

GUILTY AS CHARGED.

The Committee Says Bretz Will Have to Go.

HIS CHARGES UNSUPPORTED.

The Assembly Postpones Final Action in the Case.

RIVERSIDE COUNTY UP AGAIN.

The Hydraulic Mining Question Before a Committee—The Reassessment Bill—New Bills.

Bretz must go. That was the recommendation of the investigating committee to the Assembly yesterday.

Bretz heard the verdict with the same stoicism that has characterized his demeanor all through the affair. He sat at his desk like a statue, looking neither to the right nor left and the only outward indication of consciousness of what was taking place was the tightly compressed lips and death-like pallor which spread over his countenance.

A crowd gathered early. The announcement that the committee was to make its report filled the lobby and galleries. It was an impatient throng when Bretz entered the room and was going to hold on to it for a while, probably for the afternoon session. But several newspaper correspondents, mostly evening paper men, beseeched him to hand in the report so they could "get it on the wire," and he acquiesced.

Scarcely a breath was drawn while the clerk unfolded the document and prepared to read. All eyes were fastened upon him except those of the man most concerned.

The committee's verdict read as follows: Mr. Speaker and Gentlemen of the Assembly: Your committee to whom was referred for consideration and investigation the following resolution, to wit: "Resolved, That a select committee of seven be appointed by the Speaker of the Assembly to fully investigate the charge and words used by Assemblyman Bretz in the joint assembly for the election of a United States Senator, on January 18, 1893, wherein Mr. Bretz used the words in said joint assembly, as follows, to wit: 'We believe that this change was brought about by the corrupt use of money, and we believe that Marion Cannon is the negotiator.' And that said committee is fully empowered to investigate such charge, to send for persons and papers, and is required to report to the Assembly the result of its investigation," beg leave to report as follows:

That they have taken and given ample time in the matter of said investigation to any and all persons who desired to be heard, either as to facts or arguments.

That Thomas V. Cator appeared as counsel for Assemblyman Bretz, and no one appeared as counsel for any other person.

From such consideration and investigation we find:

That the charge made by Assemblyman Bretz, as set forth in said resolution, and which was made in the joint assembly for the election of United States Senator in the Assembly Chamber on January 18, 1893, was false and untrue in every respect.

That the charge so made was groundless and malicious, inasmuch as from the evidence we find no probable cause for the utterance of the words used in said joint assembly by the said Aaron Bretz, as aforesaid.

We find that there was not the slightest evidence adduced before said committee that money or any corrupt means whatsoever, or that any means other than the most honorable, were used to procure the election of Stephen M. White as United States Senator.

Wherefore, in view of said facts and in view of the circumstances surrounding the making of said charge, your committee respectfully recommends that said Assemblyman Bretz be censured in said Assembly, and that he should be expelled therefrom and his seat declared vacant.

Barlow, another Populist, then moved as an amendment to Duckworth's motion that the report be not considered until the testimony taken by the committee could be printed and a copy of the transcript furnished to each member of the House.

Mr. Shanahan seconded this motion, and it was carried.

MATHEWS TALKS BACK. Senator Mathews of Los Angeles rose to a question of privilege in the Senate yesterday and replied to an attack made upon him by a San Francisco evening paper. The latter, in one of its anti-railroad croakings, intimated that the Los Angeles statesman had sold out, or belonged to the railroad.

The Senator warmed up in his speech, and declared that he nor his vote belonged to any corporation or anti-corporation concern. He had refused to sign the Traffic Association's pledge, he said, for the same reason that he would refuse to bind himself to any corporation. He was independent of any influence, and his vote belonged to his people.

BOX OFFICERS AGREE. There was a lot of talk for effect when the question of adopting a resolution requiring an educational qualification for voters came up in the Assembly yesterday.

In the face of the one hundred thousand majority which the State piled up at the late election in favor of such a requirement, Alford of Tulare offered an amendment to defeat the will expressed by the people.

Alford explained himself by saying he believed the resolution was a step toward effecting class legislation. He had taken the stump during the campaign against the resolution—but his country managed to pile up an immense majority in favor of it. Alford thought that the words "educational qualification" worked like magic with the people, and the one hundred thousand people who gave a majority really did not know what they were voting on. They were not aware that the resolution would limit suffrage, as he was. Then he went on to elaborate on the merits of his amendment.

Mr. Schlesinger said time was unnecessarily being wasted in debate when it was so unmistakably expressed by the people that they wanted an educational qualification.

Thomas of Santa Clara tersely expressed himself on the resolution. No body had a right to vote unless he could read the Constitution and write his name. He thought "one might as well try to bore through Mt. Shasta with a boiled carrot as to educate some foreigners." Those are the kind Americans have no use for and they had better stay at home.

PRICE ASTONISHED. Price of Butte does not get up to speak very often, but he could not refrain from expressing his astonishment that any member of the House should oppose the resolution. If there was a native of California of the age of 21 years unable to vote under the qualifications of an imbecile to Siberia; if those who have come to the Golden West are not willing that we shall legislate for them, they had better emigrate; whence they came. He hoped the original resolution would be adopted.

His remarks were so effective that Anderson and half a dozen others were on the floor at once, demanding the previous question, which was put. The substitute was then put, and almost unanimously defeated. The original question was carried by an overwhelming majority.

PROCEEDINGS IN DETAIL. THE SENATE FINISHED UP IN ONE SITTING.

The Law-Making Machinery Moving Nicely Now—More New Bills In.

The Senate convened at 10 A. M. Roll-call showed a quorum present. Prayer by Rev. W. S. Hoskinson and reading of the journal followed.

Senator Goucher, rising to a question of privilege, took the attaches to task for permitting his desk to be robbed of a bundle of valuable papers.

The Committee on County Governments reported favorably upon Senate Bills Nos. 97 and 394.

New bills were introduced as follows: By Ragsdale—To prevent the trespassing of animals upon private property.

By Arms—Relating to misrepresentations as to circulation by proprietors of newspapers and periodicals for the purpose of obtaining patronage. Such misrepresentation is made a misdemeanor.

By Hart—To regulate the compensation of officers in counties of the thirty-third class.

By Hart—To appropriate \$3,000 to pay the claim of A. L. Rhodes for services as counsel for the plaintiff in the case of the County of Santa Clara vs. the Southern Pacific Company.

By Flint—To form the County of Santa Rita out of portions of Merced and Stanislaus.

for the appointment of Health Inspectors and Market Inspectors in each municipality. By Durst—Relating to the appointment of Road Overseers, and to authorize Boards of Supervisors to let contracts for the maintenance, repair and improvement of streets, Municipal Corporations.

By Durst—Amendatory of the Civil Code relating to the jurisdiction to try impeachments; Judiciary.

By Lynch—Appropriating \$15,750 to pay deficiency in appropriation for Southern California Insane Asylum; State Hospitals.

By Lynch—An Act creating a Board of Commissioners of loan associations, and prescribing their duties and powers; Judiciary.

By Owen—To create a special commission for examining the Torrens land transfer in the manner of receiving and collecting fees, commissions, etc. in cities and counties having a population of over 100,000 inhabitants; Municipal Corporations.

By Kennedy—An Act relating to the sale of lands uncovered by the recession of the sea, and to the reclamation of unsegregated swamp and overflowed lands; Swamp and Overflowed Lands.

By Matthews of Tehama—Appropriating \$1,500 to pay salaries of Surveyors-General, in transcribing reports, etc. Ways and Means.

By Matthews of Tehama—To pay deficiency in appropriation for Southern California Insane Asylum; State Hospitals.

By Brownlie—To provide for a Board of Examining Engineers, to license engineers, and to regulate steam engines and boilers; Commerce and Navigation.

By Anderson—Appropriating \$5,000 to pay the claim of A. L. Rhodes for services as counsel for plaintiffs in an action for the recovery of a patent right in the State of California; approved March 11, 1891.

By Hurlay—Relating to percentages and commissions on judgments; Judiciary.

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By Lynch—Appropriating \$2,965 for improvements of the Southern California Insane Asylum; State Hospitals.

By Durst—Relating to the appointment of Road Overseers, and to authorize Boards of Supervisors to let contracts for the maintenance, repair and improvement of streets, Municipal Corporations.

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By McElroy—Relating to the impeachment of a witness; Judiciary.

By LaRue—Appropriating \$18,387 to pay deficiency in appropriation for Stockton Asylum; State Hospitals.

By Andrews—Making appropriation of \$75,400 for additional improvements to the Whittier Reformatory, State Prisons and Reformatory Institutions.

By Price—An Act regulating the sale of opium; Public Morals.

By McElroy—Abolishing the office of Public Administrator; Judiciary.

By Alford—An Act to provide for the division of existing counties; to determine the location of county seats by an election to declare the manner of providing officers and to determine the portion of the county debt to be chargeable to such new county; County and County Boundaries.

By McElroy—Creating the office of County Superintendent of the Poor, in counties of the second and third class; Labor and Capital.

By Schlesinger—An Act to provide for the division of existing counties; to determine the location of county seats by an election to declare the manner of providing officers and to determine the portion of the county debt to be chargeable to such new county; County and County Boundaries.

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writers had formerly been in favor of San Jacinto, and gave as their reason for going over to the other side the apparent inability of attempting to pass the San Jacinto measure.

In conclusion Mr. Casterline said: "In view of so many appeals from people I firmly believe that a majority of the taxpayers in northern San Diego are in favor of Riverside. They seem to be of the opinion that their first proposition cannot hope to succeed, and as a second choice are for Riverside. But let us have a division of some kind. As it is, our commercial progress is retarded. We ask to be relieved of a system that works a great hardship."

City Attorney McIntyre of Riverside spoke for the change men in his usual masterly manner.

"If," said he, "the burden of taxation had been evenly divided, if we had been allowed to have a fair division of the tax-payers, in short had we been fairly treated by San Bernardino, we should have deferred this request for a new county for many years to come. As it is, we are powerless in the hands of a political ring, and appeal to you for relief. There will be everlasting war between the two sections while they exist in one political body."

Dr. James of Elsinore and J. W. Roberts, Deputy Assessor of Riverside, spoke for the orange growers of Riverside.

J. H. Wise of Perris severely censured the methods used in obtaining signatures for the orange growers of Riverside.

After a brief argument by George Frost of Riverside the committee declared the division of existing counties, in executive session, for the purpose of dividing upon some plan of action in the consideration of other county division bills to come up.

THE ASSEMBLY COMMITTEE. At 4 o'clock the Assembly Committee on Counties and County Boundaries met in Department Two of the Supreme Court, with all members present. Price presided.

Assembly Bill No. 23, which provides that all questions pertaining to county division be settled by a vote of the people residing in the county to be divided, and not by the Legislature, was first considered.

Mr. Price of Riverside argued against the proposition. He said that its adoption would preclude the possibility of passing any of the county division bills now before the Legislature. He said that if the people to the expense of the people. If a corporation wants division what is to prevent it from throwing a lot of settlers into a territory and getting what it wants out of each other, and not what it wants out of the people?

Alford of Tulare spoke in favor of the measure. He thought that it or some other general law ought to be passed, taking county division out of the hands of the Legislature. They consume too much time, to the exclusion of more important matters, and create so many scandals that a halt is necessary.

Vann of Colusa and Lynch of San Bernardino spoke in favor of the bill, but on motion of Taylor discussion was postponed indefinitely.

A motion to consider Assembly Bill No. 24 was finally changed to a motion to adjourn to the call of the Chairman, which carried.

HYDRAULIC MINING. THE SENATE COMMITTEE ON MINES AND MINING DEBIS.

Examine Senator Ford's Bill—Mr. Ostrom Opposes the Measure—No Action.

The Senate Committee on Mines and Mining Debris met yesterday, Chairman Ford presiding. Senators Goucher, Martin, Voorhies and Ostrom made up the quorum.

Senator Bill No. 50 was the first taken up. The bill provides that hydraulic mining may be carried on, provided, no material damage is done to the valleys.

Senator Ford, the author of the bill, spoke in favor of recommending its passage. He said that under the common law and the recent decision of Judge Gilbert in the North Bloomfield case, hydraulic mining could go on, and no material damage was done.

Several ropemakers in the employ of the San Francisco factory were examined on the effect of a prison factory upon free labor.

Mr. Ford asked that at the next meeting of the committee be allowed to examine the members of the State Board of Prison Directors. He understood that several of them were at first in favor of the State erecting a cordage factory at Folsom, after a more thorough investigation of the scheme, had come to the conclusion that it was impracticable.

The discussion of the Riverside bill was resumed before the Senate Committee on Counties and County Boundaries, in executive session, at 10 o'clock. Examination of the bill was postponed to the next day.

that a terra bank was knocked down it was not a "natural bank," as provided for in the bill.

Mr. Cross took the Yuba Senator to task for his attitude toward hydraulic mining. He said he never heard of hydraulic mining by any process other than by the use of monitors, or as defined in Mr. Ford's bill.

Senator Ford denied that there was any attempt at evasion in drawing up the bill, or any ulterior motives whatever. The object in describing hydraulic mining as it was described in the bill was in order to protect drift mining against being classed as hydraulic mining. Drifters had to use a pipe to wash the gravel, and they might, unless a definition was furnished, be charged with hydraulic mining.

Senator Voorhies agreed with Senator Ford, and said it was plain that no evasion was meant.

Senator Ostrom and Mr. Cross got into a quarrel over the doing of the hydraulic mining. The merits of the Anti-Debris Association, the merits of Judge Gilbert's decision and other matters, which consumed considerable time.

Senators Ford, Voorhies and Goucher were ready to vote in favor of recommending the bill for passage, but Senator Martin, by voting against the matter over further consideration in order that members of the Anti-Debris Association might make speeches against the bill if they so desired.

Senator Voorhies moved that the bill be reported back to the Senate without any recommendation, but Mr. Ostrom directed an amendment to be offered and laid aside for further consideration. Both the amendment and the motion were lost, and the Senate adjourned to the call of the Chair.

THE REASSESSMENT BILL. ARGUMENT BEFORE THE SENATE CORPORATION COMMITTEE.

Justice of the Disputed Assessments.

The Senate Committee on Corporations held an important meeting in the Senate Chamber last evening. Senator Carpenter presided.

The only bill up for consideration was Shanahan's Reassessment Bill, No. 10. The author presented to the committee the multiplicity of duties which he had had no time to give his bill as much attention as it demanded, and perhaps it might not be as skillfully drawn as might be possible.

Shanahan said the bill is very similar to those which have been introduced for three preceding sessions, which met with defeat. Although the bill is a general one, it particularly applies to the great mercantile houses of the State from railroads. He implored motives to preceding Legislatures, in so much as he said that the wishes of the people were not carried out. He then entered into a tirade against the railroads. He cited authorities to show that his bill is constitutional. Although he had heard it said that the bill is unconstitutional, Mr. Shanahan said no valid objection to it had been presented to his mind. He implored an amendment which might be accepted would be to date the collection of taxes from 1870.

Mr. McElroy of Stockton, a State Grange officer, addressed the committee. He understood some railroad representatives were present to make some remarks, but the great mercantile houses were willing to pay its taxes. He believed the Shanahan bill was constitutional, but he understood that a bill more favorable to the mercantile houses would be substituted. He had nothing further to say.

Ex-Senator Cross claimed the attention of the committee. He said he was present to represent the Southern Pacific Railroad Company. He said there is not a dollar of taxes justly levied due the State from the railroads. No tax is due the State until the tax is properly levied and assessed. Imposing the great mercantile houses to pay State a tax which they know to be unlawful, the self-respecting, sterling men among them will rise up and protest.

There has been no objection against the Southern Pacific Company since the adoption of the new Constitution which is valid. He challenged any man to come forward and prove that the railroads had paid a tax which had been improperly assessed and levied. When interrupted by Mr. Shanahan, Mr. Cross said he did not intend to say that any discrimination had not been made.

When power is absolutely lodged in any man or body of men then is the time when a man should be allowed to speak with the greatest care and discretion.

"I am not the paymaster of the Southern Pacific Company, and were I would not come to this committee with any claimed taxes," said Mr. Cross, in answer to Mr. McElroy's remarks.

If any man has a grievance against the committee, he should speak in the Assembly in the heat of passion and without consideration. The author of the bill stated in his remarks that an amendment to the bill had been proposed. It has been said that only the railroads have escaped attention. If this is right, there are more than twelve institutions in the State which have not been assessed.

Mr. Cross, in answer to Mr. Shanahan, said he knew of many instances where in the State taxes had been levied.

Mr. Shanahan said he knew of only one, and that was that an unjust discrimination had been made in favor of the railroad, which was not a fair one. He said that the tax law had been unlawful.

I scorn, sir, I scout the proposition that the law of the State is the law of the State are the tools of any railroad," said Mr. Cross. He believed the courts and Legislature of this State are as honest and as true as any other State that ever existed. "If not, why, in God's name, is a reassessment bill demanded?" His remarks laid low the insinuations of the gentleman from Stockton.

The Federal franchise up to the year 1888, which is not subject to taxation, has been the subject of a book of law. It knows anything about such matters, knows to be unjust.

Since the assessments were so laid that the franchise had not been assessed, the railroad company has paid every cent due the State.

Mr. Cross took up the statement of the gentleman from Stockton that ninety-nine out of every hundred people vote for the reassessment bill, if it were submitted to them. "If the people of that community desire a man to be their representative, let them elect the Legislature who thinks no taxes have been paid, but given as a donation," said Mr. Cross, and can readily understand the position of the gentleman from Stockton. He has derived their information from the gentleman who represents them. I can read and understand why they would all vote for the bill.

"Whenever any legal law is enacted which will permit the Southern Pacific Company to pay delinquent taxes, I am convinced that the people of this State will willingly pay every cent due the State, if any gentleman will present an equitable and just measure to collect the taxes of the railroad, then the money will be forthcoming, and promptly too."

The railroad has paid millions of dollars which they have not been compelled to do.

Mr. Dunn, ex-Controller, took exception to this statement, but Mr. Cross refused to be drawn into a quarrel with him. The railroad has paid millions of dollars to the State Treasury which the Supreme Court has decided could not be returned to the State. Mr. Hunt and the Board of Directors desire to have at peace and good will with the people of the State; they are willing to pay all taxes, and even more, if necessary, to be at peace and good will with the people.

[CONTINUED ON EIGHTH PAGE.]