

CALIFORNIA LEGISLATURE.

George C. Perkins Declared Elected United States Senator.

Proceedings in the Senate and Assembly and in Joint Convention—An Important Constitutional Amendment Introduced by Senator Ford, Relating to Appellate Courts—The San Francisco Police Investigation—Funding Bill.

There were interesting and important proceedings in both Senate and Assembly yesterday. In the former the most important was the introduction of a proposed constitutional amendment by Senator Ford, changing the whole system of appellate courts in this State.

The bill repealing the Act under which a bounty was paid for coyote scalps was passed.

In the Assembly considerable time was given to the discussion of the joint resolutions against the Reilly funding bill and in favor of the Government ownership and operation of railroads. The Bledsoe substitute was finally adopted.

Ewing's resolution for the appointment of a committee to investigate the San Francisco police department was discussed and action postponed until to-day.

A joint convention of the two houses was held at noon and George C. Perkins was declared elected United States Senator to fill the unexpired term of the late Senator Stanford. He was invited to address the convention, which he did.

SENATE.

At 11 A. M. yesterday the Senate met pursuant to adjournment, with President pro tem. Flint in the chair.

The roll-call showed a quorum present. Prayer was offered by the Chaplain, Rev. G. A. Othmann.

On motion of Senator Gleaves the reading of the journal was dispensed with.

REPORTS OF STANDING COMMITTEES. The following reports were handed in by the Chairman of standing committees:

Judiciary—McGowan (Chairman), A. B. 196, relating to the adoption of children; B. 207, relating to the removal of State colleges; B. 8, determining who shall and who shall not practice law; S. B. 81, prescribing the qualifications of attorneys; S. B. 56, relating to and preventing the sale or other disposition of cigarettes; S. B. 228, relating to corporations; S. B. 46, relating to and fixing the salaries of county judges, and S. B. 25, providing for an additional judge for Sacramento County, were reported back with a recommendation that they do pass.

Also S. B. 206, providing for a new section in the Civil Code, and S. B. 230, concerning witnesses, were reported back with the recommendation that they do not pass.

Agriculture—Shippey (Chairman) reported back S. B. 88, to prevent deception in the manufacture and sale of butter and cheese, and S. B. 207, regulating the sale of milk, with a recommendation favorable to their passage.

Attaches, Contingent Expenses and Mileage—Hoyt reported back S. B. 207, relating to the appropriation of \$50 to pay for fifteen copies of Finlayson's Street Laws, with the recommendation that it be adopted. The resolution was adopted accordingly.

Senator McGowan asked that S. B. 88, having been acted upon favorably by the Committee on Agriculture, be referred to the Finance Committee. It was so ordered by the yeas and nays.

Senator McAllister handed in a report of the commission appointed to investigate the Torrence land system, and asked that it be spread on the journal. It was so ordered.

Senator Seawell presented a minority report which was also ordered spread on the journal.

Senator Ford in the chair.

SENATE ATTACHES. Senator McGowan offered a resolution that H. H. West be appointed Committee Room Porter at a per diem of \$1. Referred to the Committee on Attaches.

Also, that the Chairman of the Retirement Commission be authorized to appoint a stenographer at a per diem of \$8. The resolution was adopted.

Also, that as it was the duty of the Committee on Retirement to examine into and investigate the workings of the different departments of the State, and that as it would be necessary to call witnesses before the committee and to purchase books and stationery, and appropriate out of the contingent fund of the Senate for that purpose.

This called out opposition from every section of the Senate. Senator Orr said there existed no precedent for such an action, and that it was usual for committees to act and afterward present a bill of expenses, if any had been incurred.

Senator Seawell moved as an amendment to the resolution, that the portion of the resolution go over until to-day.

Senator Seymour, seeing the determined opposition to the resolution, withdrew it, stating that he would offer another later on embodying the same proposition.

Senator Seawell thereupon withdrew the amendment and the business was settled for the time being.

[President pro tem in the chair.]

MORE BILLS. Bills were introduced and referred to committees as follows:

By Langford—To create agricultural districts and provide for the formation of agricultural associations.—Agriculture.

By Hoyt—Relating to the election of trustees of reclamation districts.—Swamp and Overland Lands.

By Bert—Appropriating \$5,000 for the erection of an additional building for the use of the Women's Relief Corps Home Association at their Home for Soldiers Widows, Orphans and Army Nurses at Evergreen.—Finance.

By Seymour—Relating to the discharge of guardians.—Judiciary.

Relative to the fees to be collected by the Clerk of the Supreme Court of the State.—Judiciary.

Relative to the declaration of homestead and the rights arising therefrom.—Judiciary.

Relative to the disestablishment of law libraries.—Judiciary.

In relation to what papers constitute a judgment roll.—Judiciary.

Relative to the transfer of shares of stock of corporations.—Judiciary.

Relative to the solemnizing of marriage.—Judiciary.

By Linder—To diminish the number of Superior Judges for the County of Tulare.—Judiciary.

Simpson—Regulating the manufacture and sale of commercial fertilizers.—Agriculture.

Holloway—Relating to the power and duties of highway officers.—Judiciary.

To amend an Act to establish free public libraries and reading-rooms.—State Library and Rules.

By Pedlar—Prescribing general duties of School Superintendents.—Education and Public Moral.

Relative to duties of School Superintendents.—Education and Public Moral.

By Bert—Appropriating \$1,070 to pay the claim of W. C. Rodgers for services rendered for running elevator in the State Capitol Building.—Claims.

By Orr—Relative to waiver of trial by jury.—Judiciary.

Relative to the proof and recording of maps of real estate.—Judiciary.

By Hart—Relative to unauthorized communications with convicts in the State Prisons and bringing articles into said prisons.—Judiciary.

Relative to communications with convicts in the State Prison.—Judiciary.

By Seawell—To authorize the Directors of the Mendocino Asylum to purchase additional lands for that institution, and appropriating \$15,000 for that purpose.—Public Buildings Other Than Prison Buildings.

The entire number of bills introduced in the Senate to this time is 493.

SECOND READING OF BILLS. S. B. 22, to provide for the protection of patients from extortion by dishonest physicians and druggists, was read the second time and ordered placed on file for the third reading.

THE FOLLOWING BILLS WERE READ THE FIRST TIME AND ORDERED PLACED ON FILE FOR THE SECOND READING:

S. B. 249, defining cruelty to animals and providing for its punishment, and S. B. 5, relating to the commitment of insane persons into asylums.

At 1:55 o'clock an Assembly committee, headed by Mr. Dodge, entered the chamber and informed the President pro tem that the Senate was now ready to receive the Senate for the purpose of publishing in joint session the vote for United States Senator.

The Senate was formed in proper order and the Assembly Chamber. [A report of the joint session appears elsewhere.]

REASSEMBLED. At 1:55 P. M. the Senate reassembled.

At 1:55 P. M. the Senate reassembled. At 1:55 P. M. the Senate took a recess, to meet at 2:30 o'clock P. M.

SENATE AFTERNOON SESSION. Senator Simpson rose to a question of privilege. He stated that the Sacramento correspondent of the San Francisco Call had given him the honor of having nominated H. H. de Young for Senator. He thought it was a clerical error, but as he had not time to call on the members of the Senate, he would take the present time to set matters straight by saying the amendment, was adopted by a unanimous vote.

RIVER APPROPRIATIONS. At 2:30 P. M. S. J. R. 10, by Gleaves, provided that our Senators be instructed and our Representatives in Congress be requested to secure an appropriation of \$1,000,000 each for the improvement of the Sacramento and San Joaquin Rivers, was taken up as the special order of business.

Senator Gleaves took the floor and argued in favor of the adoption of the resolution. He thought the question one of vital importance. Nothing had been done lately for the improvement of our rivers and harbors, while one Customhouse in this State alone was accredited with an appropriation for that purpose amounting to \$14,000,000.

He had been a member of the third house in the Federal Congress recently, and had used his best efforts to secure an appropriation for our rivers and harbors which he deemed absolutely necessary. He had been able to secure only \$20,000. No railroad system in the world, he said, is as navigable as the stream, and he believed Congress would acknowledge the rights to an appropriation adequate to our needs if the matter was properly presented.

On the San Joaquin River there was moved annually \$10,000,000 worth of products of the State, and on the Sacramento \$21,000,000 worth. Either of these estimates exceeded the amount transported on the Mississippi, and which latter river received annual appropriations amounting to millions of dollars. California's rivers were cut off with a shilling. A million dollars for each river was not much to ask for, and he hoped the resolution would be adopted.

Senator Pedlar of Fresno coincided with the views expressed by Senator Gleaves and urged the adoption of the resolution.

Senator Earl also spoke in favor of the resolution. He claimed that the reason of New York having the cheapest railway freight rates in the world was because of the Erie Canal and that the latter was a very active competitor.

Senator Withington also spoke in favor of the adoption of the resolution.

In the opinion of Senator Simpson the resolution was adopted by a unanimous vote.

BILLS OUT OF ORDER. Bills were introduced out of order and referred to committees as follows:

Relative to defining certain words in the Code of Civil Procedure.—Judiciary.

Relative to certain words in section 17 of the Political Code.—Judiciary.

By Hoyt—Relating to pledges.—Judiciary.

By Voorheis—Appropriating to pay the claim of Carl Spilling for legal services.—Finance.

Appropriating \$100 to pay the deficiency in the appropriation for the transportation of prisoners for the forty-third fiscal year.—Finance.

By Bert—To create and administer a school teachers' annuity and retirement fund in several counties and cities of the State.—Education and Public Moral.

By Ford—Relating to abortions.—Judiciary.

CONSTITUTIONAL AMENDMENT. A constitutional amendment was introduced by Senator Ford, providing that:

1. The judicial power of the State shall be vested in the Senate sitting as a court of impeachment; in a Supreme Court, Appellate Court, Superior Courts, Justices of the Peace and such inferior tribunals as the Legislature may establish in any incorporated city or town, or city and county.

2. The Supreme Court shall, after the expiration of the official term of the two Associate Justices having the shortest terms to serve, consist of a Chief Justice and four Associate Justices. The presence of a majority of the Justices shall be necessary for the transaction of business, and the concurrence of a majority of Justices shall be necessary to pronounce a judgment. Sessions of the court shall be held in San Francisco until otherwise provided by the Legislature. The terms of office for said Justices shall be ten years, and they shall be elected at regular elections.

3. The terms for Justices of Appellate Courts shall be eight years, and they shall be elected at general elections.

4. In case of a vacancy in the Supreme Court, the Governor shall appoint a person to fill the vacancy until the election of a successor at the next general election.

5. There shall be three Appellate Courts, to consist of three Justices each, and a Presiding Judge shall be selected from the number by the court.

side, San Diego, Santa Cruz, San Benito and Monterey.—Judiciary.

The Third District shall embrace the counties following: San Francisco, San Mateo, Santa Clara, Alameda, Contra Costa, San Diego, San Bernardino, San Luis Obispo, Santa Barbara, Santa Cruz, San Benito and Monterey.—Judiciary.

The sessions of the first District shall be held at Sacramento, the second at Los Angeles and the third at San Francisco.

The remainder of the proposed amendments to the Constitution of the State are referred to the Committee on Constitutional Amendments.

ASSEMBLY MESSAGE. A message from the Assembly announced that S. B. 18, repealing the Coyote Scalp Act, had passed that body; and that the bill providing that the official oath of the Lieutenant-Governor be spread upon the journals of the two houses, had been concurred in.

Senator Orr presented an amended resolution which the Senate concurred in and a copy ordered forwarded to the Governor at the earliest possible moment.

ELECTION FRAUDS. S. J. R. 15, by Orr, appointing a special committee on election frauds, was called up. Senator Orr presented an amended copy and asked that it be substituted. It was so ordered.

On motion of Senator Burke, the resolution as amended was referred to the Committee on Education and Public Moral.

INAUGURAL BALL. S. C. R. 3, by Mahoney, relative to granting the use of halls, corridors, etc., of the State Capitol for the purpose of the inauguration on Friday, January 25th, until Tuesday, January 28th, was, on motion of Senator Orr, amended to Tuesday, January 27th, as amended, and adopted by a unanimous vote.

The resolution instructing the Sergeant-at-Arms to allow the Inaugural Ball Committee the use of rooms, etc., was adopted by a unanimous vote.

The resolution appropriating \$50 for music for the inaugural ball was taken up. Senator Mahoney introduced a resolution providing that \$200 be appropriated from the Senate contingent fund for the purpose of lighting the dome on the evening of the inaugural ball. He stated that he had been informed by the Secretary of State that funds for lighting the dome were not otherwise available, hence his resolution. It was adopted by a unanimous vote.

FIRST READING OF BILLS. The following bills were read the first time and ordered placed on file for the second reading:

S. B. 67—To amend an Act appropriating money for the support of aged persons in the State.—Judiciary.

S. B. 1, relating to the dismissal of civil actions.

S. B. 169, relating to time allowed for commencing work and completing the same under rights of way granted by municipal corporations, and providing for forfeiture in case of failure to commence work or to complete it within the time fixed.

S. B. 122, defining grand larceny.

S. B. 226, to provide for the appointment of a Superior Court Judge for the county of Humboldt.

S. B. 188, to reduce the number of Judges of the Superior Court of San Diego County to two.

S. B. 30, to appropriate money to pay the claim of D. Jordan.

S. B. 75, to amend Section 1376 of the Civil Code.

S. B. 25, to amend Section 1 of an Act authorizing the appointment of an interpreter of Italian in criminal proceedings in cities and counties of 100,000 inhabitants and over.

Another Clerk Wanted. A resolution by Senator Hoyt providing that L. D. Washby be appointed Assistant Secretary of the Senate, with a per diem of \$100 per month, was taken up on Attaches, Contingent Expenses and Mileage.

At 3:10 P. M. the Senate adjourned to meet this morning at 11 o'clock.

ASSEMBLY. The Assembly was called to order at 9:30 A. M. Speaker Lynch in the chair.

Roll called and a quorum found present. Prayer by the Chaplain, Rev. O. Sumner.

On motion of Staley the reading of the journal was dispensed with.

REILLY FUNDING BILL. The resolution relative to the Reilly funding bill presented by Bledsoe as a substitute for the report of the Committee on Federal Relations, being the special order, was taken up.

Senator Wadsworth, in support of his resolution, considered it the most important matter that would come up during the session. He considered that the report by the committee was an evasion of the question, as it failed to take into consideration the ownership of the Central and Union Pacific roads.

Beishaw followed the same line of argument and said that he believed it would be better to ask for a resolution in favor of foreclosure of the mortgages and Government ownership of the roads. He thought the people would be benefited by such a resolution.

Reid also thought the question one of benefit to the people of the State.

Wade was opposed to the committee report. He thought it far better to pass no resolution than to pass one that would settle the question by foreclosure.

Dodge hoped that the substitute would be adopted. He spoke at length, reciting the history of the roads. He did not believe in the foreclosure of the mortgages.

Bachman was also in favor of the substitute.

Waymire said that the report of the committee did not do so far enough and he would like to see a resolution that would give the Government ownership of railroads wherever it could be made practicable.

Hatfield said that the prevailing sentiment among the people of the State was being hostile to the bill, and that was undoubtedly so, but many had signed the petition who knew nothing of what they were signing. There is no disposition on the part of Congress to make a present to the railroad companies, as has been charged would be done by passing this bill. It was a simple business proposition. A vast majority of the people of this State are not directly interested and would insist on its being settled on a purely business basis. We are asking Congress to do what we would not do ourselves. The Government would be giving us the roads at a little more than cost, as such action would be special legislation to give these States the advantage of low rates and would be opposed by the rest of the country. If it is good for the rest of the country, it is good for it to own all railroads. He was opposed to voting for anything of the kind, and hoped the resolution would not prevail. He had not been able to find a copy of the Reilly bill in the hands of the gentleman who was opposing it, and asking Congress to do it.

Bulla offered an amendment to the resolution inserting words to make the resolution read, "To provide for the collection of the above-mentioned indebtedness to the people of the State by the United States for the foreclosure of the above-mentioned mortgages, to the end that said indebtedness shall be promptly paid when due, or that the Government of the United States shall own and operate the above-mentioned railroads."

Reid opposed the amendment. He was wholly in favor of the Government ownership of the roads.

Several others opposed the amendment. Waymire and Wade favored it. The amendment was lost by a vote of 33 yeas to 44 noes.

Beishaw moved that the question be moved by the number by the yeas and nays, and the question was carried and the bill adopted by a vote of 67 yeas to 9 noes.

POLICE INVESTIGATION. The resolution of Ewing for the appointment of a special committee to investigate the police department of San Francisco, which had been made the special order for 11 A. M., was taken up.

Senator Ewing moved that the committee be appointed by striking out the provision for the appointment of a committee composed of Ewing, Spencer, Reid, Davis and Guy, with full powers to investigate and report to the Assembly.

ly, the sessions to be held at the Capital or in San Francisco, as in his opinion it would be deemed most advisable, and the committee to have a clerk and stenographer, the report to be made on or before February 1st.

Waymire read a petition from the Civic Federation of San Francisco, signed by many prominent citizens, many organizations and many of the church organizations of San Francisco, asking for such investigation.

Pendleton moved that the whole matter be referred to the Committee on Public Moral, where he thought it could be best taken care of by a special committee.

Ewing said the whole matter hinged on whether there was going to be an investigation of the San Francisco department or not. The people of that city are anxious to have such an investigation and the best citizens unite in asking for it.

He read a letter forwarded by him on the subject, giving a long list of organizations and requesting that it be not referred to a standing committee. The 350,000 citizens and taxpayers of the city are entitled to some consideration, and he asked that the matter be disposed of at once, so that if he added S. B. 18, they will know it and the agony will be over.

Laugheour hoped the question would be referred to the Committee on Public Moral, and that the Grand Jury would be the body that should investigate corruption, and that if these matters are investigated at State expense he wanted the police department of his own town included.

Waymire said that he thought it would be better not to dispose of the question at once, but take more time to investigate.

He moved that it be made a special order for the day, and that the committee be appointed as attaches of many newspaper reporters who wished to add to their salaries in that way. [Laughter.]

Waymire said that the same argument applied in the case of New York, and that the city would never have obtained relief had not the Legislature taken up the matter. He did not know when the general session of the Legislature would be introduced before it was secret.

Citizens of San Francisco demand an investigation and should have a public one.

Waymire wished to see the investigation conducted by some of the members of the county, and finding out who was guilty, in order that they might be punished. The committee should be appointed.

The previous question was moved by Bulla, Pendleton and Laugheour, and lost by a vote of 30 yeas to 45 noes.

Waymire renewed his motion and Phips accepted it in a strong speech, saying he considered the question one of the most important that would come before the House this session, and it ought to give heed to the request of the San Francisco citizens. This committee is different from the Grand Jury, and should not be fettered by any binding rules. The resolution, however, does not cover all the ground he thought it should.

Ewing suggested that the committee be appointed by the Legislature, and that they were to report to the Assembly to present this petition be invited to come before a Committee of the Whole, but a storm of noes arose.

Waymire prevailed and the matter was made a special order for this morning.

COYOTE SCALP BILL PASSED. The consideration of A. B. 49, repealing the coyote scalp bill, then came up. Fields moved that the Senate messages be taken up and that S. B. 18, repealing the same ground, be passed instead. So ordered.

Spencer offered a resolution that S. B. 18 be suspended at once, and that the second and third times be passed. Adopted.

The bill was then read the second time.

Spencer moved to amend the bill by striking out the clause that it take effect immediately and substituting one that it should take effect in thirty days and Supervisors should pay all claims presented within that time.

The amendment was lost.

Laird moved to amend by inserting a provision that all legal claims up to the date of the bill be not prejudiced.

The amendment was lost.

The House then took a recess of fifteen minutes.

In Joint Session. At 12 M. Dodge moved that a committee be appointed to notify the Senate that the Assembly was ready to meet in joint session. The motion was carried, and the Speaker appointed as such committee Messrs. Dodge, Pendleton and Reid.

The Assembly rose and received the Senate when it entered. President Flint called the joint convention to order and the Senate Clerk called the roll of the members of the Assembly.

The Chief Clerk of the Senate read the United States statute prescribing the action to be taken by the Legislature for the election of Senators, and so on, and read Tuesday's minutes of the Senate proceedings as related to the election of Senator.

President Flint then said that it appeared from the journal of the Senate that George C. Perkins received the majority of the votes for United States Senator, he hereby declared him the choice of the people of the State.

The Chief Clerk of the Assembly, by direction of the Speaker, read so much of Tuesday's Assembly journal as related to the proceedings relating to the election of Senator.

Speaker Lynch stated that as it appeared by the journal that Hon. George C. Perkins had received the majority of the vote cast, he declared him the choice of the Assembly for United States Senator.

GEORGE C. PERKINS ELECTED. President Flint then stated that as the journal of both Houses showed that George C. Perkins had received a majority of the votes in the Senate and Assembly, he declared him duly elected United States Senator to fill the unexpired term of Senator Stanford, deceased.

Voorheis offered a resolution that the Secretary of the Senate and the Clerk of the Assembly be instructed to transmit to the Governor a copy of the proceedings of the joint convention, attended by the President and Secretary of the Senate and the Speaker and Clerk of the Assembly. Adopted.

Waymire moved that in accordance with custom Hon. George C. Perkins be invited to address the joint convention and that a committee of five be appointed to wait on him and extend the invitation.

The resolution was carried and the President appointed Dodge, Dixon and Laugheour of the Assembly and Senators Seymour and Mathews as such committee.

In a few minutes Assistant Sergeant-at-Arms Lauphey announced the presence of the committee, accompanied by Senator Perkins, who was introduced by Senator Seymour.

President Flint introduced him to the joint convention, and he was greeted with long continued applause.

In his remarks Senator Perkins said he would be less than a man if he did not thank the people of California for their election to the United States Senate, as guaranteed against loss to policy holders, and a third, which authorizes the insurance department to investigate the cause of fires, will all be reported on favorably by the Senate and Assembly committees.

The Assembly Irrigation Committee held a meeting last night and considered and amended the bill of Guy of San Diego, providing for the sale of property in irrigation districts, and will probably report on it to-day.

THE SANDLOT PRESS. Ironical Defense of It by the "Evening Post."

[From the San Francisco Evening Post.] Our esteemed contemporary, the Sacramento Record-Union, in a spirit of factiousness, we hope, remarks as follows: "Members of the Legislature are ready rising to questions of personal privilege to deny the lies of certain San Francisco papers published concerning the Reilly funding bill. Really, gentlemen, do not do it any more. It is a matter of no consequence what they say about you. Do you really think that anyone believes the yarns they spin? Life is too short to attempt to bring these freebooters in character to terms. The more they slander you the better you are off. Solaunt truth, that."

This deadly blow at one of the dearest privileges of the sandlot press (we are sure our contemporary meant by "lies" the sandlot press) is the unkindest cut of all. If there is any privilege the sandlot press regards with more jealousy than another, it is the privilege of denouncing Legislatures as corrupt and the men who are elected to them as scoundrels. In their bright lexicon every Legislature that meets is the worst known to history. This allegation on the part of the sandlot press is a favorite method of the sandlot press, when it in turn becomes the "worst." To cry "snack" and "boodle" they frequently attribute to the Legislature a favorite method of the sandlot press have of destroying confidence in the people's representatives and befouling their names.

Perhaps our contemporary has never experienced the pleasure of stirring up members of the Legislature and goading them into questions of privilege. Being a member of the Legislature, he has had opportunity to encounter the mythical Colonel Mazuma, perhaps it has grown into the habit of discounting the imaginary work of his more progressive metropolitan contemporaries. If he should submit to its candid consideration this question, should it discover by frequent reference to its subscription books that its daily circulation ebbed and flowed with the number of "rotten" votes cast for its readers, would it not occasionally stir up the monkeys in the Legislature, even if that process did to some extent give its victims a certificate of good character?

Business is business, and the business of raising a breeze in San Francisco has long since become, from a journalistic standpoint, one of our leading industries. The pain that is caused to the taxpayers and their families cuts no figure in the case. In order to be a sandlotter a man must wear his heart upon his sleeve, where even the daws, which do not care to out their bills, will not peck at it. Considerations of public policy, the reputation of the State abroad, to say nothing of the reputations of leading citizens, and the general moral weight of the sandlot press, never appeal to the men who are looking for sensations. If the people can be made to believe that the Fire Department in Sacramento are knocked down and likely to be burned, the sandlotter established that the police are criminals and life and property insecure, and if the people can be made to think all laws passed in Sacramento are knocked down to the highest bidder for cash, the sandlotter is happy and contented. And if our contemporary has never experienced the pleasure of doing this, he has no right to attack the sandlotters in this way.

business here to deposit \$250,000 with the Treasurer of this State, or of some other State, as guaranteed against loss to policy holders, and a third, which authorizes the insurance department to investigate the cause of fires, will all be reported on favorably by the Senate and Assembly committees.

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