the train to leave the station before that time. He disregarded orders, however, and left nine minutes before the time was up. The result was that the train collided with another coming up the mountain, and Congrave was killed.

The lower court a demurrer was made to the complaint on the general ground of want of facts and some special grounds. The demurrer was sustained, and an appeal was taken.

THE CONDUCTOR TO BLAME. The Supreme Court sustains the judgment and, after citing authorities and giving other reasons to support its judgment, says: In this case the conductor failed to obey an order of the company, and by so doing he was the cause of the death of the plaintiff's son. He was not then acting for the company, but against its express orders.

IRIGATION DISTRICT BONDS. Board of Directors of the Modesto Irrigation District (respondent) vs. William Fregga. This was a special proceeding, instituted in pursuance of an Act of March 18, 1889, to enforce the collection of certain bonds of the district, which it had ordered to be issued and sold. The Act required the bonds to be sold at public auction, and the court found that the bonds were sold at a private sale, and that the sale was irregular and void, and that the court did not acquire jurisdiction to confirm the order in preparation of the bonds of the district in this proceeding.

Whether, however, was not essential to the validity of the order for the sale of \$400,000 of bonds, and the judgment and decree is therefore modified, and the order is set aside, and the order for the issuance of \$400,000 of bonds, and as to the interest thereon, the judgment is affirmed.

In the matter of the estate of William Westerfield, deceased, Mary B. Smith et al. (appellants) vs. James C. Westerfield et al. This is a Nevada County case and a suit over the division of the estate. The Supreme Court dismisses the appeal, reverses the order denying a new trial, and directs the court to grant a new trial, and to dismiss the petition of the plaintiffs and all the proceedings subsequently taken thereunder.

JUDGMENTS AFFIRMED. Eleanor (Married) vs. C. W. Clarke et al. A Lassen county case, and a civil suit, involving several thousand dollars; the judgment of the lower court is affirmed.

Nevada School District (appellant) vs. B. N. Shoecraft, et al. The suit was brought to have the court decree that the teachers, just adjourned in Los Angeles, I have some knowledge of the conditions and school-conditions in Nevada City, used for the purpose of conducting the public schools, into the possession of George E. Shaw, J. C. Hall and N. Douglas, who claim to have been recently elected School Trustees. The point relied on by the appellants is that the Act of March 25, 1874, known as the Brown and Samuel Gerson Act, Nevada City, has been acting for more than sixteen years, is unconstitutional. The Supreme Court says the position of the appellants is untenable, and affirms the judgment of the lower court.

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J. C. Johnson & Co. of San Francisco. Capital stock, \$500,000. Directors—J. C. Johnson, John M. Johnson, Ed. H. Horton, Fred. S. Johnson and Charles P. Le Breton.

St. Charles Hill Gold Mining Company of San Francisco. Capital stock, \$1,000,000. Directors—Robert Stevenson, D. Gutmann, B. F. Holling, G. C. Higgins and Nathan Bibb.

Ventura Crystal Plaster Company of San Francisco. Capital stock, \$500,000. Directors—W. E. Sharps, W. E. Atwater, Hamilton B. Sharps, Alexander H. Hall and Gratian H. Wheeler.

Union Planning Mill Company of Stockton. Capital stock, \$30,000. Directors—G. W. Gallup, A. Taylor, J. Blois, F. H. Martin and S. A. Hathaway.

Santa Barbara Savings and Loan Bank of Santa Barbara. Capital stock, \$100,000. Directors—George E. Johnson, W. S. Lough, J. Vail, Joseph Septon, E. B. Hall, James A. Blood, W. W. Hollister and W. C. Shaw.

THE NATIONAL GUARD. An Order Issued for the Annual Inspection in Appraisal.

Adjutant-General Allen issued a general order yesterday announcing that the annual inspection and muster of all organizations comprising the National Guard of California, will be held during the month of April. The tone of the order indicates that the General proposes to have a thorough inspection made and an exact report submitted to him. He says:

"Inspections will be made only by officers of the general staff, and by such only as are competent and prepared to thoroughly ascertain the actual condition of organizations as to their drill, discipline, and efficiency; the arms, uniforms, equipments and other State property in their possession; the finances and records, and the quarters occupied by them, as also to make such suggestions and recommendations as may appear necessary to remedy deficiencies in the above particulars, and when it may appear to the satisfaction of the Major-General commanding division that such officers are not available within the limits of their brigade, he may make details from other localities.

"When inspection books have been prepared by this office, one for each company, and will be furnished on requisition of brigade commanders. All the information called for therein will be carefully ascertained and noted by inspectors, and the muster rolls compared with and verified from the same before being certified to the Major-General commanding division. These books