

LEGISLATURE—29TH SESSION.

The Assembly Adopts the Bruner Minority Report.

Both Branches Put Through a Large Number of Bills—The Waste-Basket Inquiry.

SENATE.

SACRAMENTO, March 24, 1891. The Senate met at 10 o'clock a. m., Lieut. Governor Roddick in the chair. Roll called, and quorum present. Prayer by the Chaplain. Reading of the journal dispensed with.

The first business of the morning was the consideration of Assembly messages, and the general road bill was passed.

The Assembly amendments to S. B. 554, relating to the changing of grades of streets, were concurred in.

On motion of Mr. McCormas, S. B. 195, relating to the sale of fertilizers, was made a case of urgency and passed.

Mr. Berry was granted leave to introduce a bill providing for the pay of the Deputy Attorney-General for the remainder of the present fiscal year.

A message was received from the Assembly announcing the passage of S. B. 463, relating to the registration of voters, with amendments. On motion of Mr. Berry the amendments were concurred in.

S. B. 367, relating to the declaring of dividends by corporations was passed. The motion to reconsider the passage of S. B. 64, authorizing the Attorney-General to compromise the suit pending against the bondsmen of F. W. Gross was lost.

S. B. 329, for the establishment of police relief, health and pension funds, was passed.

S. B. 125, establishing the boundary line of Sutter County, passed.

INVESTIGATION EXPENSES.

Mr. Voorhies, Chairman of the joint committee on the waste-basket investigation, reported an itemized account of the expenses incurred by the committee for witness fees, clerical work, etc., amounting to \$700.

The report and resolution were adopted. The FILE RESUMED.

S. B. 261, relating to the sale of lands uncovered by the recession of the waters of inland lakes, was passed.

Mr. Dray called up his motion to reconsider the vote by which S. B. 483, relating to articles of incorporation, was refused passage. The motion was carried and the bill passed.

A. B. 455, giving preference to war veterans in the employment of labor on public works, was passed.

Mr. Berry said he could see no reason why that class of persons should be given a preference over others.

Mr. McDowney, in support of the bill, responded eloquently on behalf of the ex-soldiers and sailors of the war, who had, he said, given the better portion of their lives in the service of the republic, and many of whom are, because of their wounds, unable to perform many kinds of labor.

The bill passed by a vote of 31 yeas to 2 noes—Berry and Harp.

Messrs. Simpson, Ostrom, Bailey, Preston and Dray spoke in support of the bill providing for the creation of a State Board of Charities, and Messrs. Mead, Campbell of Solano, Britt and W. H. Williams opposed it. The Senate refused its consideration under the urgency rule.

Recess until 2 o'clock p. m.

Afternoon Session.

On reassembling, the Senate took up the Assembly special file and passed A. B. 729, relating to the making of assessments on land in swamp land districts.

A. B. 36, relating to the qualifications of District Attorneys, passed.

A. B. 691, providing for the establishment of law libraries, passed.

The conference committee reported in favor of the Senate receding from its amendments to A. B. 128, relating to advertisements for obtaining divorces, and the report was adopted.

A. B. 611, relating to the probate of wills, passed.

When A. B. 348, concerning divorces, came up, Mr. Hamill moved that the enacting clause be stricken out, and it was so ordered.

A. B. 583, repealing the Act under which the Supreme Court reports are printed, passed.

A. B. 663, to prevent the placing or keeping of married women in houses of prostitution, passed.

Substitute for A. B. 4, relating to liens of mechanics and others, lost—yeas 18, noes 20.

A. B. 500, to pay the claim of W. L. Wolf (\$500) for services at Los Angeles as Assistant Commissioner of Labor Statistics, passed.

A. B. 718, amending Section 626 of the Penal Code, relating to the punishment of game birds and animals, was amended, on motion of Mr. DeLong, so as to extend the closed season on quails, etc., from September 10th to October 1st, and to reduce the term during which male deer shall not be shot from six to two years.

[The danger is that these amendments may cause the loss of the bill entirely.]

A. B. 99, requiring banks to file with the Controller statements showing what sums of money they have on deposit, which no claims have been made within ten years, and authorizing the Attorney-General to institute proceedings to ascertain the ownership thereof, refused a third reading.

A. B. 78, to pay the claim of G. B. Montgomery for \$1,500 for services rendered at the request of the Attorney-General, was passed.

A. B. 748, to abolish the State Board of Silk Culture, lost—yeas 10, noes 18.

Mr. Hancock gave notice of a motion to reconsider.

RESOLUTIONS.

Mr. Bailey offered a resolution requiring officers and attaches of the Senate to deliver all books, keys, stationery, etc., in their possession to the Sergeant-at-Arms before the final adjournment of the Senate.

Another resolution, allowing one week's extra per diem to the Sergeant-at-Arms to remain after the adjournment and collect and turn over to the Secretary of State all property in use by the Senate was referred.

EXECUTIVE APPOINTMENTS.

A message was received from the Governor announcing a large number of appointments (published elsewhere), the consideration of which was laid over until 7:30 o'clock p. m.

Another message announced the Governor's approval of S. B. 694, providing an Assistant Secretary to the State Board of Examiners.

MERICAL EXAMINERS.

The urgency file was taken up, the first bill being S. B. 254, providing for the appointment of a State Board of Examiners. Several Senators sent up amendments, most of which were evidently not offered in good faith, and which were voted down.

The bill was passed by a vote of 22 yeas to 9 noes.

S. B. 686, to legalize conveyances of real estate made to homestead associations after the expiration of the time for which they were organized, Passed—yeas 22, noes 1.

A message was received from the Assembly asking the reconsideration of the vote whereby A. B. 825, the general road bill, was passed, in order that it might be returned and an error corrected.

The request of the Assembly was complied with.

The amendments by the Assembly to S. B. 561 were concurred in.

S. B. 704, appropriating money to pay the salary of a minority Attorney-General until July 1, 1891, was made a case of urgency and passed.

WASTE-BASKET INQUIRY.

Mr. Voorhies, Chairman of the joint committee, investigating the waste-basket matter submitted its report, together with the evidence taken. The report recites the various facts developed during the inquiry that papers used for holding packages of currency had been found in the library office; that one containing figures denoting \$2,000, another \$1,000, and nine others of \$500 each, showing a total of \$7,500; that \$5,000 of this money was forwarded from a Fresno bank to the Crocker-Woolrich Bank in San Francisco; that it was paid out on the 16th instant to one J. B. Jones; that the money did not come to Sacramento by express; that the wrappers were found in the library office thirteen hours after the bank paid out the money; that the papers had been left in the library between 8 and 10 o'clock a. m. on the 17th; that the office was occupied just prior thereto by Messrs. Dibble and Marion.

The committee finds that the papers must have been sent to Messrs. Dibble and Marion, but that it had been unable to find how the money was brought to Sacramento, as it had not found any person who knew anything of it. There was nothing before the committee showing that the money was paid to any person for influence votes in the Senatorial contest then in progress. The candidates had all been sworn, and each disclaimed any knowledge of the use of money.

The committee concluded that, if money was used improperly in legislation, it had no means of ascertaining the facts, and had been endeavoring to find J. B. Jones, but without success. The committee returns thanks to Attorney-General Hart for his assistance in the matter, and presented to the Senate all the testimony taken at the committee (see) was not able to proceed further in the matter, deeming it proper to report the facts as they are, and that the Legislature might see fit to take.

The report of the committee was adopted, without debate, and the Senate took a recess until 7:30 p. m.

Evening Session.

The Senate reassembled at 7:30 o'clock, President pro tem. Fraser in the chair. The first business done was to concur in the nominations sent to the Senate by the Governor in the afternoon.

The resolution allowing the Secretary of the Senate assistants \$200 for preparing and mailing to members a complete history of all bills, constitutional amendments and resolutions of the session, was reported back favorably by the Committee on Attachés and adopted.

A. B. 194, for the protection of creditors against punishment of fraudulent debtors, was passed.

The tax levy bill for the forty-third and forty-fourth fiscal years was amended as recommended by the Finance Committee, so as to conform to the appropriation bill, passed and ordered reprinted.

At 9:45 the Senate adjourned.

ASSEMBLY.

The House assembled at 10 a. m., the Speaker in the chair. Roll called and quorum present. Prayer by the Chaplain.

A. B. 729, in reference to making assessments on land in swamp land districts, was brought up from the file and read the second and third times and passed.

Mr. Bruner moved to reconsider the vote by which substitute for S. B. 367, authorizing persons having claims against the State, or against counties, to prosecute and establish them in the courts, and providing for the payment of judgments, on reconsideration, a substitute was offered which met the objections of those who opposed the bill. The report of the committee was adopted, and the substitute sent to the printer and the bill made a special order for this afternoon.

A bill for \$75 for "engrossing resolutions of condolence, highly illuminated, upon the death of Senator Hearst," was approved, and ordered paid to order of Assemblyman Fowler.

The Conference Committee on A. B. 87, relating to the semi-annual collection of taxes, introduced a substitute for that bill, which was made a special order for the afternoon.

S. B. 456, in relation to registration of voters, was passed.

S. B. 107, to make train-wrecking a capital offense, was passed.

S. B. 331, relating to the duties of the Clerk of the Supreme Court, and providing an extra clerk for the southern part of the State, was considered in Committee of the whole and amended so as to provide for the salary of the extra clerk, and made a special order for the afternoon.

S. B. 432, fixing a bounty on coyote scalps, has been loaded by Mr. Wentworth with amendments, as Mr. Mordecai said, "to kill the bill and dance on its grave." After a vigorous debate, the bill was passed, and the amendments were rejected.

Wentworth opposed the bill on the grounds that it would promote "coyote farms" and other dreadful things, and that it would encourage the killing of coyotes, and that it would encourage the killing of coyotes, and that it would encourage the killing of coyotes.

The bill passed amid considerable effervescence of spirits.

S. B. 690, to provide a salary for the keeper of archives in the office of the Secretary of State for the balance of the forty-second fiscal year, was read the second and third times and passed favorably by the Committee of the Whole.

Mr. Freeman presented a report of the waste-basket investigating committee containing all the expenses for \$750.

A QUESTION OF PRIVILEGE.

Mr. Hocking rose to a question of privilege. He stated that a few days ago, believing himself credibly informed, he had written a public notice, in which he stated that negotiations had been attempted by Bledsoe and his friends by which a favorable report upon the Bruner case should be made in consideration of the sum of \$3,000—that only \$1,000 could be raised for the purpose, and, therefore, the matter fell through, and an unfavorable report would be made.

Lacey claimed that he had had no attention to the reading of the report and asked that it be read again. Objected to and Mr. Lacey did not vote.

Excuse from voting—Bert, Hall, Harlow and Lacey.

Others not voting—Ames, Bruner, Carter, Coffey, Cram, Eakle, Fowler, Hershey, Tully, Windrow and Wolfskill.

Recess.

Afternoon Session.

The House reassembled at 2 o'clock, Speaker Coombs in the chair.

The substitute for A. B. 567, made a special order from morning session, came up on final passage. It provides that parties having claims against the State may prosecute them in the courts. The bill was defended by Mr. Bruner and opposed by Messrs. Manock, Shanahan and Mordecai. On final passage it was lost.

S. B. 331, providing for a Clerk for the Supreme Court in Los Angeles, and appropriating for him a salary of \$1,350 per year, was passed.

A QUESTION OF PRIVILEGE.

Mr. Bruner rose to a question of privilege.

against Elwood Bruner ask leave to present the following report:

The majority report treats quite fully of the accusations and evidence, therefore we do not deem it necessary to enter into a detailed statement of either.

We fully agree with the majority report that in the introduction, advocacy and passage of the bill Mr. Bruner was actuated by no other motive than to promote the public welfare, therefore the charge of accepting a bribe does not lie against him.

It is in evidence that Mr. Bruner admitted to his brother, when they were in the library office, that the certificate was, as he supposed, a part of the scheme to entrap him; also, that he told his brother on the day following that he had received some money in connection with the affair with the Examiner, or its reporters.

The evasive answers given to reporters by Mr. Bruner might be explained from the fact that he was not fully aware of the method of attack which had been made upon him, or was uncertain as to how he would meet it.

From the evidence that Mr. Bruner suspected that the certificate of deposit was probably a portion of the Examiner's plan to ensnare him, and that he was keeping his counsel with regard to the matter and awaiting results as in a contest between himself and that paper.

There is considerable evidence that goes to show that Mr. Bruner's purpose was to get even with the Examiner in its efforts to entrap him.

The fact that he had been warned but a few days before that there was something brewing in the newspaper editor's office regarding police appointments in San Francisco; the fact that he had spoken to his brother-in-law, Armstrong, with regard to the matter; the fact that his transactions in the library were carried on without any particular effort of concealment; the fact that Mr. Bruner told his brother on two occasions that he considered the certificate of deposit to have been given him in connection with the Examiner's scheme; the fact that they had conversed on a previous occasion on the fact that he must have known that the bank certificate could be easily traced to him; the fact that he was aware of the fact that he deposited the balance, \$250, with State Printer Johnston, instead of putting it in his own pocket, and told him that he would explain the circumstances later, when he well knew that Johnston might have had his suspicions aroused by the evidence given at the previous evening, and the further fact that he is a man of more than ordinary intelligence and sagacity, all combine to render it highly probable that the purpose in Mr. Bruner's mind was to appropriate the money to his own use.

We also find that in the event that the certificate should prove to be good and given in good faith, that Mr. Bruner might have kept the \$250 or have returned it to the man who obtained it from the bank, at his option.

We do not think that Mr. Leake was liable to lose \$400, even if Mr. Bruner's theory of the certificate being a forgery was correct.

Adopting Mr. Bruner's theory we would hardly expect that he would sacrifice the \$150 that he gave Leake unless he thought that he could not get the good name of a case of conspiracy. In such an event it is probable that Mr. Leake would have no mind of offense.

We do not think that Mr. Bruner did not proclaim the whole matter to the Assembly at once if he were innocent of the intent to appropriate the money to his own use.

Had he done so how could the transaction have been traced to the Examiner.

Mr. Stewart, in support of the bill, under an assumed name, and advised an assumed name to the certificate of deposit when he indorsed it, and in every way tried to conceal his identity in connection with the Examiner. Had the matter been published to the world by Mr. Bruner on the Wednesday following the evening of the indorsement, it is probable that the Examiner would never have been known in connection with the affair unless ferreted out by skilled detectives.

It is in evidence that the certificate had been through Mr. Leake's hands without being indorsed by Mr. Bruner and that the \$250 had been deposited with Leake, it is highly probable that the Examiner would have hesitated to make the publication that it did with regard to the matter.

Considering all the evidence in the case, we cannot but entertain a reasonable and abiding doubt as to the charge that Mr. Bruner intended to appropriate the money to his own use, and in doing so, with culpable negligence in failing to confide the whole matter to some of his many friends in the Assembly. Furthermore he is deserving of the censure of this Assembly in not having defended himself, and the body of which he is a member, against the scandal which has been spread abroad upon this State.

Respectfully submitted.

J. G. McCALL, T. H. BARNARD, J. H. GALBRAITH.

It was moved by Mr. Bracie that the report be adopted.

Mr. Bledsoe said he cared not now what the House did, he would leave the verdict to the people.

The minority report was adopted by the following vote:

Ayes—Alexander, Barnard, Barnett of San Francisco, Barnett of Sonoma, Beecher, Brown, Brusie, Bryant, Cargill, Clark, Silver, Cunningham, Daly, Dennis, Dibble, Dow, Durner, Estay, Galbraith, Glyn, Hawley, Hayes, Hocking, Hoey, Johnson, Jones, Lewis, Lowe, Lux, Lynch, Marion, Matlock, McCall, Murphy, Phillips, Smith of Butte, Steitz, Sturtevant, Tennis, Weston, Young.

Noes—Arms, Baughman, Bledsoe, Dunn, Freeman, Garver, Gordon, Gould, Hunewell, Jackson, Kellogg, Martin, Mathews, Mordecai, Murrah, Renfro, Rice, Robertson, Shanahan, Smith of Orange, Stabler—21.

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A QUESTION OF PRIVILEGE.

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lege. He said a few days ago he made a statement on the floor of the House which another member denounces as a lie.

At that time he was not in a condition, nor was he prepared to reply. He believed, however, it was due to himself and to the Assembly that he answer the charge of falsehood. He had said that he knew that Mr. Bledsoe was prejudiced against him. Since that time certain gentlemen have come to him and told him that it was true, and he now desired to read an affidavit.

This affidavit is as follows: State of California, County of Sacramento, ss.—John Hayes, being first duly sworn, deposes and says: That he is now and was during the session of the State of California from the Thirty-first District; that he has been acquainted with Assemblyman J. B. Bledsoe during the present session of the Legislature.

Affiant further states that before the publication of the charges of corruption of the Examiner in the Sacramento Herald, and during the second day of the argument of the so-called vagrancy bill, that he, in company with Edward Diamond, was waiting on his seat in the Assembly Chamber; that Mr. Bledsoe stopped affiant and said Diamond at his side in the Assembly Chamber, and said: "What do you think of that man Bruner? He is a bad man, a few days ago helping the Examiner and the members of Sacramento, and now he is supporting the vagrancy bill. He is a bad man, he is not the kind of a man I am opposed to. I am opposed to him. He is a very bad man."

Affiant further states that said Bledsoe was very angry and excited at the time and expressed in strong terms his hatred of Assemblyman Bruner.

Subscribed and sworn to before me, this 23rd day of March, 1891.

L. H. BROWN, Clerk.

Edward Diamond, being first duly sworn, deposes and says: That he has heard read the foregoing affidavit of John Hayes, and knows the contents thereof, and the facts therein of his knowledge.

Subscribed and sworn to before me, this 23rd day of March, 1891.

L. H. BROWN, Clerk.

By J. S. WILLIAMS, Deputy.

Edward Diamond also testified on the first executive meeting of the committee, before the evidence had been gone over, Bledsoe had with him a report in full, written in the first person, and one which he expected to present on his own behalf, which he submitted to the committee, but from which numerous clauses were stricken out being totally unsupported by evidence.

Mr. Bledsoe rose to a question of privilege and declared the affidavit of Assemblyman Hayes to be an unqualified falsehood. He then claimed that the Republicans had forced him to do so on the floor, and were trying to down him, but he would not do so, and he would leave his fate to the people. Becoming excited, he told the Republicans to go on in their dirty work, that they had sounded their own horns, and that they were.

RESUMPTION OF THE FILE.

Substitute for A. B. 238, to license and define the duties of land surveyors, and to provide for a proper record of surveys, was passed.

A. B. 87, the semi-annual tax bill was passed.

Various resolutions providing for the various attaches and clerks for the necessary and proper completion of the work of the session and for the expenses thereof were introduced and passed.

The following bills were passed: S. B. 3, concerning the hearing of the reports of Viewers of Public Highways by the State Board of Viewers.

S. B. 4, in relation to petitions to be presented for the purpose of laying out or discontinuing any public highway.

S. B. 5, in relation to vacating public roads.

S. B. 478, to pay the Assistant Journal Clerk of the Senate for the 29th session.

S. B. 614, to pay the Journal Clerk of the Assembly for completing the journal of the 29th session.

S. B. 120, relating to the husband's control and disposition of the community property.

S. B. 342, to provide for the appointment of a guardian for the Marshall monument and grounds.

S. B. 135, relating to estates of deceased persons.

S. B. 392, to provide for the building and furnishing of a home for soldiers' widows and orphans.

S. B. 454, to provide for the printing of the daily journals of the Legislature.

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S. B. 200, relating to the continuation of annual reports upon the estates of deceased persons.

S. B. 391, for the payment of the Controller of State's warrants which have been lost or destroyed previous to payment by the State Treasurer.

S. B. 124, relating to Justice's Courts.

On motion the enacting clause was stricken from substitute for S. B. 278, relating to the sale of intoxicating liquors within a specified distance of certain State institutions.

S. B. 39, relating to the compensation of attorneys, was refused passage.

On motion the House adjourned.

LEGISLATIVE NOTES.

The following figures are interesting as a summary of the appropriation and tax-revenue for the fiscal year 1891.

APPROPRIATIONS.

General fund, general appropriation, \$3,394,357.

General fund, orphans and indigent, 1,395,012.

General fund, State Board of Equalization, 10,000.

General fund, University reimbursement, 9,570.

Schools, \$5,588,939.

Monks and nuns, 261,286.

Mendocino Asylum (separate), 175,000.

Total amount required, \$10,891,573.

CASH ON HAND AT END OF FISCAL YEAR 1890, \$1,256,786.

Receipts from fees, 122,000.

Transferred, 80,000.

Total from United States, 254,000.

Amount to be raised, \$9,178,787.

General fund, tax levy, \$5,102,572.

Schools and sinking fund, 3,866,348.

Interest and sinking fund, 261,286.

Mendocino Asylum, 175,000.

Deduct, \$9,405,206.

Surplus, \$226,419.

MARCH, April, May are the months in which to purify the blood, and for this purpose there is no medicine equal to Hood's Sarsaparilla. It purifies, it also vitalizes and enriches the blood.

Changed Daily for the Bed House. Distinguished Styles in Trimmed Easter Hats and Bonnets. --We Could Have a Daily--

DRESS GOODS Story and yet much would remain untold. Here Are a Few Things in Wash Goods Never Noticed Before--All New. Nonpareil Wide Challis, in the latest designs and shades, 12 1/2c a yard. Challis Francaise, wide width, 16 3/4c a yard. Cashmere Challis, latest patterns, 10c a yard. Windsor Bengaline, entirely new, 16